

Third World Network Marrakech Climate News Updates

(November 2016)



Third World Network
**MARRAKECH CLIMATE
NEWS UPDATES**

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TWN

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NOTE

This is a collection of 29 News Updates and an overview prepared by the Third World Network for and during the recent United Nations Climate Change Talks – the twenty-second session of the Conference of the Parties to the UN Framework Convention on Climate Change (COP 22), the twelfth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 12), and the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1) – in Marrakech, Morocco from 7 to 18 November 2016.

The Outcome and Process at the Marrakech COP22 Climate Talks: A Start to the Battle of Interpretation of the Paris Agreement

Meenakshi Raman

JUST when it was thought that the dust has finally settled over the long and difficult negotiations under the United Nations Framework Convention on Climate Change (UNFCCC), which led to the Paris Agreement that was concluded in December 2015, the battle of interpretation over what was agreed in Paris started between developed and developing countries.

This was evident at the annual year-end climate talks under the UNFCCC in Marrakech, Morocco on 7-19 November 2016. Presided over by the Foreign Minister of Morocco, Salaheddine Mezouar, the talks comprised the 22nd session of the Conference of the Parties (COP 22), as well as meetings of the Convention's subsidiary bodies.

A historic event was the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1) on 15 November. It is the supreme body of the Paris Agreement. The Paris Agreement entered into force in record time on 4 November.

Following the adoption of the PA in 2015, a new body was established called the Ad Hoc Working Group on the Paris Agreement (APA). Its work started at a session in May 2016 and resumed in Marrakech. The APA was tasked to craft various rules related to the implementation of the PA, commonly known as 'modalities, procedures and guidelines' (MPGs).

The Subsidiary Bodies of the Convention, the SBI and SBSTA, as well as the other thematic bodies including the Adaptation Committee, the Technology Executive Committee and the Climate Technology Centre and Network, the Executive Committee of the Warsaw International Mechanism for Loss and Damage and the Paris Committee on Capacity-building (which was decided to be established in Paris) also have tasks assigned to them by COP 21 to advance work on the implementation of the PA.

In Marrakech, in the informal consultations under the APA, divergences were stark, with different views emerging between developed and developing countries on how Parties understand and interpret the PA. Both developing and developed countries insisted that the PA should not be renegotiated as it was 'delicately balanced', but there were sharp differences on how Parties understood and viewed the Agreement.

Disagreements on interpreting Nationally Determined Contributions

The disagreement was most obvious in the APA informal consultations on guidance on what are nationally determined contributions (NDCs), as to their features, their scope and information, with differences over what the focus of the guidance should be.

The NDCs are the heart of the PA, which all Parties have committed to undertake as their 'contributions' to the global response to climate change. The scope of the NDCs was a big fight in Paris, which led to Article 3 of the Agreement.

Article 3 states that, 'As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2. The efforts of all Parties will represent a progression over time, while recognising the need to support developing country Parties for the effective implementation of this Agreement.'

Article 3 symbolises the 'battle' over the nature of the agreement to ensure that the NDCs are not viewed only as being 'mitigation-centric'. Article 4 refers to the element of 'mitigation', Article 7 to 'adaptation', Article 9 to 'finance', Article 10 to 'technology development and transfer', Article 11 to 'capacity-building' and Article 13 to a 'transparency framework for action and support'.

In defining the features and information related to NDCs, the battle in Marrakech was once again on the scope of the NDCs. Developed countries and some developing countries were of the view that the focus

of work on the ‘further guidance’ should be confined only to the aspect of ‘mitigation’ and not include the full scope of the NDCs as referred to in Article 3.

Several developing countries led by the Like-minded Developing Countries (LMDC) (who were the main architects of Article 3), the African Group and the Arab Group strongly emphasised that NDCs do not only include mitigation and therefore discussions must include the whole scope of the NDCs. The LMDC was of the view that any technical work could not be advanced if this was not the understanding. They wanted a comprehensive understanding of what are NDCs so that all the components of NDCs are addressed in a balanced manner.

Developed countries could not agree to this, which led the co-facilitators of the APA informal consultation on this matter to conclude that ‘there was agreement that Parties must respect the PA and the “national determination” character of the contribution’ but that ‘Parties had divergent views on the features of NDCs’.

Hence, in the negotiations in 2017, the features of the NDCs will continue to be a major contentious matter.

The issue of differentiation between developed and developing countries and how it should be operationalised in the PA also affected other issues, including the transparency framework on action and support, facilitating implementation and compliance, the global stocktake and adaptation communications.

In the various meetings, a common conflict was over the application and operationalisation of the principle of common but differentiated responsibilities and respective capabilities (CBDRRC), in the light of national circumstances, in the various articles of the PA.

While many developing countries stressed the need to integrate the CBDRRC principle in the design of the various MPGs, developed countries disagreed and wanted a common approach in this regard.

Another area of contention was around the issue of the Adaptation Fund (AF) and its future under the PA. Developing countries were of the view that the decision taken in Paris was for the AF to serve the PA and that the work in Marrakech was to give effect to the decision as regards the preparatory work needed.

Developed countries on the other hand did not agree that such a decision was taken and insisted that preparatory work was needed to clarify that the AF serves the PA. In the final decision adopted, the CMA decided that ‘the AF should serve the PA, following and consistent with decisions to be taken...’ in 2018 ‘that address the governance and institutional arrangements, safeguards and operating modalities of the AF’.

CMA1: Work programme on Paris Agreement implementation

COP 21 assigned various tasks to the subsidiary bodies of the Convention and other constituted bodies in relation to the implementation of the PA (or its work programme).

An issue in Marrakech was the convening of the CMA and how all Parties, including those who have yet to ratify the PA, can take part in decision-making on its implementation. Parties were in general agreement that the process has to be inclusive that enables all Parties of the Convention to craft the rules, and not only Parties to the PA.

As expected the CMA 1 took a decision to invite the COP (which includes all Parties to the UNFCCC) ‘to continue to oversee the implementation of the work programme under the PA’.

This decision allows the various bodies to continue and complete the work assigned to them in an inclusive manner under the COP and that further decisions will only be adopted at the CMA session in 2018. The next COP and CMA meetings will be in Bonn on 6-17 November 2017.

The issues under the APA

Under the APA, informal consultations were facilitated by two co-facilitators on six items: (i) guidance on features, information and accounting of NDCs; (ii) guidance related to the adaptation communication; (iii) modalities, procedures and guidelines (MPGs) for the transparency framework for action and support; (iv) matters relating to the global stocktake; (v) modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance and (vi) further matters related to the implementation of the PA.

Among the most contentious items were those of the NDCs (which is reported above) and the MPGs for the transparency framework for action and support.

On the transparency framework, under the PA, Parties agreed in Article 13(1) for ‘an enhanced transparency framework for action and support, with built-in flexibility which takes into account Parties’ different capacities ...’.

(The transparency framework relates to the measurement, reporting and verification of information provided by Parties, both as regards their climate actions as well as that of support which relates to the provision by developed countries of finance and receipt of these resources by developing countries.)

The issues raised by Parties involved considerations that are of both a political and a technical nature, with the ‘political’ relating to how differentiation between developed and developing countries is operationalised in the MPGs.

On the overall structure of the framework, the developed countries proposed that the MPGs should be common to all Parties with built-in flexibility, while the developing countries especially from the LMDC see the MPGs themselves to be differentiated.

The United States expressed the view that the transparency framework was not divided into ‘developed’ and ‘developing’ countries but focuses on the capacity of countries to carry out the specific transparency MPGs.

The LMDC position is that the PA establishes an ‘enhanced’ transparency framework rather than a ‘common’ or ‘unified’ framework; that it shall be based on differentiated obligations and recognises the different capabilities and capacities of developed and developing countries; that there should be differentiation in the operationalisation of the framework and that flexibility has to be accorded to all developing countries.

India in its submission stated that the existing arrangements under the Convention have shown that a common but differentiated transparency framework on action and support can be developed and implemented effectively, while preserving and reflecting equity and the principle of common but differentiated responsibility (CBDR).

The Arab Group also reflected similar positions as that of the LMDC.

Developed countries on the other hand stressed the importance of having a common transparency framework, with flexibilities for developing countries that do not have capacity. The EU identified the common MPGs in the areas of reporting guidelines; guidelines for technical expert review and for the facilitative and multilateral consideration of progress.

On the issue of ‘flexibility’, while the general view of all Parties was the importance of providing flexibility to developing countries that need it, there were different ideas on how such flexibility could be defined and applied to the MPGs.

For the LMDC, the flexibility to be applied is for all developing countries as they have insufficient capacities in the areas of statistics, institutional arrangements, necessary resources, etc.

The Arab Group, China, and India further stressed that it is most important to ensure the continuance of the provision of flexibility to developing countries, through ensuring the continuity of differentiation while developing the MPGs.

They added that flexibilities should also be provided to developing countries in a systemic nature, meaning that it is integrated into the entire transparency regime and reflected in terms of scope of reporting, frequency and level and detail of reporting.

The issue of differentiation and its operationalisation will continue to be a major political battle in 2017.

The agreed conclusions of the APA noted that while there was progress of work on all the substantive agenda items, much remains to be done and there was a need to progress on all items in a coherent and balanced manner, and to ensure a coordinated approach with regard to related matters considered under the Subsidiary Bodies.

The progress of work on the agenda items were reflected in informal notes prepared by the co-facilitators and it was agreed that the notes will be helpful for the future work of the APA.

Concerns over shifting of focus to actions post-2020 instead of pre-2020

Another area of tussle between developed and developing countries was on climate actions to be taken pre-2020 and post-2020.

Developed countries wanted the focus of climate actions to be mainly on post-2020 contributions by all countries under the PA, while developing countries emphasised the importance of the implementation of

existing commitments of developed countries under the various decisions of the UNFCCC and the Kyoto Protocol in the pre-2020 time frame.

The developing countries' position is understandable. As Parties celebrated the early entry into force of the PA, the Doha Amendment to the Kyoto Protocol (KP) that is supposed to give effect to the second commitment of the KP (2CP) for emission reductions by developed countries for the period 2013-20 has yet to come into effect.

Parties had agreed in 2012 in Doha, Qatar, to amend the KP to incorporate the 2CP where developed countries who are Parties to the KP will undertake aggregate emission cuts that would be at least 18% below 1990 levels. They also agreed that developed countries would revisit their emission reduction commitments by the end of 2014, with a view to increasing their ambition level.

Regrettably, the 2CP has not come into effect, nor has there been a revision of the ambition level for the emission cuts of developed countries thus far. To give effect to the Doha Amendment, and for the 2CP to come into effect, a total of 144 countries have to ratify it, including developing countries. Thus far, only 73 countries have done so.

As noted by India's chief negotiator, Ravi Prasad, during the 'Facilitative Dialogue on Enhancing Ambition and Support', many developed country delegates were focusing on actions in the post-2020 time frame. Countering this approach, he stressed that ambition could not be put off for another four years. The facilitative dialogue should focus on what needs to be done now rather than talk of NDCs and post-2020 action.

Thailand, representing the G77 and China, said at the closing plenary in Marrakech that 'After four years, only 73 Parties have deposited their instruments of acceptance' (in relation to the Doha Amendment) and he reiterated the urgent need to complete the 'unfinished business of pre-2020 action and ambition which are long overdue' as the 'Kyoto Protocol is a fundamental building block in our post-2020 efforts'.

The Marrakech talks took place against the backdrop of the release of the 'Emissions Gap Report 2016' by the United Nations Environment Programme (UNEP), which said that the world is still heading for a temperature rise of 2.9 to 3.4°C this century, even with 'Paris pledges' and that in 2030, emissions will be 12 to 14 gigatonnes above levels needed to limit global warming to 2°C.

The 'Paris pledges' refer to the intended nationally determined contributions (INDCs) that Parties have communicated to the UNFCCC secretariat that will take effect only from 2020 onwards.

The UNEP report also stated that 'the need for urgent action has been reinforced by the fact that 2015 was the hottest year since modern record keeping began. Although high temperatures were exacerbated by the effect of El Niño, it is notable that 10 of the warmest years on record have occurred since 2000, and the trend continues, with the first six months of 2016 all being the warmest ever recorded.'

COP 22 was touted as a 'COP of action' or an 'implementation COP', which promised not only to focus on issues relating to the rules for the implementation of the PA but also on pre-2020 actions which deal with the existing commitments under the Convention and the KP, including on developed countries delivering the finance commitment of mobilising US\$100 billion per year by 2020 from developed to developing countries that was agreed to in 2010.

Regrettably, there was very little to show in terms of real progress on developed countries meeting their existing pre-2020 commitments.

Controversy over the roadmap to US\$100 billion financing for developing countries

One major area of controversy was around the roadmap towards mobilising US\$100 billion a year by 2020 as climate financing for developing countries, which the developed countries had committed to.

On 16 November, a Ministerial Dialogue on climate finance was convened in Marrakech.

Parties had agreed in Paris that the dialogue will focus on the issues of adaptation finance, needs for support to developing countries, and cooperation on enhanced enabling environments and support for readiness activities.

A key input for the dialogue was the Summary and recommendations by the (UNFCCC's) Standing Committee on Finance on the 2016 biennial assessment (BA) and overview of climate finance flows.

The 2016 BA reported that mitigation-focused finance represented more than 70% of the public finance, and that adaptation finance provided to developing countries accounted for about 25% of the total finance. The BA also highlighted that the flows of finance from developed to developing countries as reported in the biennial reports of developed countries were US\$25.4 billion in 2013 and US\$26.6 billion in 2014.

Ahead of the climate talks, developed countries launched a report by the United Kingdom and Australia entitled '*Roadmap to the USD 100 billion*'. This report drew much criticism and flak from developing countries, which challenged its legitimacy and the methodology involved in arriving at the finance numbers.

Developed countries used the report to assert their claim that they are on target to meet the US\$100 billion. The report projected that US\$62 billion was mobilised in 2014 and based on an OECD (2016) analysis, 'pledges made in 2015 alone will boost public finance from an average of US\$41 billion over 2013-14 to US\$67 billion in 2020 – an increase of US\$26 billion'.

During the informal consultations held on the issue of long-term finance (LTF), developed countries wanted an explicit reference in the proposed decision to their 'Roadmap' and for the report to be 'welcomed' but this was strongly resisted by the G77 and China.

The final compromise in the LTF decision was the use of the terms '*the submission made by developed country Parties...*' which was an implicit reference to the 'Roadmap'.

The Marrakech Action Proclamation

The President of COP 22, the Foreign Minister of Morocco, on 17 November issued a call, endorsed by all Parties, entitled the 'Marrakech Action Proclamation for our Climate and Sustainable Development'. Describing the call as a 'new source of inspiration', Mezouar said that the Proclamation received the support of all Parties.

When the Moroccan Presidency first mooted the idea of issuing a document billed as the 'Marrakech Call for Action', which was the precursor to the 'proclamation', it was viewed with some concern among several developing countries that issues of importance to them were not adequately reflected in the original draft. Informal consultations were then convened on the document, and the Presidency accommodated points made by various constituencies. After a balance was achieved, the Proclamation received the support of all delegations.

Among other things, the Proclamation called for the 'highest political commitment to combat climate change, as a matter of urgent priority'. It also called for 'urgently raising ambition and strengthening cooperation...to close the gap between current emissions trajectories and the pathway needed to meet the long-term temperature goals of the Paris Agreement'. It also called on developed countries to 'reaffirm' the 'US\$100 billion mobilisation goal'.

Many saw the Proclamation as an important signal to the world that Parties were committed to take forward the UNFCCC process and the Paris Agreement, despite the uncertainties associated with the election of Donald Trump as the new US President, including whether the US would remain a member of the Paris Agreement. In fact the turn of events in the US became a talking point in the corridors of the Marrakech meetings.

Issue of the 'homeless items'

The closing plenary of the first session of the CMA1 adopted a decision on matters related to the work programme under the PA in a manner that was rather confusing.

The decision was on the process forward, as regards items under the PA that were not assigned in Paris in 2015 to any of the subsidiary or constituted bodies for further work (referred to as the 'homeless items').

These 'homeless items', which were the subject of intense debate in the APA meetings, comprised the following matters:

- common time frames for NDCs for consideration at CMA 1;
- modalities for the recognition of adaptation efforts of developing country Parties, for consideration and adoption at CMA 1;
- process for setting a new collective quantified goal on finance;
- modalities for biennially communicating information relating to the projected levels of public finance by developed countries; and
- guidance on education, training and public awareness.

Parties were divided since the beginning of Marrakech on how to handle these items, with Brazil wanting items such as the common time frames for NDCs to be forwarded to the subsidiary bodies of the Convention on the grounds that these matters were mandated to be dealt with by CMA 1, while the LMDC wanted all the homeless items to be dealt with comprehensively as a package.

(Common time frames for NDCs relate to the length of the period of a contribution, as currently, Parties have communicated either a 5- or 10-year time frame that expires in 2025 or 2030 from 2020. Brazil has been pushing for a common time frame for all Parties.)

There was no agreement on the issue under the APA. The Presidency then circulated a draft decision to be taken at the CMA plenary to have the APA continue its consideration of the issues next year.

However, when the Moroccan Foreign Minister as the President of CMA1 convened the meeting late on 18 November, he singled out two of the ‘homeless items’ for the consideration of Parties, i.e. the common time frames for NDCs and guidance on education, training and public awareness, to be forwarded to the Subsidiary Body for Implementation (SBI) for work to commence.

Bolivia asked the CMA President for clarification about the proposal he was making, given that it was ‘something very new’ and not contained in the President’s draft decision. To this, Mezouar responded that after considering this matter, Parties could then adopt the proposed draft decision.

Bolivia then asked the CMA President to invite Parties to first consider the draft decision before reviewing the items he raised. The President then invited Parties to adopt the decision proposed which was then approved by Parties with no objections.

