

Developing countries attack Chair's new text at final session

Bonn, 14 June (Meena Raman and Hilary Chiew) – Developing countries expressed deep dismay and sharp criticisms over a new draft text of a global climate deal presented on the final day of the Bonn climate talks by the Chair of the working group following up on the Bali Action Plan of the UN Framework Convention on Climate Change

The text represents a major setback for the developing countries as it eliminates or ignores many of the proposals of the G77 and China and its members, while elevating the positions of the developed countries, particularly the “Umbrella Group” that includes the United States, Japan, Russia, Australia and Canada that have been advocating much looser international regulation over the emissions of developed countries.

The G77 and China expressed “dismay” over the imbalanced new paper and called for a rebalancing in the next draft, while a wide range of individual developing countries and their groupings attacked the text, including for its implied killing of the Kyoto Protocol, eliminating of equity considerations, obliging developing countries to “peak” their emissions by 2020, and blurring the distinction between developed and developing countries in their requirements to register and report on mitigation actions.

The final plenary session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) on Friday 11 June was characterised by severe criticisms of the text by one developing country after another, with some rejecting it altogether, while most developed countries welcomed the draft or gave cautious support, indicating a large North-South divide.

The paper is officially described as an “*Advance draft of a revised text to facilitate negotiations among Parties*” and was made available by the AWG-LCA Chair, Margaret Mukhahanana-Sangarwe of Zimbabwe, late last Thursday night for consideration at the next session in August. It reflects the Chair's sense of progress on the work done in the current Bonn session except for that of two informal spin-off groups (on technology and

other approached including market-based approaches for mitigation). An introductory note in the paper explained that, “this advance draft is provided to the Parties in the spirit of transparency and as an effort to facilitate preparations for the consideration of the revised text at the 11th session of the AWG-LCA” to be held in August.

The AWG-LCA and the Ad Hoc Working Group on the Further Commitments for Annex 1 Parties under the Kyoto Protocol (AWG-KP) as well as the two permanent UNFCCC subsidiary bodies on implementation and scientific/technological issues, concluded their meetings after a fortnight's work.

Led by G77 and China, most developing countries expressed dismay, disappointment and anger at the revised text at the closing plenary of the AWG-LCA on Friday (12 June). They said it failed to take on board proposals of many of their proposals, and ignored their pleas and efforts in seeking to re-balance the initial Chair's facilitating text of 17 May. Developing countries were upset that the Chair had removed brackets over issues where there was no consensus from Parties (thereby giving the illusion of agreement) and had removed options and texts which had been proposed by the developing countries in many areas.

Drawing comparison to a football match in view of the World Cup kick-off in South Africa during the AWG-LCA closing session, Bolivia said that the Chair's text put developing countries at a disadvantage by eliminating five of its best players while allowing the developed countries to field 15 players (as opposed to the normal team of 11).

Several developing countries, including the African Group, the Alliance of Small Island States, China, India and Egypt said that the revised draft text had deviated from the Bali Roadmap by paving the way for the death of the Kyoto Protocol and in merging the two-track process to a single-track.

(The two-tracks refer to the legally distinct work of the AWG-LCA and the AWG-KP).

Several developing countries reminded Mukhahanana-Sangarwe of her facilitating role as the Chair and that her new text for the forthcoming session in August must reflect the views of all Parties and be balanced. They said that the advance draft text that she had presented on Friday should remain a non-paper with no formal status.

Developed countries, especially those in the Umbrella Group, had more positive views on the new paper, with some welcoming it, and others giving guarded acceptance while pointing out areas which they disagreed with.

Speaking on behalf of the **G77 and China**, Ambassador Abdullah Muhammad Alsaïdi of **Yemen** said the Group was dismayed that the revised text was imbalanced. He urged the Chair to restore the balance in the text which had been affected by the removal of the Group's positions and proposals.

