

SUMMARY OF THE BONN CLIMATE CHANGE TALKS: 9-11 APRIL 2010

The ninth session of the *Ad Hoc* Working Group on Long-term Cooperative Action under the United Nations Framework Convention on Climate Change (AWG-LCA 9) and the eleventh session of the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP 11) took place from 9-11 April 2010 in Bonn, Germany. More than 1700 participants attended the meeting, representing governments, intergovernmental and non-governmental organizations, academia, the private sector and the media. This was the first round of climate change negotiations after the fifteenth Conference of the Parties (COP 15) and the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 5), held in Copenhagen, Denmark in December 2009.

The main objective of the Bonn session was to agree on the organization and methods of work in 2010 to enable both AWGs to fulfill their mandates and report respective outcomes of their work to COP 16 and COP/MOP 6 in Cancún, Mexico, from 29 November to 10 December 2010.

For the AWG-LCA, one of the main issues was whether to give its new Chair, Margaret Mukahanana-Sangarwe (Zimbabwe), a mandate to prepare a new draft negotiating text before AWG-LCA 10 in June 2010 and, if so, what documents and discussions should be reflected in the text. One of the questions underlying these discussions was the relevance of the Copenhagen Accord, which COP 15 “took note” of in its decision 2/CP.15 (FCCC/CP/2009/11/Add.1). Some countries stressed that political guidance from world leaders should be reflected in further negotiations while others opposed this on the grounds that the Accord was not adopted by the COP and that its negotiating process “had not been legitimate.” Late on Sunday evening, the AWG-LCA agreed to mandate its Chair to prepare text, under her own responsibility, for the June session drawing on the AWG-LCA report to COP 15 as well as work undertaken by the COP on the basis of that report. Chair Mukahanana-Sangarwe noted that these conclusions should be read with the understanding that such work refers to all work undertaken by the COP, including its decisions. In its conclusions, the AWG-

LCA also agreed to invite parties to submit additional views by late April, which the Chair may draw upon in preparing her draft negotiating text.

The AWG-KP reached conclusions on Annex I parties’ further commitments under the Protocol and work programme for 2010 (FCCC/KP/AWG/2010/L.2). It agreed to continue considering Annex I parties’ aggregate and individual emission reductions, as well as “other issues.” The AWG-KP also mandated its Chair to prepare documentation for the next session. One of the last issues to be resolved after midnight on Sunday concerned cooperation with the AWG-LCA. While many developed countries stressed the need for close cooperation, many developing countries opposed, preferring to keep the two negotiating tracks strictly separate. Parties eventually agreed on text noting that the AWG-KP Chair has undertaken, under his own initiative, to meet with the AWG-LCA Chair to identify information on commitments of Annex I parties, which is to be made available to parties

Using identical language in their conclusions, the AWG-LCA and AWG-KP also agreed to hold two additional meetings between the next AWGs in June and COP 16 and COP/MOP 6 in November/December 2010 and that the AWGs would hold their sessions in conjunction with COP 16 for as long as necessary.

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A BRIEF HISTORY OF THE UNFCCC AND THE KYOTO PROTOCOL

The international political response to climate change began with the adoption of the United Nations Framework Convention on Climate Change (UNFCCC) in 1992, which sets out a framework for action aimed at stabilizing atmospheric concentrations of greenhouse gases to avoid “dangerous anthropogenic interference” with the climate system. The UNFCCC entered into force on 21 March 1994 and now has 194 parties.

In December 1997, delegates at COP 3 in Kyoto, Japan, agreed to a Protocol to the UNFCCC that commits industrialized countries and countries in transition to a market economy to achieve emission reduction targets. These countries, known under the UNFCCC as Annex I parties, agreed to reduce their overall emissions of six greenhouse gases by an average of 5.2% below 1990 levels between 2008-2012 (the first commitment period), with specific targets varying from country to country. The Kyoto Protocol entered into force on 16 February 2005 and now has 190 parties.

In 2005, COP/MOP 1, held in Montréal, Canada, established the AWG-KP on the basis of Protocol Article 3.9, which mandates consideration of Annex I parties’ further commitments at least seven years before the end of the first commitment period. In addition, COP 11 agreed in Montréal to consider long-term cooperation under the Convention through a series of four workshops known as “the Convention Dialogue,” which continued until COP 13.

BALI ROADMAP: COP 13 and COP/MOP 3 took place in December 2007 in Bali, Indonesia. The focus of the Bali Conference was on long-term issues. These negotiations resulted in the adoption of the Bali Action Plan (BAP), which established the AWG-LCA with a mandate to focus on four key elements of long-term cooperation identified during the Convention Dialogue: mitigation, adaptation, finance and technology. The BAP contains a non-exhaustive list of issues to be considered under each of these areas and calls for articulating a “shared vision for long-term cooperative action.”

The Bali conference also resulted in an agreement on a two-year process, the Bali Roadmap, which covers negotiation “tracks” under the Convention and the Protocol and sets a deadline for concluding the negotiations at COP 15 and COP/MOP 5 in Copenhagen in December 2009. The two key bodies under the Bali Roadmap are the AWG-LCA and the AWG-KP, which held four negotiation sessions in 2008 in: April in Bangkok, Thailand; June in Bonn, Germany; August in Accra, Ghana; and December in Poznań, Poland. The Groups also held several negotiation sessions in 2009.

AWG-LCA 5 AND AWG-KP 7: From 29 March to 8 April 2009, AWG-LCA 5 and AWG-KP 7 convened in Bonn, Germany. The main objective of the session was to work towards negotiating text under both AWGs. Discussions at AWG-LCA 5 focused on further elaborating elements for a draft negotiating text to be prepared by the Chair for the next AWG-LCA session in June 2009. AWG-KP 7 focused on emission reductions by Annex I parties under the Kyoto Protocol beyond 2012 and on legal issues, including possible amendments to the Protocol. The AWG-KP also considered other issues in its work programme,

including: the flexibility mechanisms; land use, land-use change and forestry (LULUCF); and potential consequences of response measures. The AWG-KP requested its Chair to prepare two documents for the June session: a proposal for amendments to the Protocol under Article 3.9 (Annex I parties’ further commitments); and a text on other issues, such as LULUCF and the flexibility mechanisms.

AWG-LCA 6 AND AWG-KP 8: From 1-12 June 2009, AWG-LCA 6 and AWG-KP 8 convened in Bonn, in conjunction with the 30th sessions of the UNFCCC’s Subsidiary Body for Implementation (SBI) and Subsidiary Body for Scientific and Technological Advice (SBSTA). AWG-LCA 6 concentrated on developing negotiating text, using a Chair’s draft (FCCC/AWGLCA/2009/8) as a starting point. Parties clarified and developed their proposals and the main outcome was a revised negotiating text (FCCC/AWGLCA/2009/INF.1), which was nearly 200 pages long and covered all the main elements of the BAP. AWG-KP 8 focused on proposals by various parties for Annex I countries’ aggregate and individual emission reduction targets beyond 2012. By the end of the June session, the Secretariat had also received five submissions from parties for a new protocol under the Convention, and twelve submissions concerning amendments to the Kyoto Protocol to be considered by COP 15 and COP/MOP 5, respectively, in Copenhagen.

INFORMAL AWGs: From 10-14 August 2009, the AWG-LCA and AWG-KP held informal intersessional consultations in Bonn. For the AWG-LCA, the focus was on how to proceed with the revised negotiating text. After a week of consultations, the AWG-LCA began to produce non-papers, as well as reading guides, tables and matrices (FCCC/AWGLCA/2009/INF.2) aimed at making the negotiating text more manageable. Under the AWG-KP, discussions continued on Annex I parties’ emission reductions beyond the first commitment period ending in 2012. Parties also resumed consideration of texts on potential consequences and other issues in the AWG-KP’s work programme.

AWG-LCA 7 AND AWG-KP 9: From 28 September to 9 October 2009, the first part of AWG-LCA 7 and first part of AWG-KP 9 convened in Bangkok, Thailand. Both AWGs resumed their sessions from 2-6 November 2009 in Barcelona, Spain. AWG-LCA 7 continued streamlining and consolidating the negotiating text. The outcome was a series of non-papers, forwarded to Copenhagen as an annex to the meeting report (FCCC/AWGLCA/2009/14). While progress on issues such as adaptation, technology and capacity building was commonly described as satisfactory, many felt that “deep divides” persisted on mitigation and certain aspects of finance. During AWG-KP 9, discussions continued on all issues in the AWG-KP’s work programme. Most felt, however, that no significant progress was made on Annex I parties’ aggregate and individual targets, and differences also surfaced between developed and developing countries concerning whether the outcome from Copenhagen should be an amendment to the Kyoto Protocol or a single new agreement under both AWGs.