The President then invited Parties to consider the issue of the common time frames for NDCs and that of education, training and public awareness, and proposed to send these items to the SBI for work to start and to forward a decision to the CMA.

Bolivia said that it could not support the proposal by the President as it meant that there would be follow-up on a specific issue (of common time frames for NDCs) which appeared to be mitigation-centric. It also said that there was a need for a comprehensive and holistic approach on all the ‘homeless items’ in a single package, and that just singling out a particular issue was ‘breaking the delicate balance’ as regards all the issues. Bolivia said it wanted to see a balanced approach on all the remaining issues and wanted this matter discussed at the next meeting (of the APA).

Brazil did not agree with Bolivia and asked Bolivia to reconsider its decision. Bolivia asked for clarification, saying that Parties had already taken a decision on the matter and why after doing so, specific issues were being raised by Parties and that this was setting a bad precedent. It said that the particular interest of Parties can be considered later (in 2017) in one single decision in a comprehensive manner.

Costa Rica, the United States, Mali, the European Union, the Democratic Republic of Congo and the Maldives supported Brazil and the proposal by the President.

India supported Bolivia and said that a common understanding was needed and called for a balanced and inclusive approach. It said paragraph 9 of the CMA decision (that had just been adopted) captured the views of all Parties and was accepted in the spirit of compromise. It said that it was best to stick to the decision without singling out any specific topic for further work (at this stage).

At this juncture, the CMA President called for a short break for Parties to consult, which took longer than expected. When the President reconvened the meeting, he said that after consultations, there was no possibility to reach an agreement at this point and proposed that Parties move forward.

Brazil continued to persist in its demand and asked Parties to consider forwarding the two issues to the SBI’s next session.

South Africa then raised its flag and spoke on behalf of BASIC (Brazil, South Africa, India and China) and said that it could go along with the President’s proposal (of forwarding the two issues for the consideration of the SBI). It also stressed that it was the understanding of BASIC that at the next session, Parties would give equal attention to both pre-2020 and post-2020 issues.

The CMA1 President then proposed to send the two items to the SBI for its consideration at its 47th session and this was gavelled with the approval of Parties.

Several Parties and observers were confused as to how the proposal by the President was going to be reflected when the decision that was adopted reflected a different approach and no amendments to the decision were made to reflect the COP President’s proposal. This issue is expected to again arise in 2017.

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What to Expect at the Marrakech Climate Talks

Marrakech, 7 November 2016 (Meena Raman) – The annual year-end climate talks under the United Nations Framework Convention on Climate Change (UNFCCC) will kick off in Marrakech, Morocco, on 7 November and is expected to end 18 November.

The two-week talks will see the convening of the Convention's twenty-second session of the Conference of the Parties (COP 22), the twelfth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 12) as well as the forty-fifth sessions of the Subsidiary Body for Implementation (SBI 45) and the Subsidiary Body for Scientific and Technological Advice (SBSTA).

Following the adoption of the Paris Agreement last year, a new body was established called the Ad Hoc Working Group on the Paris Agreement (APA), which began its work in May this year. The APA will also resume its work in Marrakech to continue the tasks assigned to it by the COP.

A new development is the early entry into force of the Paris Agreement (PA).

The PA entered into force on 4 November, which was the 30th day since 5 October when the double threshold for entry into force of the Agreement was achieved (which was the requirement for at least 55 Parties to the Convention, accounting in total for at least an estimated 55% of the total global greenhouse gas emissions, have deposited their instruments of ratification or acceptance).

As a result, the first session of the Conference of the Parties serving as the meeting of the Parties to the PA (CMA 1) will also convene in Marrakech on 15 November. As of now, 97 of the 197 Parties to the Convention have ratified the PA.

As Parties celebrate the early entry into force of the PA, the Doha Amendment to the Kyoto Protocol (KP) that is supposed to give effect to the

second commitment of the KP (2CP) for emission reductions by developed countries for the period 2013-20 has yet to come into effect.

Parties had agreed in 2012 in Doha, Qatar to amend the KP to incorporate the 2CP where developed countries who are Parties to the KP will undertake aggregate emission cuts that would be at least 18% below 1990 levels. They also agreed that developed countries will revisit their emission reduction commitments by the end of 2014, with a view to increasing their ambition level.

Regrettably, the 2CP has not come into effect, nor has there been a revision of the ambition level for the emission cuts of developed countries thus far. To give effect to the Doha Amendment, and for the 2CP to come into effect, a total of 144 countries have to ratify it, including developing countries. Thus far, only 71 countries have done so.

The Marrakech talks are happening against the backdrop of a newly released 'Emissions Gap Report 2016' by the United Nations Environment Programme (UNEP), which says that the world is still heading for a temperature rise of 2.9 to 3.4°C this century even with 'Paris pledges', and that in 2030, emissions will be 12 to 14 gigatonnes above levels needed to limit global warming to 2°C.

(The 'Paris pledges' refer to the intended nationally determined contributions [INDCs] that Parties have communicated to the UNFCCC secretariat that will take effect only from 2020 onwards.)

The UNEP report also states that 'the need for urgent action has been reinforced by the fact that 2015 was the hottest year since modern record keeping began. Although high temperatures were exacerbated by the effect of El Niño, it is notable that 10 of the warmest years on record have occurred since 2000, and the trend continues, with

the first six months of 2016 all being the warmest ever recorded.'

Given the need for urgent action, COP 22 has been touted as a 'COP of action' or an 'implementation COP', which promises to focus not only on issues relating to the rules for the implementation of the PA for the post-2020 timeframe but also on pre-2020 actions which deal with the existing commitments under the Convention and the KP, including on delivering the finance commitment of US\$100 billion per year by 2020 from developed to developing countries that was agreed to in 2010.

Below are some highlights of what can be expected at the Marrakech climate talks.

CMA 1: EARLY ENTRY IN FORCE AND CONSEQUENCES

At the last COP in Paris (COP 21), various tasks were assigned to the subsidiary bodies of the Convention and other constituted bodies including the APA related to the implementation of the PA.

Work on these tasks and mandates have only just begun in May this year and there is a long way to go to agree on the various rules for implementation (referred to as modalities, procedures and guidelines).

An issue which has arisen with the rapid and early entry into force of the PA and with the convening of the CMA is how all Parties, including those who have yet to ratify the PA, can be included in the process of crafting the rules related to the implementation of the PA.

According to sources, it appears that Parties are in general agreement that the process has to be inclusive that enables all Parties of the Convention to be at the table in drawing up the rules, and not only Parties to the PA.

It can therefore be expected that the CMA 1 will convene and take a decision to allow the various bodies to continue and complete the work assigned to them under the COP. The CMA is then expected to be suspended and to resume at an agreed timeline.

At issue is when the CMA will resume its meeting. It appears that most Parties prefer 2018 to be when the CMA should meet again, while there are some Parties who are calling for its resumption in 2017.

Another matter that is expected to receive attention is the issue of the provisional agenda of the CMA. According to the provisional agenda, apart from the usual organisational and procedural matters, the agenda item related to substance is item

3 on 'matters related to the implementation of the Paris Agreement', which has a footnote saying that this item will discuss the modalities, procedures and guidelines (MPGs) that the CMA at its first session is expected to consider and take decisions on in accordance with the mandates contained in the PA, as well as the draft decisions to be recommended by the subsidiary bodies through the COP to the CMA 1 for adoption.

The issue here is whether there will be a lengthy procedural discussion over the agenda of the CMA as to whether it would be comprehensive, covering all the issues or if it will be a simple agenda as proposed in the provisional agenda with all the issues contained under agenda item 3. Also at issue could be whether the footnote to item 3 is comprehensive enough in reflecting the key articles of the PA.

How developed and developing countries interpret the various mandates from Paris and the articles of the PA will continue to underline some of the issues that are likely to emerge in Marrakech.

THE APA ISSUES

The APA Co-chairs, Sara Baashan (Saudi Arabia) and Jo Tyndall (New Zealand) have issued a scenario note to guide Parties. The note is unusual, in that it has a long section in part IV called 'moving forward on agenda items' which set out the reflections and impressions of the Co-chairs from the submissions of Parties on the various agenda items 'to help initiate discussions in Marrakech rather than represent a comprehensive summary of the views expressed by Parties'.

On the organisation of work, the Co-chairs state that APA will work in a single contact group which will meet at least three times and that the contact group will conduct technical work for each of the six substantive agenda items through informal consultations to be facilitated by two co-facilitators.

The facilitated groups are expected to finalise their work by 11 November and the APA closing plenary will be on 14 November.

The six substantive agenda items of APA relate to (i) guidance on features, information and accounting of nationally determined contributions (NDCs); (ii) guidance related to the adaptation communication; (iii) modalities, procedures and guidelines for the transparency framework for action and support; (iv) matters relating to the global stocktake; (v) modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance and (vi)

further matters related to the implementation of the PA.

Some of the issues that can be expected to arise under the APA agenda items are highlighted below.

- **NDCs – FEATURES, INFORMATION AND ACCOUNTING**

On the issue of the ‘features’ of NDCs, since there is no definition term or negotiations about it in Paris, the submissions of Parties define ‘features’ in various ways, sometimes understanding them as ‘elements’ or ‘aspects’ of NDCs or ‘characteristics that NDCs have’. Many Parties use the PA as the basis for defining the ‘features’ of NDCs in their submissions.

For the Like-minded Developing Countries (LMDC), the ‘features’ are gleaned from the PA itself and are set out as follows: that they are nationally determined; contain the full scope of NDCs as defined by Article 3; progression and ambition on all elements and not just mitigation; have mitigation co-benefits from adaptation actions; response measures taken into account and differentiation reflected. (See LMDC submission). Similar views are also expressed in the submissions of the African Group, and the AILAC (Independent Alliance of Latin America and the Caribbean).

The LMDC and Brazil stress that the mandate is not to define new features. However what the further guidance on features means has different understandings.

The LMDC view is that the further guidance on the features is to collect and compile the agreed features contained in the PA for clarity. For Brazil, the mandate is not to develop new features but that the guidance on the features relates to the information Parties shall provide on the features when communicating their NDCs.

For the European Union (EU), on the further guidance on features, it wants focus on how the guidance can ensure the common characteristics of NDCs are reflected in future contributions.

On the scope of the NDCs, most of the submissions focus on the features of the mitigation component of the NDCs (MCNDC), unlike the LMDC and the African Group. Hence, the guidance on the features is mainly about information relating to the MCNDC in most of the submissions. For the LMDC and the African Group, the focus is on the broad scope of the NDCs and on what information is therefore needed.

The APA Co-chairs in their reflections in the scenario note from the submissions of Parties actually state that the boundaries between the fea-

tures, information and accounting of the NDCs are not always clear-cut.

Among the questions that the Co-chairs pose in their note is: ‘Given the nationally determined nature of the contributions, is how directive should be the guidance on features, information and accounting (as for example whether the outcome might take the form of a “best practice” guide for NDCs?’

They also state that ‘it will be useful to clarify how to achieve the purposes of NDCs without impacting national sovereignty and also to determine what further guidance would be necessary drawing upon existing arrangements under the Convention and KP.’

- **ADAPTATION COMMUNICATION**

Article 7(10) of the PA states that ‘each Party should, as appropriate, submit and update periodically an adaptation communication...’ and Article 7(11) states that the communication ‘shall be, as appropriate, submitted and updated periodically, as a component of or in conjunction with other communications or documents, including a national adaptation plan, a NDC...and/or a national communication’.

From the submissions of Parties, there are serious divergences on the role/objective/purpose of adaptation communication between Parties, particularly between developed and developing countries.

Most countries see the adaptation communication as an instrument to enhance and/or maintain the profile of adaptation both domestically and internationally, and to catalyse adaptation action.

The developed countries stress that the adaptation communication should be a summary of the National Adaptation Plan (NAP) and communicate forward-looking components for adaptation actions, such as plans and priorities. They basically define the adaptation communication as a sharing or communication instrument for knowledge, experience, best practices on how to prioritise and strengthen adaptation actions.

Some developing countries, for example the LMDC, regard the adaptation communication as a tool to facilitate the provision of finance on adaptation, while the Alliance of Small Island States (AOSIS) emphasise the role that the adaptation communication may play for a global overview of support and finance provided for adaptation actions.

For Argentina, Brazil and Uruguay, they regard the adaptation communication as a source of information for the recognition of adaptation efforts.

The United States (US) has reservations on choosing the NDC as the reporting vehicle for the communication of adaptation efforts, as they fear that this would obscure the mitigation contribution of Parties. The African Group on the other hand stressed that the NDCs should be recognised as the primary tool for Parties to articulate their adaptation communication in order to achieve the parity between adaptation and mitigation

- **TRANSPARENCY FRAMEWORK**

Under the PA, Parties agreed in Article 13(1) for ‘an enhanced transparency framework for action and support, with built-in flexibility which takes into account Parties’ different capacities ...’.

(The transparency framework relates to the measurement, reporting and verification of information provided by Parties, both as regards their climate actions as well as that of support which relates to the provision by developed countries of finance and receipt of these resources by developing countries.)

The APA Co-chairs have stated in their scenario note that ‘the submissions from Parties touch upon considerations that are of both a political and a technical nature.’ They state further that ‘while all issues are equally important and warrant full consideration, there are a few particular issues that have potential to impact the overall outcome of the work on the development of the MPGs’.

On the overall structure of the enhanced transparency framework, the Co-chairs state that ‘some Parties propose MPGs common to all Parties with built-in flexibility, while others see the MPGs themselves to be differentiated’.

From the submissions of Parties as viewed by TWN, it is clear that while the latter is the LMDC position, Parties who support the former approach for common MPGs are developed countries including the EU and the US.

The US says that the transparency framework was not divided into ‘developed’ and ‘developing’ countries but focuses on capacity to carry out the specific transparency MPGs.

The LMDC position is that the PA establishes an ‘enhanced’ transparency framework rather than a ‘common’ or ‘unified’ framework; that it shall be based on differentiated obligations and recognises the different capabilities and capacities of developed and developing countries; that there should be differentiation in the operationalisation of the framework and that flexibility has to be accorded to all developing countries.

The Indian submission states that the existing arrangements under the Convention have shown that a common but differentiated transparency framework on action and support can be developed and implemented effectively, while preserving and reflecting equity and the principle of common but differentiated responsibility (CBDR).

Developed countries on the other hand stress the importance of having a common transparency framework, with flexibilities for developing countries who do not have capacity. The EU has identified the common MPGs in the areas of reporting guidelines; guidelines for technical expert review and for the facilitative and multilateral consideration of progress. It also has an annex listing the possible structure for the reporting guidelines and review of the guidelines.

On the issue of ‘flexibility’, the Co-chairs state that ‘while all submissions highlighted the importance of providing flexibility to developing countries that need it, they contained different ideas on how such flexibility could be defined and applied to the MPGs’.

For the LMDC, flexibility is for all developing countries as they have insufficient capacities in areas of statistics, institutional arrangements, necessary resources, etc. The LMDC submission makes clear what aspects are not flexibilities such as choosing different categories of information for reporting progress of NDCs, choosing different tiers of IPCC inventory methodology, etc.

The Indian position is that it is most important to ensure the continuance of the provision of flexibility to developing countries, through ensuring the continuity of differentiation while developing the MPGs. The submission also stresses that flexibilities should also be provided to developing countries in a systemic nature, meaning that it is integrated into the entire transparency regime. The flexibilities should be reflected in terms of scope, frequency, level and detail of reporting.

The African Group states that the flexibility provision is only applicable to developing countries and that the scope of the flexibility is applicable to information that will be reported, the technical review and the facilitative multilateral consideration.

The US has in their submission provided key elements that need to be considered in developing the common MPGs, including on flexibility, and where it can apply and what areas do not need flexibility. It also refers to the evolution of the system where most countries have sufficient capacity to fully implement the common MPGs.

THE FACILITATIVE DIALOGUE

Parties agreed in Paris ‘to conduct a facilitative dialogue’ at COP 22 ‘to assess the progress in implementing decision 1/C.P.19, paras 3 and 4 and identify relevant opportunities to enhance the provision of financial resources, including for technology development and transfer and capacity building support, with a view to identifying ways to enhance the ambition of mitigation efforts by all Parties, including identifying relevant opportunities to enhance the provision and mobilisation of support and enabling environments’.

The dialogue is being held in two parts, on 11 November and 16 November. It relates to commitments and actions in the pre-2020 timeframe.

Paras 3 and 4 of decision 1/C.P.19 relate to what Parties agreed to in Warsaw in 2013 to accelerate the full implementation of the decisions as agreed to under the Bali Action Plan and in relation to the provision of means of implementation, including technology, finance and capacity-building support for developing country Parties, recognising that such implementation will enhance ambition in the pre-2020 period.

Developing countries will be expected to stress the unfulfilled obligations by developed countries including in relation to raising their ambition level on mitigation as well as in the provision of the means of implementation. Developed countries are expected to stress on how they have met or are meeting their obligations including on the mobilisation of the US\$100 billion per year by 2020.

2ND BIENNIAL MINISTERIAL ON CLIMATE FINANCE

The Ministerial Dialogue on climate finance will convene on 16 November. In Paris, Parties agreed that the dialogue will focus on the issues of adaptation finance, needs for support to developing countries, and cooperation on enhanced enabling environments and support for readiness activities.

A key input for the dialogue will be the recommendations by the Summary and recommendations by the (UNFCCC’s) Standing Committee on Finance on the 2016 biennial assessment (BA) and overview of climate finance flows.

The 2016 BA reports that mitigation-focused finance represented more than 70% of the public finance, and that adaptation finance provided to developing countries accounts to about 25% of the total finance.

The BA also highlights that the flows of finance from developed to developing countries as reported in the biennial reports of developed countries is US\$25.4 billion in 2013 and US\$26.6 billion in 2014.