He stressed the need to move forward if Parties are to succeed in addressing the profound challenges of climate change, which threatened the very existence of the societies of developing countries and their development prospects. The Group underscored the fact that time was running short and the need to progress was, therefore, more urgent than ever.

Alsaïdi reminded Parties that the AWG-LCA was launched in 2007 with the aim to 'enable the full, effective and sustained implementation of the Convention through long term cooperative action, now, up to and beyond 2012'. He said much work needs to be done to achieve a concrete, comprehensive and equitable outcome in Cancun (at the next meeting of the Conference of Parties later this year), which centres around the implementation of the Bali Action Plan, and is in accordance with the provisions and principles of the Convention, in particular the principles of equity and common but differentiated responsibilities and respective capabilities.

Speaking for the **African Group**, the **Democratic Republic of Congo** said the new text was imbalanced and accommodated the views of certain Parties without consideration for the proposals and positions of others (referring to developing countries), that were expressed during the two weeks of negotiation, especially on issues related to reviewing developing country Parties mitigation actions, equity and comparability.

It said the outcome of the AWG-LCA must be a new legally-binding instrument under the UNFCCC but it must not replace the Kyoto Protocol and should not be merged with it. Neither should it lead to the amendment in the UNFCCC but must be in accordance with the Bali Action Plan mandate.

It said the African Group expects the AWG-LCA to conclude with a strengthened multilateral climate change

regime that balances mitigation and adaptation priorities by December, given the threat and Africa's development aspirations, poverty eradication and security priorities.

The future regime, it said, must address the current challenges and potential future crisis of devastating climate change impacts by also differentiating between the commitments of developed countries and actions by developing countries. It must not add any extra burden on developing countries without providing sufficient support to them. It must also support the efforts of developing countries to create societies that are ordered around development strategies that can ensure economic development, competitiveness and growth in a way that enhances social and environmental development.

Stressing the need to make significant progress in adaptation, the DRC said it wanted the AWG-LCA negotiations to agree to the establishment of an adaptation implementation body which would guide and support the implementation of adaptation actions. Annex I Parties must also provide support for Parties to submit concrete adaptation activities to the new and existing financing bodies under the Convention.

Grenada, representing the **Alliance of Small Island States (AOSIS)** found it implausible that specific references to small island development states and least developed countries were deleted from the text, while many controversial concepts on which there was no consensus have remained in the draft. It therefore, found it difficult to understand the rationale for deleting those references. It was also concerned over the deletion of the range of numerical options on many issues critical to these negotiations such as a mid-term aggregate emission reduction targets for developed countries, a 2015 peaking year for global emissions and long-term financing, which are positions held by an overwhelming majority of Parties.

It added that the text appeared to have made decisions prematurely on many critical issues which require further consideration by Parties. One such example, it said, regards the pledge and review approach for determining the individual and aggregate range of emission reductions for Annex I Parties, rather than a science-based approach.

It added that the text prejudices the future of the Kyoto Protocol when it was inappropriate to reflect relevant paragraphs without brackets or without alternative options.

Grenada pointed out that the Chair must be aware of the fundamental divide among Parties on these and many issues and final determination on these crunch issues must be made by Parties, and not the Chair. It wanted the Chair to take into consideration the concerns raised by developing countries over the revised

text and asked for a more balanced text for the August meeting.

It reiterated that the needs of the most vulnerable and the need to ensure the viability and survival of all countries must be embedded in the outcome rather than an outcome that provides comfort to the larger and more powerful Parties. Inaction or insufficient action has catastrophic consequences for the smallest and poorest and Parties have a moral and ethical responsibility to safeguarding these countries.

Lesotho, speaking for the **Least Developed Countries (LDCs)**, said that there was need to be clear about the recognition of the vulnerability of the LDCs who have the least capacity to adapt to the challenges of climate change. Hence, reducing vulnerability and building resilience was an urgent matter. It appreciated the Chair's effort at restoring trust among Parties.

