Second session, part ten
31 August – 4 September 2015
Bonn, Germany

Working document

Version of 1 September 2015 at 23:55

[Section A - Preamble]

- Parties highlighted the importance of the Preamble in framing the context of the draft Agreement. Many noted that preambles set underlying philosophy and serve as a tool for implementation.
- Most Parties agreed that the Preamble of the draft Agreement should be concise. At the same time, it was noted that it should set out key ideas and critical issues.
- Some Parties emphasised that the full scope of the Preamble could be more effectively discussed once the scope and context of the draft Areement itself is clearer. In this regard, it was noted that whether or not some of the elements would need to be reflected in the Preamble would depend on the extent to which they are addressed in the operative provisions of the draft Agreement. Other Parties noted that it was important to flesh out conceptual ideas already at this stage. Such ideas could subsequently be reconsidered in light of further clarity emerging on the content of the operative parts of the draft Agreement.
- Some noted that it could be also premature to address preambular language of Part II (draft Decision 1/CP.21) and that more clarity would be needed on the content of the possible draft Decision 1/CP.21 as well as on the number of other relevant decisions that may be adopted at COP21.
- The Co-Facilitators noted that a range of preambular provisions reflected in Part III of the Co-Chairs' Tool were referred to by Parties in their interventions. With regard to some of these provisions certain convergence of views was emerging.
- The Co-Facilitators invited Parties to consult among themselves on the broader concepts between Monday and Wednesday. They informed Parties that space would be provided on Wednesday¹ for informal consultations for all interested Parties to discuss further the concepts, in particular those where some consolidation of provisions could be made, with a view to merging these, where possible, and finding acceptable formulation or elements.
- While Parties could choose the key preambular concepts on which they wished to engage in the informal setting, the Co-Facilitators identified the following possible areas for consideration and consolidation in the informal consultations on Wednesday:²
 - o Reference to the Convention: as a whole/principles/objective (Part I, Pp1, Pp2; Part III, Pp1);
 - Global nature and urgency of climate change (Part III, Pp8), AR5 of IPCC (Part III, Pp9), Science (Part III, Pp10);
 - o Rio+20 Conference (Part III, Pp5), Post-2015 development agenda (Part III, Pp31); Sustainable social and economic development (Part III, Pp33); Health (Part III, Pp34);
 - o Equality, environmental integrity and rights (Part III, Pp30);

¹ The timing of the consultations will be announced in advance.

² Numbering of provisions refer to the numbering used in the Co-Chairs' Tool of 24 July (ADP.2015.4.Informal Note, Annex II - available at http://unfccc.int/6911.php?priref=600008595).

- Role of private sector in capacity-building (Part III, Pp28); Action by non-State actors (Part III, Pp32);
- o Challenges faced by SIDS and LDCs (Part III, Pp29);
- Adaptation as a global challenge (Part III, Pp18), Relationship between adaptation and mitigation (Part III, Pp19), Relationship between adaptation, mitigation and loss and damage (Part III, Pp20), Loss and damage and adaptation (Part III, Pp21);
- o Means of implementation (Part III, Pp25).

[Section C - General/Objective]

Discussion on Objective

Main observations:

- Many Parties considered that it would be preferable to refer to Article 2 of the Convention without reproducing it in full or translating it in specific contexts.
- Many Parties considered that the objective should include a reference to the limitation of temperature increase, with some noting in addition that such references must respect the context of that aim.
- Some Parties considered that the objective of the draft Agreement could be captured through a preambular reference to Article 2 of the Convention without a specific operative provision in the draft Agreement.

Discussion on Principles

Main observations:

- Parties highlighted the need for the objective of the draft Agreement to be guided by principles.
- Specific principles referred to by Parties were equity and CBDR&RC, the special circumstances of the most vulnerable, human rights and gender equality and the integrity of Mother Earth.