It is expected that the developed countries will use their recently launched ‘Roadmap to the US\$100 billion’ and project that US\$62 billion was mobilised in 2014 and based on an OECD (2016) analysis, ‘pledges made in 2015 alone will boost public finance from an average of USD 41 billion over 2013-14 to USD 67 billion in 2020 – an increase of USD 26 billion’.

This report is expected to draw much criticism and flak from developing countries.

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Parties Provide Views on Work of Ad Hoc Working Group on the Paris Agreement

Marrakech, 8 November (T Ajit) – Following the opening of the 22nd meeting of the Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in Marrakech, Morocco on 7 November, the Ad Hoc Working Group on the Paris Agreement (APA), a body established following the adoption of the Paris Agreement, convened to resume its work and hear views from Parties on the mode of work.

During its first plenary session, the APA Co-chairs **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)** said that the APA would work in a single contact group which would meet at least three times and that the contact group would conduct technical work for each of the six substantive agenda items through informal consultations to be facilitated by two co-facilitators.

[The six substantive agenda items of APA relate to (i) guidance on features, information and accounting of nationally determined contributions (NDCs); (ii) guidance related to the adaptation communication; (iii) modalities, procedures and guidelines for the transparency framework for action and support; (iv) matters relating to the global stocktake; (v) modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance; and (vi) further matters related to the implementation of the Paris Agreement (PA).]

Baashan also said that the APA Co-chairs would facilitate informal consultations on all further matters related to the implementation of the PA, adding that during the first contact group, scheduled to commence on 8 November, the Co-chairs would provide a clear mandate on the guidance on work and expected outcomes and as work evolves, the guidance would be readjusted as needed.

She also said that the unprecedented pace at which the PA had entered into force (on 4 November this year) had increased the pressure on the APA to complete its work expeditiously and efficiently.

During the session, various groups of Parties also presented their expectations for the work in Marrakech and outlined their views on the key issues under discussion in the APA (see highlights of exchange below). These ranged from the organisation of work to the instructions to be given to the co-facilitators.

Developing countries stressed that the work of the APA must proceed in a balanced and coherent manner and transparency and coherence must be ensured.

The Like-minded Developing Countries (LMDC) cautioned against a mitigation-centric approach in the work of the APA under its various agenda items, and to correctly reflect and implement Article 3 of the PA, ‘which defines clearly the full scope of the NDCs, including mitigation, adaptation, finance, technology-development and transfer and capacity-building’.

All the groups stressed that no Party should be left behind in the decision-making process irrespective of whether they have ratified the PA or not. Developing countries stressed the importance of the means of implementation for actions under the PA.

Speaking for **the Group of 77 and China, Thailand** said the work of the APA should be Party-driven and undertaken in a balanced and coherent manner. It stressed that transparency and inclusiveness must be ensured and highlighted the importance of guidance given to facilitators to ensure comparable treatment and even progress for all issues.

Thailand added that the PA had achieved a delicate balance of all the issues. In this regard, the G77 reiterated that nationally determined contributions (NDCs) are a key vehicle to deliver enhanced action under the PA to achieve its long-term goals on all issues, including mitigation, adaptation and means of implementation.

It said that 'national determination is one of the features of NDCs and that the further guidance should take into account such character. The guidance should assist Parties with the preparation and communication of their NDCs in order to facilitate clarity, transparency and understanding of Parties' contributions.'

It added that the guidance should be developed in a flexible manner to accommodate the diversity of NDCs and the national circumstances of developing country Parties.

'Developed country Parties should continue to take the lead in applying the guidance for accounting. Implementation of NDCs, by Parties who have presented them, should reflect the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC), in light of different national circumstances,' said Thailand.

On the issue of the adaptation communication, Thailand emphasised the importance of adaptation and said the balance between adaptation and mitigation should continue to be pursued in the implementation of the PA. It stressed that the guidance must reflect the country-driven nature of adaptation and aim to enhance the adaptive capacity, reduce vulnerability and increase resilience without creating additional burdens on developing countries, be comprehensive and have optional elements help guide Parties' adaptation communication.

On modalities, procedures and guidelines for the transparency framework for action and support, Thailand said that it was important to get started on the technical work which would be 'Party driven and guided by the key principles of the enhanced transparency framework'. The Group emphasised that the work should progress in a balanced manner across all elements of the enhanced transparency framework, recognising there is less experience to draw upon for transparency of support. On flexibility, the Group highlighted that flexibility applied to all aspects of the enhanced transparency i.e. reporting, review and multilateral consideration for developing countries in light of their capacities. Thailand said that agreeing on a work programme would be a good start to the work ahead.

On the global stocktake, Thailand said that the modalities of the stocktake should be done in a

comprehensive and facilitative manner, considering mitigation, adaptation and the means of implementation and support, and in light of equity and the best-available science. 'Further discussion on the scope of global stocktake is important for reaching a common understanding and will provide a strong basis for addressing its designs including sources of input and modalities and ensure that it assists Parties in enhancing and/or updating action and support,' said Thailand.

On modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance, the G77 reaffirmed that the committee shall be 'facilitative in nature and function in a transparent, non-adversarial and non-punitive manner'. 'National capabilities and circumstances of Parties shall be reflected and the adequate participation of Parties concerned is important for its effective operation. Self-triggering could be an important mechanism to trigger the work of the committee,' said Thailand.

The G77 underscored the importance of accelerating the implementation of pre-2020 commitments and actions, including the ratification of the Doha Amendment (for the second commitment of the Kyoto Protocol), and the need to address the significant gap between the aggregate effect of Parties' mitigation pledges by 2020 and aggregate emission pathways. 'We emphasize the urgency to revisit and increase the emission reduction targets under the Convention and its Kyoto Protocol. We also emphasize the importance of implementing and enhancing the provision of finance, technology development and transfer and capacity building support by developed country Parties for developing countries, including the implementation of the road map to achieve the goal of providing USD 100 billion annually by 2020,' said Thailand.

Speaking for **the Least Developed Countries, the Democratic Republic of Congo (DRC)** said the planning of APA's work for the next year should allow Parties to capture progress for the consideration of the Conference of Parties meeting as the Parties to the PA (CMA) in 2017.

On the features and information for NDCs, DRC said that Parties must move towards a measure of uniformity while respecting the right of Parties to determine their contributions nationally and for the guidelines to cover both reporting and accounting of NDCs. DRC added that the group recognised the need to consider how accounting guidelines could be phased in over time, ensuring sufficient flexibility for LDCs.

On adaptation, DRC emphasised the importance of the national adaptation plan (NAP) pro-

cess for LDCs to facilitate medium- and long-term adaptation planning that would protect vulnerable communities and build enduring resilience to climate impacts. ‘NAPs should remain a key tool through which adaptation communications can be made to prevent creating additional burden for LDCs who are already engaged with this process. We recognise that common reporting and standardisation for adaptation communications could facilitate the evaluation of the effectiveness of adaptation projects and support needs of developing countries but should not create additional reporting burdens for LDCs,’ said DRC.

On transparency, DRC said that the Group looks forward to developing a clear set of modalities, procedures and guidelines for the transparency framework, with built-in flexibility that would enable LDCs to participate in the process. DRC also called for a balanced focus on both transparency of action and transparency of support, particularly on support provided.

On the mechanism for facilitating implementation and promoting compliance, DRC said that it must be linked with the transparency framework and said that the mechanism and its committee should draw on experience from the Kyoto Protocol (KP) while recognising there would be greater flexibility under the PA.

Speaking for **the Alliance of Small Island States (AOSIS)**, **the Maldives** called for accelerating progress in Marrakech and for additional meetings or technical workshops to be held in 2017. It stressed that the delivery of means of implementation was crucial for the full implementation of the NDCs and that the special circumstances of the SIDS should be recognised when it came to financing. The Maldives also said that Parties should set clear deadlines for completing the work.

Iran for the Like-minded Developing Countries (LMDC) said that the work of the APA should progress in a balanced manner together with the work being undertaken by the other UNFCCC subsidiary bodies, especially those related to adaptation, finance, technology development and transfer, and capacity-building.

It added that the focus of the APA’s work in all its agenda items must be based on and respect the integrity of the PA and not renegotiate them.

‘In this regard, we must stress that the entire context for the work of the APA includes the principles and provisions of the Convention, in particular the principle of equity and CBDR, and all of the provisions of the PA, in particular its Article 2 and 3,’ said Iran.

It cautioned against a mitigation-centric approach in the work of the APA under its various agenda items, to correctly reflect and implement Article 3 of the PA, ‘which defines clearly the full scope of the NDCs, including mitigation, adaptation, finance, technology-development and transfer and capacity-building’.

Iran underlined that achieving common understanding on cross-cutting issues, in particular the scope of NDCs and reflection of differentiation in the APA outcomes, was significant and fundamental for Parties to make progress on the technical issues under each APA agenda item.

On capturing the APA’s work at COP22, Iran said the outcome could be formally or informally captured through modalities that are ‘open and transparent, inclusive, Party-driven and based on consensus, provided that such modalities would allow for fully, comprehensively, and in a neutral manner, capturing the views, perspectives and concerns that all Parties may have put forward in the APA process’. Iran added that the outcome should not prejudice the rights of Parties to the Convention that are not Parties to the PA to being provided with the means of implementation for their climate change actions in accordance with the Convention.

Speaking for **the African Group**, **Mali** highlighted that it had some concerns with some reflections in the Co-chairs’ scenario note, which misrepresented Parties’ views and prejudiced positions. ‘We believe the mandates for the various agenda items are clear and the views submitted by Parties ahead of the session are a useful starting point,’ said Mali.

(The APA Co-chairs had issued a scenario note to guide Parties ahead of the Marrakech meeting. The note had a long section in part IV called ‘moving forward on agenda items’ which set out the reflections and impressions of the Co-chairs from the submissions of Parties on the various agenda items ‘to help initiate discussions in Marrakech rather than represent a comprehensive summary of the views expressed by Parties’. Also see TWN Marrakech News Update 1: [What to expect at the Marrakech climate talks.](#))

In relation to the mitigation component of NDCs, Mali said guidance should provide a sufficient basis for credible transparency arrangements and an effective global stocktake process. ‘This should be developed taking into account the diversity of NDCs and national circumstances of Parties noting the different obligations of Parties and flexibility embedded in the PA,’ said Mali.

On adaptation communications, Mali said the PA provides substantive guidance on features ‘for which we need to define minimum information that ensure clarity, transparency, consistency and the ability to aggregate such information to fulfil stock-taking provisions of the agreement. We see this as a critical element of operationalising the global goal of adaptation, as such an effective global stocktake’.

‘We see best use of our time in further unpacking these features to identify the relevant minimum information for each of these, and the relevant modalities. We do not think it is best use of time to consider the relationship of the adaptation component of NDCs with existing reports as it confuses the communication processes with reporting processes under the Agreement,’ said Mali.

On transparency of action and support, Mali stressed that it placed a direct link between the progress in the implementation of the Capacity Building Initiative for Transparency (CBIT) and the development of modalities, procedures and guidelines for transparency of action and support.

‘Effective building of institutional capacity in the African region to undertake transparency obligations is essential in ensuring effective participation of the African region in the PA,’ said Mali. It further highlighted the importance of the component of transparency of support, taking into account that many NDCs from developing countries were linked to the provisions of support, in particular finance and technology.

On the global stocktake, Mali said the topic should achieve the dual target of facilitating an accurate assessment of Parties’ collective efforts against the long-term goals of the Agreement, and stimulate enhanced action and support that is grounded in equity and the best-available science.

On the compliance mechanism, Mali highlighted the importance of finalising the work programme of the PA in particular those related to transparency of action and support before finalising the compliance mechanism.

On the outcome of work, Mali said the outcome could be captured in conclusions that reflect emerging understanding on issues. Mali also called on the Co-chairs to provide ‘consistent guidance to the facilitators across the different agenda items’.

Saudi Arabia speaking for **the Arab Group** welcomed the entry into force of the PA and hoped that discussions would retain the balance in all issues and include everyone in decision-making. It said that the concept of national determination should be preserved as regards NDCs and that there should be no interpretations of the PA by the co-

facilitators in the outcomes of the facilitated sessions. All the elements should be covered as per Article 3 and on the basis of the Convention and its provisions and transparency should be maintained, it said. ‘Developing countries’ sovereignty should be maintained,’ said Saudi Arabia. It added that for the global stocktake, it would take into account all aspects including support, technology transfer, finance and response measures to face climate change, and this should be done in a consultative manner. It added that the mechanism for implementation should have a constructive and non-punitive approach.

Speaking for **the Bolivarian Alliance for the Peoples of Our America (ALBA)**, **Bolivia** said that any result connected to implementation must be applicable by the countries that have signed or ratified the PA. Any item on financing should not have adverse effects on countries that have not ratified the PA, it added. It called for integrated and balanced negotiations of mitigation, adaptation and means of implementation issues and said that the results of the work of the APA should be in keeping with the work of the other bodies of the Convention. It said that the solutions to climate change lay in the provisions of means of implementation and implementation of equity and CBDR. It warned against any attempt to replace or rewrite the Convention and for evading the commitments of developed countries. Bolivia emphasised that any decision should be on the basis of negotiations, and not constitute the impression of the co-facilitators or the Co-chairs.

Speaking for **the Independent Association of Latin America and the Caribbean (AILAC)**, **Costa Rica** called for parity between mitigation and adaptation and said the adaptation discussions under the APA should define categories of information on adaptation information. On transparency, Costa Rica said that the framework should enhance existing provisions to reduce uncertainties, increase quality of information and support institutional arrangements. It said that the global stocktake should be understood as a political process. On the compliance mechanism, AILAC called for it to be facilitative, non-punitive and non-adversarial in nature. It also stressed that the work of the APA should be on par with work under the other bodies under the Convention.

Speaking for **the Umbrella Group**, **Australia** said when the APA convened, Parties had arrived with two common aims: to bring the PA to life and bring step change from political to technical work involving implementation. It added that

with the opening of the CMA there was a significant work load, and called for preparatory work under APA to be carried out until 2018. Australia said that the group supports progress of work captured through the Co-chairs and the co-facilitators' notes rather than in the form of draft decisions. Australia said that transparency arrangements were central to the integrity and effectiveness of the PA and that progress should be made in the area of having common modalities, procedures and guidelines.

The European Union said that APA had the responsibility to advance on the detailed rule book of the PA. It said that the PA is universal and that work should continue in a universal manner with all the Parties of the Convention for a certain period of time, with the inclusion of those who have not ratified it.

It said that it was keen to move to the development of clearer guidance in the communication of NDCs and developing successive NDCs to move Parties towards achieving the mitigation goal. On adaptation communication the EU said they saw their task in finding a common understanding in relation to existing instruments and common instruments.

On transparency, the EU called for robust modalities and guidelines to help Parties facilitate domestic reporting and said that they hoped to begin work based on general requirement and then address the guidelines. It added that it was of critical importance to design the global stocktake so that it was fit for purpose to assess collective progress and which would drive domestic action.

Switzerland, for the Environment Integrity Group (EIG), said that at the present APA session, Parties have to move from scoping discussions to identifying questions and specific proposals. It said that in the facilitated sessions, it would be important to ensure space where Parties could interact 'just among themselves' and added that the co-facilitators could use different approaches. Switzerland asked of the Co-chairs to allow comparable progress in areas and said that some areas might need more time and not all the issues needed the same amount of follow-up. On the outcome of work, it proposed that the summaries of the co-facilitators could be attached to the Co-chairs' note at the end of the session.

Edited by Meena Raman

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Climate Talks Open in Marrakech, Morocco

Marrakech, 8 November (Zhu Zhenyan and Meena Raman) – The 22nd session of the Conference of Parties (COP 22) to the UN Framework Convention on Climate Change and the 12th session of the COP serving as the meeting of the Parties to the Kyoto Protocol (CMP 12) kicked off on 7 November, just three days after the entry into force of the Paris Agreement (PA).

It began with an opening ceremony with the French Foreign Minister, Ségolène Royal, the COP21/CMP11 President, appreciating that 100 countries have already ratified the PA and heralding this ‘as a historic moment in the history of humanity’. She said Parties had a solid foundation to increase the strategy needed to build a low-carbon and climate-resilient society and to limit temperature rise to below 2°C above pre-industrial levels.

Following Royal, Salaheddine Mezouar, the Moroccan Minister of Foreign Affairs who was elected as COP 22/CMP 12 President, addressed the plenary. He said the rapid ratification of the PA is an unrivalled progress and called on Parties to be more ambitious in their commitments. He said that there was a groundswell of momentum building around the world and acknowledged the fact that the PA does not yet put the world on track towards the goal of limiting the global average temperature rise to 1.5 to 2°C, as agreed by the international community in Paris last year.

Together with Royal, the COP 22 President handed out solar lanterns to all delegates in the room, as a symbol of the transformation to clean technology. The delegates then held up the lights in a show of solidarity.

Patricia Espinosa, the new Executive Secretary of the UNFCCC, in her address to the opening plenary of COP 22 highlighted a few key points. She said that ‘finance is flowing but we know it is not enough. It has to reach the level and have the

predictability needed to catalyze low-emission and climate-resilient development; nationally determined contributions (NDC) now need to be integrated into national policies and investment plans; support for adaptation needs to be given higher priority, and progress on the loss and damage mechanism has to be ensured to safeguard development gains in the most vulnerable communities.’

She also added that ‘we have to address the capacity building needs of developing countries in a manner that is both tailored and specific to their needs; and non-Party stakeholders, from the North and from the South, need to be fully engaged as they are central to the global action agenda for transformative change.’

Hoesung Lee, the Chair of the Intergovernmental Panel on Climate Change (IPCC), in his statement said COP 22 is to be the COP of action and highlighted the IPCC’s action-packed work programme which he stressed contributes to the implementation of the PA, which was firmly based on the scientific findings of IPCC assessments.