COPENHAGEN CLIMATE CHANGE CONFERENCE: The United Nations Climate Change Conference in Copenhagen, Denmark took place from 7-19 December 2009. It included: COP 15 and COP/MOP 5, held in conjunction with the thirty-first

sessions of SBs, as well as AWG-KP 10 and AWG-LCA 8. What many characterized as “intense negotiations” took place over the two weeks at the level of experts, Ministers and Heads of State. Over 110 world leaders attended the joint COP and COP/MOP high-level segment from 16-18 December.

Questions concerning transparency and process played out during the meeting. Differences emerged, *inter alia*, on whether work should be carried out in a smaller “Friends of the Chair” format or in open contact groups. A proposal by the Danish COP Presidency to table two texts reflecting the work done by the AWGs also caused divisions. Many parties rejected this idea, urging that only texts developed in the AWGs by parties should be used. During the high-level segment, informal negotiations took place in a group consisting of major economies and representatives of regional and other negotiating groups. Late on Friday evening, these talks resulted in a political agreement entitled the “Copenhagen Accord.”

During the closing COP plenary, which lasted nearly 13 hours, discussions ensued on the transparency of the process and on whether the COP should adopt the Copenhagen Accord. Most negotiating groups supported its adoption as a COP decision in order to operationalize it as a step towards a “better” future agreement. Some developing countries, however, opposed the Accord reached during what they characterized as an “untransparent” and “undemocratic” negotiating process. Ultimately, parties agreed to adopt a COP decision whereby the COP “takes note” of the Copenhagen Accord. Parties also established a procedure for countries supporting the Copenhagen Accord to accede to it. By April 2010, 112 countries indicated their support for the Copenhagen Accord. Forty-one Annex I country and 35 non-Annex I countries have also provided information on their emission reduction targets and other mitigation actions, as agreed under the Accord.

On the last day of the Copenhagen Climate Conference, the COP and COP/MOP also agreed to extend the mandates of the AWG-LCA and AWG-KP, requesting them to present their respective outcomes to COP 16 and COP/MOP 6, which will convene in Cancún, Mexico for two weeks beginning on 29 November 2010.

REPORT OF AWG-LCA 9 AND AWG-KP 11

The ninth session of the *Ad Hoc* Working Group on Long-term Cooperative Action under the Convention (AWG-LCA 9) and the eleventh session of the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP 11) were held in Bonn, Germany from 9-11 April 2010. This report summarizes the discussions by the two AWGs during the three-day meeting, based on their respective agendas.

AD HOC WORKING GROUP ON LONG-TERM COOPERATIVE ACTION

The ninth session of the AWG-LCA opened on Friday morning, 9 April 2010. The session was chaired by Margaret Mukahanana-Sangarwe (Zimbabwe), who noted that Vice-Chair Daniel Reifsnnyder (US) and rapporteur Teodora Obradovik-Grncarovska (Macedonia) were unable to attend the session. Parties adopted the agenda and agreed to the organization of work (FCCC/AWGLCA/2010/1 and 2). Chair Mukahanana-Sangarwe noted that the COP 15 extended the AWG-LCA’s

mandate and requested it continue its work, drawing on the report by AWG-LCA to COP 15 (FCCC/AWGLCA/2009/17) and the work undertaken by the COP on the basis of that report (FCCC/CP/2010/2). She recalled that the AWG-LCA did not have the opportunity in Copenhagen to consider the organization of work for 2010 and drew attention to parties’ submissions on approaches to advance the AWG-LCA’s work (FCCC/AWGLCA/2010/MISC.1). Outlining her scenario note (FCCC/AWGLCA/2010/2), Chair Mukahanana-Sangarwe highlighted: the proposal for the AWG-LCA to work in a single contact group; the need for guidance on documentation; and the objective of deciding on additional meetings at this session. She suggested it would be useful to develop a new draft negotiating text, drawing on the AWG-LCA’s report to COP 15, incorporating convergences with the Copenhagen Accord and reflecting discussions from this session.

The Secretariat stressed its readiness to work on arranging additional sessions in 2010. He explained that the UNFCCC Executive Secretary has written to parties seeking supplementary funding, and that the Executive Secretary would also consult on this issue at this meeting.

As the President of COP 16, Mexico expressed support for the Chair’s efforts to launch a new phase in the negotiations and stressed that the process requires adjustment and modernization without deviating from practices of the UN. He noted that Mexico has been undertaking bilateral and multilateral consultations seeking to build confidence in the process and that significant work should be conducted between the UNFCCC meeting in June and COP 16 to allow decisions to be taken in Cancún, Mexico.

Yemen, for the Group of 77 and China (G-77/China), stressed that further work by the AWG-LCA must be open, democratic, transparent and party-driven, centering on the implementation of the Bali Action Plan (BAP), and in line with the Convention’s principles, including the principle of common but differentiated responsibilities and respective capabilities. On the organization of work, the G-77/China emphasized that the UNFCCC should be the only venue for negotiations. He stressed there should be no less than three additional sessions, with support provided for participation by developing countries, particularly the least developed countries (LDCs) and small island developing states (SIDS). The G-77/China also enquired about financial implications if a session is hosted by a developing country.

Spain, for the European Union (EU), stressed the need to “frankly assess” lessons from Copenhagen, improve the organization and methods of work and enhance confidence in the process and among parties. She said the positive outcomes from Copenhagen included “important political guidance from the highest political level” and identified this as a step in a process for a legally-binding post-2012 agreement. She said, however, that the outcome does not reflect the EU’s ambitions and welcomed the decision to extend the mandate of both AWGs. The EU stressed their commitment to ensuring that work on both negotiating tracks results in a global comprehensive framework and said priority in 2010 should be given to the core issues while reflecting the political guidance in the Copenhagen Accord. She emphasized their commitment to provide €2.4 billion of fast-track financing in 2010-2012, and said the EU has

launched informal consultations on how to implement this fast-track financing. The EU supported establishing a single AWG-LCA contact group and producing a Chair's text by the June session. She stressed the need for close coordination with the AWG-KP and proposed the establishment of groups across the two tracks on key crosscutting issues.

The Democratic Republic of Congo, for the African Group, stressed the need to learn from Copenhagen, including by avoiding attempts to sideline the multilateral two-track negotiating process and disregard the Kyoto Protocol. He said priority should be given to restoring trust, rebuilding confidence and salvaging the process by: returning to the multilateral, two-track process; using the UNFCCC as the only negotiating forum; working based on the AWG-KP and AWG-LCA reports and party submissions to COP 15 and COP/MOP 5; and agreeing on a second commitment period under the Kyoto Protocol. He stressed transparent working methods as the only way to reach consensus, warning against repeating "what happened in Copenhagen." On additional meeting time, the African Group supported adding three meetings to the existing 2010 schedule.

Grenada, for the Alliance of Small Island States (AOSIS), lamented that parties did not achieve the outcome and vision in Copenhagen that they had in Bali. She urged parties to return with a renewed sense of commitment and urgency. She recalled significant progress by the AWG-LCA in 2009, saying the task in 2010 should be to finalize a comprehensive and legally-binding outcome. She called for a sufficient number of meetings with funding for LDCs and SIDS, as well as for clear milestones. She stressed the need to respect "at all times" the principles of inclusiveness, transparency and legitimacy. AOSIS supported mandating the Chair to develop a new draft negotiating text.

Lesotho, for the LDCs, emphasized the centrality of the UNFCCC framework and highlighted the need for renewed trust-building among parties. He said negotiations should be based on the AWG-LCA's report adopted at COP 15, as well as inputs from subsequent drafting groups, and the outcome should include provisions on monitoring, reporting and verification (MRV). He also called for holding at least three additional negotiating sessions in 2010.

Australia, for the Umbrella Group, underscored that COP 15 gave vital political direction to take the negotiations forward and that the Copenhagen Accord contains a package of actions agreed by countries at the very highest level. She highlighted that about 120 countries, representing over 90% of the global economy and 80% of global emissions, have expressed support for the Accord. She also noted that the pledges represent the most significant emission reductions ever put forward by the international community and highlighted an important breakthrough on financing, emphasizing the commitment to realizing it. The Umbrella Group noted that the undertakings made in the Copenhagen Accord constitute part of a package, and highlighted the importance of moving forward on all elements. She welcomed the proposal to move forward through a single contact group and the development of a new text by the Chair.