China said that after two weeks of deliberations, the Chair has now provided an advance version of her revised text. In the beginning of the two weeks, Parties were doing well in the discussions. The Bali Roadmap and the important principles of the Convention such as equity and common but differentiated responsibilities were stressed. In this spirit, China was tolerant about the Chair's initial facilitative text. It worked on the basis of the text that had been provided. It had a clear understanding that the process of negotiations was not decided by the Chair but by Parties. The Chair plays a helpful role in the process but the responsibilities and duties of the Chair should be clearly understood. The text provided by the Chair is on her own responsibility. The Chair cannot produce any kind of text but it should be guided by Parties. The negotiations are among Parties and not a dialogue with the Chair.

China had many concerns with the Chair's revised text and was of the view that the text was imbalanced. It said that the Chair had deviated from the Bali Roadmap by 50%. When it saw the text, it was surprised and questioned how the Chair could produce such a text when in the contact group discussions, all Parties had expressed their views. It said that the Chair produced the text with good intentions to promote negotiations. It said that whatever views were expressed by Parties, the Chair did not listen to them and produced a text based on her own understanding.

The text, said China, had deviated from the principles of the Bali Roadmap as it affected the continuity of the Kyoto Protocol. There was consensus on the issue of comparability (of mitigation efforts among developed countries) including that in the Kyoto Protocol and the scope and nature of reductions as well as the process of implementing the Convention. It said that the Chair had deleted such positions and this China could not accept. It hoped that in Cancun, the Bali Roadmap would be

implemented with comprehensive and meaningful results.

India said that several formulations in the revised text were inconsistent with the Convention and there were glaring omissions that resulted in an imbalance. It said options or paragraphs have disappeared or ignored. New un-bracketed texts gave an impression that there is consensus. It was concerned that there was no reference to the equity paradigm (in relation to mitigation) in the shared vision. A comprehensive and fair outcome in Cancun was not possible without an equitable burden-sharing agreement as part of the shared vision.

India also said that without reference to targets to be taken by developed country Parties in the Kyoto Protocol and non-Kyoto Protocol Parties (meaning the United States), the text gives the impression that the two-track approach in the negotiations has been abandoned.

There was also a blurring of distinction between the commitments of Annex I countries and voluntary actions of Non-Annex I countries which, India said, is a complete disregard of the Convention. This defeats the work undertaken in the Kyoto Protocol track where compilation of pledges and quantified emission limitation and reduction objectives was taking place. The Kyoto Protocol track should continue together with the comparability of effort as regards the magnitude and legal form (in the Convention track). India said that Parties should focus on the adequacy of efforts to the developed countries.

The text, it said, was also silent on the issue of unilateral trade measures by developed countries. It stressed that a submission was made in Bonn by the African Group and 15 other countries in this regard which needs to be reflected in the shared vision section of the text.

It also said that there was imbalance in relation to the MRV (measurement, reporting and verification) of Annex 1 Parties' commitments and the actions of Non-Annex 1 countries. The principle of common but differentiated responsibility has been ignored in relation to the reporting format, frequency and content of the Annex 1 and non-Annex 1 national communications.

India urged the Chair to present Parties with another draft that was more comprehensive, balanced and consistent with the Convention.

Egypt expressed disappointment in saying the imbalances prevailing in the non-paper are at the expense of developing countries. The text did not include views that had been presented and shared by Egypt and many others during the spin-off and contact groups during this session.

The text, it said, deviated the whole discussion towards one single option. In section A on the shared vision, and

section C on mitigation, the non-paper focused on a particular interpretation of a political document (referring to the Copenhagen Accord), while deleting the options that represented the positions of developing countries. In these sections, said Egypt, the text had been transformed into single options that were not consistent with the principles, the text, or the spirit of the Convention. This included an option that paved the way for a gradual death of the Kyoto Protocol, and the choking of the Convention.