Lee said that a year ago COP 21 invited the IPCC to produce a special report on the impacts of warming of 1.5°C above pre-industrial levels and related emission pathways. He said that last month, the IPCC approved the outline of *Global Warming of 1.5°C* and is seeking nomination of authors for this report. Lee emphasised that the IPCC wants the authors’ team to be truly representative. He urged delegates to encourage their governments to nominate experts from all relevant disciplines for this assessment.

He added that last month’s IPCC session also approved the outlines of the *2019 Refinement to the 2006 IPCC Guidelines for National Greenhouse Gas Inventories*. This update of methodologies will provide a sound scientific basis for future international climate action under the PA, he said further.

He added that the IPCC will produce two other special reports in 2019, and the 6th Assessment Report itself, whose synthesis report will be completed in 2022, in time for the first global stocktake the following year under the PA.

Lee said the IPCC is also considering how to align future assessments with the stocktake, for instance by moving to five-yearly intervals. He looked forward to hearing Parties' views during the discussion in the Subsidiary Body for Scientific and Technological Advice (SBSTA) this week on how IPCC assessments can inform the stocktake.

He further said that it is also our ambition to enhance the involvement of scientists from developing countries in our work. This will enhance the scientific assessment of regional aspects of climate change issues, which is vital to policy-makers' informed decisions.

Following the opening ceremony, Parties were invited to adopt the provisional agenda of the COP.

Turkey had made a proposal to amend the provisional agenda by requesting to add a sub-item 19 (a) that is as follows: 'access to support from the Green Climate Fund and the Climate Technology Center and Network under the PA by Parties whose special circumstances are recognized by the COP.'

(During the closing plenary of COP 21 in Paris, Turkey had underlined its expectation that the issue of its special circumstances would be resolved during the term of the French Presidency of the COP. In this context, extensive consultations have been convened by the Presidency with Parties on the special circumstances of Turkey. The country is a UNFCCC Annex 1 Party; this annex includes developed countries that are not eligible for financial support under the Convention.)

Several Parties from the floor proposed that the COP 22 President conduct informal consultations to find a way forward for Turkey but did not support the amendment to the provisional agenda.

In view of this, the COP 22 President suspended the meeting for a brief time to conduct consultations among Parties.

When the COP resumed, the plenary adopted the provisional agenda without including Turkey's proposed sub-item but with the understanding that this matter will be addressed under 'other matters' of the agenda and that consultations on the issue would continue.

Following this, the COP President proceeded to set out how the work on the various agenda items will take place.

This was followed by the convening of the plenary of CMP 12, which adopted the provisional agenda and proceeded to organise its work.

The first meeting of the plenary of COP 22 and CMP 12 did not hear the statements of Parties.

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UNFCCC Subsidiary Bodies Launch Work

Marrakech, 8 November (Hilary Chiew) – The 45th session of the Subsidiary Body for Implementation (SBI 45) of the UN Framework Convention on Climate Change (UNFCCC) opened on 7 November and launched its work immediately.

[SBI 45 is held alongside the 22nd session of the Conference of the Parties to the UNFCCC (COP22) and the 12th session of the COP serving as the Meeting of the Parties to the Kyoto Protocol (CMP12). The first COP serving as the Meeting of the Parties to the Paris Agreement (CMA1) will also open here in Marrakech on 15 November.]

Developing countries re-emphasised the urgent need to enhance pre-2020 actions and support, which will lay a solid foundation for the post-2020 implementation of the Paris Agreement. The Group of 77 and China (G77-China) also reiterated that the work of the SBI must proceed in a comprehensive, coherent, balanced and Party-driven manner.

The Alliance of Small Island States (AOSIS) expressed dismay that 13 Annex I Parties reported greenhouse gas emission levels in 2014 that exceeded their 1990 levels – some by as much as 25%, 45% or more.

The African Group highlighted the budgetary implications of the Adaptation Committee activities and called upon Parties to increase their financial contributions to ensure that adaptation work under the Convention and its Paris Agreement (PA) advances in a balanced manner with the mitigation-related provisions.

Developed countries expressed disappointment with the low numbers of non-Annex I Parties that have submitted their biennial update report (BUR).

Parties adopted the agenda and launched work under contact groups and informal consultations with the first meeting on some agenda items held in the afternoon. SBI Chair Tomasz Chruszczow (Poland) presided over the session.

Speaking for the G77-China, Thailand said interactive discussions among Parties are crucial for building trust and moving the process forward in the Multilateral Assessment Working Group session. It welcomed the second round of the Facilitative Sharing of Views under the International Consultation and Analysis (ICA) and stressed that this process should be facilitative and lead to identifying the capacity-building needs of developing countries in order to facilitate reporting of information in subsequent BURs.

Thailand said while the Group took note of the progress made by the Least Developed Countries Expert Group (LEG) and the report of the Adaptation Committee (AC) in all its work areas, it reiterated that developing countries require enhanced support as they advanced in the process to formulate and implement National Adaptation Plans (NAPs). It noted with concern that the current financial availability for the AC and the LEG is inadequate for supporting the implementation of NAPs-related activities.

‘The Group consider that NAPs are an important tool in order to implement Article 7.9 of the Paris Agreement, including planning processes and implementation of adaptation actions according to our increasing challenges. For that reason, we expect that (the) NAPs conversation involves how to improve the linkage between NAPs and means of implementation, particularly financial resources for planning and implementing adaptation actions, priorities and needs,’ said Thailand.

(Article 7.9 addresses adaptation planning processes and the implementation of actions, including the development or enhancement of relevant plans, policies and/or contributions.)

Regarding the work of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with impacts of climate change (WIM), the Group took note of its key achievements in the implementation of the ini-

tial two-year work plan and looked forward to a constructive discussion on the draft five-year rolling work plan and its adoption at COP 22.

On technology, the Group believed that the SBI should be more engaged in the issue of technology development and transfer so that the Technology Mechanism could enhance actions on these issues in order to support the implementation of the Convention. It is extremely important for the Technology Executive Committee (TEC) as well as the Climate Technology Centre and Network (CTCN) to work under the guidance of the COP through the subsidiary bodies and the Technology Framework.

‘We look forward to the tangible transfer of technologies to developing countries to address climate change,’ it stressed.

On response measures, the Group reaffirmed the importance of giving full consideration to identify necessary actions to meet the specific needs and concerns of developing country Parties arising from the impact of the implementation of response measures and to avoid the negative economic and social consequences of response measures on developing countries. The Group took note of the report from the workshop, welcomed the technical paper on a just transition of the workforce and the creation of decent work and quality jobs and looked forward to engage in the in-forum discussion on priority areas, including constituting an *ad hoc* technical expert and to advance work on developing the modalities, work programme and function of the forum. It also looked forward to a meaningful outcome of the high-level event on sustainable economic transition and economic diversification.

‘We would like to see concrete results in capacity building package at the COP 22, including the adoption of Terms of Reference (TOR) for the Paris Committee on Capacity Building (PCCB), the nomination of its member and annual focus areas for the PCCB in 2017. The Group is of the view that we should have clarity on the relationship between the PCCB and Capacity Building Initiative for Transparency (CBIT) (of the Global Environment Facility) in order to ensure that there is no duplication of work,’ according to the Group.

It also looked forward to a successful preparation of the terms of reference for the review of the functions of the Standing Committee on Finance so that the review of the work delivered by the Committee according to its functions and guidance provided by the COP as well as new areas of work as mandated by decision 1/CP.21 can be initiated at this session.

On gender and climate change, the Group acknowledged the progress made by Parties in imple-

menting the Lima Work Programme on Gender and the support provided by the Secretariat. Notwithstanding the need to enhance our effort in advancing gender balance, gender responsiveness and inclusivity in all relevant activities under the Convention, the Group submitted key elements and principles to further the work on gender and climate change. Hence, it looked forward to a decision to build the momentum created in Lima and supported by the Paris Agreement.

The G77-China reaffirmed the importance of Article 6 of the Convention (on Education, Training and Awareness) and all its elements in order to achieve the ultimate goal of the Convention. ‘In this regard, we welcome the completion of the work on the intermediate review of the Doha Work Programme on Article 6 of the Convention to be considered and adopted in COP 22. The outcome of the review will enhance the effectiveness of the implementation of “Actions for Climate Empowerment” activities, as well as promoting changes in lifestyles, attitudes and behaviour needed for climate action and towards successful implementation of the PA.’

Ecuador representing the Like-minded Developing Countries (LMDC) said that ‘the SBI’s work should be focused on ensuring that any outcomes developed with respect to the issues covered by its agenda must be achieved to support developing countries to be better equipped to undertake their climate change actions in light of their national circumstances and in the context of their national sustainable development objectives.’

There must also be balanced consideration in the SBI’s work under its agenda between mitigation and adaptation, particularly in the development of modalities and procedures for the operation of public registries on mitigation and on adaptation measures, it concluded.

Speaking for AOSIS, the Maldives noted with dismay that 13 Annex I Parties reported GHG emission levels in 2014 that exceeded their 1990 levels – some by as much as 25%, 40% or more.

‘These emissions must be brought down urgently, in light of the strengthened temperature limitation agreed by all Parties under decision 10/CP.21. All Parties have agreed to pursue a 1.5°C limitation in global surface average temperature increase under the Convention and under the Paris Agreement, and this requires global emissions to urgently peak and then decline to net zero by mid-century,’ it urged.

With respect to the development of the public registry under Article 4.12 (of the Paris Agreement), it was pleased to see that the Secretariat’s interim nationally determined contributions (NDC) registry

is searchable, and looked forward to further improvements in the search function. 'We look forward under our own mandate to the elaboration of modalities and procedures for the operation and use of the public registry, recognising that what the public is most interested in will most likely be easily accessible information on Parties' NDCs, including covered sectors, gases, sources, timeframes, baselines, targets, policies and measures.'

On the review of the Clean Development Mechanism (CDM), appeals and the international transactions log, AOSIS felt that these issues must now be seen in the context of the PA as a whole, in which all Parties will have NDCs.

'The review of the CDM modalities and procedures has been ongoing for quite some time. However, we have still not succeeded in addressing fundamental concerns, including crediting period length and the avoidance of double counting. Further issues would need to be considered in the new Article 6 context of the PA, such as governance, ongoing additionality and the need for corresponding adjustments,' it added.

AOSIS said the establishment of the PCCB last year in Paris marked an important milestone in addressing capacity building in developing countries and it expected that members of the Committee will be elected here in Marrakech and that they will have their first meeting at the session of the Subsidiary Bodies that will be convened during the first half of next year. Additionally, identifying thematic areas for the PCCB to make progress on will be important to achieving its goal, it added.

It also looked forward to the elaboration of the terms of reference for the review of the Standing Committee on Finance (SCF) which should address its effectiveness and efficiency in fulfilling its mandate with a view to determining how the committee would best serve the PA. The review could look at composition, as well as working modalities in this regard, it opined. The CBIT was another important outcome of Paris and AOSIS looked forward to it becoming fully operational as soon as possible.

It also welcomed the completion of the work on the intermediate review of the Doha Work Programme on Article 6 of the Convention to be considered and adopted at COP 22. The outcome of the review will enhance the effectiveness of the implementation of adaptation and mitigation actions, in order to achieve the ultimate goal of the Convention.

'We look forward to the facilitative sharing of views and the information presented by Parties.

We applaud those Parties that have made progress reducing their emissions and encourage all Parties to submit the BURs,' it urged.

On the review of the WIM, it stressed that it is a high priority for AOSIS as it is concerned that the terms of reference of the review, including its expected outcomes, have yet to be agreed.

'During the informal consultations that you and the outgoing Presidency kindly organised in Bonn in May, AOSIS advocated the need for a robust review of the WIM. In light of the early entry into force of the PA, and the authority that the CMA will have to enhance and strengthen the WIM, the review of the WIM in Marrakech provides an opportunity, not only to consider work on loss and damage to date, but also to provide a forum where the future of the WIM can begin to be formulated, providing the necessary guidance to the CMA that will enable it to effectively undertake its responsibilities,' said the Maldives.

'At the very least, AOSIS expects that the terms of reference to guide the review should be agreed upon in here in Marrakech, but is also willing to extend the review of the WIM into 2017 should it become apparent that more time is required to achieve a meaningful outcome,' it added.

Mali representing **the African Group** said the Cancun measuring, reporting and verification (MRV) system should be fully operationalised through international consultation and analysis, and the International Assessment and Review (IAR) processes.

'The African Group is of the view that recent experience has shown that these steps are being well conducted and gaps in the modalities identified. We believe that these processes provide a good basis for the transparency framework to build on, as such we need to make sure that the outcomes of these mandated events are captured adequately to inform the broader transparency process,' it said.

On the public registry, the Group believed there are clear linkages and called for discussions on modalities and procedures for the operationalisation of the public registry under the PA in one contact group to create clear linkages.

On the report of the Adaptation Committee, the African Group noted that the mandate to review the effectiveness and performance of the Adaptation Committee is scheduled for this session.

'We believe that this review should be guided by the Parties, based on specific terms of references that include scope, modalities, and procedures of the review which we aim to develop here. Further, the Group notes with great concern the estimated budgetary implications of the activities to be undertaken by the secretariat.

‘The Adaptation Committee was mandated by us, the Parties, to undertake work on the implementation of the adaptation provisions of the PA. As such, we urge Parties, as a matter of urgency, to increase their financial contributions to ensure that the adaptation work under the Convention and its PA advances in a balanced manner with the mitigation-related provisions,’ it stressed.

On the Report of the ExCom of the WIM, the Group considered the initiation of the review process to be important for this COP and in that respect, it saw the opportunity to develop the terms of reference to guide the review process in Marrakech and to initiate other relevant processes that will ensure a thorough and in-depth review is done.

The African Group welcomed the joint report of the TEC and the CTCN, stressing the need and call for additional support to these bodies to enable them to undertake their mandated activities. The Group is ready to engage with Parties on the elaboration of the framework under the Paris Agreement, including updating the technology needs assessments (TNAs), enhancing implementation of their results, assessing available technologies, and enhancing financial and technical support for the implementation of the TNAs. It believed the elaboration of the technology framework will not only be limited to initial activities, and Parties will be forwarding key elements to the upcoming SBI session.

It also welcomed the draft conclusion on the terms of reference of the PCCB at SBI 44 to be considered and adopted here at COP 22. To enable the PCCB to undertake its work, the provision of adequate resources for the committee remains a high priority. Prioritising the annual focus of the PCCB is very important, taking into consideration that addressing the needs and gaps earlier will assist Parties in the implementation of the PA.

Further, at this session it hoped to continue work in a positive spirit to finalise a decision on the third review of the Capacity Building Framework under the Convention and the Kyoto Protocol.

On the terms of reference for the review of the functions of the SCF, the Group believed the review is important to further enhance the functions and effectiveness of the SCF, particularly those areas where work has not much advanced in the past, such as on its function around resource mobilisation. As such it hoped to adopt the terms of reference here in Marrakech to start the review.

It welcomed the decision on gender and climate change and looked forward to the formula-

tion of a Gender and Climate Change Action that incorporates relevant elements, as appropriate, in the planning and implementation of climate programmes and projects. The Group further recognised the need for further work on the issue of gender and climate change, including through securing enough resources to implement the Gender and Climate Change Action.

The Democratic Republic of Congo (DRC) representing **the Least Developed Countries (LDCs)** said the LDC Expert Group has been instrumental in supporting the LDCs and it believed that its rich experience in providing assistance on the National Adaptation Programme of Actions (NAPA), NAP and other adaptation-related activities should be further enhanced.

‘The decision made in Marrakech (COP 7 in 2001) ... pertaining to the formulation and implementation of NAPAs is in an important junction now. Even though all the LDCs have already submitted their NAPAs, many are waiting for its full implementation.

‘A total of 32 NAPA implementation project proposals submitted by the LDCs that had been technically cleared by the GEF secretariat, and are awaiting the availability of resources from the LDCF. We look forward for adequate attention on this matter,’ it emphasised.

Of further concern, said the LDCs, is the due consideration of recommendations provided by the LEG on its reports, particularly the list of issues on gaps and needs related to adaptation for the LDCs that would arise from the implementation of the PA and other outcomes of COP 21 related to adaptation planning and implementation. These are an important list of activities to be considered in future work of the LEG.

‘We note the concern highlighted in the report of the Adaptation Committee regarding serious shortfall in resources available to the Adaptation Committee, and the need for supplementary financial resources. This will certainly have implications to the activities to be undertaken by the secretariat, including those additional activities pursuant to decision 1/CP.21 and this issue merits serious consideration. Further, the Adaptation Committee in its report has provided a list of recommendations with respect to simplifying the procedures for accessing financial support for adaptation-related activities through the GCF, including support related to NAP. We look forward to have progress on this matter,’ it added.

On the issue of loss and damage associated with adverse effects of climate change, the Group welcomed the progress made by the ExCom of the

WIM, in implementing the two-year work programme and delivering to the mandates from 1/CP.21.

‘This is one of the high-priority agenda for our group and we look forward for constructive engagement from all partners to make substantive progress here at COP 22 with regard to the five-year rolling work plan and review of the WIM,’ it added.

The Group said capacity building plays an important role to enable its countries to implement effectively the provisions of the Convention, the Kyoto Protocol and now the Paris Agreement. The PCCB established in Paris needs to be operationalised at COP 22 through adoption of its terms of reference to oversee a comprehensive work programme for capacity building in developing countries for the period 2016-20.

Further, the LDC group is of the view that outcomes of the third comprehensive review of the capacity-building framework should inform the work programme of the PCCB, focusing on enhancing the capacity and ability of developing country Parties, in particular countries with the least capacity, such as the LDCs.

