

WS1 facilitated groups 'deepened understanding' but no text-based negotiations

Bonn, 7 September (Hilary Chiew) – The 10th meeting of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Actions under the Convention (ADP) ended with most facilitated groups under workstream 1 (post-2020 actions) unable to get into a text drafting mode.

Despite repeated calls by developing countries' negotiators in the various facilitated groups to begin drafting text on the screen and addressing placement of issues using the Co-Chairs' tool, most facilitated groups' meetings and their respective spin-off groups were involved in conceptual discussions 'to deepen understanding'.

The ADP Co-Chairs are Daniel Reifsnyder (the United States) and Ahmed Djoghlaif (Algeria). The ADP meeting was held on 31 August to 4 September in Bonn.

The facilitated groups were tasked to work on their respective elements guided by the non-paper called the Co-Chairs' tool issued on 24 July illustrating possible elements for a 'Paris package' that is without prejudice to the structure of the Paris agreement or to the placement of any provision within that structure.

(The tool contains three parts. Part 1 comprises provisions that are by nature "appropriate for inclusion in an agreement"; Part 2 contains provisions that are appropriate for inclusion in a decision; and Part 3 contains "provisions whose placement require further clarity among Parties in relation to the draft agreement or draft decision", as per the Co-Chairs' scenario note issued on 24 July.)

This assurance was further repeated in a clarification note issued by the Co-Chairs on 30 August, the eve of the start of the meeting when many developing country groupings had sought clarification from them on the mode of work during the 19 pre-consultation meetings held between 27 and 30 August. The Co-Chairs reiterated that the tool prepared with a mandate from the Parties (at ADP 2.0) holds no legal status and that

its three parts have the same importance and have been submitted without any kind of hierarchical order.

Nevertheless, developing countries across the various facilitated groups expressed their disappointment throughout the five days with the mode of work as many felt that the concepts were not new and Parties were wasting precious time. Parties have another five-day meeting in ADP2.11 from 19 to 23 October before the 21st meeting of the Conference of the Parties in Paris starting 30 November.

Below are some highlights of the facilitated groups on technology development and transfer, capacity building, transparency of action and support, and timeframes and processes related to commitments/contributions/Other matters related to implementation and ambition.

Technology development and transfer

At the outset of the second facilitated meeting on 2 September, **China representing the Group of 77 and China (G77 and China)** again asked how Parties are going to deal with the placement of issues and sought assurance that Part 3 (of the tool) is not the dustbin (of unwanted issues by some Parties).

On the selection of specific issues for discussion, it cautioned that given the limited time, Parties should prioritise the 'low-hanging fruits' issues that have least divergence such as institutional arrangement to serve the agreement (paragraph 73 of Part 3) and research, development and demonstration (paragraph 72.5 of Part 3), framework for enhanced action (paragraph 71 of Part 3) and addressing barriers by developed countries (para 72.1 of Part 3) and by developing countries (paragraph 72.2 of Part 3).

Co-facilitator Tosi Mpanu-Mpanu (Democratic Republic of Congo) replied that addressing placement now would not serve any purpose as Parties would find themselves in the same situation (of no consensus) but discussion on those issues would further the

understanding of Parties thus enable ‘the placement to take care of itself’.

Swaziland speaking for the African Group presented its proposal on a framework for enhanced actions, noting that the framework has nothing to do with creating new institutions but rather to strengthen them by giving medium to long term guidance, addressing measuring, reporting and verification (MRV) and transparency of actions.

The European Union said it could engage with the discussion of a framework but could not support the wholesale importation of the issues from Part 3 to Part 1. However, efforts made to discuss some of those issues can be a basis for the way forward.

China welcomed the concept of enhancing the framework which can be the foundation of the whole institutional arrangement where crucial elements can be built on including MRV and addressing barriers for technology support post-2020.

Sudan said without such a framework, technology development and transfer will be mission impossible.

India said the agreement has to have actionable points and it opined that paragraph 72 of Part 3 can be broken down with some efforts going to Part 1 and 2 to make them actionable. (Paragraph 72 refers to individual efforts with seven sub-efforts under Option 1 and ‘no commitment on technology in the agreement’ under Option 2.)