The Republic of Korea, for the Environmental Integrity Group, urged an ambitious and comprehensive agreement at COP 16. He stressed the need to build on progress made and

encouraged the Chair to prepare new draft text before the June session. He also noted the Environmental Integrity Group's support for the Copenhagen Accord, highlighting the significance of almost 75 parties having inscribed their mitigation targets or actions under the Accord. The Environmental Integrity Group called for at least two additional negotiating sessions. He proposed establishing benchmarks for each session, in order to ensure effective and efficient use of time.

Panama, also speaking for Belize, Costa Rica, El Salvador, Guatemala, Honduras and the Dominican Republic, said negotiations should be based on the report of AWG-LCA 8 to the COP, noting that text on several issues, such as technology transfer, capacity building and adaptation, is well-developed. He suggested first focusing on these issues in order to finalize them before moving on to other issues. He also called for two additional meetings with at least five working days each, to be held between the June session and COP 16, as well as financial support for at least two delegates per developing country to attend these sessions.

Egypt, for the League of Arab States, said the UNFCCC is the single framework for global intervention on climate change and underscored the need to negotiate officially within this framework. He encouraged transparency and inclusiveness in negotiating and rejected the idea of negotiating in restricted group settings outside the UNFCCC process. He underscored the need to retain the Kyoto Protocol, opposed new agreements and highlighted that the Copenhagen Accord is not an official agreement, because it is not legally-binding. He pointed out that each party can determine its position regarding the Copenhagen Accord.

Guatemala, speaking also for Colombia, Costa Rica, Panama, Peru, Chile, Dominican Republic and Uruguay, supported the development of a revised draft negotiating text. She called for this session to design a roadmap for a legally-binding instrument in Mexico. Guyana, with Barbados, supported the establishment of milestones for 2010.

France described the meeting of 54 forested and donor countries on 11 March to discuss an interim partnership on reducing emissions from deforestation and forest degradation in developing countries, plus conservation (REDD+). He highlighted agreement on collecting information on start-up activities and reviewing present financing.

Chile supported integrating central aspects of the Copenhagen Accord into a draft negotiating text. Saudi Arabia said a new negotiating text was not necessary and cautioned against giving the Copenhagen Accord undue weight. Bolivia opposed development of new negotiating text and highlighted the upcoming World Conference of the People on Climate Change and the Rights of Mother Earth, to be held in Cochabamba, Bolivia in April 2010.

Mauritania supported focusing on the positive aspects of the Copenhagen Accord, stressing that the financial support pledged in the Copenhagen Accord should be provided through an equitable, transparent and fair mechanism in order to ensure its effectiveness.

India said that there are lessons to learn from Copenhagen, but that there are also stories of hope, such as announcements of mitigation actions by many developing countries, including

India. He further stressed that the Copenhagen Accord is a political document and not a standalone document and that it cannot be considered without the UNFCCC process. India also highlighted the need for balance among building blocks and said that any “branch” meetings outside the process should feed into the UNFCCC negotiations.

Venezuela stressed that the failure of Copenhagen was because the principles of the UN were not respected. She suggested parties should draw “a lesson of modesty” from the Copenhagen experience and noted her country’s commitment to produce a “good accord.” She described the Copenhagen Accord as a political statement whose annexes contain voluntary pledges to reduce emissions, which according to scientists, will lead to warming of about of 5°C. Cuba described the Accord as “a violation of principles of multilateralism” and a threat to the negotiations.

The Russian Federation suggested the focus this year should be on the work of the AWG-LCA and noted that there is good potential for progress on all issues. He proposed working strictly according to a timetable, with no night meetings involved, and to deliberate the basic issues before the details. Japan cautioned against underestimating last year’s achievements and described the Accord as providing significant guidance on international efforts on climate change. Sri Lanka stressed that the two-track negotiating process must be maintained. Indonesia underscored that a strong multilateral outcome can only be achieved through a strong multilateral process. Nicaragua said negotiations in Copenhagen broke down because of the attempted imposition on parties of an agreement not reached in an inclusive manner, and urged defending openness, democratic processes and an inclusive approach.

Norway informed the parties of an upcoming meeting that will take place on 27 May 2010 in Oslo, Norway, to establish an interim partnership on REDD+, saying that it will strive for transparency and inclusivity. Australia supported flexibility and innovation in the organization of work, and expressed trust in the Chair to produce a new text, which incorporates the outcome of Copenhagen. The Cook Islands supported innovative ways of work based on transparency and inclusiveness, and additional meetings if they have clear goals and milestones. China highlighted that the objective of 2010 should be to carry out the work in the Bali Roadmap and not take on new tasks. He stated that the AWG-LCA’s negotiating text from Copenhagen represents the proper legal basis for further discussions.

The US stressed “new major achievements” in Copenhagen, highlighting that the Accord was based on collaborative effort by parties and that nearly two-thirds of parties have associated themselves with it. He stressed that “we should not drop or lose the Accord,” which represents “unprecedented engagement” from the highest level, and warned against returning to the situation where parties were “close to a stalemate at the expert level.” He supported the proposal to draft new negotiating text for the June session that draws from the AWG-LCA’s negotiating text but reflects the political agreement of the Copenhagen Accord.

Ghana highlighted transparency and inclusiveness, and specifying that inclusiveness also means effective developing country participation in the AWG-LCA’s meetings. Timor-Leste highlighted that the aim of extending the AWG-LCA’s

mandate was not to develop new negotiating text but to continue reviewing the negotiating text prepared by the AWG-LCA over the last two years. New Zealand highlighted the role of informal meetings both within and outside the UNFCCC process, noting that meetings outside the process could feed into the negotiating process. Bangladesh said the report by the AWG-LCA should form the basis of further negotiations. The Solomon Islands supported holding a series of meetings with benchmarks established for each meeting.

Papua New Guinea said that while Copenhagen did not deliver, it made some progress and some outstanding issues were resolved. She suggested that ministers should first be allowed to meet to resolve “crunch issues” and then negotiators would work on how to incorporate the ministers’ decisions into the text. The Philippines supported the multilateral process and highlighted principles of inclusivity, transparency and broad-based participation. Afghanistan said that a future regime should be based on fairness and transparency.

The International Chamber of Commerce, for Business and Industry NGOs, stressed that the AWG-LCA should set priorities, underlining the need to initiate fast-start funding, pledged in the Copenhagen Accord. Tearfund, for the Climate Action Network, noted that current emission reduction pledges will lead to a temperature increase of more than 3°C. The Women’s Environment and Development Organization, for Gender NGOs, supported efforts to organize work in the most effective and inclusive way and urged that the progress made on incorporating human rights and gender considerations should be sustained. European Youth Forum, for Youth NGOs, highlighted the necessity to reaffirm trust in the UNFCCC process and stressed that there should be a clear and strong mandate to produce a negotiating text to capture progress achieved by parties, taking into account input from civil society.

ORGANIZATION AND METHODS OF WORK IN 2010: This issue was first considered by the AWG-LCA’s opening plenary on Friday morning. It was subsequently taken up in informal plenary and informal consultations, chaired by Chair Mukahanana-Sangarwe, and in informal consultations on additional meeting time, facilitated by Robert Owen Jones (Australia). Late on Sunday evening, the AWG-LCA’s closing plenary adopted conclusions (FCCC/AWG/LCA/2010/L.2).

On Saturday morning, Chair Mukahanana-Sangarwe introduced draft conclusions to the informal plenary. The main issues in the subsequent discussions included working methods, mandate for the Chair to prepare a new draft negotiating text for AWG-LCA 10 in June, and the documentary basis for preparing such text, as well as the need for additional meetings in 2010.

Many parties, especially developing countries, called for text on *working methods* to “avoid repeating the Copenhagen experience” and ensure that the negotiations are transparent and inclusive. On text indicating that the AWG-LCA’s working methods should be in line with UN principles and practices, and be inclusive, transparent and efficient, Turkey underlined that every party should be allowed the right to be heard. India and Pakistan suggested the paragraph is unnecessary, and Saudi Arabia agreed, noting “practices of the UN” is a vague term and proposed continuing with existing working methods. China also expressed a preference to delete the paragraph, as it represents

the existing working method, but noted their flexibility. The US noted that the UN Charter and UNFCCC rules of procedure do not provide guidance on principles, but accepted referencing inclusive, transparent and efficient negotiations.