In view of the critical imbalances in the text, Egypt considered the revised draft text as a non-paper and did not wish to see it formalised later with minor amendments. Egypt referred to the last meeting of the AWG-LCA contact group on June 9, where Mukhahanana-Sangarwe had explained to Parties that she intended to present a non-paper incorporating the issues debated in the various contact group meetings with the intention to formalise the document by mid-July for consideration by Parties at the next session in August.

Egypt insisted that any additional work by the Chair on the basis of the comments presented in this closing session should remain a non-paper and stand to be judged by the Parties in August.

It drew the attention of the AWG-LCA to the AWG-KP being interrupted several times that morning to accommodate the concerns of a very limited number of delegations. Here at the AWG-LCA the non-paper has raised the concerns of a substantive number of delegations and Egypt expects these concerns to be adequately addressed.

It stressed that it was fully prepared to engage in meaningful negotiations based on a balanced and acceptable basis or starting point that reflects the point of views of all Parties.

Bolivia said that after two weeks of hard work, it was deeply disappointed by the second version of text by the Chair. It had expected to see a text that would have included the options that had been overlooked in the first version of the text. It also referred to its' submission to the Chair that summarised its April 26 detailed submission that included the main proposals of the World People's Conference on Climate Change and the Rights of Mother Earth in Cochabamba.

Bolivia said that the revised draft text not only does not include the proposals by Bolivia but has eliminated some proposals of the G77 and China as well as its own, which were still in the initial text of May 17. It noted the absence of reference to a 1 degree C limit in temperature rise and a paradigm for equitable access to atmospheric space. There was also no reflection of its proposal for a 50% reduction of emissions reductions of developed countries by 2017 based on 1990 levels in the

second commitment period of the Kyoto Protocol, which is to be attained domestically without recourse to market-mechanisms or offsets.

Bolivia said that while the text eliminated or weakened the positions of developing countries, it included and strengthened the positions of those who want to kill the Kyoto Protocol. The text did not respect the mandate of Bali and was not within the framework of the principles of the Convention. The second revision of the text was now Copenhagen Accord-plus. It questioned how anyone could expect countries that have not adopted the Accord to negotiate a Copenhagen Accord-plus text.

It said that the Chair's role was similar to that of a referee in a football game. The Chair must ensure that the rules apply equally to both teams and cannot favour one over the other. It felt that before Parties begin negotiations, the Chair had eliminated 5 of its best players and has allowed the other team to play with 15 players. It asked the Chair to not to waste time in her third effort to present a text that truly reflects the positions of all Parties. It appealed to the Chair to let developing countries play "this game" with its full team of 11 players.

Pakistan said it shared the concern that the text did not reflect the issues in a balanced manner. In several paragraphs, it noted brackets have been removed on issues that not only remain divisive but also warranted serious negotiations amongst the Parties. By removing brackets and options around paragraphs 3, 4, 13, 14, 15, 26, 27, 31, 33, 34, 35 and 51, the text gives different status to these issues which are by far the most difficult and controversial ones. It said that Parties had not entered into any negotiations on these controversial issues, especially those emerging from the Copenhagen Accord.

Pakistan said concepts such as a paradigm of equal access to global atmospheric resources and the scale of assessed contributions from developed countries are missing. The issue relating to the comparability of efforts (between developed countries) had been diluted and the MRV (measuring, reporting and verification) of developing country mitigation actions made more onerous.

Pakistan said that the text also sought to eliminate the distinction between the developed and the developing countries mitigation, by placing emission reduction obligations on developing countries. It also said the revised text failed to take this into consideration let alone fully capture the vulnerabilities of countries with mountainous ecosystems.

It said during the past two weeks of discussions, it had raised the question of the definition of vulnerability and had requested for scientific reassessment. An even-

handed approach could have been to at least place brackets around this issue reflecting that further work was needed on this specific issue, said Pakistan. It also said it would be prudent to keep the status of the document as non-paper alone.