Discussion on General Obligations

Main observations:

• Some Parties stated the importance for the overall flow of the draft Agreement to have a general statement on the obligations of Parties under the draft Agreement based on paragraph 4 of Part III of the Co-Chairs' Tool.³

Further observations and notes by the Co-Facilitators:

- The Co-Facilitators noted that objectives were also contained in other sections of the Tool and that the evolution of these discussions may impact on the development of any overall objective.
- The Co-Facilitators announced that they would consult with the Co-Chairs on next steps. The Co-Chairs requested the Co-Facilitators to proceed by consulting bilaterally with Parties with a view to the development of bridging proposals for the meeting on the issue scheduled for Thursday, 3 September at 19:00.

³ Numbering of provisions refer to the numbering used in the Co-Chairs' Tool of 24 July (ADP.2015.4.Informal Note, Annex II - available at http://unfccc.int/6911.php?priref=600008595).

[Section D - Mitigation]

Work on provisions for the draft Agreement¹

Main observations:

- Parties completed a round of views as to which provisions in the mitigation section of the Co-Chairs' Tool should be represented in the draft Agreement.
- In relation to placement, many groups/Parties wanted a complete picture of all obligations linked to mitigation to be placed in the mitigation section. The Co-Facilitators confirmed to Parties that they would convey this to the Co-Chairs and noted that these issues would be discussed in the section in which they are currently placed during this session of the ADP.
- Many groups/Parties expressed the view that the following should be represented in the draft Agreement:⁴
 - Collective Efforts and Operationalizing the Long-term Mitigation Goal (while some groups/Parties
 indicated that the Long-term Mitigation Goal should be moved to section C (General/Objective),
 others expressed the view that the Collective Efforts provision should be the operationalization of
 the Long-term Mitigation Goal);
 - o Individual Efforts (including design features (e.g. Features of Individual Efforts));
 - Ambition and Progression;
 - o Implementing Jointly;
 - Flexibility for LDCs/SIDS.
- Parties also expressed views on other provisions in the Co-Chairs' Tool that could be represented in the draft Agreement. The views varied but included:
 - Response Measures and Economic and Social Issues;
 - o Actions in the Land Use Sector and International Transport;
 - "Non-markets" (Joint Mitigation and Adaptation Approaches and Cooperative Mechanism (Sustainable Development));
 - Use of Market Mechanisms;
 - Low Emissions Strategies.

Work on provisions for the draft Decision 1/CP.21

- Parties expressed views on how the draft Decision 1/CP.21 should be developed, with the following issues raised by a number of Parties:
 - The need to identify which substantive decision provisions would be needed, including follow-up action in relation to intended nationally determined contributions;
 - The need for work programmes to elaborate provisions of the draft Agreement and develop further guidance.

⁴ Note that terms used are as per the short descriptors in the Co-Chairs' Tool.

Next Steps

Main observations:

- Parties agreed to work on the following three specific topics in view of the need for further clarity as identified by the Co-Facilitators:
 - Differentiation;
 - o "Non-markets";
 - o Implementing Jointly.
- The Co-Facilitators invited Parties to engage with them through bilaterals.
- The facilitated group received the reports from the informal meetings (spin-off groups) on differentiation in the context of Article 4 of Part I of the Co-Chairs' Tool (Individual Efforts) and on non-market mechanisms.
- It decided that the informal meeting on differentiation in the context of Article 4 of Part I of the Co-Chairs' Tool (Individual Efforts) should meet again, with the objective of concretizing differentiation (if possible textually) with regard to that article. To this end, the informal meeting may also draw upon elements addressed in other articles and paragraphs of the Co-Chairs' Tool, such as Article/paragraph 7 of Part III or Articles 6 and 7 of Part I.
- A table prepared by the Co-Facilitators with an overview of all articles and paragraphs on mitigation contained in the Co-Chairs' Tool will be made available online.
- The Co-Facilitators will make a proposal on how to proceed with work on this section on the basis of bilateral meetings with Parties.