When commenting on the Chair's revised draft conclusions during the AWG-LCA closing plenary on Sunday, Sudan, for the G-77/China, suggested indicating that the AWG-LCA "continue to work in strict conformity with principles of the UN that are inclusive, democratic, transparent, open and legitimate." The US noted that these principles are not found in the UN Charter and cautioned against "being loose" with legal text. Yemen highlighted the UN's *modus operandi* of working in an inclusive and transparent manner and presenting all documents to all countries. He also stressed the principle of sovereign equality enshrined in the UN Charter. He proposed language agreeing "to work in conformity with the principles of transparency and inclusiveness."

Turkey, supported by Papua New Guinea, noted the need for "damage control" because the rules and procedures of the UN were challenged in Copenhagen and proposed moving from a focus on principles to discussion of procedures. The US appreciated Yemen's proposal, and suggested language "working in an inclusive and transparent manner in accordance with procedures of the UN." Saudi Arabia, proposed two options: that "the AWG-LCA agreed to continue in strict adherence to inclusiveness" or deleting the paragraph. Parties agreed to delete the paragraph.

One of the main issues discussed was whether to give a mandate to the AWG-LCA Chair to prepare *a new draft negotiating text* for the June session and if so, what would be used as the basis for preparing such text. Chair Mukahanana-Sangarwe highlighted that preparing a new text would not take any issue off the table and underscored the desire to avoid another 200-page document. She stressed that there are multiple documents "floating around" and noted a need to have a single document.

Parties first commented on the Chair's draft conclusions during the informal plenary on Saturday morning, which noted that the Chair's draft negotiating text "should draw upon the texts contained in the report of the AWG-LCA on its eighth session, as well as work undertaken by COP 15." Bolivia highlighted a lack of consensus on the need for a new text, requesting that parties return to the report by AWG-LCA 8 to COP 15 (FCCC/AWG-LCA/2009/17), and called for moving directly into negotiating mode. China said developing new text may delay progress. He stressed that language on mandating the Chair to develop new text should either be deleted, or clearly refer to work done by COP 15 based on the report by AWG-LCA 8 and not more broadly to work at COP 15. Saudi Arabia stressed that the Copenhagen Accord has no legal status as the COP only "took note" of it, and indicated that any party could make a submission and include the Accord in it. Supported by India, Saudi Arabia supported working on the basis of the AWG-LCA's report to COP 15. Venezuela, with China, said the Chair's text should be compatible with the mandate given to the AWG-LCA in decision 1/CP.15 (FCCC/CP/2009/11/Add.1), which says that future work should be "drawing on the report of the AWG-LCA presented to COP 15, as well as work undertaken by the COP on

the basis of that report." Egypt noted that the work undertaken by the COP on the basis of the AWG-LCA's report has no formal standing in the process as it was not reported back and discussed by the COP in Copenhagen.

The US underscored their confidence in allowing the Chair to facilitate negotiations by bringing all documents from Copenhagen together. The Russian Federation highlighted the importance of developing a negotiating text that reflects the work during and after Copenhagen, including reference to COP decisions. The EU highlighted the need to move forward quickly and supported allowing the Chair to facilitate the process by developing a new negotiating text. She said all documents, including all COP decisions, should be considered. Japan called for giving support and encouragement to the Chair. Papua New Guinea stressed that the political guidance given by COP 15 cannot be ignored. Cuba said the Copenhagen Accord is not an outcome of the Copenhagen Conference and said that if there is no consensus, parties may have to work on the AWG-LCA's text from COP 15.

Peru, for Chile, Ecuador, Colombia, Costa Rica, Guatemala, Panama and Uruguay, expressed support for taking into account decisions made at COP 15, as well as the AWG-LCA's report to COP 15, work undertaken by the COP on the basis of the report and views expressed by parties at this meeting. Australia said that using all of the work done in Copenhagen was an appropriate basis for moving forward.

During the closing plenary on Sunday, Chair Mukahanana-Sangarwe invited comments on revised language, stating that the Chair's text would "draw on the report of the AWG-LCA presented to the COP 15, as well as work undertaken by the COP on the basis of that report."

Sudan, for the G-77/China, proposed indicating that the basis for a new negotiating text should conform to decision 1/CP.15, which requests the AWG-LCA to continue its work, drawing on the report of the AWG-LCA to COP 15, as well as work undertaken by the COP on the basis of that report. She also proposed a footnote referring to the AWG-LCA's report to COP 15 as well as including a new paragraph indicating that "the AWG-LCA invites parties to make submission on additional views at the latest on 26 April 2010, which the Chair may draw upon in preparation of a draft text for consideration of parties at the June session." Saudi Arabia explained that the purpose of this paragraph is to show that the Copenhagen Accord has no legal status and parties wishing to include it should do so through submissions.

The Russian Federation stressed the need to include language referring to "the decisions taken by the COP" alongside the AWG-LCA's report to COP 15 and work undertaken by the COP on the basis of that report. He said parties should not pretend that they never traveled to Copenhagen. Highlighting the large number of parties that have associated themselves with the Copenhagen Accord, the US suggested accepting both the Russian Federation and the G-77/China proposals. This was supported by the Russian Federation, the EU and Australia.

The G-77/China, with Cuba, Yemen and Venezuela, stressed that additions to language agreed by the COP are not acceptable. Colombia highlighted that the proposal by the G-77/China resulted from "a very difficult compromise within the G-77/

China.” She underlined her country’s association with the Accord while urging parties to be practical as “we need to leave Bonn with a mandate.” Also noting its association with the Accord, Guatemala said the proposal by G-77/China represents an “elegant way” to move forward because parties can introduce the Accord through submissions without a lengthy debate about its legal status. The Chair noted that significant progress had been made since the morning as all parties now agree that the Chair should be given a mandate to prepare new text. Costa Rica highlighted that the discussion is not just about process but about the credibility of the UNFCCC in terms of whether it can constructively move forward.

Chair Mukahanana-Sangarwe proposed that parties compromise by accepting the G-77/China’s proposal with the understanding that work undertaken by the COP on the basis of the AWG-LCA’s report includes all work by the COP, including its decisions. She urged parties to accept the proposal, noting its “constructive ambiguity.” Parties agreed to this suggestion.

During the closing plenary late on Sunday night, parties also discussed paragraph on *subsequent meetings of the AWG-LCA*. Chair Mukahanana-Sangarwe noted the draft conclusions said the AWG-LCA would be held in conjunction with SB 32 and that its sessions would be held together with the sessions of the AWG-KP. The proposed draft conclusions also provided that there would be two sessions of the AWG-LCA between AWG-LCA 10 and COP 16. Saudi Arabia, for the G-77/China, called for indicating that the AWG-LCA would also meet in conjunction with COP 16. This was reiterated by Nigeria, Egypt, Ghana and many other developing countries. Mexico requested the opportunity to present at SBI 32 their vision for organizing COP 16 and moving forward in June. Saudi Arabia highlighted that it is for the parties to decide how to proceed at the COP. Uganda argued that the host country is attempting to impose conditions on negotiations. The US, supported by Turkey and Switzerland, suggested postponing the decision about to whether the AWG-LCA would meet in conjunction with COP 16 until June.

Chair Mukahanana-Sangarwe suggested that the AWG-LCA meet at the COP, “as necessary.” Mexico, New Zealand and Norway supported this. Saudi Arabia, supported by Ghana and Nigeria, suggested the AWG-LCA will meet at COP 16 unless it has finished its work. The Democratic Republic of the Congo, for the African Group, highlighted that if the work is not concluded the AWG-LCA should meet. Following informal negotiations with Mexico, South Africa, for the African Group, introduced new text that the AWG-LCA would meet in conjunction with the COP “for as long as necessary.”

The Russian Federation requested indicating that the AWG-LCA takes note of a proposal that the SBI consider the option that a high-level session be held before Cancún, rather than the AWG-LCA inviting the SBI to consider the proposal. Saudi Arabia, for the G-77/China, suggested deleting the paragraph. Pakistan suggested deleting language on providing high-level policy direction. Papua New Guinea, Turkey and Grenada, for AOSIS, highlighted the importance of the paragraph and, with Yemen, supported the suggestion by the Russian Federation. Parties agreed to this approach, taking into account the suggestions by the Russian Federation and Pakistan.

