

Balanced ‘Party-owned’ text as basis for Paris negotiations

Bonn, 26 October (Indrajit Bose) — The five-day climate talks in Bonn ended on 23 October with Parties accepting a draft agreement as the basis for negotiations at the twenty-first meeting of the Conference of the Parties (COP21) in Paris, scheduled from 30 November to 11 December.

Developing country Parties referred to the text for post-2020 climate actions as being “balanced” and “Party-owned”.

Two documents were circulated at the end of the 11th meeting of the second session of the Ad Hoc Working Group on The Durban Platform for Enhanced Action (ADP) of the United Nations Framework Convention on Climate Change held on 19-23 October: the draft agreement to take effect post-2020 and an accompanying draft decision (ADP Workstream 1), and a draft decision on pre-2020 climate actions (ADP Workstream 2).

The talks under the ADP were off on a [rocky start](#) owing to developing country Parties’ proposals being missing from the “unbalanced and lop-sided” texts dated 5 October produced by the ADP Co-Chairs Daniel Reifsnyder (the United States) and Ahmad Djoghlaif (Algeria). The first day, 19 October, was thus spent adding the proposals of the developing countries to balance the text and negotiations then followed in spin-off groups and informal-informal sessions, which were closed to observers. (See [TWN Bonn News Update #1](#): “*Developing countries introduce proposals to rebalance “unacceptable” and “lop-sided” texts for Paris outcome*”.)

The work of the spin-off groups and informal-informal sessions was put together in the form of the draft agreement text and draft decisions text dated 23 October@15:30hrs. However, the draft decision for Workstream 1 had not been discussed

in full by the contact group as a whole – instead, selected paragraphs were allocated for discussions in the various spin-off groups wherever those paragraphs were related to the topics of the spin-offs, and some paragraphs were discussed in the contact group. The Group of 77 and China thus requested that a footnote to that effect be included in that draft decision text. (The version dated 23 October@23:30hrs that will be the basis for the Paris negotiations contains this footnote and some minor changes agreed to in the closing plenary of the open-ended contact group.)

In their interventions at the final plenary of the open-ended contact group on 23 October, Parties responded to the outcome of the meeting (the draft texts), the way ahead, and the issue of observer participation.

Speaking for the **G77 and China**, South Africa said despite initial difficulties, Parties managed to make progress during the session and “above all, the process and the outcome of this session are now fully Party-owned”. It said that the new text is balanced and reflective of the work done this week. “As such this text can constitute a basis and a starting point for negotiations during the next session. It is important that the integrity of this text is maintained,” said South Africa.

Speaking for the **Like Minded Developing Countries (LMDC)**, Malaysia said it was pleased that after a long and winding road, Parties had arrived at a good critical first step, which Parties own and which is Party-driven. “After initial hiccups, it is a balanced text and this has restored the credibility of the process,” said Malaysia, expressing praise for the G77 and China Chair Ambassador Nozipho Mxakato-Diseko of South Africa for her leadership and seeking her leadership in the coming months.

On the way ahead, **G77 and China** suggested that to enhance the draft agreement text, it would be useful to request the Secretariat to prepare a technical paper, which should identify closely related paragraphs and duplications within sections, and possible areas for streamlining. “This should only be an editorial exercise to clean up the text without changing the content of the text,” said South Africa. There was no objection to this proposal and it was decided that this approach would be followed.

South Africa further said that Parties had not managed a complete reading of the draft decision text (for Workstream 1) and a footnote could be included to note this situation and to ensure that the discussion of the text in question would be without prejudice to Parties’ positions. This proposal was also accepted by the Parties. South Africa called for time to be allocated in Paris for the discussions on the draft decisions for Workstream 1 and 2.

South Africa said even though the outcome of this session was not what they had envisaged, the Group was of the view that what Parties achieved through a Party-driven, inclusive process was laying an acceptable and workable basis for going forward.

On the outcome of the session, Sudan spoke for the **Africa Group** and said progress was not as fast as the group would have liked it to be. It said that in the discussions on adaptation and loss and damage, new ideas introduced led to a difficult text and for technology and capacity building, Parties did not engage in negotiations.

Speaking for the **Independent Alliance of Latin America and the Caribbean (AILAC)**, Guatemala emphasized that Parties had started with a document of 90 pages (the Geneva Negotiations text from the February ADP meeting) and had come down to 33 pages. “We started with text that was unmanageable and we produced a text setting out clear options and which can inform the Paris agreement and can be presented to ministers and decision makers provided we can do hard work in the coming days,” said Guatemala.

Mexico made an emotional appeal to Parties and used the example of hurricane Patricia, which was hitting the country, to stress the urgency of getting the Paris deal done. It appealed to Parties to resolve their differences.

To Mexico, the LMDC said, “we share your grief”. “It brings us to a sobering thought that how little can be done to adapt to level 5 hurricanes. This underlines the importance of including loss and damage and do more than just words. Let’s go beyond words and reflect this sincerely,” said Malaysia.

Bahamas too said it had been hit by a severe storm (early October) and was recovering from it. On the negotiations, it said that it expected to be further along in the process but was frustrated that the sense of urgency was lost. “We seem not to be moving as fast as required,” it said. Referring to the text, Bahamas said that it saw the document as a response to the global challenge but it was not impressed by the level of incompleteness of the document.