Immediately after the meeting, Parties went into two spin-off group meetings facilitated by Sonja Djukic (Canada) and deliberated on the framework proposal as well as other issues.

On 3 September, Djukic reported back that there was no agreement on how to conclude the discussion on the framework but Parties also discussed and listed high-level elements such as the importance of technology development and transfer, developing and strengthening institution and mechanism, review and how to update over time, restate commitment of developed countries to help developing countries in addressing barriers and commitments to enhance deployment of technologies that should be in the agreement as proposed earlier by the **United Arab Emirates**.

On 4 September, the spin-off group got into a drafting exercise on three points of convergence: cooperative actions; anchoring technology institutional arrangements; and framework on enhanced actions but Parties could not reach agreement and ran out of time.

China speaking for the G77 and China stressed that the next session (in October) must focus on text-based negotiations with discussion on conceptual issues only when necessary.

Capacity building

Parties continued to disagree on the need for an international mechanism for capacity building after a spin-off group on enhancing institutional arrangement. Developing country Parties had called for the mechanism to be anchored in the agreement while developed country Parties believed the existing capacity building framework called the Durban Forum can be enhanced.

The **United States** said it is not yet convinced that there is a need for the mechanism but there is a need to identify the gaps through a work programme. It said the Durban Forum can assume this task by having experts sharing their expertise and do so in the pre-2020 period in view of the agreement that will come into force. (The agreement to be concluded at the year end’s Paris COP is expected to enter into force in 2020.)

Gambia reminded the US that recommendations (for improvement) from the Durban Forum were not implemented simply because there is no mechanism for implementation. In a sharp retort to the US, it pointed out the contradiction with the US policy of finding solutions to international cooperation as demonstrated by the capacity building efforts by its Environmental Protection Agency in building the expertise of greenhouse gas inventory in developing countries. “I think you need to rethink ... so that we can fully adapt and commit to actions instead of wasting time as it is not helpful,” Gambia added.

Senegal speaking for the Least Developed Countries (LDCs) lamented that the Durban Forum is just a talk-shop. It asked if the US negotiator has personally attended the Durban Forum and (know) what happened after that, noting that after three meetings of the Durban Forum, nothing has happened.

Swaziland representing the African Group said the Durban Forum is not to be considered an institution due to the way it is structured. The Group needs to know how it could be strengthened.

China representing the G77 and China said little progress has been made, noting that the agreement is about enhanced implementation for both pre- and post-2020. There is emergency need because there is no institution for capacity building under the current arrangement, insisting that the Durban Forum does not fulfil this function and the Group’s request for a new institution should be included in the discussion for a new agreement by the October session.

Japan noted the frustration and that Parties wanted to get into textual negotiation but said there is need to capture the views and needs holistically, noting that the work cannot be completed at this session.

In response, **China** stressed the need to start the October session with text on the screen but the textual work has to be balanced with G77 and China's position that is missing. It noted that the Group's position contained both existing and new institutions, adding that the Group had compromised by agreeing to spin-off group meetings to solve the divergence. It said the idea of a work programme can go into the draft decision.

Saudi Arabia representing the Like-minded Developing Countries, India and Sudan (in their national capacity) supported having text on the screen and moving paragraph 75 in Part 3 to Part 1.

At the last facilitated group on 4 September, co-facilitator Artur Rung-Metzger (the European Union) presented a textual proposal based on the co-facilitators' understanding of the elements that were discussed in the two spin-off groups on capacity building between 2016 and 2020 and enhancement of institutional arrangements. He said it is a delicate exercise and there is certainly no consensus, noting that it is not going to please all Parties.

To a question from **Gambia**, he said it is not up to the co-facilitators to compile any negotiation text but they would advise the Co-Chairs that these are the rich discussions captured.

(The textual proposal is contained in the working document compiled by the secretariat available [here: http://unfccc.int/files/bodies/awg/application/pdf/awg20150904_04sept2015t2000_wds.pdf](http://unfccc.int/files/bodies/awg/application/pdf/awg20150904_04sept2015t2000_wds.pdf))

Transparency of action and support

After two facilitated group meetings, developing country Parties continued to seek clarity on the 'next step' as Parties on the leftover speaking list from 31 August provided their views on the Co-Chairs' tool.