AWG-LCA Conclusions: In its conclusions (FCCC/AWGLCA/2010/L.2), the AWG-LCA, *inter alia*:

- recalls its mandate in the BAP and decision 1/CP.15 extending that mandate with a view to presenting the outcome to COP 16 for adoption;
- takes note of views expressed by parties in their submissions and in statements made during the plenary meetings of this session;
- invites its Chair to prepare, under her own responsibility, a text to facilitate negotiations among parties, drawing on the report of the AWG-LCA to COP 15, as well as work undertaken by the COP on the basis of that report, and to make it available two weeks in advance of AWG-LCA 10 and invites parties to make submissions containing additional views at the latest by 26 April 2010, which the Chair may draw upon in preparation of a draft text for consideration of parties at the June session;
- invites its Chair to propose, through her scenario notes, an indicative roadmap, and parties to submit to the Secretariat, by 4 May 2010, their views on this matter;
- agrees that AWG-LCA 10 will be held in conjunction with SB 32 and that its sessions will be held in conjunction with those of the AWG-KP and that AWG-LCA 13 will be held in conjunction with the COP for as long as this is necessary;
- agrees that it would need to hold two sessions between AWG-LCA 10 and COP16 of a duration of at least one week each;
- invites the SBI to take note of a proposal for the SBI to consider an option that a high-level session be held between SB 32 and COP 16 to provide guidance;
- invites parties in a position to do so to offer, as soon as possible, to host such sessions;
- strongly urges parties in a position to do so to provide contributions in order to ensure the widest possible participation in the negotiations; and
- acknowledges that financial contributions or firm pledges should preferably be made by 26 April 2010 for AWG-LCA 11 and by 9 June 2010 for AWG-LCA 12 and subsequent sessions, to allow the Secretariat to make the necessary arrangements.

OTHER MATTERS: This issue was taken up during the opening plenary on 9 April. Egypt highlighted the number of informal meetings that have occurred since Copenhagen. He requested that the results of these meetings be presented to all parties and that a preliminary schedule of forthcoming meetings also be presented.

Delegates also observed a minute of silence for the passing of Dianah Trought-Dederich, UNFCCC Secretariat.

CLOSING PLENARY: The AWG-LCA’s closing plenary convened late on Sunday evening. Parties observed a minute of silence for the victims of the plane crash that led to the death of Polish President Lech Kaczynski on Saturday, 10 April. Expressing his condolences, Executive Secretary Yvo de Boer recalled Poland’s hospitality at COP 14 that President Kaczynski attended. Parties then adopted the meeting’s report (FCCC/AWGLCA/2010/L.1).

Sudan, for the G-77/China, stressed their support for the Chair of the AWG-LCA. Grenada, for AOSIS, and Yemen thanked all parties for showing flexibility. The Democratic Republic of

the Congo, for the African Group, highlighted that parties had given the Chair a mandate to develop a negotiating text and had identified sufficient working time for the AWG-LCA. The EU thanked the Chair for her work and noted sadness for Poland's national tragedy. The Solomon Islands, for the LDCs, noted flexibility for accommodating and innovative methods. Thanking parties for their flexibility and confidence shown in her, Chair Mukahanana-Sangarwe closed the meeting at 11:56 pm.

AD HOC WORKING GROUP ON FURTHER COMMITMENTS FOR ANNEX I PARTIES

The eleventh session of the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP 11) opened on Friday afternoon, 9 April 2010, with John Ashe (Antigua and Barbuda) continuing as the Chair, Harald Dovland (Norway) as the Vice-Chair and Miroslav Spasojevic (Serbia) as the Rapporteur.

Chair Ashe recalled that parties agreed in Copenhagen to forward the AWG-KP documentation as the basis for future negotiations and that the AWG-KP should report to COP/MOP 6 its work on Annex I further emission reductions, land use, land-use change and forestry (LULUCF), the flexibility mechanisms, potential consequences of response measures and the basket of methodological issues. Parties adopted the agenda and agreed to the organization of work (FCCC/KP/AWG/2010/1 and 2).

In their opening statements, Yemen, for the G-77/China, highlighted that: the UNFCCC should remain central to negotiations; Annex I parties must make further commitments for a second commitment period under the Kyoto Protocol; and additional meetings for the AWG-KP are needed alongside AWG-LCA meetings, preferably in New York or Geneva, to ensure greater participation.

Australia, for the Umbrella Group, underscored significant progress by the AWG-KP, saying that much of the technical work has been done. She stressed the Umbrella Group's commitment to bold actions, noting that members of the Umbrella Group have inscribed their targets in the Copenhagen Accord. She stressed that the conclusion of the AWG-KP's work depends heavily on other work streams, identifying the need to reflect this in the work programme for 2010.

Spain, for the EU, highlighted its objective of ensuring that work in both tracks results in a comprehensive global legal framework, which limits temperature increase to below 2°C from pre-industrial levels. She identified Copenhagen as a step in negotiations for a legally-binding post-2012 agreement under the UNFCCC, recognizing the "crucial and sensible role" of the Kyoto track. The EU stressed that it "stands behind the Kyoto Protocol" and will deliver on its commitments. She identified the need for more ambitious mitigation commitments by a large number of parties and said developed countries as a group must take the lead to reach the 2°C target. The EU supported mandating the Chair to make necessary arrangements to facilitate progress, including proposals on text and innovative negotiating formats. She stressed the need for close coordination with the AWG-LCA.

Switzerland, for the Environmental Integrity Group, urged focus on outstanding substantive issues to ensure that the remaining time until COP/MOP 6 is used effectively to reach agreement on Annex I parties' emission reduction targets. He

said further deliberations should be based on the COP/MOP decisions, and noted that useful elements from the Copenhagen Accord, such as the 2°C target, could also enhance the negotiations. The Environmental Integrity Group further said: Annex I parties should commit to emission reductions that are compatible with the 2°C target and many should increase their level of ambition; and that agreement should be reached on rules regarding the flexibility mechanisms, LULUCF and carryover of Assigned Amount Units (AAUs). He emphasized the need for consistency between the two AWGs on cross-cutting issues such as developed country mitigation and supported having additional negotiating time, with benchmarks for each additional session.

The Democratic Republic of the Congo, for the African Group, called for restoring trust and rebuilding confidence in the UNFCCC process by: returning to a two-track multilateral process; committing to the UNFCCC process as the avenue for negotiations; working on the basis of the AWG-KP's report adopted at COP/MOP 5; and negotiating the terms of the Protocol's second commitment period. Noting that the 2°C target would have disastrous consequences for Africa, he urged other countries to follow Norway's lead in pledging emission reductions of up to 40% from 1990 levels. The African Group expressed support for the usual UN working method of ensuring inclusiveness and rejected small group negotiations.

Grenada, for AOSIS, noted that during COP 15, Annex B parties supported a goal of limiting temperature increase to below 2°C, and highlighted that the pledges so far made by these parties will not achieve this goal. She highlighted the connection between the scale of emission reductions achieved and the scale of climate change impacts avoided, and said failure to produce more ambitious commitments will be synonymous with endorsing "the enormous loss of lives" and increased food and water insecurity that will result from climate change. AOSIS said the issues that must be resolved include improvements to the flexibility mechanisms, accounting rules for LULUCF and translation of pledges into quantified emission limitation and reduction objectives (QELROs). She proposed that additional technical work should be undertaken by the AWG-KP on environmental effectiveness and outcomes of the pledges made so far.

The Russian Federation said that the AWG-KP has exhausted its potential for discussions at the expert level and that work should focus on the AWG-LCA, taking into account positive outcomes of the AWG-KP's work.

Bolivia compared the negotiations under the Protocol track to the building of "a dam to hold back the waters" and stressed the importance of agreeing on the dam's height before everything else, namely Annex I countries' aggregate range of emission reductions.

Noting the "painful reality of climate change impacts," Liberia, for the LDCs, called for urgency in order to complete the AWG-KP's work in 2010. She said the negotiations should be based on the report by the AWG-KP to the COP/MOP 5. Pakistan expressed concern about the lack of progress on collective and individual emission reductions and India noted that the level of pledged emission reductions and various conditionalities attached to those are much lower than necessary.

Guatemala identified the need for several working sessions of the AWG-KP and called for agreement on arrangements that enable countries to conclude work at COP/MOP 6. Egypt stressed that the Protocol does not have an expiry date and that its provisions remain valid beyond 2012 unless a party withdraws. He said the AWG-KP should be allocated the same amount of meeting time as the AWG-LCA.

China stressed the AWG-KP as a “core part” of the Bali Roadmap and said renewing its mandate was, in a certain sense, a success in Copenhagen. She explained that this demonstrated reaffirmation by the international community that the Kyoto Protocol is an important legal framework to tackle climate change, and highlighted the Protocol as a concrete application of the principle of common but differentiated responsibilities. China said Copenhagen failed in that the AWG-KP did not fulfill its mandate after five years of negotiation. Noting that parties still had “a long way to go,” China emphasized that emission reduction pledges by many Annex I parties fall short of their historical responsibility and the objectives of the Convention, and stressed the need to accelerate the AWG-KP’s work. Malaysia called for Annex I parties to increase the level of ambition of their pledges.