Venezuela said that the new text led Parties to a wrong path. The process appeared to lead Parties to negotiate with the Chair instead of among Parties. The text was not acceptable to Venezuela and could not be the basis for negotiations. The text lacked the proposals by G77 and China and it was also not consistent with the UNFCCC principles. It called upon Mukhahanana-Sangarwe to reflect all the positions of Parties and restore the balance. If Parties did not get a well-balanced text in August, then Parties have to return to the only legitimate negotiation text which was adopted by the Conference of Parties in Copenhagen, viz. that contained in the report of the AWG-LCA.

Brazil expressed dismay that the revised text did not bring Parties closer to consensus. On the contrary, many proposals of G77 and China were deleted. The text had thus become less balanced and therefore less unacceptable as a basis for further work. For the text to be used as a basis in August, there should be a thorough revision in order to restore the balance. Brazil said it wanted a line by line negotiation in August on an adequate basis in order to achieve in Cancun a result that is worthy of the seriousness of climate change.

Saudi Arabia also expressed dismay. It said that something was wrong with the Chair's kitchen where, despite the recipe that (Parties) had defined in the last two weeks, a strange meal had been prepared that could not be eaten. It said that this is a Party-driven process and the Chair has to take the recipe as it is. The text had ignored many proposals from developing countries. There was no chance to negotiate as these options and proposals had simply been omitted.

It also said that the text deviated by more than 50% from the Convention and the Bali Action Plan. If some Parties wanted a new Convention, then they should tell developing countries that they wanted a new mandate for this. Since there was already a specific mandate in the Bali Action Plan, there can be no deviation of this.

It said that a major restructuring of the non-paper was needed to bring the required balance. The Chair had selectively un-bracketed some text as if Parties were in agreement. To avoid further problems, it called on the Chair to take into consideration all the comments of Parties and not join those Parties who are trying to get rid of the Kyoto Protocol. It stressed the need keep the two tracks and to move quickly to negotiate line by line.

Nicaragua said Parties had at the beginning of the current session, made known that their ideas were not reflected in the facilitation text of May 17. Parties had

started on the wrong footing but then continued with discussions in good faith that progress would be made. It expressed dismay at the outcome reflected in the revised draft text. There was a clear attempt to kill off the Kyoto Protocol, it said.

It agreed with Egypt that the revised text be considered a non-paper and it looked forward to a new text that will have the necessary balance so Parties can continue to negotiate in a manner that should result in a second period of commitments by Annex 1 Parties under the Kyoto Protocol.

Malaysia said it is uncomfortable with the latest text because it seemed to move away from the principles and provisions of the Convention and the Kyoto Protocol. It said the provisions on international consultation and analysis for developing countries were very onerous and treated developing countries as though they were Annex I Parties. It also said the requirement for low emission development plans is a totally new requirement that is an imposition on developing countries.

Cuba said that the text did not reflect the diversity of views and proposals of developing country Parties and regretted the lack of balance especially on shared vision, mitigation and finance. It said that the text appeared to be exclusively constructed on the basis of the illegitimate Copenhagen Accord.

Ecuador said the revised text was counter to the vision for climate justice. Developing countries were required to take on new obligations. It was important to ensure the two-track process under the UNFCCC and the Kyoto Protocol and looked forward to a more balanced text.

Marshall Islands expressed concern that the text presumes the final architecture of the outcome. It was concerned that the climate regime was being altered. A number of options on the level of ambition for mitigation had been removed. It wanted a legally binding agreement under the UNFCCC and the second commitment period for Annex 1 Parties under the Kyoto Protocol. It did not wish to move backwards.