Botswana representing the African Group said it needed to have a clear view on placement of the issues, noting that transparency of support relate to fundamental interests and should be MRV'd and proposed that the spin-off group meeting should provide equal time on transparency of action and support.

Speaking for the Least Developed Countries, Angola would like to see enhanced transparency for both mitigation and adaptation and avoid double counting, including support by developed countries to

developing countries and to ensure environmental integrity. It believed it is too early to move into a single accounting system. It expressed concern on the limitation of funding of one delegate for each meeting.

Bolivia and Venezuela supported the proposal made by **China on behalf of the Like-minded Developing Countries (LMDC)** for reorganising the draft decision in a logical order of transparency of mitigation action; transparency of adaptation action; generally ensuring MRV of support provided and received.

Bolivia also underscored that under the Convention, developed country Parties have the commitment to provide finance but not developing countries thus by nature the transparency section has to be differentiated.

Venezuela sought clarity on the 'next step'; if this discussion would be used as input for a streamlined text. To this, co-facilitator Kwok Fook Seng (Singapore) said there is a parallel conversation of negotiators with the Co-Chairs on the matter and asked Parties to bear with their frustration.

Malaysia said transparency is not only for enhancing post-2020 but also pre-2020. Transparency should be based on the existing system under the Convention to ensure that the approach is differentiated, noting that during the transition period, there is need for enhancement of capacity and modification of the system.

Co-facilitator Kwok said there is commonality among Parties that we are building from an existing system but there must be a transition which is the evolution of the MRV system itself. Developing countries would need support to build their capability to achieve a high level of the MRV system for both pre- and post-2020. Parties also have to consider the adaptation aspect which is different from transparency of mitigation action.

He recognised that many concepts and issues within this Section had not been fully discussed and lack clarity but they would be covered without prejudice to their placement, adding that Parties' views on linkages with other sections like mitigation and finance have been noted.

Kwok then proposed that Parties consider the texts in Parts 1, 2 and 3 of the Co-Chairs' tool on the notion that 'developing country Parties need support to participate effectively in the transparency framework' i.e. the support for MRV for the next meeting.

On 2 September, Parties shared their views on support for transparency.

South Africa said it is a central issue which determined whether developing countries become mere passengers in a moving bus or become effective participants. It said this element should be anchored in the agreement.

Bahamas representing the Alliance of Small island States (AOSIS) said there is lack of resources to support national implementation.

Brazil welcomed support provided for MRV and expects it to be enhanced, adding that timing of the support is important as it takes time to prepare a new MRV system.

The European Union, New Zealand, Switzerland, the United States and Australia supported a robust system in general and needs for enhancement with the US noting that it should also provide feedback while

Japan said in the post-2020 period the system will have to take into account different national capacity.

Due to limited time, Parties also agreed to have two other spin-off groups to deal with differentiation/flexibility and accounting/accountability of the MRV system. **Saudi Arabia** proposed creating a fact-finding spin-off group for differentiation. It was supported by **India** saying that the key issue is a common but differentiated system.

On 3 September, the 4th facilitated group meeting continued with the unfinished speakers' list.

Algeria on behalf of the African Group said developing countries lacked MRV capabilities. It pointed out that we have to avoid a mitigation-centric system and also address adaptation and means of implementation. It also said the focus must not only be on Intended Nationally-Determined Contributions (INDCs) but on other actions that must be taken by Parties.

Co-facilitator Kwok said many Parties have accepted that in terms of scope it is not just about mitigation but also adaptation and other elements.

Singapore said for additional transparency and obligations, additional support and capacity building will be provided to help developing countries fulfill obligations under the Paris agreement. Details (on how to do it) like timing, vehicle of provision for support, quantum of support, types of support can be elaborated in the decision text.

It provided a text proposal **on behalf of AOSIS**: *Developed country Parties shall provide adequate support to developing country Parties in complying with their obligations for transparency under the Paris agreement so as to ensure effective*

participation of developing country Parties in the transparency system under the Convention.