While the **European Union** agreed with G77 and China that the text served as the basis for negotiations as it was “Party-owned with a clear structure”, it was concerned that progress had not been fast and that Parties had not really begun to negotiate.

The **Russian Federation** said if this text went to Paris, it would make the situation more difficult as even the most experienced lawyer would not be in a position to interpret the text. “We need a text that is not just a technical paper, but we need a text for negotiations to begin. We would expect the Co-Chairs with the collaboration of the co-facilitators and the Secretariat to produce a text well in advance of the Paris conference,” the Russian Federation said, calling for an additional negotiating session before COP21. “We want a ratifiable, legally binding and comprehensive agreement and we would like to register our concern on this. We may face a situation that the negotiations face serious risk and we may have to suspend the COP and have a resumed session of COP21*bis*, which we would like to avoid,” it cautioned.

Speaking for **Umbrella Group, Australia** said it was concerned about the progress made at the session and said that Parties had often reiterated their national positions. It added that the objective is a clear, concise and navigable text and wants the Co-Chairs with the co-facilitators and the Secretariat to prepare a new iteration of the text, but noted G77’s request for a technical paper.

In response to Australia’s comment that Parties were stating national positions, the **LMDC** said

that G77 and China had adhered very strictly to the process. It emphasized that there is a creeping realisation that there is an attempt to de-link the Paris agreement from the fundamental principles and provisions of the Convention. “Wherever you mention principles and provisions, there is an attempt to marginalise this and an option is presented that it should be under the Paris agreement. This is an insidious and ominous sign. We urge our partners to recognise that we are enhancing the implementation of the Convention. Therefore the basics should be embedded in the Paris agreement and we will accept nothing less,” said Malaysia for the LMDC.

At the closing plenary, **Peru** said the text is not good enough and contains many complex options, which require a lot of time to bridge swiftly. It said a technical paper would help the process and added that if this text was to be transformed into a legal agreement and decision, Parties would need to work differently in Paris and find the right method to find compromise and consensus.

French climate change ambassador **Laurence Tubiana** said the text represents progress and contains many interesting bridging proposals. She thanked Ambassador Diseko (South Africa) for her remarkable leadership. She added though that the text was not the one she had hoped for the beginning of Paris. Options are there, but the structure is not as coherent or consistent and a lot of work needs to be done, she said. Tubiana stressed that since there is no Plan B, Parties had the collective responsibility to do further work. She said Parties had not negotiated in the week of 19-23 October, stressing that negotiations should begin from the first day itself of the COP.

Tubiana further clarified that the COP high-level segment did not mean ministers come in and negotiators go out. “We all will be responsible for the text. We cannot shy away from our responsibilities. The content of the Paris agreement will be made and drafted by you. In the pre-COP (ministerial scheduled for 8-10 November), views must be exchanged and compromise must be found. We urge you to do that and find working methods that will deliver results very quickly,” said Tubiana.

(In an open lunchtime briefing earlier during the week, Tubiana stressed that there will be no negotiations or a joint declaration at the pre-COP ministerial meeting. 40-45 ministers have been invited that represent the various regions and

interest groupings, but all other ministers are welcome to participate at their own expense.)

On the issue of observer participation, Co-Chair Ahmed Djoghlaif during the open ended contact group clarified that the Co-Chairs had continued their consultations and as per the rules of procedure, Parties had agreed that the spin-off groups in future would be guided by the rules of procedure, which meant that “observers will be allowed to attend the opening and closing of any spin-off and will continue attending the spin-offs till a Party requests it is closed”.

(Earlier during the session, the Co-chairs had relied on a recommendation of the Subsidiary Body on Implementation to the COP that reads: “...the SBI recommended that at least the first and the last meetings of the informals may be open to observer organizations, recognizing the right of Parties to keep informal meetings closed.” However, the practice of opening the first and the last session to observers was not followed at this session at the behest of Japan to keep the spin-off groups closed to observers even though the G77 and China as well as Mexico were supportive of the sessions to be kept open. See [TWN Bonn News Update 2: “Observers barred as negotiations finally begin”](#). The European Union and other developed countries remained silent, not openly objecting nor supporting observer presence in spin-off groups. However Third World Network was informed that some developed country Parties has said they would not negotiate in the presence of observers. See separate Update for more details on this issue, noting that observers include international organizations as well.)

In their closing statement, the G77 and China requested that future sessions be open to observers “to ensure that we all are accountable to our civil society and humanity”.

Malaysia for the LMDC told the Co-Chairs that they were giving the same kind of ruling couched in softer language. “NGOs are not an impediment. They are of a nature to understand a large part of the situation. When you spoke about excluding observers from the spin-off groups, you said you wanted to move things briskly. Including observers would not affect the briskness of the negotiations. In fact it can facilitate negotiations, as they are able to provide advice. This is one way in which capacity building can be operationalised. We have reiterated this in our meeting with the incoming Presidency. France has a motto of liberty, equality

and fraternity. We appealed to the Presidency to reconsider and reverse this ruling,” said Malaysia

supporting observer access for all spin-offs.
(With inputs from Chee Yoke Ling)