Columbia, speaking for Chile, Costa Rica, Panama, Peru and the Dominican Republic, said that providing a balanced and neutral text was difficult. It expressed problems in relation to the mitigation actions of developed countries, which is different from that of developing countries. The section dealing with finance was unacceptable as the language referred to the most vulnerable countries such as SIDs and LDCs. It said that its group of countries also were vulnerable to climate change.

Singapore said that the text was far from perfect. It regarded the text as work in progress. It said that its own proposals were not incorporated and there was need for more balance. It was important for to maintain

the inherent balance between the UNFCCC and the Kyoto Protocol and the revised draft should not undermine the two-track process and ensure the continuity of the Kyoto Protocol.

Argentina also expressed concerns with the text. It did not see the text reflect the mandate of the Bali Action Plan and the Bali Roadmap for the continuation of the Kyoto Protocol. It said that text was incompatible with the principles of equity and common but differentiated responsibility. The text must be transformed to correct these defects, it said.

The Philippines also expressed concern over the text not emphasising the continuation of the Kyoto Protocol. There was also the need to clearly differentiate the MRV between developed and developing countries as regards mitigation actions.

Malawi also said that the text was imbalanced as did **Bangladesh, Iran, Thailand, Qatar, Iraq, and Afghanistan.**

Timor Leste said that the text did not reflect the reduction of emissions needed for Annex 1 countries by more than 45% by 2020 compared to 1990 levels and more than 85% reductions by 2050. It also did not reflect the quantum of 1.5% of the GNP of developed country Parties from the public sector in the finance section. It also said that the text was imbalanced.

Indonesia stressed the need for equal attention to be given to all the building blocks of the Bali Action Plan. It said developed countries should take more ambitious commitments on emission reductions.

Russia said that the revised text did facilitate progress in the negotiations. Despite some problems it had with the text, Russia congratulated the Chair for the text.

Australia, representing **the Umbrella Group** said the group would give the text serious consideration in the coming weeks. It was committed to a durable, environmentally effective and legally binding post-2012 framework that includes mitigation actions from all major economies and that reflect with robust transparency framework.

Speaking a second time later in the afternoon Australia on behalf of a smaller number of the Umbrella Group (Canada, Japan, New Zealand, Norway, the United States, Australia) pointed to these countries' joint-statement that contained the nature and scale of fast-start financing which represented billions of dollars and

that they were determined to implement the Copenhagen Accord and deliver on their fast-track financing.

It also announced that Australia is contributing US\$599 million over the period 2010 to 2012. In addition to the fast start sum, it announced that Australia will contribute US\$1.14 million to the UNFCCC trust fund for participation.

Spain, speaking for **the European Union** said the bloc is working to achieve an ambitious outcome in Cancun but is concerned with the slow progress in the AWG-LCA. It said it had are concerns over the revised text. It noted a lack of urgency on commitments for mitigation actions. It failed to understand why it was difficult to get agreement to its proposal for the secretariat to compile mitigation pledges of all countries.

It also said EU had mobilised Euro 2.4 billion and made another commitment of Euro 7.5 billion for the period 2010-2012. In order to achieve all round progress, it said the leaders need to know the effort of other developing countries and results of the commitments presented.

Japan welcomed the Chair's sincere efforts. We should be very keen to proceed from now. Constructive discussions would lead to a fair, effective and comprehensive legally binding framework where all major economies participate and agree on their ambitious target as early as possible. Like the other Annex I Parties, it also informed that its fast start financing was on track.

The United States said it was still studying the text. On first reading, it said there were a number of key ideas that were not reflected for it to have an acceptable balance. The revised text in relation to mitigation action incorporated elements of Kyoto Protocol that the US as a non-Party could not accept. The MRV and international consultation and analysis language needed to be made stronger. It said that text could be useful for discussions.

At the conclusion of the closing plenary, the Chair said she was pleased to support the Parties and would continue working on this until Cancun. The complete revised text is expected to be issued a few weeks before the 11th session of the AWG-LCA, which is scheduled to be held in Bonn in the first week of August.