

## Developing countries introduce proposals to rebalance “unacceptable” and “lop-sided” texts for Paris outcome

Bonn, 20 Oct (Meena Raman) – It was a dramatic and rocky start to the climate talks in Bonn, Germany, which began on 19 October, under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) of the United Nations Framework Convention on Climate Change (UNFCCC).

Developing countries, led by the Group of 77 and China, made strong calls for the ADP process to allow for the insertion of textual proposals of developing countries to rebalance what they saw as “unacceptable”, “unbalanced and lop-sided” texts produced by the ADP’s Co-chairs for the agreement to be reached in Paris this December.

They were of the view that the texts, referred to as a ‘non-paper’ could not be the basis for negotiations to begin until and unless there was a balanced text with their proposals reflected.

Developing countries in their interventions expressed their concerns that the text could not be a basis to start negotiations when their proposals were not reflected and the non-paper appeared to be “lop-sided” in favour of developed countries.

Following a long and intense exchange between Parties and the Co-chairs that first began at the ADP opening plenary and then spilled over to the contact group which convened soon after, all Parties began to introduce their proposals for changes to be made to the first part of the non-paper which contained the Co-chairs’ proposed draft of the Paris Agreement.

[The ADP Co-chairs, Daniel Reifsnyder (United States) and Ahmad Djoghlaif (Algeria) had prepared a non-paper dated 5 October which has two parts, comprising a 9-page text for the Paris Agreement which is to take effect post-2020 and a

draft decision text of 10 pages which includes a draft decision for pre-2020 actions.]

Following a strong push by developing countries to rebalance the texts, a new document has been issued which integrates the proposals by all Parties to the initial Co-chairs’ non-paper. (See more on this below).

Whether this new document will become the basis for negotiations to kick off today (20 October) in the spin-off groups remains to be seen, as the ADP will resume in contact group mode this morning.

Prior to the start of the official talks on Monday, the ADP Co-chairs had bilateral consultations with all Parties and convened a meeting of heads of delegations (HOD) on Sunday, 18 October to consider the initial mode of work at the current 11<sup>th</sup> part of the second session of the ADP (ADP 2.11) that is taking place from 19 to 23 October.

(According to several senior negotiators, the G77 and China and its various negotiating sub-groups, in their bilaterals with the ADP Co-chairs, had conveyed their strong views that the Co-chairs’ non-paper could not be the basis to start negotiations as the texts were unbalanced and did not reflect the views of the developing countries.)

While agreement was reached during the HOD meeting on Sunday to allow interested Parties and their groupings to introduce their “proposed surgical insertions” in textual form to the non-paper, what was not clear was how the textual changes will be reflected in the Co-chairs’ non-paper.

**Ambassador Nozipho Mxakato-Diseko** of **South Africa**, speaking for the **G77 and China** at the opening plenary of the ADP, welcomed “the Co-Chairs’ willingness to listen to its views on the

unacceptability of the non-paper as the basis for negotiations.”

She said that the Group was concerned that the Co-chairs’ text “seems to attempt to rewrite, reinterpret and replace the Convention. It is extremely unbalanced and lopsided, to the extent that it jeopardizes the interests and positions of developing countries. We therefore concluded that the mandate given to the Co-Chairs was not fulfilled. It is therefore a reassuring sign that our negotiating partners have heard our concerns and that we could agree to a pragmatic solution that would ensure that we are able to move forward to the real textual negotiation with urgency. We wish to note that now, more than ever, we need clarity on the mode of work to avoid further delays due to misunderstandings or misinterpretations of mandates.”

Diseko added that the Group expected that the Co-chairs’ text would be reflected on the screen and that there would be a process of “live editing of the texts.” “Parties will present their insertions orally and will also submit their inputs in written form to the Secretariat”, she said, adding that “The reason for this approach is to avoid an exercise through which a compilation text is constructed.” “As soon as insertions are made, spin-off groups can commence” for negotiations. she said further.

**Sudan**, speaking for the **African Group**, said that its understanding was to have “live insertions” of text into the Co-chairs’ non-paper.

**Maldives**, speaking for the **Alliance of Small Island States (AOSIS)**, said that an “injustice” was done to its members by the Co-chairs’ text. “This injustice cannot go unanswered”, it added, stressing that it could “not accept the Co-chairs’ unabashed attempt to write SIDS (small island developing states) out of being recognised as being particularly vulnerable to the adverse effects of climate change.” This, it said, violates the Convention principles and provisions that are the bedrock of our work and must be honoured and rectified immediately.

Reifsnyder then clarified that his intention is to proceed to hear what the “surgical insertions will be in order to serve as a point of departure for negotiations to begin”.

**Malaysia**, speaking for the **Like-minded Developing Countries (LMDC)** said that the G77 and China had made a proposal which could save time and urged the Co-chairs in the name of a

Party-driven process to listen to the proposals by Parties and not over-rule them.

**Sudan** for the **African Group** intervened again to stress the need for Parties to be given an opportunity to make “live-insertions” to the Co-chairs’ document which can address the lack of balance in the document.

Reifsnyder in response said that “live editing on text was not the agreement from yesterday” (referring to the meeting of the HOD) and said that the agreement was to hear what the surgical insertions would be to “relieve the anxiety of Parties so they can proceed to hear what to do with them.”