On gender, the two-year Lima Work Programme comes to an end at COP 22. The LDC Group recognises the impact the work programme has had in raising awareness and understanding of the gender and climate change nexus. Based on lessons from the work programme, further work needs to be done building upon current achievements in enhancing women’s participation and gender-responsive climate actions.

‘Accordingly, we look forward for having appropriate decision here at this COP for the continuation of the Lima Work Programme on Gender. Our Group further believes that the development of an action plan that identifies and prioritises measurable and achievable objectives with monitoring targets and adequate resource allocation will strengthen the new work programme on gender,’ it urged.

With regard to development and transfer of technology, the LDC Group also welcomed the ongoing discussion and progress made in potential linkages between the technology mechanism and the financial mechanism. It looked forward to a concrete outcome of this discussion so as to support the technology need of developing countries. It is of the view that strengthening linkages between the TNA process and the NDCs and NAP processes would enhance their effectiveness and responsiveness towards implementation in developing countries. Likewise, technology action plans, developed

as part of the TNA process, should be viewed as a platform for NDC and NAP implementation.

Nicaragua representing the Central American Integration System (SICA) said it believed it is important to strengthen synergy, cooperation, collaboration, and coordination between the Adaptation Committee, the ExCom of the WIM, the CTCN, the Nairobi Work Programme, and financial mechanisms linked to the Convention (such as the Green Climate Fund, the Kyoto Protocol Adaptation Fund, and the Global Environmental Facility), along with other external financial institutions.

‘In the context of the current challenges and commitments included in development agendas such as the Rio Convention, the 2030 Agenda, and the Sendai Framework for Action, our countries face the challenges of implementing an integrated agenda in our national development plans. We require methodological proposals that facilitate the creation of a coherent framework for transparency to enable monitoring, reporting, and documentation of the climate actions in our countries. This transparency framework will require technical cooperation and broad financing to meet appropriate technical requirements and standards,’ it stressed.

Speaking for **the Independent Association of Latin America and the Caribbean (AILAC)**, **Guatemala** said the PCCB faced a paramount task ahead and for AILAC, a key deliverable of this meeting concerns the adoption of the terms of reference of this Committee. It would be also useful that the PCCB prioritises its work in 2017 bearing in mind the need to develop capacities in developing countries to create, articulate and strengthen national and sub-national institutional arrangements to enhance the timely implementation of the PA.

AILAC is of the view that there should be a single public registry to address both mandates from Article 4.12 and Article 7.12 of the PA. ‘However, this public registry should have two sections that are strictly separated: a window for information provided under Article 4.12, and a window for information provided under Article 7.12. The Registry must be user-friendly by providing easy access to information and a dynamic tool that could evolve over time responding to the progression in the implementation of the Paris Agreement.’

The European Union (EU) said the PA builds on the current climate regime but at the same time is tasked to advance it; therefore, balanced progress is needed in all groups (of the UNFCCC constituted bodies).

It said the EU is supporting a wide array of initiatives in capacity building which is a precondition for the effective implementation of the PA. It looked forward to the full operationalisation of the PCCB in Marrakech as well as the conclusion of the third review of the implementation of the capacity-building framework.

It stressed that reporting and review is one of the backbones of the climate regime and is also crucial for the credibility of Parties' efforts.

'Given the positive experiences with the facilitative sharing of views, the EU is disappointed that two years after the deadline only 34 Parties submitted a first biennial update report despite the financial resources that were made available for this purpose. We commend those 12 Parties that have done so in 2016.

'The EU continues to ask for the consideration of the item on information contained in national communications from Parties not included in Annex I to the Convention. We ask the SBI chair to continue the informal consultations with Parties in order to solve this issue,' it added.

The EU welcomed further substantial work on the development of modalities and procedures on the NDC registry, noting that at the same time Parties need to maintain coherence and consistency with the development of NDC guidance under the APA with regard to the registry on adaptation communications. The specific modalities and procedures of an adaptation communication registry will be determined by the nature of the Adaptation Communications which will be discussed under APA.

On WIM, it said the mechanism has successfully started its important work in 2015 and it encouraged the ExCom to agree on deliverables for the five-year rolling workplan as soon as possible which included the efforts of the mandates given in Paris to establish a clearing house for risk transfer and a task force on displacement where noticeable progress was made already in Bonn.

On climate finance, the EU welcomed the work done by the SCF in moving our understanding on climate finance forward especially through the 2016 Biennial Assessment and Overview of Climate Finance Flows.

It said as Parties have clear decisions on voluntary use of cooperative approaches, including future use of market mechanism as defined under Article 6 of the Paris Agreement, 'we are well placed to conclude our discussions on market mechanisms under SBI'.

On technology, it said the periodic assessment of the Technology Mechanism – taking into account

the review of the CTCN and the modalities for the Global Stocktake – provides us with the opportunity to enhance the important work of both arms of the Technology Mechanism.

Finally the EU sees great importance in the continued implementation of measures to enhance climate empowerment, as well as enhancing the gender equality and full participation of women within the UNFCCC and integrating a gender-responsive approach in climate action and plans.

Australia speaking for the Umbrella Group said it encouraged all Parties to participate fully and looked forward to exchange of lessons learnt at the Multilateral Assessment and the Facilitative Sharing of Views sessions.

It noted the significant number of developing country Parties that have yet to submit their BURs, stressing that the process is for them to build capacity and take advantage of the transparency system.

It welcomed the work of the ExCom on WIM and looked forward to adopt the terms of reference for the review of WIM in Marrakech.

The Republic of Korea representing the Environment Integrity Group (EIG) said it agreed that the experiences gained through the regular submission of reports and biennial verification process are very useful and essential when developing common modalities, procedures and guidelines for the enhanced transparency framework under the Paris Agreement. It also lamented that only 34 Parties have submitted their BUR.

On the public registry, it said it should be simple, easy, pragmatic and user-friendly in order to assist Parties in communicating, uploading and browsing documents related to NDCs and allow to aggregate NDCs collectively for a global stocktake.

It said the completion of a sound review of the WIM at COP 22 would be desirable and the momentum on adaptation gained at COP 21 should be kept alive.

The EIG suggested the strengthening of national institutions for greenhouse gas inventories as a main theme for the PCCB in 2017. The group also believed that operating entities of the Financial Mechanism like the Green Climate Fund and GEF should be invited to the meeting since capacity-building activities are closely associated with finance.

On whether the Adaptation Fund may also serve the Paris Agreement, it wanted the question to be discussed by the SBI and would therefore propose a specific agenda item in the SBI.

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APA Begins Substantive Work in Facilitated Groups

Marrakech, 9 November (T Ajit and Meena Raman) – The Ad Hoc Working Group on the Paris Agreement (APA) began substantive discussions by launching informal consultations on 8 November.

The annual year-end climate talks under the UN Framework Convention on Climate Change (UNFCCC) are taking place in Marrakech, Morocco from 7-18 November.

On the morning of 8 November, APA convened a contact group, where the **Co-chairs Sarah Baashan (Saudi Arabia) and Jo Tyndall (New Zealand)** provided Parties with additional details on the organisation of the work as well as work of the informal consultation groups.

(On 7 November, the APA Co-chairs had taken Parties through the organisation of the work during the opening of the APA. See TWN Marrakech News Update 2: 'Parties provide views on work of Ad Hoc Working Group on the Paris Agreement'.)

Tyndall said since the time available to APA was limited, it was critical to initiate focused discussion on the outset about what Parties want to achieve at APA and reach common understanding of scope and deal with broad issues by the end of the APA work at Marrakech. She informed Parties that APA would convene the second contact group on 10 November, where APA would consider all the items, including cross-cutting issues, and the direction of the technical work (to the informal consultation groups) would be adjusted as necessary. The contact group would also discuss the outcomes of the session, which would depend on how the discussions were proceeding in the informal consultations.

Tyndall further said that APA would convene additional contact group meetings if the need arose. The plan for the co-facilitators is to finish work by 12 November. The APA closing plenary is scheduled for 14 November.

On the outcome of the session, Tyndall said APA needed to demonstrate tangible progress. She said she hoped to have all the items under the agenda to be fully scoped along with the key questions to resolve and agree on a way forward to progress on APA's work. She said that the informal consultations were scheduled for an hour each and that there would be at least four such informal consultations for each of the agenda items. She added that there may be room for a little more but that would depend on the outcomes from these sessions.

She also said that given the substantive content of the different items under discussion, facilitators may need to use different approaches to capture the outcome and the outcome would be according to the will of the Parties. In providing guidance to the co-facilitators, Tyndall said that the co-facilitators should use Parties' submissions, the scenario note and any further ideas from the Parties as a starting point for discussions. She also said that the second set would be to have a set of questions. The co-facilitated sessions are expected to capture progress of work and the facilitators should remain clearly guided by the PA and the COP21 decision that adopted the PA (decision 1/C.P.21).

Responding to some Parties' requests that APA continues its work in the second week, Tyndall said that making space to allow for technical-level discussions during the second week was logistically feasible, but with the consideration that the approach would be to coordinate with the subsidiary bodies of the UNFCCC and enable all Parties' participation.

'There is an absolute need to conclude formal work by end of Monday, 14 November. The APA closing plenary will be held on Monday. Any further consultations or discussions would not have any formal output. If technical experts are ready to work post-Monday, we could consider such informal technical expert meetings or informal techni-

cal expert dialogues. We will discuss this further at a bureau meeting later today,' she said.

Following the contact group, informal consultation sessions on various issues started. Below are some highlights of the informal consultations.

Nationally determined contributions – features, information and accounting

The session was co-facilitated by **Sin Liang Cheah (Singapore)** and **Gertraud Wollansky (Austria)**. Wollansky said they wanted to seek clarity on the understanding of Parties on the issues that needed to be resolved.

Differences arose during the discussions among Parties related to the scope of the nationally determined contributions (NDCs) and on differentiation between developed and developing countries.

China for the Like-minded Developing Countries (LMDC) said the starting point was not to renegotiate the delicate balance achieved in Paris. It said that any further guidance must be based on the implementation and operationalisation of the provisions of the PA and not to reopen discussions on the provisions themselves. China also said that there is a need to address and identify – not resolve – two cross-cutting issues. First is the issue of the scope of the NDCs, and the second issue is differentiation, said China.

China added that the scope of the NDC is very crucial and it would determine the scope of transparency as well. On differentiation, it said reflecting differentiation in the features, information and accounting is very important because that would decide Parties' future common journey. China added that a clear understanding of these two issues would enable an easier entry into technical discussions.

China also said that there were three very clear features: full scope as outlined in Article 3 of the Paris Agreement (PA), differentiation as in Articles 4.4, 4.5, 9 (finance), 10 (technology), 11 (capacity building) of the PA; and the nationally determined nature of the NDCs.

(Article 3 of the Paris Agreement reads: *As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2. The efforts of all Parties will represent a progression over time, while recognizing the need to support developing country Parties for the effective implementation of this Agreement.*)

China also said that when it comes to elaborating further guidance, there should be two sets of guidance, one for the developed countries and one for developing countries. In the PA, there is clear differentiation between developed and developing countries in a clear and concise manner and therefore, there is a need for two sets of information, said China.

Wollansky responded that she would refer the cross-cutting issues mentioned by China to the APA Co-chairs.

Saudi Arabia for the **Arab Group** said it is important to first have a common understanding on the scope of NDCs and added that covering the full scope of NDCs (mitigation, adaptation, means of implementation) was really important.

Saudi Arabia also stressed that differentiation needs to be maintained. It said that Parties should be allowed to do as much as they could instead of putting them in a straitjacket. It also said that there are strong links between action and support. Developing countries have submitted that they cannot achieve climate action without support from developed countries. This needs to be clearly reflected and common understanding needs to be arrived at before delving into technical discussions, said Saudi Arabia.

Colombia for the **Independent Alliance of Latin America and the Caribbean (AILAC)** said that of the NDCs presented, there were five or six types at best. It suggested the need to develop some questions for each type of NDC to explain and understand the NDCs better. It said that is a good way to start a conversation to see what type of NDCs are out there and how to develop them, referring to the NDCs in the mitigation context.

New Zealand said the scope of the NDCs did not belong to the issue under discussion (referring to the view that the discussion should only relate to the issue of mitigation). It said that everyone knows that the outcome on differentiation under Article 4 was a very fine balance in Paris. It said that formulations such as 'All Parties shall ...' and 'Parties shall account for their NDCs ...' already address differentiation and that it is already reflected in the notion of national determination. It also said that a differentiated approach in accounting would not be helpful to bring the PA to life.

The speakers' list could not be completed due to time constraints and the remaining speakers on the list will offer their reflections when the session resumes on 9 November.

Transparency Framework

The informal consultations on the modalities, procedures and guidelines (MPGs) for the transparency framework for action and support are being co-facilitated by **Gao Xiang (China)** and **Andrew Rakestraw (United States)**.

The Co-chairs presented the following questions to guide Parties: (i) What should be the key elements for the MPGs for the transparency framework? (ii) With respect to elements identified under question (i), how should experience from the existing measurement, reporting and verification (MRV) arrangements under the Convention inform the MPGs and how should flexibility for those developing Parties that need it in light of their capacities be reflected? (iii) How should we organise work in 2017 and 2018 to ensure that the MPGs are finalised on time?

Singapore speaking for **the G77 and China** said Parties should leave Marrakech with a work plan which will guide the work going forward.

Among the points that could be included in the work plan is developing the MPGs for the ‘shall’ and ‘should’ information requirements as reflected in Articles 13 (7)(a) and (b), (8), (9), and (10), recognising that only the ‘shall’ requirements under the enhanced transparency framework will be subject to technical review, said Singapore.

It also called for ensuring that work progresses in a balanced manner across all elements of the enhanced transparency framework resulting in comparable outcomes with regard to transparency of action and transparency of support, recognising that transparency of support still needs robust measurement and verification mechanisms comparable to those which are established for transparency of action.

The G77 said that work should be guided by the key principles that include the following:

(i) The fundamental and most important principle of flexibility for developing countries in light of their capacities. This flexibility will apply to all aspects of the enhanced transparency framework, namely the reporting, review, and multilateral consideration aspects. There is also a distinction between flexibility due to capacity and applicability of guidelines due to national circumstances; (ii) The principle of building on the existing transparency arrangements under the Convention; (iii) The principle of enhancing the existing transparency arrangements under the Convention; (iv) The principle of ensuring support is provided for developing countries to participate in the enhanced implementation of actions to achieve the purpose of the Agreement.

Singapore added further that the modalities of work could entail a call for focused submissions, with technical papers and workshops being prepared and convened accordingly.

Algeria speaking for **the LMDC** said that the mandate is to develop common MPGs ‘as appropriate’ for the enhanced transparency framework for action and support, which does not necessarily mean a single set of MPGs.

The LMDC said separate MPGs for developed countries and developing countries are the current practice, and is a better approach to reflect common but differentiated obligations of developed and developing country Parties under the PA, and the flexibility to be provided to developing countries. It also said that the current transparency framework under the UNFCCC and its Kyoto Protocol must be kept.

It stressed that the phrase ‘progress made in implementing and achieving its NDC under Article 4’ must be interpreted together with Article 3 of the PA, which is not mitigation-centric.

Algeria added that the future MPGs can only be effective and efficient when the transparency of support get as rigorous as transparency of actions. To achieve this, the time arrangement and focus should be given to transparency of support more than transparency of action, because the latter is much more mature than the former. It also said that the development of MPGs must be under the APA or COP, instead of under the CMA, to ensure effective participation.

The LMDC was of the view that on the future work, it must be open-ended and inclusive and that any technical paper produced by the co-facilitators, Co-chairs or the Secretariat must reflect views expressed by Parties in a balanced manner.

The Alliance of Small Island States (AOSIS) said that on the key elements for the MPGs, the first was to identify the overall objective of the MPGs, which is to track progress in relation to the long-term temperature goal; facilitate the understanding of progress and provision and receipt of support as well as the aggregation of information for the global stocktake. It said that the workplan should be complementary to processes being considered in other bodies as well. It welcomed the call for technical workshops and papers.

South Africa for **the African Group** said more time should be spent on technical work. On the issue of flexibility, there is a need to build on the existing MRV arrangements and to have clarity on how the principle is operationalised. Flexibility takes into account the capacities and national circumstances of developing countries like data

availability. Its preference was to focus work on areas where issues are less mature as on reporting guidance on adaptation and support.

Brazil also echoed the views of the G77 and China, stressing that the key elements are defined by the PA in what are ‘shall’ and ‘should’ obligations. It also said that reporting and review need to go side by side as there cannot be agreement on reporting without knowing what the consequences are for the review.

New Zealand said that work could start with the MPGs for reporting and agreed with Brazil that the review design should also be known before agreeing on the reporting. It said flexibility is for Parties who need it in light of their capacities and there is experience on this in the current system. It said the secretariat could help with technical papers and workshops and called for a sequence in the work.

The European Union said it saw convergence on the need for MPGs reporting, technical review and facilitative multilateral consideration. It said there was a considerable amount of technical work and would like to see technical workshops and papers. It said there was a need to balance discussions on mitigation, adaptation and finance but said that there was no need to duplicate work that is happening in other bodies.

Many more countries had raised their flags to intervene, which will spill over to the next sessions of the consultations.

Implementation and compliance

Two informal consultation sessions were held on the issue, co-facilitated by **Janine Felson (Belize)** and **Peter Horne (Australia)**. The group discussed one of the questions posed by the APA Co-chairs to facilitate deliberations on the issue.

The question was, ‘How could the scope of the mechanism for facilitating implementation and promoting compliance address the mandatory elements included in the PA?’

There were clear divergences on the scope of the mechanism, especially on the ‘mandatory elements’. While most developing countries said that the scope of the mechanism extended to the whole of the PA, the United States said the scope of the mechanism extended only to mitigation contributions of Parties.

