



BONN HIGHLIGHTS: THURSDAY, 22 OCTOBER 2015

On Thursday, 22 October, ADP 2-11 convened. Spin-off groups met throughout the day to address: compliance and final clauses; mitigation; finance; adaptation, and loss and damage; transparency of action and support; workstream 2; and technology development and transfer, and capacity-building. An open-ended contact group convened to assess progress in the evening.

ADP SPIN-OFF GROUPS

COMPLIANCE AND FINAL CLAUSES: The spin-off group, co-facilitated by Sarah Baashan (Saudi Arabia) and Aya Yoshida (Japan), convened in the morning.

On bodies and institutional arrangements to serve the agreement (Article 15), suggestions were made on: mechanisms; CMA decisions; and CMA guidance for bodies and institutional arrangements.

On further requirements and decision-making rights (Article 17), proposals included: a requirement for parties to submit NDCs in order to be part of the agreement or participate in decision making; the timing and legally-binding nature of NDCs; and reference to general (Article 2*bis*).

Other suggestions included: a placeholder for reservations in Article 24; a placeholder for a non-punitive compliance procedure in Article 17; and reference to Annex X in amendments (Article 19) and at the end of the agreement.

On entry into force (Article 18), the UNFCCC Secretariat informed parties that the earliest date for opening the treaty for signature after its adoption in Paris in December would be 22 April 2016.

On thresholds for entry into force, the UNFCCC Secretariat said that, while the number of parties is easily verifiable, parties must decide whether to use UNFCCC parties' inventories or datasets used for the IPCC Fifth Assessment Report to determine their shares of GHG emissions.

Further discussion on the content and scope of the articles on amendments (Article 19) and annexes (Article 20) took place. Noting the contingency of these articles on issues such as where NDCs will be housed, some parties worried about attempts to address substantive issues in technical articles.

Co-Facilitator Baashan presented a streamlined version of the text on compliance (Article 11) and invited delegates to liaise informally on bridging proposals.

MITIGATION: The morning spin-off group, co-facilitated by Franz Perrez (Switzerland) and Fook Seng Kwok (Singapore), began by considering parties' mitigation contributions (paragraphs 2 and 3 of Article 3).

Parties identified as core areas: differentiation; preparation, communication and implementation of contributions; their characteristics; type (contributions/commitments/actions) and legal form; progression and ambition; design rules or features; the relationship between NDCs and support; and technical parameters, including timing and housing.

Parties differed on whether the list of upfront information for NDCs belonged in the agreement text.

Several parties stressed addressing differentiation first, including whether to apply differentiation to all, or only some, of the identified aspects in the section.

Parties then considered how to organize text around these aspects, including with a formulation proposed by one party, on the screen. One group suggested the section begin with text recognizing the principle of CBDRRC.

Parties then considered timing and accounting/transparency (paragraphs 4, 4*bis*, 4*ter* and 4*quinqies*). One party called for a simple *ex ante* consideration process and adjustment procedure for increasing commitments.

Noting linkages between many different paragraphs, some parties underscored the difficulty of engaging fully on language before getting an overview of the section.

On rules and guidance related to accounting (paragraph 5), parties identified "high-level options." Some parties called for moving this to the transparency section.

Parties agreed that they, and the co-facilitators, would work informally on the text and consider the resulting proposals in the evening session with priority given to proposals emerging from parties' work.

FINANCE: This afternoon spin-off group, co-facilitated by Georg Børsting (Norway) and Diann Black-Layne (Antigua and Barbuda), considered the text on finance (Article 6), as streamlined by the co-facilitators. In addition, one group of countries presented their proposal on MRV of support.

General comments by parties on the streamlined text focused on: placement of text in the decision or agreement; areas for further streamlining; and the potential for "crystalizing" substantive options.

Considering the streamlined text paragraph-by-paragraph, parties suggested new paragraphs, deletions and moving paragraphs. Some parties noted no agreement to engage in structural exercises and that the issue of differentiation has not yet been solved.

Parties expressed differing views on the dynamism of the agreement and changing economic realities and on specific references to: official development assistance; enabling environments; the role of domestic resources; and steps to promote the mobilization of climate finance.



Parties discussed the intentions behind two proposals, on enhancing the scale and effectiveness of climate finance and on recognizing the role of domestic resources.

Co-Facilitator Børsting noted that though constructive discussions took place “offline” on some aspects of the finance section, discussions in the spin-off group “seemed to be going backwards,” with countries reverting to positions. Parties kept the option open to meet later in the evening and voiced the intention to return with bridging proposals.

ADAPTATION, AND LOSS AND DAMAGE: In the afternoon, Co-Facilitator Andrea Guerrero (Colombia) opened the session for comments on agreement text on adaptation (Article 4). One group of parties presented a streamlined paragraph (3*bis*) on adaptation action being country-driven, gender-responsive, participatory, fully transparent and science-based.

One party, after consultations and revisions to the first option on the relationship between mitigation and adaptation (paragraph 2), withdrew its language, saying the balance was restored, and parties agreed to delete option 2.