India said we need a very clear anchoring of how support is built into and how it is accounted for in a transparent manner. Given the scope of support we would like to capture all elements, in view of the fact that post-2020 requirements will be more onerous and more detailed, India stressed, adding that it has a specific formulation for text.

China representing the LMDC supported other developing countries on the need for support for MRV and Brazil's statement that the support system cannot be an overnight work and that it takes time. It presented the Group's proposal to amend several paragraphs in Part 1 touching on continuous, systematic and adequate support to build developing country Parties' MRV capacity; that the extent to which developing country Parties will effectively implement the MRV arrangements set out the agreement will depend on the effective implementation of developed country Parties' commitments; that a long-term finance channel shall be established under the GCF (Green Climate Fund) or the Global Environment Facility to build the MRV capacity of developing country Parties.

Saudi Arabia supported the statement.

The **US** said it is taken with the idea of capacity building for transparency and is happy to work with Angola and China on a bridging proposal on capacity building.

Parties also considered having the co-facilitators from capacity building, technology and finance to participate in informal meetings as done by other groups.

The spin-off on accounting/accountability reported back that accounting is broader than the calculation of quantitative elements in tracking progress as it should include provisions for ensuring environmental integrity (no double counting).

Accountability is harder to define. It refers to the responsibility to explain what was achieved and the steps taken to implement, report and review the information.

The spin-off on differentiation/flexibility reported that Parties identified the following concepts that should guide a proposal: build on experience with the current system; no backsliding/forward progression and support for transparency is needed. Parties also expressed different views on whether flexibility would be determined by category of Parties or would be self-determined on the basis of capacity.

In terms of the bridging proposal itself, two key concepts emerged: Such a proposal should consider the timeframe, whether the system should start in 2020, or whether it should start after 2020.

Timeframe and process related to commitments/contributions/Other matters related to implementation and ambition

Parties engaged in providing their reactions to the Co-Chairs' tool and shared their views on the storylines. The facilitated group meetings were co-facilitated by Roberto Dondisch (Mexico) who from the outset said Parties are invited to bring ideas to bring their positions closer and to have bilaterals with the co-facilitators. The other co-facilitator was George Womukoya (Kenya). Discussion focused on a number of issues around scope, timing, communication of commitments/contributions, collective stocktaking and housing.

Malaysia speaking for the LMDC preferred a short and concise section focusing on issues that could be dealt with in the Paris agreement in a pragmatic and implementable way. It stressed the use of simple, neutral words that people are comfortable with and not rewrite the Convention language. We must bear in mind linkages of different sections without prejudice to the outcome of other sections at this stage, Malaysia said.

It stressed the scope is not limited to mitigation but also adaptation, finance, technology development and transfer and capacity building in a differentiated manner, adding that this is the overarching issue that can build trust.

The timeframe of the contribution is up to each country to define, either five or 10 years. On the aggregate review, it must be a comprehensive assessment of means of implementation and differentiation consistent with Articles of the Convention. The review is about assessing the information rather than serving as a basis for ratcheting up ambition, said Malaysia. But if the purpose is to increase ambition then we should review the entire system of commitment to support which also includes the decision in workstream 2 of the accelerated implementation process to ratchet up means of implementation to enable developing countries to increase their ambitions.

Singapore agreed with Malaysia that review is both looking at collective aggregate and all the relevant aspects, noting that mitigation is to be linked to support to get us where we are. It said having cycles that force everyone to submit at the same time is not realistic.

Earlier it said the tool is confusing as many issues are being mixed up and Singapore sees benefit to untangle them, noting that there are discussions on cycles in other sections like mitigation and reporting (transparency). It felt that housing which is not a timeframe issue should be removed and more in-depth discussion on what updating means would be useful.

China said the purpose of the storyline is to achieve real ambition and that implementation is the key issue that must be resolved in Paris. Outlining the four issues related to ambition implementation, it said the scope must be linked to differentiation. Timeframe is related to the INDC but we now have two different timelines of 2025 or 2030 based on submissions. In Paris, it is crucial to ensure that Parties submit their INDC from 2021 to 2030 and should be included in the COP decision.

On review, China said it is an information tool to share best practices and a cooperation area to accelerate the INDC as well as increase the level of ambition and realise the full scope of means of implementation. It also thinks that housing is not a timeframe issue and should be in Section L on procedural and institutional provisions and should be in a COP decision.