Iran for the **LMDC** stressed that the scope of the mechanism extended to all the areas of the PA viz. mitigation, adaptation and means of implementation.

China too said the scope of the mechanism was important in the context of operationalisation

of the PA. China said it was not only about covering the mandatory elements and that the mechanism should cover all the elements of progress under the PA.

The Philippines said the question in consideration could narrow down the scope and added that the scope was the Agreement as a whole rather than the mandatory elements, especially since there is no clarity on what the mandatory elements are.

It referred to Article 15.1 to establish the scope and said that the broad context was the PA and the Convention. (Article 15.1 of the Paris Agreement reads: ‘*A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement is hereby established.*’)

Saudi Arabia for the **Arab Group** said it did not agree with the implicit notion in the question that mandatory elements would be dealt with more strongly than the non-mandatory elements. It added that the facilitative, non-adversarial and non-punitive approach should apply to all the elements.

Mali spoke for the **African Group** and said that Article 15.1 had defined the scope. It said it did not quite understand what the ‘mandatory element’ was.

The EU said the question in consideration used the term ‘mandatory elements’. ‘We never discussed what that means. Broadly, the question might be framed as which provisions of the PA might be addressed under Article 15,’ said the EU.

Norway said that for collective obligations, it would be impossible to say whether a particular Party was complying and therefore individual obligations should be under compliance. The Agreement has very few legally binding provisions, which are of procedural character, it added. The individual obligations could be considered wherever the formulation began with, ‘Each Party shall ...’.

New Zealand said the focus of the mechanism should be on individual legal obligations. It added that the global stocktake was the place to consider collective obligations.

The US said the question of scope was a fundamental one and which was linked to what was the added value of the committee to the Agreement. It said it had heard several views on what the scope of the mechanism should be, which ranged from some Parties calling for the individual obligations of Parties to some Parties saying the committee should cover all the provisions of the PA. ‘Legally, either interpretation works. Article 15.1 does not specify anything. We have to determine it,’ said the US.

The US added that the committee should be able to review Parties’ mitigation contributions and

the updating of the contributions, which are capable of ‘objective assessment’. It also said that it is open to look at whether the committee should have other roles.

Colombia for the **AILAC** said there is a scope of the mechanism to be interpreted as being two-fold (facilitating implementation and promoting compliance). It said that with regard to all the provisions of the Agreement, the compliance part could be focused on those provisions that could be assessed in some way or measured. One way could be to identify those provisions that begin with the ‘Each Party shall...’ formulation. Such provisions should have a clear parameter that Parties can measure in order to be effective in promoting compliance, said Colombia. It added that even though Parties faced difficulties with compliance, they must ensure that the committee does not duplicate what other mechanisms under the PA and the Convention were doing with respect to means of implementation and capacity building.

Antigua and Barbuda speaking for the **Alliance of Small Island States (AOSIS)** said that Article 15 applies to all the provisions of the PA. It said that for the legally binding provisions the committee should focus on compliance, and for the non-legally binding elements the committee should focus on facilitating implementation.

Egypt stressed that the mechanism applied to the whole Agreement.

At this point, **Horne** said the discussion on the scope question had been very interesting and he had heard views on individual obligations and collective obligations to be housed in the global stocktake and for no duplicative arrangements. He proposed returning to Parties on 9 November with some sort of a snapshot of what the co-facilitators had heard.

Several developing countries reacted strongly to the proposal by the Co-chair to have any ‘snapshot’ and it was then agreed that the co-facilitators would not present any snapshot of the discussions.

Global stocktake (GST)

The session was co-facilitated by **Nagmeldin G Elhassan (Sudan)** and **Ilze Pruse (Latvia)**. **Elhassan** sought general reflections from Parties on the issue.

Iran spoke for the LMDC and said the final outcome should be broad and comprehensive allowing for positive cooperation among Parties. It said the GST should be comprehensive, facilitative and strike a balance between action and support. It called for the GST process to be kept simple and not resulting in additional burden on Parties. It

added that any tailored approach with sources of inputs was too premature to be discussed now. It said the red line for the group was the erosion of the nationally determined nature of climate ambition and action and cautioned against the GST becoming a political process to apply top-down pressure for action.

China said that before going into the substance of the matter clarity is needed on what is the meaning of GST. China also said that there were very many understandings of the term ‘collective progress’ and it would not help if Parties were thinking of collective progress only in terms of aggregation of emissions. It said that the GST should serve as a location for best practices and technical progress to enhance cooperation. The GST should identify potential barriers and how the developing countries would overcome them. China also said it is important for the GST to serve as a place to identify international cooperation in finance and technology innovation. ‘We need to reach a consensus on such issues and then get into modalities, inputs, etc,’ said China.

Colombia said the outcome of the GST should not only provide information on how Parties were doing, but should also give concrete guidance on how Parties could continue the work to enhance ambition to meet the global goal of the PA.

The Marshall Islands said that the GST would be a moment to raise ambition and the purpose of which is to achieve the long-term goal of the PA. It said it would be good to discuss the separation of the technical phase and the political phase.

The EU said that the GST must be designed to handle mitigation, adaptation and means of implementation as per their specificities and that there is a need to know how to balance these in a tailored manner in individual and collective efforts. The EU also said that the GST has a technical and a political phase and that the outputs of the technical phase should include summaries or reports that could be useful for the political discussion.

Canada proposed that even though the GST would not convene until 2023, the work should be completed by 2018 and that Parties must advance the technical work.

The informal consultations will resume on 9 November by taking up the spill-over speakers list who could not deliver their interventions due to paucity of time.

Informal consultations have also begun on the agenda item related to further matters related to the implementation of the PA.

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SBSTA 45 Begins Work, Developing Countries Call for Balanced Progress in All Issues

Marrakech, 9 November (Hilary Chiew) – The 45th session of the Subsidiary Body for Scientific and Technological Advice (SBSTA 45) opened on 7 November after the official opening ceremony of the 22nd session of the Conference of the Parties (COP22) to the United Nations Framework Convention on Climate Change (UNFCCC).

Developing country Parties reiterated that the work of the SBSTA must proceed in a comprehensive, coherent, balanced and Party-driven manner. They emphasised the need to ensure comprehensive and balanced progress in all issues, with respect to the mandates given under the Paris Agreement.

In addition, in welcoming and looking forward to constructive engagement in the Facilitative Dialogue on enhancing ambition and support, they urged for the enhancing of pre-2020 action and support and a focus on delivering major tasks on pre-2020 implementation.

Developed country Parties welcomed the entry into force of the Paris Agreement with some saying that it is an incentive to resume the SBSTA activities with more enthusiasm to fulfil the tasks mandated by the COP. They also urged for balanced progress regarding the implementation of existing and new mandates.

SBSTA Chair **Carlos Fuller (Belize)**, presiding over the session, launched the work of the various agenda items and sent delegates to work in either contact groups or informal consultations with some of the meetings kicked off later in the afternoon.

Fuller closed the first plenary meeting slightly after 1 pm after five groupings of Parties delivered their respective statements and urged others to post their statements on the website. He also informed Parties that the next plenary session would be on 14 November where Parties are expected to adopt

draft conclusions and draft decisions in the closing plenary.

However, a second plenary session was convened later at 6pm to take more groupings' statements as well as statements related to the agenda item on emissions from fuel used for international aviation and maritime transport. (See separate article on this agenda item.)

Following are the highlights of groupings' statements.

Thailand representing the Group of 77 and China (G77-China) emphasised that the pre-2020 work must lead to enabling concrete actions on the ground, as well as making the most progress on all issues that Parties have agreed on in the decisions of the COP.

The Group recognised the progress made under the Nairobi Work Programme (NWP) on impacts, vulnerability and adaptation to climate change and expects concrete implementation of activities and undertakings by the Adaptation Committee (AC), the Least Developed Countries Expert Group (LEG) and NWP which leads to implementation on the ground.

The Group welcomed the report of the AC and took note of the progress made by the Committee in all areas of its work. 'We reiterate that developing countries require enhanced support as they advance in the process to formulate and implement National Adaptation Plans (NAPs). The Group notes with concern, however, that the current financial availability for the AC is inadequate for supporting the implementation of NAPs relating activities.'

Regarding the work of the Executive Committee (ExCom) of the Warsaw International Mechanism (WIM) for Loss and Damage associated with Climate Change Impacts, the Group took note of its key achievements in the implementa-

tion of the initial two-year workplan and looks forward to a constructive discussion on the draft five-year rolling work plan and its adoption at COP 22.

On technology, the Group believed that the Technology Framework can provide the much-needed guidance to the work of the Technology Mechanism in promoting and facilitating actions on technology development and transfer in order to support the implementation of the Convention and the Paris Agreement, in particular its Article 10. The Group expects the Technology Framework to facilitate the four working areas identified in decision 1/CP.21, paragraph 67, as well as other areas beyond them, including establishing linkage with financial mechanisms and supporting the implementation of Nationally Determined Contributions (NDCs), among others.

The Group considered that adaptation, including co-benefits, of agriculture to the adverse effects of climate change continues to be the key priority for developing countries for SBSTA work, in light of the particular vulnerabilities of the agricultural sector and its relationship with the livelihood of millions, food security and poverty eradication. This is in line with the Paris Agreement, which recognises the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse effects of climate change and that food production is not to be threatened. The Group looked forward to engaging in constructive discussion in this session based on the outcome from previous workshops and submissions.

Regarding matters related to science and review, the Group welcomed the report on the status of the observing system for climate prepared by the Global Climate Observing System and looked forward to considering the information contained in this report.

On ‘advice of how the assessments of the Intergovernmental Panel on Climate Change (IPCC) can inform the global stocktake’, the Group looked forward to continued discussion at this session, recognising that the IPCC can play an important role in providing scientific inputs in a comprehensive manner for the global stocktake.

On response measures, the Group reaffirmed the importance of giving full consideration to identifying necessary actions to meet the specific needs and concerns of developing country Parties arising from the impact of the implementation of response measures and avoid the negative economic and social consequences of response measures on developing countries. The Group took note of the

report from the workshop, welcomed the technical paper on a just transition of the workforce and the creation of decent work and quality jobs and looked forward to engaging in the in-forum discussion on priority area, including constituting an ad hoc technical expert group and to advance work on developing the modalities, work programme and function of the forum. It looked forward to a meaningful outcome of the high-level event on sustainable economic transition and economic diversification.

The Group reiterated the importance of supporting multilateral solutions when addressing emissions from fuel used for international aviation and maritime transport, while taking into account the principles and provisions of the Convention and not on the basis of unilateral measures, taking note of the developments made under the International Civil Aviation Organisation and International Maritime Organisation in addressing these matters.

On matters relating to Article 6 of the Paris Agreement, the Group reiterated the need to ensure a party-driven process as well as the balance of all three sub-items, namely the guidance on co-operative approaches; the rules, modalities and procedures for the mechanism established by Article 6, paragraph 4 of the Paris Agreement; and the work programme under the framework for non-market approaches.

On accounting of financial resources, the Group reaffirmed that the modalities for accounting of financial resources by developed country Parties to developing country Parties, mobilised through public interventions, in accordance with Article 9, paragraph 7, of the Paris Agreement, must aim to provide transparency and consistency. The reported information must also be comparable and verifiable. No developing countries are to be excluded from receiving financial support for their enhanced climate change actions whether they have or have not ratified the Paris Agreement.

The Like-minded Developing Countries (LMDC) statement made available to Third World Network stressed that balance in terms of progress with other mandated work of other COP subsidiary bodies under decision 1/CP21 is essential.

‘The work in relation to adaptation, loss and damage, response measures, and on science and review (including IPCC advice in relation to the global stocktake) must be based on the principles and provisions of the Convention as the context for the implementation of the Paris Agreement applicable only to the Parties that have ratified it.

‘The SBSTA’s work should be focused on ensuring that any modalities developed with respect

to these issues help enable developing countries to be better equipped to undertake their climate change actions in light of their national circumstances and in the context of their national sustainable development objectives,' the statement read.

In the discussion on modalities for accounting of public climate finance from developed countries, LMDC said there should be a clear roadmap on the quantity of public finance provided by developed countries under their Convention obligations, and such modalities should require developed countries to provide greater transparency and clarity, as well as measurement, reporting and verification (MRV), on the definition, amounts, conditions, charges and flows of the public climate finance that they are to provide. No developing country shall be excluded or blocked from receiving financial support for their mitigation or adaptation actions.

The Group said work on the Technology Framework must result in an outcome that takes an integrated approach between technology transfer and the provision of climate finance by developed countries. The focus of the outcome here on the Technology Framework should be on having a practical and results-oriented framework to help developing countries, through technology transfer and associate climate finance, to be able to develop their own climate technologies as part of the implementation of mitigation and adaptation actions by developing countries.

It also said the work on Article 6.8 is of fundamental importance in order to strengthen non-market approaches under the Paris Agreement, in the understanding that the Convention is non-market-based, and therefore to assist Parties in the implementation of their nationally determined contributions, in the context of sustainable development and poverty eradication, including through, inter alia, mitigation, adaptation, finance, technology transfer and capacity-building, as appropriate.

Speaking for the African Group, Mali noted that the mandate to review the effectiveness and performance of the AC is scheduled for this session and it believed that this review should be guided by the Parties, based on specific terms of references that include scope, modalities, and procedures of the review which Parties aim to develop here. Further, the Group noted with great concern the estimated budgetary implications of the activities to be undertaken by the secretariat. The AC was mandated by the Parties to undertake work on the implementation of the adaptation provisions of the Paris Agreement, stressed Mali.

'As such, we urge Parties, as a matter of urgency, to increase their financial contributions to ensure that the adaptation work under the Convention and its Paris Agreement advances in a balanced manner with the mitigation-related provisions,' it added.

On the report of the ExCom of the WIM, the Group looked forward to fruitful deliberations on the report. It considered the initiation of the review process to be important for this COP and in that respect it saw the opportunity to develop the terms of reference to guide the review process in Marrakech and to initiate other relevant processes that will ensure a thorough and in-depth review is done.

The African Group welcomed the joint report of the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN). It stressed the need and call for additional support to these bodies to enable them to undertake their mandated activities. It is ready to engage with Parties on the elaboration of the framework under the Paris Agreement, including updating the technology needs assessments (TNAs), enhancing implementation of their results, assessing available technologies, and enhancing financial and technical support for the implementation of the TNAs and believed the elaboration of the technology framework will not only be limited to initial activities, and Parties will be forwarding key elements to the upcoming SBSTA session.

It also said Parties have engaged fruitfully on issues relating to agriculture for the past two years and believed Parties should now work with Parties on how to take the work forward and reach a decision to advance our work and address the impacts of climate change on agriculture. It stressed the importance of this agenda to guide Parties' action and consider, in a balanced manner, opportunities for adaptation and mitigation research topics for addressing current and future challenges particularly in developing countries.

The African Group welcomed the agenda on the assessment of the IPCC to inform the global stocktake and called for the best-available science to inform Parties' action. It hoped that future IPCC work will address the Paris Agreement concerns and provide region-specific reports and looked towards the possible establishment of a joint process between the UNFCCC and the IPCC to discuss, among others, the alignment of IPCC and the global stocktake cycles.

On the improved forum and work programme on response measures, the African Group welcomed

progress made under the improved forum to address issues of economic diversification and just transition but would like to see more substantive technical work in this regard. With respect to the modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures, the African Group would like to see the forum progress beyond the sharing of information and the themes of economic diversification and just transition, to focus on the actual and potential impacts of the implementation of response measures on sustainable development. It viewed the implementation of response measures with some concern, especially their implications for sustainable development in Africa and looked forward to constructive discussions and conclusions at this session that address the specific needs and concerns of developing country Parties.

The Group is of the view that the issue of modalities for the accounting of financial resources provided and mobilised through public interventions is of crucial importance to ensure the implementation of the Paris Agreement. In this regard, the Group called for a focused discussion based on the recommendations made by the Standing Committee on Finance, aiming at reaching an agreement on the modalities to ensure the transparency of support and avoid the discrepancies between the current reporting channels in a way to build confidence and ensure effective participation of developing countries as part of the collective action to address climate change.

‘The African Group believes the outcome of COP 22 will help clarify the modalities for the accounting of financial resources provided and mobilised through public intervention. Marrakech should first clarify the fundamental parameters that are required to form the basis of an accounting system as well as set principles that should guide the set-up of the new accounting framework. In addition, we expect that COP 22 lays out the process of development of those modalities, including the expected deliverables and decisions for each session, with the view of adopting those modalities for the accounting by COP 24,’ said Mali.

The Maldives speaking for the Alliance of Small Island States (AOSIS) said in the past year alone, ‘we have seen that the impacts from less than one degree of warming are far worse than we anticipated. Limiting warming to the 1.5° goal agreed in Paris is absolutely critical, and we hope to see the Special Report on 1.5° as early in 2018 as possible so that it can be properly considered in time for the Facilitative Dialogue later that year.’

‘It is also extremely important that our work continues to be informed by the best-available science, and therefore AOSIS supports aligning IPCC reporting cycles with the timing of the global stocktake,’ it added.

In terms of climate finance, AOSIS is looking forward to the in-session workshop on accounting modalities and expects to be able to identify parameters for the accounting of financial resources provided and mobilised to developing country Parties that can then form the basis of a technical paper to be considered in SBSTA 46. The timeline for completion of these modalities must be accelerated in order that they can feed into the discussion on transparency of support.

‘It is also extremely important that our work continues to be informed by the best-available science, and in this regard we take note of the proposed implementation plan of the GCOS Committee to address the data and research gaps critical for climate observing systems and networks in SIDS,’ it further added.

The Maldives said the guidance Parties provide on Article 6 of the Paris Agreement will have to ensure environmental integrity, sustainable development and the avoidance of double counting. This will require, among other things, a common international accounting framework, applicable to all Parties and centralised institutions to facilitate tracking and transparency, including an international transactions log and registries.

