

Textual negotiations begin in seven 'spin-off' groups

Bonn, 21 October (Hilary Chiew) – After a tumultuous start to the penultimate round of climate talks for an agreement to be adopted in Paris this December, text-based negotiations finally began on Tuesday, 20 October following the establishment of seven spin-off groups.

The intense exchange at the first day of meeting of the Ad Hoc Working Group of the Durban Platform for Enhanced Action (ADP) of the United Nations Framework Convention on Climate Change (UNFCCC) was triggered by an imbalanced Co-Chairs' non-paper dated 5 October.

A revised non-paper dated 4 am of 20 October was issued by the Co-Chairs as a result of a strong push by developing countries to rebalance the 5 October version. At the opening plenary on 19 October, the Group of 77 and China representing 134 countries expressed strong objections over the initial non-paper being the basis for starting the negotiations until and unless there was a balanced text with their proposals reflected.

(For more details please read [TWN Bonn News Update No. 1 – Developing countries introduce proposals to rebalance “unacceptable” and “lop-sided” texts for Paris outcome](#) at http://www.twn.my/title2/climate/news/Bonn17/TWN_update1.pdf)

[The ADP Co-Chairs, Reifsnyder (US) and Ahmed Djoghlaif (Algeria) had prepared the 5 October non-paper 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.]

Parties finally began negotiation in four spin-off groups based on the revised non-paper.

Two spin-off-groups – on workstream 2 (pre-2020 ambition) and technology development and

transfer and capacity building – met in parallel from 3pm and the spin-off groups on mitigation and finance took place simultaneously from 7 pm.

At the open-ended contact group (OECG) meeting in the morning of 20 October, ADP Co-Chair Daniel Reifsnyder (the United States) informed Parties that the revised non-paper, which includes “inadvertent omissions”, will serve as the starting point of the negotiation on what is to be called the Paris Climate Package.

He said the outcome of the ADP 2-11 scheduled to close on Friday (23 October) will be a revised non-paper on the Paris Climate Package dated 23 October, 2015 at 6pm. He further added that the Geneva Negotiating Text (from February 2015) will continue to be the only official document before the Parties until it is withdrawn at COP21 in Paris in December.

Reifsnyder said the approach was based on consultations with Parties in the contact group on 19 October and he wanted to be as clear as possible of the process Parties envisioned going forward and if it would be acceptable to the Parties.

Towards this end, he said Parties will begin negotiations in seven spin-off groups, adding that the OECG will meet on a daily basis to take stock of the revised non-paper and to address issues not allocated to the spin-off-groups.

On the suggestion for another spin-off group for Article 2 on preamble and Article 2*bis* on purpose/general by Malaysia on behalf of the Like-minded Developing Countries (LMDC), Reifsnyder said “if it is the will of Parties to have an additional spin-off group, we can establish that”. He further suggested taking up the matter in the OECG in the morning of 21 October.

Following feedback of Parties, when the contact group resumed after a 30-minute break for groups

and Parties to coordinate, it was decided that the 7th group will cover not only Article 11 on facilitating implementation and compliance but all the final clauses of the Draft Agreement from Article 11 to 26.

The spin-off groups will also consider the paragraphs of the draft decisions of COP21 relevant to the Articles allocated to them (from the draft agreement text). The list of suggested paragraphs of the decisions will be posted on the website later in the day. Paragraphs not assigned to the spin-off groups will be considered by the OECG.

The spin-off groups are:

1. The draft decision on Workstream 2;
2. Article 3, *3bis* and *3ter* on mitigation;
3. Article 4 and 5 on adaptation and, loss and damage;
4. Article 6 on finance;
5. Article 7 on technology development and transfer and Article 8 and 8-bis on capacity-building;
6. Article 9 on transparency of action and support;
7. Article 11 to 26 on final clauses.

To Parties seeking clarification on the modalities of the OECG, Reifsnnyder said that the mandate of the spin-off groups is to have text-based negotiations on the Article(s) allocated to them with text on the screen and the role of facilitators will be to facilitate the direct interaction among Parties, adding that the mode of work of the spin-off groups will also apply in the OECG.

The co-facilitators will report on a daily basis to the OECG between 5:30 pm and 6 pm. The OECG is scheduled to meet daily at 10 am and 3pm. The first stocktake will be from 10 am to 10:30am on 21 October.