Mexico stressed that for the COP 16 and COP/MOP 6 Presidency, the AWG-KP negotiating track has the same importance as the AWG-LCA track, adding that the multilateral two-track approach requires a balance between the tracks. Sri Lanka stressed the need to complete a comprehensive agreement in Cancún.

ORGANIZATIONAL MATTERS: Election of officers:

This issue was first taken up during the opening plenary on Friday where parties agreed that Andrej Kranjc (Slovenia) would consult informally on the election of officers. During the closing plenary on Sunday, Kranjc reported that parties had been unable to come to an agreement on the election of officers, including the new AWG-KP Chair and Vice-Chair. Chair Ashe explained that pursuant to the rules of procedure, the current officers will remain in office until the next session.

FURTHER COMMITMENTS BY ANNEX I PARTIES UNDER THE PROTOCOL AND WORK PROGRAMME FOR 2010: These two agenda items were considered jointly at the meeting. They were first considered by the opening plenary on Friday afternoon. From Saturday and Sunday, contact group meetings chaired by Chair Ashe and informal consultations, facilitated by Marcelo Rocha (Brazil) and Stephanie Lee (New Zealand) were held on this issue. Parties also agreed that that Robert Owen-Jones (Australia) would consult informally on additional meeting time. The key issues discussed included agenda, modalities of work, documentation, cooperation with the AWG-LCA and technical input.

On the agenda, the Federated States of Micronesia, for AOSIS, stressed that the conclusions from AWG-KP 11 should include: a clear statement of the AWG-KP’s objective, which is to adopt amendments to the Kyoto Protocol at COP/MOP 6; a work programme containing clear milestones and dates; and modalities for conducting the AWG-KP’s work. Switzerland stressed the need to clarify the AWG-KP’s objective for the year, and to have focused discussions around this objective. Japan said the objective should be to have a single, fair and effective

legal outcome in Cancún, which encompasses elements from the Copenhagen Accord, and stressed that a “simple amendment” of the Kyoto Protocol is not an option. Bolivia underscored the “clear goal” established in Protocol Article 3.9 (Annex I parties’ further commitments) to set new emission reduction targets. He also stressed the need to first establish the aggregate range of Annex I parties’ further emission reductions and then define individual targets.

Regarding the modalities for work, the EU, Switzerland, Brazil, AOSIS, Norway, Japan, New Zealand and Mexico supported convening in a single contact group. Several parties said this would not preclude also having spinoff or drafting groups should the need arise. AOSIS noted the need to have focused discussions on specific issues in this single contact group, and also suggested using a variety of modalities such as in-session workshops, technical workshops and joint events with the AWG-LCA. New Zealand supported organizing technical workshops to clarify some of the details around the work of the Group. The Gambia said working through a single contact group would be difficult in terms of prioritizing issues and Saudi Arabia questioned how various topics, such as the flexibility mechanisms and LULUCF, would be discussed in a single contact group. After informal consultations, text on working through a single contact group was not included in the conclusions.

The EU, Norway, New Zealand and Japan, opposed by Saudi Arabia, supported having joint discussions with the AWG-LCA on cross-cutting issues. Japan said that on the issue of numbers, discussions had come to a point where further progress could not be made until progress is made by the AWG-LCA, and supported joint discussions on numbers and the flexibility mechanisms. Switzerland also stressed the need for joint discussions with the AWG-LCA, explaining that this is because of a country that is not a party to the Kyoto Protocol but is envisaging work, *inter alia*, on LULUCF and market mechanisms. He also stressed comparability of developed countries’ mitigation efforts mentioned in the BAP, and identified issues, such as MRV and REDD+, that are possible crossing points for both AWGs.

Brazil, supported by China and the Gambia, stressed that the AWG-KP’s mandate was agreed by COP/MOP 1 before the Bali Roadmap, explaining that there is no need for working jointly with the AWG-LCA. Bolivia and others opposed methods of work that would diverge from the mandate based on Protocol Article 3.9. Supported by AOSIS and others, Brazil stressed, however, that the two AWGs should always meet in parallel. Zambia and others stressed the need for the AWG-KP to hold as many meetings as the AWG-LCA but no joint meetings. Ethiopia emphasized that parties could exchange information with colleagues following the AWG-LCA.

Cooperation with the AWG-LCA was the last issue to be resolved. The African Group, opposed by Colombia, the EU, Japan, Norway and the Federated States of Micronesia, proposed deletion of reference to the Chairs of the two AWGs meeting to identify issues of common concern regarding Annex I parties’ commitments. After consultations ending past midnight on Sunday, parties agreed on text noting that that the AWG-KP

Chair has undertaken, under his own initiative, to meet with the AWG-LCA Chair to identify information on commitments of Annex I parties, which is to be made available to parties.

Regarding documentation, Chair Ashe highlighted progress made in Copenhagen since the AWG-KP's report (FCCC/KP/AWG/2009/17) was forwarded to COP/MOP 5, noting that the COP/MOP has subsequently undertaken some work that is not reflected in any document. Most parties supported the preparation of revised documentation for the June session. Saudi Arabia noted the need to include work done on potential consequences in the revised documentation. Parties agreed, *inter alia*, to request the Chair to prepare documentation for AWG-KP 12 in June, on the basis of the annex to the AWG-KP's report to COP/MOP 5, taking into consideration the work undertaken and decisions adopted by COP/MOP 5 based on the report by AWG-KP 10.

On the question of technical input, the EU supported working on the level of ambition of Annex I emission reductions "across the board" as well as on accounting rules for LULUCF and the inclusion of new greenhouse gases. Switzerland suggested technical input on matters such as translating pledges into QELROs, carryover of AAUs, the flexibility mechanisms and the positive and negative consequences of QELROs. Brazil noted outstanding work on technical issues such as translating pledges into QELROs. Bolivia accepted that a technical review of the individual pledges could be done to examine whether they are consistent with science and historical responsibility. AOSIS proposed a technical paper outlining: the environmental outcomes and impacts of pledges made; and the impacts on these pledges of different accounting rules and options relating to the flexibility mechanisms and LULUCF. New Zealand noted the need for technical input on issues such as negotiating QELROs, the flexibility mechanisms and extending emissions trading to all parties. Parties agreed to request the Secretariat to prepare for AWG-KP 12, a paper compiling pledges for emission reductions and related assumptions and a technical paper laying out issues relating to the transformation of pledges into QELROs.

AWG-KP Conclusions: In its conclusions (FCCC/KP/AWG/2010/L.2), the AWG-KP, *inter alia*:

- reiterates that it will deliver the results of its work for adoption by COP/MOP 6;
- agrees to continue its work in 2010 in accordance with its work programme and focus on issues identified in paragraphs 49(a) (scale of Annex I parties' aggregate emission reductions) and (b) (Annex I parties individual or joint contributions to the aggregate emission reductions) of document FCCC/KP/AWG/2008/8 and to continue working on issues identified in paragraph 49(c) (other issues arising from the work programme);
- agrees to hold AWG-KP 12 in conjunction with SB 32 and AWG-KP 15 in conjunction with COP/MOP 6 as long as necessary
- agrees that its sessions will be held in conjunction with those of the AWG-LCA;
- agrees that it would need to hold two sessions between SB 32 and COP/MOP 6 of a duration of at least one week each, while ensuring sufficient negotiating time as well as sufficient time between sessions to allow parties to consult and prepare;

- took note of a proposal for the SBI to consider an option that a high-level session be held between SB 32 and COP/MOP 6 to provide guidance;
- strongly urges parties in a position to do so to provide contributions in order to ensure the widest possible participation in the negotiations;
- requests its Chair to prepare documentation to facilitate the negotiations for consideration by AWG-KP 12 on the basis of the annex to the report by AWG-KP 10, taking into consideration the work undertaken and decisions adopted by COP/MOP 5 on the basis of the report;
- requests the Chair to make proposals on scheduling of issues in his scenario note, bearing in mind the focus specified above;
- requests the Secretariat to prepare by AWG-KP 12 a paper compiling pledges for emission reductions and related assumptions provided by parties to date and the associated emission reductions, as well as a technical paper laying out issues relating to the transformation of pledges into QELROs; and
- notes, taking fully into account the AWG-KP's mandate, that the AWG-KP Chair has undertaken, under his own initiative, to meet with the AWG-LCA Chair to identify information on commitments of Annex I parties, which is to be made available to parties.