In the new context of the Paris Agreement, the Group said Article 6 should accomplish three key goals:

- it should be operationalised to contribute to overall mitigation in global emissions – by which we mean that transfers that go beyond offsetting to deliver global emission reductions that the atmosphere sees;
- it should create incentives for all Parties to move towards quantified economy-wide emission reduction and limitation targets;
- it should generate a share of proceeds for adaptation that is substantial, moving to a 5% share, from the 2% now in place under the Kyoto Protocol.

The Maldives said work on Article 6 should be time-bound, to provide certainty to Parties and to the private sector. Intersessional work will be needed, given the complexity of the issues involved. This technical work could address:

- environmental integrity, transparency, governance and incentives in the context of generation, acquisition and transfers;

- lessons learned from the Clean Development Mechanism (CDM) and Joint Implementation (JI) on environmental integrity and governance, recognising the progress and discussions in recent years on the reform of the rules and guidelines for these mechanisms;
- options for approaches to deliver new elements (e.g., overall mitigation in global emissions), drawing out these options to enable a technical discussion;
- options for transition.

On the work programme on non-market approaches, it believed this work programme could begin with consideration of the following three issues:

- Fossil fuel subsidy reform;
- The phase-out of inefficient and polluting technology;
- Policy reform to create the enabling environment for increased deployment of renewable energy

The Democratic Republic of Congo (DRC) representing the Least Developed Countries (LDCs) informed that as matters related to agriculture is an important agenda item for the Group, it has taken a proactive approach by preparing a draft decision together with the African Group on this matter.

‘We are also in consultation with other groups and hope that the draft decision text will help to ease the decision-making process here at this COP.’

The Group looked forward to the in-session workshop on the modalities for the accounting of financial resources provided and mobilised through public interventions in accordance with Article 9, paragraph 7, of the Paris Agreement. ‘In this workshop, we expect to gain a common understanding on the different Parties’ views and start developing the modalities for the accounting of financial resources.’

Recognising the progress made under the NWP in strengthening engagement with partner organisations and developing new partnerships under specific thematic areas, the Group looked forward to contributions of the NWP in assisting the implementation of adaptation activities in the LDCs.

On matters related to the global stocktake and the IPCC assessment report, the Group is of the view that the IPCC should align its work following the timing of the global stocktake by adopting a five-year assessment cycle from 2023 onwards and ensure that all products of an assessment cycle are in time to be considered for the global stocktake process.

‘At this meeting here in Marrakech, a call to the IPCC to provide the best-available science on all elements of the mandate of the global stocktake would certainly help. The IPCC should aim to provide information on mitigation, adaptation and the means of implementation, as well as on the impacts implied by current NDC pathways and the avoided impacts by limiting warming to below 1.5°C,’ it urged.

On matters related to Article 6 of the Paris Agreement, it stressed that Parties shall meet their mitigation contributions domestically and the use of international transfer of mitigation outcomes must lead to a higher ambition and promote sustainable development while ensuring environmental integrity. Non-market mechanisms can help developing countries to implement their adaptation and mitigation NDCs.

It noted the concern highlighted in the report of the AC regarding the serious shortfall in resources available to the AC, and the need for supplementary financial resources.

‘This will certainly have implications on the activities to be undertaken by the secretariat, including those additional activities pursuant to decision 1/CP.21. We urge the Chairs of SBI and SBSTA to take this concern forward,’ it added.

It welcomed the progress made by the ExCom of the WIM in implementing the two-year work programme and delivering to the mandates from 1/CP.21 which is a high-priority agenda item for the group and it looked forward to constructive engagement from all partners to have a decision here at COP 22 with regard to the five-year rolling work plan and review of the WIM.

It further welcomed the joint annual report of the TEC and CTCN and looked forward to engaging in a discussion, particularly the recommendation related to exploring potential opportunities offered by South–South cooperation and triangular cooperation to help countries implement their NAPs and NDCs.

On the linkage between the technology mechanism and the financial mechanism, it looked forward to a concrete outcome of this discussion to adequately support the technology needs of developing countries.

It would like to see an appropriate decision on the elaboration of the technology framework, noting that the LDC Group has made a submission in this regard, highlighting the purpose, content, features and characteristics of the framework. It believed that the framework will play a strategic role in improving the effectiveness and efficiency of the work of the Technology Mechanism by en-

sure that climate technology needs of developing countries are met, taking into account the specific situation of LDCs.

Nicaragua speaking on behalf of the Central American Integration System (SICA) said under the NWP, access to information and scientific and technical knowledge is a priority for the region, including the traditional and ancestral knowledge of its populations.

It said it is important for this programme to undertake studies on the losses and damages associated with the adverse effects of climate change, with a focus on particularly vulnerable countries such as those in SICA, together with the WIM.

SICA believed that the synergy between adaptation, mitigation, and co-benefits must be considered from a methodological standpoint, with an integral approach to programmes of action in sectors such as human health, water, agriculture, food security, landscape management, and recovery of land and marine ecosystems, among others.

With regard to agriculture, the SICA countries believed that it is vitally important to work under an ecosystem-based approach for adaptation and productive landscape management, including the co-benefits of mitigation to ensure food security and sovereignty of its peoples through sustainable food production and the promotion of knowledge in appropriate technologies for resilience.

Nicaragua said SICA countries have already been affected by the impacts of agriculture and silviculture pests and diseases across millions of hectares as a result of climate change, with negative effects for their agricultural production, food security, and mitigation efforts. Additionally, the incidence of human illnesses attributable to climate change, such as zika, chikungunya, dengue, and malaria, has been exacerbated due to vector proliferation.

‘We need REDD-plus programmes to include an approach to recognise non-carbon co-benefits, and the multiple functions and services of forest ecosystems around the world, to develop programmes adapted to national circumstances, priorities, and capacities, with full respect for national sovereignty, plans, and programmes,’ it concluded.

Costa Rica speaking for the Independent Association of Latin America and the Caribbean (AILAC) said Parties must send a clear message for all non-governmental organisations and private sectors to follow UNFCCC and IPCC good practice guidance as only by remaining consistent with the UN climate change regime can Parties ensure the required pace and scale for emission reductions.

It also calls for regular IPCC special reports to inform the global stocktake.

The European Union, noting that the SBSTA will handle a number of issues arising from the Paris Agreement and the Paris decision, said balanced progress is necessary regarding the implementation of existing and new mandates.

‘In this session we will continue to discuss the details of the scientific aspects of the Global Stocktake. Based on an exchange of the views of Parties on how current and future IPCC assessments can support the Global Stocktake, we are looking forward to work with other Parties to come to substantive conclusions. These conclusions can be taken up by the IPCC to inform the scoping of the Sixth Assessment Report in 2017,’ it said.

The EU welcomed the Joint Report of the TEC and the CTCN and looked forward to continuing the elaboration of the new Technology Framework. It expects to get a clearer understanding about the structure and the main themes of the Framework and on how it can help Parties address fragmentation around the existing processes aimed at facilitating technology transfer.

‘Now that we have clear decisions on cooperative approaches and market mechanism under Article 6 of the Paris Agreement, we note that this will replace the KP mechanisms post-2020,’ it opined.

It further said that progress on the development of modalities for accounting of financial resources provided and mobilised through public interventions is important to further improve transparency of climate finance and to ensure that these modalities are integrated in the transparency framework.

‘The Paris Agreement has also confirmed what we have been discussing for a long time: adaptation and mitigation stand on an equal footing. We are eager to continue discussion with our partners on how to further progress with adaptation action, including through the NWP. The Adaptation Committee has proven its added value as an overall advisory body on adaptation to Parties. This is in our view performing effectively and we are looking forward to the continued work of the AC,’ it said.

On the WIM, it would encourage the ExCom to agree on deliverables for the five-year rolling work plan as soon as possible to ensure a continuous implementation of the work of the WIM including the efforts of the mandates given by the Paris Agreement to establish a clearing house for risk transfer and a task force on displacement.

For the EU, it is key to recognise climate-related processes outside the UNFCCC, and to build on this to avoid duplication of work and make use of all valuable information at hand, it concluded.

Australia, speaking for the Umbrella Group, in welcoming the entry into force of the Paris Agreement said the SBSTA has an important role to play in the implementation of the Agreement and ensuring the effective operation of all its components, and alongside the Ad Hoc Working Group on the Paris Agreement and the SBI ‘has a lot to achieve this week’.

It also said Parties must not lose sight of the important SBSTA work related to the pre-2020 period.

‘While the world keeps one eye focused on the future, the other must have focus on the here and now,’ it added.

On agriculture, it said the Group recognises the fundamental importance of agriculture for food production and livelihoods for all countries. Many countries, it said, have indicated the importance of agriculture in their NDCs and the need to improve agriculture productivity, resilience and

sustainability. It looked forward to working with Parties to develop a technical work programme that supports countries in the effective implementation of their NDCs.

On international cooperative approaches, the Umbrella Group said both market and non-market can facilitate greater ambition. It said the SBSTA needs to deliver arrangements that enable Parties to enhance ambition while they ensure environmental integrity and sustainable development. It looked forward to developing a programme of work that will ensure arrangements are ready well in advance of 2020 and would like sufficient time allocated for these technical discussions.

Switzerland speaking for the Environmental Integrity Group (EIG) welcomed the entry into force of the Paris Agreement, noting that it represents an incentive to resume SBSTA activities with more enthusiasm.

It believed that science-based approaches are crucial for the implementation of the Paris Agreement and Parties need to share their experience and knowledge on issues such as climate observations, early warning system, ecosystem-based adaptation and MRV methodologies.

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Divergences Arise over Understanding of Paris Agreement

Marrakech, 10 November (Meena Raman) – On the second day of informal consultations held on 9 November under the UNFCCC's Ad Hoc Working Group on the Paris Agreement (APA), divergences have emerged on how Parties understand and interpret the Paris Agreement (PA).

While Parties from both sides of the divide insisted that the PA should not be renegotiated as it was 'delicately balanced', how Parties understood the PA was indeed different.

The divergences were most apparent in the informal consultations in relation to guidance over nationally determined contributions (NDCs) in discussing their features, information and accounting, with differences over what the focus should be and on how to address the issue of differentiation between developed and developing countries in the guidance.

Developed countries and some developing countries were of the view that the focus of the work under agenda item 3 on 'further guidance in relation to the mitigation section' of the Paris decision (referred to as decision 1/CP.21) should confine only to the aspect of mitigation and not the full scope of NDCs as referred to in Article 3 of the PA.

(Article 3 reads: '*As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4,7,9,10,11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2...*'. Article 4 includes the mitigation component, Article 7 refers to adaptation, Article 9 to finance, Article 10 to technology transfer, Article 11 to capacity-building and Article 13 refers to transparency of action and support.)

(Article 4(2) provides that '*Each Party shall prepare, communicate and maintain successive*

NDCs that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.')

Several developing countries, led by the **Like-minded Developing Countries (LMDC)**, the **African Group** and the **Arab Group**, strongly emphasised that NDCs do not only include the mitigation component but its 'full scope' while developed countries and some developing countries insisted that NDCs refer only to 'mitigation'.

Some developed countries like the United States said that the issues of adaptation and finance are being dealt with under other agenda items and that the mitigation issue needed focus, or there would be imbalance in the work of the APA.

This brought strong reactions from the LMDC who insisted that the whole scope of the NDCs must be discussed and that it could not agree to advancing any technical work if this was not the case.

The session was co-facilitated by **Sin Liang Cheah (Singapore)** and **Gertraud Wollansky (Austria)**. Following the exchanges, Wollansky said that there was agreement that Parties must respect the PA and the 'national determination' character of the contribution. She added that while Parties had divergent views on the features of NDCs, there is agreement that the features are rooted in the PA. Hence, she concluded that there was some common ground in this regard.

China, speaking for the LMDC, said that the 'feature' of NDCs means what Parties' NDCs will look like and Article 3 of the PA has identified what NDCs are and how Parties are differentiated. It said that some Parties say that Article 4 relates to mitigation only but China said that this must be read together with Article 3, stressing that there was a delicate balance agreed to in Paris in this regard. Therefore, the guidance on features must include the nationally determined character of the NDCs

and its full scope as contained in Article 3, with the application of differentiation. NDCs must therefore be comprehensive, it added.

NDCs are not only mitigation and they also have other components, said China. In response to Parties who said that the other components are being dealt with under other agenda items, China said it did not find any space where this is being discussed. On the issue of information, it asked what information is that that relates to technology transfer and capacity building. It said that while Parties talk of accounting related to mitigation, there is no space to talk about accounting in relation to technology transfer and capacity building.

It stressed that the discussion cannot be mitigation-centric with no differentiation and that Articles 3 and 4 must be discussed collectively and in a balanced way. China said that it was reluctant to engage in technical work if the approach was mitigation-centric.

China said further that the guidance must be useful and practical without causing a burden on developing countries. On the issue of whether NDCs should be quantifiable or quantified, China said qualitative NDCs are more feasible for developing countries as data is not the only parameter to evaluate ambition.

Saudi Arabia, for the Arab Group, emphasised that the PA provided concrete guidance on the features and the task of Parties was simply to collect and compile them. It said that national determination was a feature of NDCs and that further guidance should not dictate the national determination character, stressing that NDCs include the full scope and not just the mitigation aspect, as reflected under Article 3. It said the features should reflect differentiation and the different national circumstances of developed and developing countries.

Responding to Parties who insist that the mitigation component of NDCs must be quantified and be quantifiable, Saudi Arabia said that there was no requirement for such quantification in the PA. It said that this does not mean it was against progression or ambition but that developing countries had lots of uncertainties in their future economic and social development prospects and have to address poverty eradication. Hence, developing countries need the flexibility as to whether to have qualitative information in their NDCs.

Similar views were expressed by **Bolivia, Kuwait, Iran and Algeria.**

Kenya, for the African Group, said that NDCs contain other elements besides mitigation that include adaptation and the means of imple-

mentation. It said that there is a diversity of NDCs and the guidance should provide the clarity, transparency and understanding. The issues of features and information are linked and Parties need to elaborate this in relation to the mitigation component of the NDCs under Article 4.

South Africa said that the characteristics of the mitigation component of the NDCs are defined by Article 4, which does not cover the other features referred to in Article 3. It added that features of NDCs are not limited to mitigation alone.

India said since Parties are working under PA mandate, each and every element is important including adaptation, mitigation, finance, technology transfer, capacity building and transparency, which is based on differentiation. The PA is under the Convention and Article 2 of the PA highlights the importance of implementing the Agreement to reflect equity and common but differentiated responsibilities and respective capabilities (CBDRRC) and that this cannot be swept under the carpet but that the discussions must be informed by this.

Under Article 4.1, India said that mitigation actions are to be undertaken on the basis of equity and in the context of sustainable development and efforts to eradicate poverty. It stressed that what is provided for under the PA must be implanted as Parties evolve the modalities.

It added that different sets of guidelines are necessary for developed and developing countries and all the guidance should have some features of flexibility for developing countries, and respect the country-driven nature of the NDCs.

In developing the guidance, India said there cannot be a selective reading of what are essential elements. Under Article 3, information on support is crucial and if the means of implementation is divorced from the national determination of contributions, this is a set-up for failure in the implementation of the NDCs.

Argentina said that the scope of NDCs is reflected in Article 3 and that the main feature of the NDCs is its national determination character.

It said that Article 4 refers to the mitigation component. It also said that further guidance on the features should not undermine the nationally determined character and that it would be helpful to identify specific information in relation to the different types of NDCs and address its diversity and reflect differentiation.

Brazil said that Parties should stay away from the discussion on the scope of NDCs, stressing that NDCs are not only about mitigation. It however

felt that the other aspects of the NDCs are being dealt with under other agenda items. It said that there was no agreement on what the features are as there is no reference to features in the PA. In the absence of any reference to the features, Brazil feared that discussions could reopen the negotiations held in Paris about whether NDCs should be unconditional or conditional, a matter which it felt was settled in Paris. It said the guidance was for the preparation of future NDCs and what kind of information is needed from Parties for clarity, transparency and understanding.

Saint Lucia, speaking for the **CARICOM**, said that the guidance called for relates to mitigation only and Parties do need the guidance. It stressed the common elements of information relating to coverage of gases and sectors, quantifiability, timeframes etc. and that common information is needed.

Ethiopia for the **LDCs** said that there needs to be clear information relating to emission reductions.

Bangladesh said that Parties are supposed to discuss the aspect of mitigation and should not get into Article 3 and that the relevant articles of Article 4 deal with how to address differentiation, adding that since NDCs are nationally determined, it was up to Parties to decide how they fulfil their obligations.

Colombia said that NDCs are nationally determined and that the scope of the discussion has to be narrow to discuss the features relating to mitigation.

The United States said that there is fundamental disagreement on the scope of NDCs and differentiation. It said that Article 4 is clearly about mitigation and that raising 'political issues' will not allow Parties to move to the technical work.

It added the element of mitigation must be discussed as adaptation and finance are being dis-

cussed under other agenda items. It said further that there is a fundamental imbalance in the work if mitigation is not the focus.

The US added that differentiation was carefully negotiated in Paris and it was not going to revisit that. It said that the information relating to mitigation has to ensure that it is understandable.

Switzerland said Parties did not have a common understanding of the features. It said that NDCs should be quantifiable without support and cover all sectors (referring to the mitigation aspect). On the scope, it said that while there are inter-linkages between action and support, it did not make sense to look at support every time action is looked at.

Norway said that features are the common characteristics of NDCs and this is reflected under Article 4.

Canada said Parties should not renegotiate the delicate balance achieved in Paris and should be cautious and recognise the concessions made.

Japan said that NDCs need to be quantifiable and comparable and those Parties who had conditionalities must also include unconditional NDCs.

The European Union said the discussion has to be about the mitigation contribution, and to clarify what the features and accompanying information are.