The document outlining the agreed mode of work for this session is available [here](http://unfccc.int/files/bodies/awg/application/pdf/oecg_notes_october_20_2015_ver3.pdf) - http://unfccc.int/files/bodies/awg/application/pdf/oecg_notes_october_20_2015_ver3.pdf

However, Reifsnnyder caused a controversy when he said spin-off groups will be limited to Parties only and observers would not be allowed to be present. (See TWN Bonn Climate News Update No 2: [Observers barred as negotiations finally begin](#) -

http://twn.my/title2/climate/news/Bonn17/TWN_update2.pdf)

Ambassador Nozipho Mxakato-Diseko of South Africa, speaking for the Group of 77 and China (G77-China) welcomed the opportunity for Parties to reflect on whether we are on course towards our shared objective of producing a document by the end of this ADP2-11 that can serve as the agreed basis for our work here in Bonn and in Paris.

She said such a document would present the key issues of importance to all Parties in a concise and balanced manner, in accordance with the format proposed in the draft Paris Agreement in the Co-Chairs' non-paper. It would further clearly set out a limited number of options, where necessary, to enable decisions to be made at a later stage in the negotiations.

Noting that substantive progress was made at the OECG on 19 October towards this shared objective as Parties submitted their proposals with a view to correcting imbalances and omissions in the Co-Chairs' text. She further welcomed the constructive spirit in which the work was carried out and underscored that she was particularly pleased that fears that the document would expand out of control were laid to rest. (The revised non-paper has increased from the initial non-paper of 20 pages to 34 pages.)

"The G77-China was able to present strong and concise common positions on a wide range of issues and is fully committed to continuing to demonstrate leadership throughout this session," she added.

Mxakato-Diseko further noted that she is pleased to inform that following consultations, the G77-China supported the African Group's proposal for the Secretariat to conduct a 'mechanical light touch editing' of the Draft Agreement in the non-paper, including all the proposed additions submitted by Parties to further expedite the work.

Noting that some proposals made by members of the Group have not been reflected, she requested that (G77) coordinators be allowed to raise these omissions in the facilitated discussions in the spin-off groups when the texts in question are discussed.

The Group also requested that scheduling of spin-off groups be done in a manner that would not create difficulties for smaller delegations. For

example, the spin-off groups on adaptation and loss and damage should not take place in parallel and neither should spin-off groups on purpose, mitigation and the global stocktake occur in parallel.

It is also necessary, said Mxakato-Diseko, that we have clarity on the mode of work of the spin-off groups be given and that they follow the same methodology to avoid uncertainty and further delays.

She further requested that all the spin-off and other groups where negotiations on this text take place be opened to observers and that time be provided for coordination (of groups and sub-groups) as they would be time well-spent.

The Group, she concluded, is committed to work in a disciplined and united manner as the urgency of reaching a balanced and fair agreement to respond to climate change cannot be underestimated.

Representing the Least Developed Countries (LDCs), Angola said Parties should not assume that the draft decision text will be discussed at the OECG but instead the relevant paragraphs could be relegated to the (respective) spin-off group. (This suggestion supported by several others was later adopted by the Co-Chairs in the updated mode of work for the spin-off groups to consider the relevant paragraphs of the draft decisions text.)

Sudan speaking for the African Group approved the use of the ‘mechanically light touch document’ as the starting point for negotiation but would need clarity on whether there would be drafting or negotiation on the revised non-paper in the spin-off groups. In order to save time, it would discuss the omission of the Group’s missing proposals in the spin-off groups.

Marshall Islands representing the Alliance of Small Island States (AOSIS) expressed concern that its proposal to bring the long term temperature goal into Article 2 paragraph 1 which is the operative part of the Draft Agreement has not been reflected and it would like to see it in the next iteration of the text. It also wanted to bring in specific text for markets in the mitigation section.

Bolivia was deeply disappointed that despite presenting its ‘surgical input’ on the text (on 19 October at the OECG), its proposal was ignored again particularly on the use of joint mitigation and adaptation for the integral and sustainable

management of forests as an alternative to results-based payment.

It also wanted clarification on the transfer of its amendment for paragraph 34 of the draft decision regarding mechanism to support sustainable development in a non-market based approach to the Draft Agreement which has a market based approach instead.

To this, Reifsnnyder said it was an oversight and there would be no problem to correct it.

Kuwait speaking for the Arab Group said with respect to workstream 2, that having read the revised non-paper, none of the Group’s textual insertions was captured. However, it is ready for the spin-off group but it wanted assurance that its textual insertions had been received and would be inserted.

Co-Chair Reifsnnyder replied that it could be brought to the spin-off group.

Saudi Arabia representing the Like-Minded Developing Countries also said that for workstream 2, its textual insertion on means of implementation and the launching of Accelerated Implementation Process for the pre-2020 period was not captured.

Reifsnnyder responded that the workstream 2 text was dealt with lightly and the issue can be taken up in the spin-off group.