CLOSING PLENARY: The AWG-KP's closing plenary convened on Sunday evening. The International Emissions Trading Association, for Business and Industry NGOs, urged the AWG-KP to continue its efforts to reform the Clean Development Mechanism and to explore related issues, highlighting proposals, *inter alia*, regarding the development of standardized baselines. Climate Action Network, for Environmental NGOS, called on parties to request the Secretariat to analyze the "gigatonne gap" between Annex I parties' pledges and the level of emission reductions required by science. European Youth Forum, for Youth NGOs, opposed attempts to "destroy the Kyoto Protocol", stressing that the Protocol is currently the only instrument that can be used to preserve the future for youth.

The closing plenary was then suspended pending negotiations by the AWG-LCA on text relating to additional meeting time in 2010. It resumed late on Sunday and parties continued discussing draft conclusions, including text on cooperation with the AWG-LCA (as summarized above). After reaching consensus on the conclusions, parties adopted the meeting's report (FCCC/KP/AWG/2010/L.1). Chair Ashe closed the meeting at 1:36 am.

A BRIEF ANALYSIS OF AWG-LCA 9 AND AWG-KP 11

Delegates gathered for three days in Bonn, Germany, for their first meeting since the UN Climate Change Conference in Copenhagen to decide on how to move the process forward under the UN Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol. The meeting was not initially scheduled and only announced in February, since parties did not have time to decide in Copenhagen where and how to conduct further work. They did, however, extend the mandate of the two

negotiating groups—the *Ad Hoc* Working Group on Long-term Cooperative Action under the UNFCCC (AWG-LCA) and the *Ad Hoc* Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP).

Some said they had come to Bonn unsure of what to expect and how to “pick up the pieces,” given the confusion and deep divides that characterized the final days in Copenhagen, as well as recent stories discrediting the work by climate scientists and the Intergovernmental Panel on Climate Change (IPCC). Fewer than usual gathered for this largely procedural meeting, with sparse attendance from NGOs and relatively small delegations from many countries. With new coordinators for many of the negotiating blocs and a new Chair for the AWG-LCA, the meeting gave seasoned delegates and new faces to the process the opportunity to establish the tone of work for 2010.

This brief analysis will consider the outcomes of the meeting in the context of the results of the Copenhagen Conference and the expectations for the next COP to be held at the end of 2010 in Cancún, Mexico.

A FRESH START?

The main task for AWG-KP 11 and AWG-KP 9 was to agree on the organization and methods of work for 2010, in particular, on what documentation would form the basis of future discussions. Another important objective included deciding on the number of meetings required for the AWGs to be able to report their respective outcomes to COP 16 and the sixth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 6). Although apparently simple and straightforward, the agenda also hid some undercurrents, most notably, the controversy surrounding the relevance of the Copenhagen Accord and the pressure to ensure that the Cancún Climate Conference delivers a meaningful global response to the challenges posed by climate change.

Upon arrival, many delegates said they feared the continuation of the finger-pointing and accusations that occurred towards the end of Copenhagen. However, after the first day, there was general relief that the mood was much better than expected, with a relatively conciliatory tone being sounded in many interventions, which were often colored by smiles and gentle jokes, ultimately leading to a relaxed atmosphere. The mood, however, hardened somewhat on the final day of the meeting, where references to the “trauma of Copenhagen,” and the need for a “band-aid” emerged and parties once again found great difficulty in reaching consensus, both within and between negotiating groups.

Many characterized the most difficult task under the AWG-LCA as establishing the textual basis for further negotiations. Parties discussed whether to give the Chair a mandate to prepare a new draft negotiating text to facilitate discussions in June and what information could be used in preparing such a text. Acknowledging the challenge of working with last year’s lengthy and heavily bracketed negotiating text, only a few parties proposed continuing the process without a new Chair’s text. To that effect, parties needed to agree, however, on how a Chair’s text should deal with the Copenhagen Accord, which was the subject of “acrimonious debate” at the final COP plenary and not formally adopted in Copenhagen, but rather “taken note” of by COP 15.

Initial comments in plenary in Bonn, prior to negotiating group coordination, revealed a divergence of views from developing countries on whether drawing from “decisions of the COP”—technical language by the parties to reference the Copenhagen Accord—should be within the Chair’s mandate. Many developed countries, including the US, the EU, the Russian Federation and others, proposed that the Chair should draw from all decisions by COP 15, thus implicitly including the Copenhagen Accord. In support of this position, some argued that parties should not pretend that Copenhagen never happened and go back to what the US characterized as a “deadlock” at the expert level, but rather take into account political guidance and compromises reached by world leaders. As another party put it, “I cannot ignore the stamp of approval of my President at Copenhagen—resubmitting this high-level political agreement as a party submission is untenable.”

However, Bolivia, Venezuela and others, stressing that they were excluded from the “illegitimate” process leading to the Copenhagen Accord, which they classed as a violation of “principles of multilateralism,” opposed any language alluding to the Accord. Also some developing countries who participated in the negotiation of the Accord, including Saudi Arabia, China and India, preferred proceeding based on the report by AWG-LCA 8 to COP 15 and the work done by the COP based on the report, but excluding the Accord. Other major developing countries, such as Brazil and South Africa, however did not voice their positions independently.

The G-77/China reportedly found it “very difficult” to reach a common position on the Accord, given that a number of developing countries have associated themselves with it. After extensive coordination, the G-77/China came to the AWG-LCA’s closing plenary with a common position, proposing that a new Chair’s draft negotiating text should draw from the AWG-LCA’s report to COP 15, work undertaken by the COP on the basis of this report and on new submissions by parties by 26 April 2010. Following intense debate and insistence by the G-77/China that they were offering a significant compromise, the AWG-LCA Chair noted that her interpretation of “work undertaken by the COP on the basis of the AWG-LCA report” included all work undertaken by the COP, including its decisions. While some concern over the phrasing remained, developed countries were able to agree on the language, under the implicit recognition that the Chair would be able to draw on the Accord.

Under the AWG-KP, one issue that again nearly deadlocked the discussions was the familiar story of increasing cooperation between the two negotiating tracks...and resistance to it. At this meeting, debate surfaced in the form of suggestions by developed countries, including the EU and the Umbrella Group, to undertake joint work or discussions by the two AWGs. In the Chair’s original proposed draft conclusions, this was explicitly restricted to Annex I parties’ commitments, and was phrased as “noting” that the AWG-KP Chair has undertaken to meet with the AWG-LCA Chair to identify issues of common concern regarding Annex I parties’ commitments. Despite this explicit restriction, the resistance to having such joint work remained, with the larger developing countries and the African Group opposing it, and developed countries insisting on having this text. Perhaps surprisingly to some delegates, some developing

countries, such as AOSIS and Colombia, also supported retaining this text. Some delegates in the corridors questioned whether this could be seen as a sign of increasing divisions within the G-77/China, and some were wondering whether developing countries would start forming smaller factions to protect their own interests. After further, lengthy consultations, parties finally agreed on text “noting” that the Chairs will meet “to identify information on commitments of Annex I Parties.” The main compromise here appeared to be removing the idea of identifying “issues of common concern.”

BONN OUTCOMES AND PROSPECTS FOR CANCÚN

One underlying issue that concerned many coming to Bonn was the role and relevance of the UNFCCC process after Copenhagen. “We must ensure that international efforts to address climate change continue to be undertaken under this process,” explained one concerned developing country delegate. Others, however, were discussing what they saw as feelings of frustration among many parties at the lack of visible progress or outcomes, and the increasing number of informal meetings taking place outside the process. The process launched by France and Norway to establish an interim REDD+ partnership was mentioned by some as a recent example of countries attempting to make faster progress on key issues outside the UNFCCC process. Some cited as another example, the EU’s apparent emphasis during the recent EU Summit, on addressing climate change at other fora such as the Group of 20, which was albeit aimed at supporting the UNFCCC process. At the meeting, many reaffirmed, however, their support for, and commitment to, the UNFCCC process. In a bid for increased “transparency and inclusiveness,” several countries reported on outside meetings that they had hosted. Nevertheless, it appeared as though many countries, particularly the developed countries, were watching and waiting to see what the process would produce (in Cancún), which would then determine their next move and the importance they would be willing to attach to the UNFCCC in the future.