[Section E - Adaptation and loss and damage]

- Parties engaged in a productive discussion in a positive spirit and further clarified a set of narratives on adaptation and loss and damage. This positive exchange of views was a useful start to the substantive discussion for enhancing the understanding of key concepts included in the current text and priorities of different Parties and groups.
- All Parties expressed the importance of loss and damage and their willingness to explore how it can be addressed in the Paris outcome.
- The facilitated group on adaptation and loss and damage met in two parts today. At the first part of the meeting (10:00-11:00), Parties concluded the first round of the discussion on the narratives on adaptation and loss and damage which started at the first meeting of the facilitated group on 31 August. At the resumed meeting (15:00-16:30), Parties engaged in a focused and interactive discussion on the global goal on adaptation / long-term vision for adaptation / collective efforts, as well as on loss and damage.
- Regarding the global goal on adaptation / long-term vision for adaptation / collective efforts, Parties discussed the similarities and differences between these concepts. They considered, among other things, possible elements of a global goal or a long-term vision, the relationship between collective and individual efforts, as well as links between mitigation, adaptation, loss and damage and support.
- Regarding loss and damage, Parties elaborated on the role of loss and damage in the Paris agreement, and
 on proposals for various institutional arrangements, including the importance of durability in the process.
 All Parties reiterated the importance of the issue and their willingness to explore how it can be addressed in
 the Paris outcome.
- Parties also agreed to undertake further work in informal meetings (spin-off meetings). A spin-off meeting on global goal on adaptation / long-term vision for adaptation / collective efforts will take place on Wednesday 2 September at 15:00-16:30, facilitated by Mr. Richard Muyungi, and an informal meeting on

loss and damage will also take place on Wednesday 2 September at 19:00-21:00, facilitated by Mr. Leon Charles.

[Section F - Finance]

Main observations:

- Upon invitation by the Co-Facilitators, Parties engaged in a round of expression of views with regard to the overall storyline of, and narrative for, the finance section of the draft Agreement and the draft Decision 1/CP.21. Parties clearly expressed their views on the main concepts and building blocks that would have to be reflected in each of them.
- In this regard, Parties also started to identify concepts that are currently captured in either the draft Agreement or the draft Decision that would need to be strengthened as, from their perspective, the current language is not succinct, clear or sufficient enough, as well as key concepts are missing.
- Generally, all Parties signalled that they are more than ready to engage in more in-depth discussions and dialogue. Various Parties indicated that they will provide textual inputs on specific issues currently missing from the draft Agreement and/or the draft Decision.
- In this first engagement, it became clear that there is a common understanding around specific concepts to be addressed in the draft Agreement and/or the draft Decision. However, there is significant divergence of views with regard to various key concepts. The discussions also made it clear that further conceptual clarity and discussions on specific issues are needed in order to advance their common understanding.
- A tentative schedule was presented by the Co-Facilitators with regard to the distribution of work in informal meetings (spin-off groups) over the coming days and Parties agreed to proceed with the proposed mode of work after a few amendments were made to the tentative schedule.
- Concerns were raised regarding the place for discussions on the following issues: transparency/MRV of support, adaptation finance and thematic funding. The Co-Facilitators indicated to Parties that they will raise such concerns with the Co-Chairs.

Work on institutional arrangements – Financial Mechanism

- Parties initiated informal deliberations with discussions focusing on the issue of institutional arrangements (Financial Mechanism), as agreed on in the facilitated group. Two Party representatives were invited by the Co-Facilitators to report back on the outcome of the informal meetings, which was shared with the facilitated group on finance in the evening session, with the following issues having been identified:
 - The Financial Mechanism as described in Article 11 of the Convention is to serve as the Financial Mechanism of the new Agreement, as Parties saw no need for the creation of a new Financial Mechanism;
 - The existing funds will remain in place, but there is no convergence on whether and how such funds should be reflected in the draft Agreement/Decision, so more discussions on this issue may be necessary;
 - There is a need to continue to provide guidance to the operating entities of the Financial Mechanism, but the question of the channel for such guidance remains (e.g. Agreement, Decision or regular COP agenda item);
 - There was an agreement that the Standing Committee on Finance will continue to assist Parties
 with regard to the Financial Mechanism, including with regard to increasing the coherence and
 coordination of the Financial Mechanism;
 - An opportunity to create new institutional arrangements may be needed, should Parties see the need for this.
 - o Issues such as importance of predictability and accessibility were also raised.
- More detailed notes on the discussions will be provided to the Co-Facilitators by the designated delegates.

Next steps

• Informal meetings of the facilitated group on finance will take place tomorrow on the following issues: notion of scale and scaling up; and commitments/obligations/actions.