To reduce anxiety, we must prevent a mitigation-centric timeframe, said China, adding that adjustment or finalisation of INDC will lead to a name and shame game. We also need to identify linkages that will reduce the anxiety of naming and shaming. One linkage is the pre- and post-2020 review that needs to be tested in the pre-2020 timeframe. We need to get experience from the pre-2020 to get a clear idea in post-2020.

Another sensitive concept is the word 'cycle', China said further, noting that in the Chinese belief system, cycle could mean being banished to hell if one performs poorly and that is highly punitive, intrusive and disrespecting national circumstances.

Saudi Arabia representing the Arab Group questioned the sincerity of having a timeframe, saying it is merely an exercise for public consumption that Parties are ensuring that the agreement is durable. To limit temperature rise to 2C would require (greenhouse gases) emissions reduction of 40 to 70% and with full provision of finance but it pointed out that the GCF is nowhere near the US\$100 bil pledged. (The pledge made by developed countries is for US\$100 bil a year by 2020.)

The Group said we should not introduce new concepts and the time is better spent in discussing means of implementation and that timeframe issues should be dealt with in Part 2.

Colombia speaking for the Independent Alliance of Latin America and the Caribbean (AILAC) said no backsliding and progression is important. Global stock-take is also important and housing is important for formalisation. Scope should apply to different elements and not just mitigation, it said.

Brazil said it has the feeling that it is watching the same movie twice. It is important to note that the key word for the storyline is ambition, stressing that it is not related to mitigation only but closely related to means of implementation on how to achieve better ambition and targets. It is also related to adaptation in the sense that adaptation needs have to be taken into account.

On housing, Brazil disagreed with having annexes which are reflected as options. The concept of timeframe is for Parties to increase ambition over time and to reconsider their own choice based on an aggregate evaluation of the way forward and updates on contribution. It agreed that adaptation is a different process and may not be required to be included as a component in the same cycle. It said there are elements in Part 2 and 3 that need to be reflected in Part 1.

Japan said timeframe is related to mitigation action and wanted INDCs to be upgraded either collectively or individually at periodic intervals. It is necessary to have a common cycle to listing them in the agreement, it said, adding that it is important that Parties revisit their mitigation contribution seamlessly so we can evaluate the global situation clearly, so it is desirable to have a common target year whereby the targets will be decided by COP decisions.

Australia said the INDCs process is important to have all Parties come together at the same time that signal some kind of harmonised and regular update. On adaptation, it is not in the same structured manner like mitigation but has flexibility and countries can communicate their undertaking rather than account for it.

New Zealand sees differences with the initial and subsequent mitigation contributions. The initial contribution is communicated via an INDC and

following that a consolidation process and collective assessment to the long term global goal. For subsequent mitigation contributions, the order will be changed slightly to engaging, consultation process before finalisation and the collective assessment.

Norway said updates would be just as important as the commitments and would be seen in the light of progression and collective efforts and long-term goal for mitigation. It thinks that issues of update, housing and collective stock-take can be set out in decisions.

The European Union said it heard a lot of convergence. There is recognition for dynamic elements for mitigation, adaptation and finance but these may not be identical. It said housing is an important issue but does fit into timeframe.

Canada said the provision of updating is about ratcheting up ambition. It also agreed that housing is not suited for this section.

(To this, co-facilitator Dondisch said for this session, this will be addressed under this section.)

As a number of countries raised cross-cutting issues, the co-facilitators on finance and on adaptation and loss and damage were invited to brief Parties on the timeframe link in their respective sections.

Parties also worked in a spin-off group focusing on housing where legal, political and practical implications of the various housing issues were discussed.

At the last facilitated meeting on 4 September, co-facilitator Dondisch presented what he had heard for Parties' comment, noting that it is not a textual proposal but just identification of articles and paragraphs in Part 1, 2 and 3 of the Co-Chairs' tool as Parties have done the exercise. He further said there is still opportunity to work on them and it is just a tool for clarity containing issues with agreement and no agreement.

(With inputs from Kate Dooley on transparency of action and support.)