A relevant question in this regard is what parties are expecting from Cancún and whether the agreement reached in Bonn on work under the two AWGs in 2010 can deliver on these expectations. “It seems that many parties are expecting from Cancún what they did not get in Copenhagen,” commented one observer, continuing: “This means that we are still facing many of the political problems that we were dealing with last year, including the fate of the Kyoto Protocol and the legal form of the AWG-LCA’s outcome.” Some explained that they would like to see a legally-binding agreement adopted as soon as possible, containing mitigation commitments, as well as provisions on adaptation, financing and technology transfer, while others state they expect a series of COP decisions setting out the technical details and roadmap towards achieving a legally-binding agreement. Others expect a political agreement.

Notably, the conclusions from this session do not define the objectives of the parties’ work in 2010, despite the call by many parties to define such an objective. Rather, the AWGs simply recalled that their mandates were extended with a view to presenting the outcome of their work for adoption at COP 16 and COP/MOP 6. Also, the controversies surrounding the survival of the Kyoto Protocol remain largely unchanged—will there be a single, new agreement applicable to all parties, both

developed and developing, or will there be two outcomes—one under the Protocol and one under the Convention, which is what developing countries would prefer?

Given these long-standing uncertainties, some expressed hope that what they characterized as “good progress” last year on technology, adaptation and REDD+ could lead to a series of COP decisions on these issues. “We all know this process is too complicated, and the only way forward is to break it into manageable pieces,” said one frustrated delegate. However, other negotiators were less optimistic. “I’d like to see progress on these pieces, but I don’t see how we can divorce them from a decision on financing, which will be really difficult to iron out by Cancún,” said one seasoned negotiator.

Following the pressure to “seal the deal” in Copenhagen, there is now concerted effort to temper expectations for Cancún. The Mexican delegation has made it clear that the high-level session will not be overrun by Heads of State. Going to Copenhagen, few parties were willing to compromise on key matters, and this was seen as being partly responsible for the lack of an agreed outcome. In Bonn, many parties started relaxing these hard lines, and appeared to be more pragmatic on the need to compromise. This is possibly a good signal for upcoming negotiations and something that may drive a positive outcome in Cancún.

A final piece of the puzzle for the future success of the UNFCCC is the naming of a new Executive Secretary. Some noticed that the outgoing UNFCCC Executive Secretary Yvo de Boer was less visible throughout the meeting, while some of the candidates for his replacement were active in the corridors and sessions. Despite much speculation, there was no consensus in the room on Secretary-General Ban Ki-moon’s choice to fill de Boer’s big shoes, although it is clear that he or she will have to hit the ground running to help guide the process towards a successful outcome.

GEARING UP FOR NEGOTIATIONS

The remainder of 2010 is set to be very busy, with four sessions of the AWGs planned for the rest of the year. Whatever progress is made at the June meeting will likely set the tone for the rest of the year, particularly in terms of reactions to the AWG-LCA Chair’s draft text. Despite the goodwill at this meeting, it is clear that a lack of trust among parties remains a potentially strong undercurrent in the negotiations. While the difficulty of coming to agreement on a topic as banal as the organization and methods of work may provide fuel for those who expect few results from the UNFCCC, there was acknowledgement in the room of past mistakes and the need to avoid repeating them. Parties demonstrated a commitment to finishing the session’s work, rather than living with deadlock and postponing necessary choices for the next meeting in Bonn in little over a month. If parties can maintain this commitment to completing specific work at each session, and build trust through continued discussion and compromise then the prospects for Cancún are encouraging.

UPCOMING MEETINGS

MAJOR ECONOMIES FORUM ON ENERGY AND CLIMATE: The meeting will take place on 18-19 April 2010 in Washington, DC, US. The Forum is intended to facilitate a candid dialogue among major developed and developing economies and advance the exploration of concrete initiatives and joint ventures that increase the supply of clean energy while cutting greenhouse gas emissions. The 17 major economies participating in the Major Economies Forum are: Australia, Brazil, Canada, China, the European Union, France, Germany, India, Indonesia, Italy, Japan, Korea, Mexico, Russia, South Africa, the United Kingdom, and the United States. For more information, visit: <http://www.state.gov/g/oes/climate/mem/>

WORLD PEOPLE'S CONFERENCE ON CLIMATE CHANGE AND THE RIGHTS OF MOTHER EARTH: The Conference will take place from 19-22 April 2010 in Cochabamba, Bolivia. The objectives of this Conference are to: analyze the structural and systemic causes that drive climate change and propose measures to ensure the well-being of all humanity in harmony with nature; discuss and agree on a Universal Declaration on the Rights of the Mother Earth; agree on proposals for new commitments under the Kyoto Protocol and for a COP decision under the UNFCCC to address developed countries' climate debt, climate change migrants-refugees, emission reductions, adaptation, technology transfer, finance, forests, a shared vision, and indigenous peoples; work on the organization of the World People's Referendum on Climate Change; analyze and develop an action plan to advance the establishment of a Climate Justice Tribunal; and define strategies for action and mobilization to defend life from Climate Change and to defend the Rights of Mother Earth. For more information, visit <http://pwccc.wordpress.com/>

FIRST HIGH LEVEL MEETING OF THE AFRICA-EU ENERGY PARTNERSHIP AND NINTH GLOBAL FORUM ON SUSTAINABLE ENERGY (GFSE): These events will take place on 21 April and 22 April, respectively, in Vienna, Austria. For more information, contact the conference Secretariat: tel: +49-307-261-4213; fax: +49-307-261-4213; e-mail: participants@aep-conference.org; internet: <http://www.gfse.at/> and <http://www.aep-conference.org>

OSLO CLIMATE AND FOREST CONFERENCE 2010: The conference is taking place on 27 May 2010 in Oslo, Norway, hosted by the government of Norway. The purpose of the meeting is to establish an interim partnership arrangement for REDD+. This partnership would aim to ensure rapid implementation of a global coordinated effort to preserve the world's tropical forests, in line with UNFCCC decisions. For more information, contact the conference organizers: tel: +47-612-87320; fax: +47-612-87330; e-mail: ocfc@mfa.no; internet: <http://www.oslocfc2010.no/>

32ND SESSIONS OF THE UNFCCC SUBSIDIARY BODIES, AWG-LCA 10 AND AWG-KP 12: The 32nd sessions of the Subsidiary Bodies of the UNFCCC—the SBI and the SBSTA—are scheduled to take place from 31 May to 11 June 2010, in Bonn, Germany. At the same time AWG-LCA 10 and AWG-KP 12 are scheduled to meet. For more information,

contact UNFCCC Secretariat: tel: +49-228-815-1000; fax: +49-228-815-1999; e-mail: secretariat@unfccc.int; internet: <http://unfccc.int/>

G-20 SUMMIT: The June G-20 Summit will take place in Toronto, Canada from 26-27 June 2010. For more information, see <http://www.international.gc.ca/cip-pic/G20/>

G-20 SUMMIT: The November G-20 Summit will take place in Seoul, Republic of Korea from 11-13 November 2010. For more information, contact: Presidential Committee for G-20 Summit; e-mail: G20KOR@korea.kr; internet: <http://www.g20.org/index.aspx>

SIXTEENTH CONFERENCE OF THE PARTIES TO THE UNFCCC AND SIXTH MEETING OF THE PARTIES TO THE KYOTO PROTOCOL: This meeting will take place from 29 November - 10 December 2010 in Cancún, Mexico. For more information, contact UNFCCC Secretariat: tel: +49-228-815-1000; fax: +49-228-815-1999; e-mail: secretariat@unfccc.int; internet: <http://unfccc.int/>

GLOSSARY

AAU	Assigned Amount Unit
AOSIS	Alliance of Small Island States
AWGs	<i>ad hoc</i> working groups
AWG-KP	<i>Ad Hoc</i> Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol
AWG-LCA	<i>Ad Hoc</i> Working Group on Long-term Cooperative Action under the UNFCCC
BAP	Bali Action Plan
COP	Conference of the Parties
COP/MOP	Conference of the Parties serving as Meeting of the Parties to the Kyoto Protocol
LDCs	Least developed countries
LULUCF	Land use, land-use change and forestry
MRV	Monitoring, reporting and verification
QELROs	Quantified emission limitation and reduction objectives
REDD+	Reducing emissions from deforestation and forest degradation in developing countries and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
SBs	Subsidiary bodies
SBI	Subsidiary Body for Implementation
SBSTA	Subsidiary Body for Scientific and Technological Advice
SIDS	Small island developing states
UNFCCC	United Nations Framework Convention on Climate Change