[Section G - Technology development and transfer]

Main observations:

- Parties recognised the importance of technology development and transfer in the draft Agreement and that the current section could be strengthened.
- A group of Parties introduced a possible narrative of the draft Agreement, consisting of:
 - Aspirational (long-term) aspects to enhance technology development and transfer;
 - Cooperative actions;
 - Specific actions by Parties (many elements contained in Part III of the Tool could be used as the basis for further discussion);
 - Institutional arrangement and resource support (funding) to support these enhanced actions.
- Parties agreed that cooperative action is key to facilitate and promote technology development and transfer, and some Parties were of the view that the current provision of the text could be enhanced to include other aspects.
- Most Parties expressed the view that the institutional arrangement on technology development and transfer
 is an important element to serve the draft Agreement, but there are different views on how to strengthen the
 institutional arrangement.

Further observations and notes by the Co-Facilitators:

- Going forward, the Co-Facilitators offered Parties the option for bilateral discussions and encouraged Parties to undertake consultations among themselves to bridge differences of views.
- For the next meeting, the Co-Facilitators proposed to approach issues from the perspective of "what to be achieved" (draft Agreement) and "how to achieve it" (draft Decision 1/CP.21).

[Section H – Capacity-building]

- Convergence among Parties emerged on the following points:
 - Capacity-building has to be reflected in the Agreement;
 - o The need to enhance capacity, including in the pre-2020 period;
 - The need to strengthen institutional arrangements.
- Parties had divergent views on the need to establish new institutional arrangements for capacity-building.
- While several Parties indicated their overall satisfaction with the Co-Chairs' Tool, a group of Parties noted a lack of balance in Part I of the Tool. To re-establish a balanced outline of Parties' positions with respect to the Agreement, they proposed that Article/paragraph 75 (new institutions) of Part III of the Co-Chairs'

- Tool, be moved to Part I.⁵ This would address one of the main concerns expressed by that group of Parties, namely the establishment of an international capacity-building mechanism under the Agreement.
- The same group of Parties also proposed placing Article/paragraph 74 (objective, focus of capacity-building) of Part III of the Co-Chairs' Tool, in Part II.
- The Co-Facilitators proposed two informal meetings (spin-off groups). The first was tasked to work on milestones for capacity-building between 2016 and 2020 and it met on 1 September, facilitated by Swaziland. The second informal meeting will be facilitated by Japan and was requested to discuss how institutional arrangements can be enhanced. The second informal meeting will meet after tomorrow's facilitated group meeting. Parties will report back on their exchanges at the next meeting of the facilitated group.

Further observations and notes of the Co-Facilitators:

- The Co-Facilitators took note of the interest of Parties in meeting informally during this session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP).
- The Co-Facilitators also encouraged Parties to meet with the secretariat and to have an exchange of views on topics to be included on the agenda for the workshop on capacity-building, which was mandated by the Subsidiary Body for Implementation (SBI) at its forty-second session. It was observed that the workshop, scheduled to take place back-to-back with the next ADP session in October, could help to further clarify issues currently under discussion within the negotiations of both the SBI and the ADP.

[Section I - Transparency of action and support]

Observations and notes by the Co-Facilitators:

- The Co-Facilitators (CFs), identified what they saw to be several areas of commonality in the views expressed by Parties in their general reactions to the Co-Chairs' Tool. These were presented to Parties at the second meeting of the facilitated group on 1 September 2015 at 10:00 as possible areas of focus when moving into text-based work. They included the following:
 - That some form of differentiation and/or flexibility would be required within the post-2020 transparency framework system in order to cater for the various levels of capacity and national circumstances;
 - O Parties envisaged that the post-2020 transparency framework system would need to evolve, building on existing arrangements. Deeper discussion and understanding was needed in order to plan for this evolution and adequately reflect this in the relevant parts of the text in the Paris Agreement and related decisions;
 - That it was necessary to see enhancement in support-related issues with two layers of activity: first, the measurement, reporting and verification (MRV) of action and support needed to be enhanced; and second, support and capacity-building was needed for developing country Parties to participate effectively in an enhanced transparency framework.
- It was also recognized that many concepts and issues within Section I had not been sufficiently discussed and, hence, there was still lack of clarity of understanding. Parties would need time to discuss these issues before they can engage in negotiations in order to determine their treatment within the various parts of the Co-Chairs' Tool. Some examples raised (non-exhaustive list) of such issues include: accountability of actions, accounting rules (including for use of markets and contribution of the land sector) and what kind of transparency activities take place at the individual level and at the aggregate level. The CFs will work with