Another party offered language on institutional arrangements (paragraph 11), saying the CMA should elaborate the adaptation framework to enhance its coherence and effectiveness.

One party, opposed by a group of parties, requested “other parties in need of support” to be added alongside “developing countries” throughout the text. The issue was resolved with a footnote. Another party suggested issues related to adaptation support be addressed in the finance spin-off group.

One group expressed concern about “very unorthodox procedures,” calling for delegates to refrain from altering other parties’ suggestions.

On the decision text regarding adaptation, parties made insertions related to regional cooperation, reviewing the coherence and effectiveness of adaptation institutional arrangements under the Convention, and building on existing work and processes.

With the insertions, deletions and brackets made, parties agreed to use the agreement text on adaptation (Article 4) and loss and damage (Article 5), and decision text on the same subjects as the basis of work. Parties agreed to consult among themselves on concepts identified as needing further clarification. Co-Facilitator Guerrero agreed to undertake an initial streamlining and reorganizing of the texts for consideration by parties on Friday.

TRANSPARENCY: This afternoon session on Article 9 was co-facilitated by Fook Seng Kwok (Singapore) and Franz Perrez (Switzerland). On the outcome of informal meetings on scope (paragraph 1), parties expressed satisfaction with progress on four options that respectively: emphasize bifurcation; refer to flexibility without bifurcation; differentiate along three tiers; and state purpose very simply.

Many underscored the co-facilitators’ new bridging proposal on purpose (paragraph 2) is “a great point of departure for negotiations.”

On the option including adaptation, several parties called for referring to sharing information, lessons learned and good practices, rather than “achievement.” On the option of further purpose (paragraphs 3 and 3*bis*), parties disagreed on, *inter alia*, integrating bifurcation into the text.

Parties disagreed on the content of paragraphs 4 and 5, some calling them “reporting and review,” and others “scope and future arrangements.” Co-Facilitator Kwok encouraged parties to think carefully about opinions on the order of paragraphs, noting they are not bound by the current logic of the non-paper.

Some parties suggested keeping agreement articles brief to maintain flexibility and allow wide participation, leaving the details in the decisions or for consideration by the CMA. Others cautioned against this, since parties “need to know what they are signing up to.”

The spin-off group continued with a full read-through of the remainder of Article 9, with discussions considering issues such as: specific terminology and potential need for new language for “review” or “assessment”; cross-cutting issues that could be dealt with in other articles; the need for technology transfer and capacity building as well as financial support; and a potential new mechanism for continual support for capacity building based on the Montreal Protocol.

ADP CONTACT GROUP

In the evening stocktaking, co-facilitators reported back on progress in spin-off groups. The RUSSIAN FEDERATION expressed dissatisfaction with the “exceedingly rosy picture” painted by co-facilitators and sought clarification on next steps.

Warning that she had “seen this movie before and it does not end well,” VENEZUELA lamented the stocktaking had started in spite of an ongoing coordination meeting of G-77/China Heads of Delegation, and that observers had been excluded from spin-off group negotiations.

Expressing commitment to building more trust, South Africa, for the G-77/CHINA, wondered if the group’s views “still matter.” With the Maldives, for AOSIS, and Sudan, for the AFRICAN GROUP, she sought clarification on the way forward and called for resuming the stocktaking after the G-77/China had finished their coordination. Expressing concern about the pace of progress, the AFRICAN GROUP also asked clarification on the approach to “no-text” options and on the mandate of co-facilitators.

Co-Chair Ahmed Djoghlaif (Algeria) explained that he had meant to suspend the stocktaking after the co-facilitators’ reports. He suggested that spin-off groups continue in the evening and that the results of their work be made available on the website on Friday. He further proposed a meeting between the Co-Chairs and heads of delegation on Friday afternoon. Parties agreed to a stocktaking to consider the way forward on Friday morning.

IN THE CORRIDORS

With the end of ADP 2-11 approaching, and negotiating time before Paris fast running out, many delegates expressed confusion about the mode of work, lamenting the continuing “compilation, clustering and grouping” taking place, and questioning whether there would be time to actually negotiate text insertions that continued to be made.

One delegate expressed frustration, stating “what we have currently is not a text I can deliver to my minister.” Another delegate commented that some of the compromise proposals that emerged at the last ADP session had disappeared, and had been replaced by a return to party positions from Geneva.

In the afternoon, some seasoned observers noted that the “pressure and frustration seem to be accelerating the pace of informal work.” As a result, some delegates noted that “at least the work in spin-offs is expedited,” with some options being withdrawn and parties exercising restraint in adding new text.

Others said, however, it was a “one step forward, two steps back” sort of game. As they left the abbreviated evening stocktaking, some were overheard worrying that “the process has more to be concerned about than just the state of the text,” echoing that “parties will be watching procedures very strictly to avoid repeating the past.”

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of ADP 2-11 will be available on Monday, 26 October 2015, online at: <http://www.iisd.ca/climate/unfccc/adp2-11/>