Brazil cautioned Parties against inflating the text in the spin-off groups but rather use the opportunity to engage substantially in bridging proposals and avoid maximalist suggestions and incorporating national positions. It noted that it is important to have this clarity for the co-facilitators to find landing zones and possible consensus.

Turkey said the contribution of Parties in a constructive manner has resulted in a fair text and it is prepared to engage in developing a concise and balanced text that does not promote national but all interests.

Australia speaking for the Umbrella Group agreed with working in spin-off groups but stressed for the end of the session to have clear, concise text that would lead to landing zones. It noted that the texts reflect varying degree of convergence and the spin-off groups would let Parties find convergence. However, Parties should not be confined to the text and should rely on co-facilitators’ guidance.

Switzerland representing the Environmental Integrity Group said owing to the surgical insertions of 19 October, “we now have text that is clearly our text”. It noted that just like G77-China, some submissions by its own members were not reflected but hope to reflect them in the spin-off groups. It said it is important to have a good understanding of how progress will be captured in a rolling document.

The **European Union** said although the discussion was constructive in a positive spirit and build confidence in moving forward, it was not its preferred method. The work of the Secretariat was helpful and it was grateful for Sudan’s suggestion for the Secretariat to crystallise the options but there is still a long way to go for an agreed basis for negotiation. It said it focused on the big picture and did not raise all its points but it would make further surgical insertions (in the spin-off groups).

Norway agreed that Parties need to get into text-based negotiation but underscored the need to retain flexibility. It said that line by line negotiation may not be the best way forward as some closely linked issues are best dealt with in chunks. It expected the co-facilitators to direct negotiation and to capture progress.

COP Presidency activities

At a lunchtime event on 20 October, French minister Laurent Fabius acknowledged the revised text as the strengthening of different components in good spirit to deliver good text for Paris discussion.

He said this at the one-hour open-ended informative dialogue on COP Presidential activities by the Presidency (Peru) and in-coming Presidency (France).

“We need progress in Bonn for success of Paris. (The text) has to be clear, concise, equitable, balance and ambitious. Hopefully the text would close some important issues and identify a number of remaining key political issues,” he added.

Fabius said that together with the French President (Francois Hollande), Heads of Government have been invited to attend the first day of the Paris Conference of Parties with the idea of them giving political impetus to the meeting. There were a lot of discussions and having Heads of States at the end of the meeting could be counter-productive, he added.

He further said that the 154 Intended Nationally Determined Contributions (INDCs) delivered from countries representing about 86% of global GHG emissions meant there is growing awareness and sense of commitment.

To Mexico’s question on the result of the finance ministerial meeting in Lima recently, Fabius said an obvious concern was that the share of finance for adaptation was rather low and several countries and multilateral banks had said that they would increase their finance on adaptation and that there are ways to get to the US100 billion a year by 2020 (pledged by developed countries at the Cancun COP in 2010).

To Colombia’s question on what are the main topics that ministers will address at the pre-COP ministerial, Fabius said the theme would depend on the work that Parties deliver (in the current session in Bonn).

Referring to the success of the Lima COP, South Africa speaking for the G77-China expressed confidence that France will live up to the expectation of the world in ensuring inclusivity as it leads the complex Party-driven process.

The European Union (EU) said it was heartened by the number of INDCs which showed political determination across the world and willingness of different governments to transition to a carbon-resilient and low carbon future.

It said while the INDCs clearly do not meet the objective of staying below 2C temperature rise it reckoned it has already curbed dangerous trend and that with the right political courage, we have the possibility to design an agreement that is fit for the future with dynamic features that build transparency and trust.

The EU asked what Heads of States could do to facilitate the findings of a fit for future agreement in Paris through the negotiation process and other avenues outside the process and ensure that the spirit and groundswell of engagement is maintained and secured for going forward.

Fabius replied that it would help if those who have not published their INDCs to do so. He also said there are lots of meeting such as the G20 whose memberships include important emitters and the meeting of the Commonwealth in Maldives that could deliver a positive message on this subject.

He also noted the preparation of the synthesis report of the UNFCCC Secretariat on the INDCs

and that while we are not going to a 4, 5 or 6C world but it would also not be 2C temperature rise, hence presenting a problem to be solved.

On the Lima-Paris Action Agenda, which focuses on non-state actors' role, Fabius noted that it would not replace the commitment of governments but the very nature of climate change meant the problem cannot be dealt with by governments alone.

To a question by Iran on the importance of workstream 2 in relation to the contributions of

Annex 1 (developed country Parties) for actions in the pre-2020 period and the importance of (the outcome) in workstream 2 in paving the way for a successful outcome of workstream 1 (the Agreement), Fabius said there are elements that can feed the pre-2020 actions and that the work in this short term is very important, acknowledging that it is a major element for success in Paris.