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⁵ Numbering of provisions refer to the numbering used in the Co-Chairs' Tool of 24 July (ADP.2015.4.Informal Note, Annex II - available at http://unfccc.int/6911.php?priref=600008595).

⁶ FCCC/SBI/2015/10, paragraphs 88 and 94.

- Parties to cover all the issues within Section I without prejudice to their final placement. The CFs will take note of Parties' views on linkages with text in other sections of the Co-Chairs' Tool.
- For the next meeting of the facilitated group on 2 September 2015 at 11:30, Parties agreed to start text-based work on one area suggested by the CFs. Specifically, Parties will consider how the texts in Parts I, II and III of the Co-Chairs' Tool can be improved to achieve greater clarity on the idea that "developing country Parties need support to participate effectively in the transparency framework". Relevant provisions include:⁷
 - o Part I, Articles 27, 31–33;
 - o Part II, paragraphs 49–53 and 86;
 - Part III, Article/paragraphs 82 and 83.

[Section J – Timeframes and process related to commitments/ contributions/ Other matters related to implementation and ambition]

Observations and notes by the Co-Facilitators:

- The first meeting of the facilitated group on section J was held on 1 September 2015 from 19:00 to 21:00 hrs. Parties were engaged in providing their reactions to Section J contained in the Tool issued by the Co-Chairs on 24 July 2015⁸ and sharing their views on the storylines in this section.
- The speakers list was not completed.
- Discussions will continue at 16:30 am on Wednesday, 2 September 2015.

[Section K - Facilitating implementation and compliance]

Establishment clause and related elements

Main observations:

- Many Parties reiterated the importance of including provisions on the establishment of arrangements on implementation and compliance in the draft Agreement.
- Several Parties identified other elements that in their view should accompany the establishment clause to ensure that a compliance mechanism is in place by the first session of the governing body.

Nature and purpose of the compliance mechanism

Main observations:

- Several Parties spoke on the role that arrangements for facilitating implementation and compliance can play in building confidence among Parties to the Agreement by enhancing transparency and accountability.
- There was a general acknowledgment that a compliance mechanism should be facilitative in nature. Some Parties were of the view that the mechanism should also have an enforcement function. These Parties expressed different views on which group of Parties falls within the scope of any enforcement functions.
- The link between facilitating implementation and compliance and enhancing transparency was also noted.

Differentiation and compliance

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⁷ The numbering of provisions refers to the numbering used in the Co-Chairs' Tool of 24 July 2015 (ADP.2015.4.Informal Note, Annex II – available at http://unfccc.int/6911.php?priref=600008595).

⁸ ADP.2015.4.Informal Note, Annex II (available at http://unfccc.int/6911.php?priref=600008595.)

Main observations:

• Some Parties were of the view that differentiation would arise from differences in the substantive contributions and does not need to be referred to in provisions relating to a compliance mechanism. Other Parties were of the view that differentiation should be reflected in provisions of a compliance mechanism, including through its scope and structure, namely though facilitative and enforcement branches.

Work programme

Main observations:

- A number of Parties noted that operational details of a compliance mechanism can be elaborated after Paris but would need to be developed before the first session of the governing body. Others were of the view that arrangements should be ready as part of the Paris package in order for their national stakeholders to fully understand the legal nature of the Agreement.
- Some Parties indicated that due to the concise nature of some of the options reflected in the Geneva Negotiating Text, these could be used in their entirety as options to clauses in the draft Agreement. Some Parties recalled that the six elements contained in paragraph 5 of the Durban Mandate (decision 1/CP.17) do not include compliance.
- Other Parties suggested considering the multilateral consultative process under Article 13 of the Convention as a potential example of arrangements for facilitating implementation and compliance.