The **G77 and China** intervened to say that the ADP Co-chair was “negotiating with us and arguing with us and this was not helpful” as the Group did not want to negotiate with the Co-chairs.

The **European Union** said that it saw the Co-chairs’ document as a “minimalist text” and that it was a “starting point” although not a “good starting point”. It said it would be useful to hear what the “must-haves” should be for a large group of countries before negotiations can start.

In a sharp retort to the ADP Co-chair and to developed countries, the **G77 and China** stressed that it hoped “we can build mutual reassurances” and that the Group was “disenfranchised, needing to negotiate back into the process”. Reacting to concerns that Parties needed to hear first what the insertions would be before deciding on what to do with them was akin to what happened during the apartheid regime in South Africa where (the blacks) “were told that we need to justify and earn the (right to) vote”. Ambassador Diseko reiterated that the G77 proposal is to get a clear sense of how the surgical insertions will be captured.

Reifsnyder said that his role was to help Parties and that there was a concern that Parties are not ready to accept and include the insertions for negotiations as they too have concerns. He added that it would be helpful to know how to balance the text.

**Malaysia**, speaking for the **LMDC** in response said that everyone says that the text is unbalanced and is skewed in way that excludes the interests of a large part of the developing countries. “To restore the balance, we are being told that we must show what the major proposals are; what the

absolute must-haves should be.” Referring to the ADP Co-chair, Malaysia said “you suggest that others want to see if (our proposals) can be included or not ... This is a judgement call.”

The LMDC stressed that it too wants to move (in the process) but to do so, “we need to start with a balance”, like “a two-wheel bicycle that needs the two wheels to move in balance.” So, it stressed the importance of capturing the proposals by Parties and did not accept that others must first agree before this is done, as that is making a judgement on the proposals of Parties.

**Cuba**, supporting the G77 and the LMDC said that there is need to rebalance the texts so that an equal playing field for everyone is in place before negotiations can begin, and that is the point of departure.

**Switzerland** wanted the process to limit texts to only “major proposals.”

**Antigua and Barbuda** said that at the last session in September this year, the discussions captured by the co-facilitators were not reflected in the Co-chairs’ document and disproportionately affects the G77. (The delegate from Antigua and Barbuda was in fact a co-facilitator in the spin-off group on finance). It stressed that the Co-chairs had not fulfilled their mandate in reflecting the views of all Parties, and that there were no surprises in the proposals of developing countries as everyone knew them. To restore the balance, it wanted all the proposals of Parties reflected in an open and transparent process and for a new text to be ready for work the following day.

**New Zealand** was concerned about the voluminous nature of the insertions.

The **US** agreed with New Zealand and was “uncomfortable” that *a priori*, the text with insertions could constitute a balanced text for all Parties to have a good basis for negotiations. It wanted its proposals to also be reflected in the text.

**South Africa** for the **G77** said that the key objective is to enable all Parties to be on the same starting line in the race. On concerns that the Co-chairs’ texts will balloon, it said that some have very little of their proposals in the texts, while others have a lot. So, it was important to capture the insertions (to rebalance) on screen.

The **US** in response was afraid that instead of surgical insertions, Parties would bring in their

positions and that this would waste time and it did not see the value of going through the process on screen. It said that it made more sense to hear oral presentations to see the whole picture of the proposals.

**Malaysia** for the **LMDC** in response to the US and New Zealand, said that the best way was to get Parties to display their proposals electronically and there would be no waste of time as there was no need to orally dictate the proposals, to explain the proposals or to negotiate them (at this stage). It called for a step-wise approach where Parties could introduce proposals article by article. If in some sections there is a ballooning of texts, Malaysia said that the “balloon could be pricked in the spin-off groups.”

In response, Reifsnnyder said that all Parties who had proposals on the non-paper could send their proposals to the Secretariat and when the relevant article is discussed, the proposals can be put on the screen with no edits being done.

When the contact group resumed at 3 pm, Parties began introducing their proposals on the screen in relation to the draft Agreement text, and these were also electronically sent to the Secretariat.

After the proposals were introduced by Parties, **Sudan** for the **African Group** suggested that the Secretariat could do some technical work on the proposals to show the various options in the text for Parties to look at.

The **US** agreed that there could be a ‘light-touch’ exercise by the Secretariat to help Parties.

Djoghlaif proposed that the spin-offs could start work on Tuesday based on the material produced from the first day.

The **LMDC** wanted more time to reflect on the various suggestions and wanted more clarity on the exact modality of the spin-off groups. It also said that at the last session, there were concerns that the various spin-off groups did not have the same parity. It also stressed that the spin-off groups should be open to observers.

The **G77 and China** requested more time to consult in relation to the proposal by the African Group.

**Brazil** stressed that Parties in the spin-offs should be drafting and negotiating, and it should not be a space for a mere expression of views.

Parties agreed with the Co-chairs' proposal to convene in a contact group on Tuesday morning, before proceeding to the spin-offs.

At 4 am today (20 October) a new document was issued which is 34 pages, which relates to both the post-2020 Agreement and the pre-2020 decision. A note on the document states that the document

integrates views of Parties to the Co-chairs' non-paper expressed at the first meeting of the ADP contact group at the current Bonn session. It also states that "at the request of Parties, the secretariat undertook mechanical light touch editorial changes."