Further observations and notes by the Co-Facilitators:

- Noting Parties' views on the establishment clause, the Co-Facilitators indicated that informal consultations
 could be conducted on the elements of an establishment clause and the nature and purpose of the
 mechanism. The informal consultations could explore a range of topics, including discussing a list of
 components for the establishment clause. The outcomes of those informal consultations would be reported
 to the facilitated group at its next meeting.
- In light of views expressed on differentiation, enhanced transparency and the facilitative nature of a compliance mechanism, the Co-Facilitators will endeavour to develop questions that could be used as a starting point for discussions at the next facilitated group meeting. A number of Parties made suggestions on the open-ended list of guiding questions that will be communicated to Parties ahead of the meeting.
- Parties were invited to submit bridging proposals that would be published for consideration by other Parties
 and discussion.

[Section L – Procedural and institutional provisions]

Parties agreed to engage on the questions prepared by the Co-Facilitators and posted on the UNFCCC website on 31 August 2015, 9 as well as other questions posed by the Co-Facilitators during the meeting.

Articles 43–45, Part I of the Co-Chairs' Tool: 10

Main observation:

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• Parties generally agreed that paragraphs 43–45 serve as a sufficient basis for the Paris Agreement, as many of the provisions are standard in other international agreements.

Numbering of provisions reflects the numbering in the Co-Chairs' Tool of 24 July (ADP.2015.4.Informal Note, annex I, available at http://unfccc.int/6911.php?priref=600008595).

• A number of Parties indicated that language of paragraph 43-45 can build on the language of the Kyoto Protocol, and some Parties requested to identify what language in the Kyoto Protocol can be used for further clarity such the provision of Article 13 of Kyoto Protocol, mutatis mutandis.

Specific observations:

- Parties generally agreed that the Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to the Agreement, with Parties to the Convention that are not Parties to the Agreement participating as observers and not taking part in decision-making concerning the Agreement (drawing on the CMP model of Article 13 of the Kyoto Protocol). Parties were of the view that the term "governing body" could be changed throughout the text to reflect this approach.
- Parties indicated that further consideration is required with respect to the rules of procedure of the governing body, the application of the financial procedures under the Convention, and additional functions of the governing body.
- A Party made specific proposal to add the provision: "The first session of the Conference of the Parties serving as the meeting of the Parties to this agreement shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties"

Article 46, Part I of the Co-Chairs' Tool:

Main observation:

• Parties were generally of the view that it would be useful for existing institutions under the Convention to support the Agreement but that this Article may require further consideration.

Specific observations:

- Some Parties felt that this blanket provision was too broad and not usually found in international agreements (as reflected in footnote 35 to this provision), and suggested that institutions that would serve the Agreement be identified on a case-by-case basis. It was further noted that the current institutions were developed in a specific context with specific mandates that may not be relevant for the Agreement. Some Parties were also concerned to avoid misinterpretations with respect to the use of Kyoto Protocol institutions over which the COP does not have authority to decide upon;
- Some Parties felt that this provision allows for the implementation of the Agreement to benefit from the experience and expertise of the Convention institutions and noted that this is linked to the objective of the Agreement (section C). Some Parties also noted that this enabling provision was required so that the Convention institutions may serve the Agreement, in particular those institutions relevant for means of implementation. Some Parties also suggested that the provision could be revised so that only bodies and institutional arrangements necessary for the implementation of the Agreement serve it. It was also noted that "mechanisms" are not institutional arrangements and would therefore not be included.

Article 47, Part I of the Co-Chairs' Tool:

Main observation:

• Parties were of the view that the issue of immunity could be justifiable but needs to be addressed on a caseby-case basis, and they raised concerns about whether it should be addressed in the Agreement.

Specific observations:

• Many Parties were of the view that this provision should not be retained. It was noted that the provision raises constitutional concerns for some Parties. Some Parties questioned the need for this provision.

• One Party, speaking on behalf of the group of Parties that proposed this provision, noted that it will convey the comments of the facilitated group to its group and report back at the next meeting of the facilitated group.

Next steps

Parties agreed to continue to engage in discussion on the provisions of this section as well as on the questions posted on the UNFCCC website by the Co-Facilitators.