New Zealand said that it had heard the concerns of Parties and recalled that there was no agreement in Paris over what the features of NDCs could look like under the PA but the decision refers to this and Parties are now trying to agree on what the features could look like. It suggested looking at what 'as appropriate' means (in relation to the information referred to in paragraph 27 of decision 1/C.P. 21).

Australia said that Article 4 refers to the mitigation section of the PA and stressed the importance of quantifiability of the mitigation contributions.

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Informal Consultations under APA Show Differences of View over Differentiation

Marrakech, 10 November (T Ajit and Meena Raman) – On the second day of informal consultations held on 9 November under the UNFCCC's Ad Hoc Working Group on the Paris Agreement (APA), Parties had further exchanges on agenda items relating to facilitating implementation and compliance, global stocktake and adaptation communications.

A common theme that is emerging from the various informal consultations relates to differences of view over the application and operationalisation of the principle of common but differentiated responsibilities and respective capabilities (CBDRRC), in the light of national circumstances, in the various articles of the Paris Agreement (PA).

While many developing countries stress the need to integrate the CBDRRC principle in the design of the various modalities, procedures and guidelines, developed countries do not view the approach in the same manner, stressing that there should be a common approach in this regard.

Highlights from the informal consultations are below.

Facilitating implementation and compliance

The informal consultation session was co-facilitated by **Janine Felson (Belize)** and **Peter Horne (Australia)**. The group discussed four questions posed by the APA Co-chairs to facilitate deliberations on the issue.

[On 8 November, the group had deliberated on one question related to the scope of the mechanism (see TWN Update 5: 'APA begins substantive work in facilitated groups').]

The questions under consideration were:

- How should the respective national capabilities and circumstances of Parties be reflected

in the design of the mechanism for facilitating implementation and promoting compliance?

- What will trigger the work of the committee to facilitate implementation and compliance of the Paris Agreement (PA) and how will the proposed triggers and actions be consistent with the facilitative, non-adversarial, and non-punitive nature of the mechanism?
- What will be the relationship with existing arrangements and bodies under the Convention, if any?
- How should the participation of the Party concerned in a process to facilitate implementation and promote compliance be enabled?

While some Parties responded to some or all the four questions, some spoke in general terms. There was disagreement in the group on the issue of differentiation among developed and developing countries.

Iran for the Like-minded Developing Countries (LMDC) stressed that differentiation was a critical component of the compliance mechanism of the PA. Iran said that differentiation between developed and developing countries is reflected in Articles 4.1, 4.3, 4.4, 4.5, 4.15, 4.19, 7, 9, 10, 11 and 13 and said the scope of the compliance mechanism covers the entire PA. Iran added that it is critical to bear in mind this differentiation for developing countries to facilitate their activities and promote compliance. It also said that it is critical to ensure that differentiation would be a major part of the preparation of the work of the compliance committee and guidelines.

(During discussions on 8 November, **the United States (US)** had said that the compliance mechanism should address only the mitigation contribution and there was no need to link the compli-

ance mechanism with the global stocktake since the global stocktake dealt with collective obligations of Parties.)

China stressed that the scope of the mechanism should be comprehensive and added that the global stocktake is about a collective assessment, which is different from collective obligations.

Ethiopia for the African Group said that the compliance mechanism was an individualised approach and that it might be useful to distinguish between ‘individual and collective obligations’. It also added that when Parties talked about collective obligations, it was important to distinguish between ‘collective and common obligations’. ‘Provisions on finance are not collective. They are individual obligations. We should be careful in our characterisation of how we use collective obligations,’ said Ethiopia.

Norway said that obligations under the PA apply under the context of CBDRRC, in the light of different national circumstances. It said that differentiation is addressed in other parts of the Agreement and therefore the issue of differentiation should not go into the design of the committee’s work.

The US said that differentiation was built into each Article of the PA to see how the circumstances of the Parties might be noted. Differentiation does not relate to the design of the mechanism, but in how it conducts its work, said the US.

Global Stocktake (GST)

Two informal consultations were convened on the issue, co-facilitated by **Nagmeldin G Elhassan (Sudan) and Ilze Pruse (Latvia)**. Parties provided their reflections on the topic, which covered the scope of the GST.

An issue that saw an expression of unhappiness from some developing countries was over a slide termed ‘GST design’, which the co-facilitators presented at the second session of the informal consultations held on 9 November. Several developing country Parties expressed that their views which they presented in the earlier session were not reflected in the slide, and some of their questions were not included. (See exchanges below).

Saudi Arabia for the Arab Group proposed that before delving into the design of the GST, it would be important to have a discussion and arrive at a common understanding on what the GST is. It did not agree to the GST having two phases (technical and political) and said that the GST should be a fact-based, informative and collective exercise.

It also said that it would be useful to anchor discussions on information on action and the impact, and support and the gaps in it.

Argentina said that the GST is a collective, facilitative process including all the elements of the PA and this balance must be kept intact. It also said that the GST should be action- and support-oriented and maintain the political momentum.

Brazil said it supported the idea of a technical and political phase and for the outcome of the technical phase to feed into the political process. It said that the GST is not just about mitigation, adaptation and means of implementation, but also about equity and the best-available science. It said that while the Intergovernmental Panel on Climate Change (IPCC) would provide the science, there is a lack of clarity on what would be the possible inputs on equity, and inputs should be based on the aggregate information of nationally determined contributions (NDCs) in relation to fairness and ambition.

Norway said it sees the GST as a two-phase process. It also said Parties need to find a way on how the GST would be carried out on the basis of equity. Norway also said there is a need for a common understanding on this and Parties could try and come up with some key elements and questions.

Japan, New Zealand and Australia said that they saw the GST as having a technical phase followed by a political phase. Australia said it would welcome discussions on how to identify modalities and inputs for equity.

Algeria said that the operationalisation of the GST should consider the differentiated responsibilities of Parties. It added that it was too premature to talk about political and technical phases.

Bolivia said the GST must be addressed not just in mitigation, adaptation and means of implementation, but its content should be consistent with historical responsibility for fair and equitable sharing of the atmospheric space, while protecting the integrity of Mother Earth.

India said the modality of the GST is to enhance transparency, build trust and ensure accountability. It added that the scope of the GST should be comprehensive and that it should remain anchored in equity and CBDR. India also said that discussion on phases is premature.

At the meeting in the afternoon after the discussions, **Elhassan** said the co-facilitators would work on the informal outcome which would be made available on the UNFCCC website on 10 November. With the intention to present a proposal

based on the number of questions and submissions by Parties to further structure the submissions, Elhassan presented a slide which he hoped would help Parties move to more focused and structured discussions.

He asked of the Parties if the slide, titled ‘GST design issues for further consideration’, was reflective of the process and whether it could be the basis for discussions at forthcoming sessions.

(The slide lists several questions under three headings: What inputs should feed into the GST? How should the GST be conducted and organised? What should be the outputs of the GST? The slide also presents a diagram capturing the different stages: Sources of input; information; assessment and momentum; outputs and outcomes of the GST process.)

In response to the slide, **New Zealand** said that it was an excellent basis to start the next round of iterations.

The Marshall Islands said the slide did not capture the idea of a technical or a political phase. **Grenada** wanted timelines inserted for technical and political phases.

China said the questions it had raised (in an earlier session the previous day) were not reflected.

Brazil stressed that whatever the co-facilitators prepared should consider the views of all the Parties and said it did not see the slide as a GST design and called for the deletion of the title. It also called for the diagram to be deleted.

Saudi Arabia said that it would be better to stick to the language of the PA and called for the deletion of the title. Saudi Arabia also added that it had heard several delegations mention how to capture equity but those questions were not reflected on the slide.

The EU said Parties must avoid negotiating on the language of the slide and added that it was a useful tool to structure discussions.

Following these deliberations, **Elhassan** informed Parties that the co-facilitators had presented the slide based on the views expressed by the Parties, and that they would take into account the further views expressed before distributing the slide.

Adaptation communications

The informal consultations on adaptation were co-facilitated by **Richard Muyungi (Tanzania)** and **Beth Lavender (Canada)**. Lavender informed Parties that the goal of the session would be to reach a common understanding for the work that needs to be resolved and identify broad options for next year. She said that the co-facilitators

would capture the results of the informal consultations in a co-facilitators’ note in bullet points, which would be presented to Parties before it is sent to the APA Co-chairs.

Argentina for the G77 and China said it would be important to address adaptation in relation to mitigation and means of implementation and said that it was prepared to engage in a conversation on flexibility. It said the adaptation communications are the way to catalyse adaptation action and enhance the profile of adaptation and the tools would be to communicate national priorities and actions. Argentina also said that support is part of the scope. It is important to emphasise that the Group sees the recognition of efforts included in the scope, said Argentina, and added that the scope includes the global goal as an integral part of the adaptation communication and how to realise that in the frame of Article 7.1 of the PA.

Speaking for **the LMDC, Ecuador** said there is a need to beef up adaptation and ensure balance between adaptation and mitigation as well as with other parts of the Convention and the PA. Ecuador cautioned against any form of common matrix or forms to quantify and compare vulnerabilities as it may open the door for classifying the needs of developing country Parties by developed countries or third parties.

Ecuador also stressed on the need to reflect adaptation in the different forms of reports including national communications, national adaptation plans, NDCs contributions, etc. and the need to link matters related to adaptation to mitigation, finance, GST and transparency. It also called for the need to strengthen the role of the Adaptation Committee as well as the Adaptation Fund.

Saudi Arabia for the Arab Group said the temperature goal and the global goal on adaptation are inseparable. ‘Many of us are achieving adaptation through mitigation actions and vice versa. Therefore, we believe that the adaptation communications need to be more on par with the mitigation communications, and not marginalized or limited to a “summary” of adaptation plans and actions. Instead they should be comprehensive, and help recognize and catalyze adaptation actions,’ said Saudi Arabia.

Saudi Arabia also said that the objective is to operationalise the global goal on adaptation. It also said that contrary to the agenda titled ‘further guidance’, the fact was there existed no guidance for submitting adaptation communications through NDCs, and that there was a need to develop more guidance there.

On vehicles Saudi Arabia said, ‘We recognize that most Parties submitted their existing adaptation communications with their intended NDCs and our group sees it as the optimal vehicle for adaptation communications. That said, flexibility is key, and we acknowledge that other Parties may wish to communicate adaptation through other vehicles, depending on their national circumstances and preferences.’

Jamaica for the **Alliance of Small Island States (AOSIS)** said that the framework for adaptation communications had been established in Article 7 of the PA wherein the flexibility lay in how Parties reported on adaptation. Jamaica cautioned against reporting burdens on the Small Island Developing States (SIDS) with respect to adaptation communication.

Switzerland said Parties must be free to choose their adaptation communication. It added that any guidance must be on the purpose of the communications. **Norway** said that to communicate information in an effective manner, Parties could look at common elements and provide common guidance.

The US said that one of the best uses of the adaptation communication is for countries to present their adaptation planning process in an executive summary format. It also said that the national adaptation planning process could have a range of vehicles, which Parties could provide at a frequency that suits them. It added that Parties could think of a relationship between the adaptation communications and reporting under the transparency framework.

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Concerns over Mode of Work in APA Informal Consultations

Marrakech, 11 November (T Ajit) – On 10 November, the UNFCCC’s Ad Hoc Working Group on the Paris Agreement (APA) convened a contact group to take stock of the work in the informal consultations, which saw developing country groupings such as the **Like-minded Developing Countries (LMDC)** and **the Arab Group** expressing serious concerns over the mode of work in the informal consultations.

During the contact group meeting, the co-facilitators of the informal consultation groups from nationally determined contributions (NDCs), adaptation communications, transparency framework, global stocktake, facilitating implementation and compliance and other matters related to implementation of the Paris Agreement (PA) reported back on progress made in the consultations to the contact group.

The concerns by developing countries were largely around the need to operationalise differentiation in the various elements of the work, the scope of the work being undertaken and the co-facilitators not being faithful in reflecting the views of all the Parties.

Bolivia for the Like-minded Developing Countries (LMDC) said that it had concerns regarding the work in the informal consultations.

‘We saw attempts by developed countries to interpret the PA as a separate regime from the UNFCCC. This is not the way to move the negotiations process forward. This has not been reflected in the report of the facilitators. In the work of the APA, there were attempts to focus only on mitigation. Parties are trying to avoid the interpretation that the PA covers mitigation, adaptation and means of implementation. Such attempts to narrow the scope of the work in the areas under discussion are not helpful,’ said Bolivia.

Bolivia further added that attempts were being made to eliminate the key principles of the Convention, which are equity and common but differentiated responsibilities (CBDR). It is of concern that there is an attempt to eliminate differentiation between developed and developing countries in the informal consultations, said Bolivia.

‘Developed countries are insisting on common templates. That is not how you implement differentiation. In Paris, we achieved a political balance and the balance is contained in the PA. The PA refers to the full scope, covering mitigation, adaptation, means of implementation, equity, CBDR. This concept should be operationalised in the informal consultations and the co-facilitators should facilitate discussions in that context. Some co-facilitators are using a process that is not appropriate. They are not showing a balanced approach. Some co-facilitators are circulating documents that do not reflect all Parties’ views. We are concerned about this,’ said Bolivia.

(During the informal facilitations, several developing country Parties had expressed unhappiness over the manner in which the co-facilitators had captured Parties’ views. See TWN Marrakech Updates 5, 7 and 8.)

Bolivia also said that the developed countries were creating impediments to implement the PA. ‘We need to shift to a positive mode in the operationalization of the PA. The LMDC has constructive proposals to operationalize differentiation in all the agenda items. We should take into account the full scope of the PA in order to improve the negotiations,’ said Bolivia.

Saudi Arabia for the Arab Group stressed that the considerations of how to operationalize differentiation in the guidance on NDCs was part of technical deliberations. (This was in response to the co-facilitator’s report to the contact group where

he said, ‘Some wanted to discuss the political issues of differentiation and scope of NDCs.’)

Saudi Arabia also said that the ‘visual aid’ presented during the global stocktake (GST) did not capture the range of discussions and was representative of only some Parties’ views. (Saudi Arabia was referring to a slide with questions and a diagram which the co-facilitators of the GST had presented to Parties on 9 November. Several developing country Parties expressed that their views were not reflected in the slide. See TWN Marrakech Update 8.)

Any visual aid or non-papers that the co-facilitators present should capture the views of all the Parties, said Saudi Arabia. It also highlighted that while there were requests to hold consultations in an informal-informal setting, any work during such consultations should be reported back to the informal consultations so that every Party is in the know of progress on work.

India said that the report-back of the co-facilitator on NDCs captured neither the range nor the depth of discussions that took place during the informal consultations.

‘Terming differentiation as a political issue is a non-starter. Whether we call it political or non-political or technical or non-technical, the fact is the PA is based on equity and CBDR and each element is informed by it. When we discuss how to operationalize the elements, we have to operationalize differentiation also. We cannot set this aside,’ said India.

India also added that during the discussions many Parties had highlighted ways to operationalise differentiation in terms of features, guidance, etc. ‘There is clarity in Article 4 on where differentiation lies. We request the co-facilitators to be more faithful while reporting on the discussions,’ said India.

Kenya stressed that it was important that the work in the informal-informal setting is reported back to the informal consultations and asked of the APA Co-chairs to guide the co-facilitators.

Colombia said that progress was slow in the informal consultations and asked of the Parties to not read out ‘long interventions’ or state positions from the ‘pre-Paris days’. It called for a change in the way the consultations were held.

The European Union said that the reports-back fully captured ‘all the views expressed’.

APA Co-chair **Jo Tyndall (New Zealand)** responded saying that she along with her other Co-chair **Sarah Baashan (Saudi Arabia)** were working very closely with the co-facilitators to see that the approach taken by them was well coordinated. She added that the Co-chairs had asked the co-facilitators to make brief reports for the stocktake exercise and that they would prepare detailed reports that would be ‘fuller’.

‘We will be looking for good factual summaries that are consistent with the objective outlined for the session here in Marrakech,’ said Tyndall.

On differentiation, Tyndall said that the headings of the agenda item gave the scope of those agenda items. She added that if Parties had proposals to give effect to principles such as common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, they are free to make proposals under each or any of the agenda items.

The contact group also discussed how progress during the Marrakech session could be best captured. Elaborating on this, Tyndall said that the best way to capture progress would be through formal conclusions, co-facilitators’ notes and a reflection note by the APA Co-chairs on the formal and informal outcomes.

The next meeting of the contact group is scheduled for Friday, 11 November.

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No Decision Taken that Adaptation Fund Serves Paris Agreement – Say Developed Countries

Marrakech, 11 November (Meena Raman) – A major controversy has arisen between developed and developing countries as regards the Adaptation Fund and the Paris Agreement (PA), under the informal consultations which are on-going under the Ad Hoc Working Group on the PA (APA).

Parties have been having informal consultations facilitated by APA Co-chairs, **Jo Tyndall (New Zealand)** and **Sarah Baashan (Saudi Arabia)**, under agenda item 8 on ‘Further matters relating to the implementation of the PA’ that includes the issue of the Adaptation Fund (AF).

At the consultations held on 10 November, developed countries made clear their view that no decision was taken in Paris last year that the AF serves the PA.

Differences have emerged among Parties as to what exactly is the mandate of the work of the APA.

(In response to the invitation by the 11th session of the Conference of Parties serving as the meeting of the Parties to the Kyoto Protocol [CMP 11] that met in Paris last year, the 22nd meeting of the Conference of Parties to the UNFCCC [COP 22 in Marrakech] is invited to request the APA to undertake the ‘necessary preparatory work’ on the issue that the AF may serve the PA in accordance with para 9 of decision 1/CMP.11.)

At issue is the meaning of the words ‘the necessary preparatory work’.

(In Paris, the CMP 11 had also recommended that the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, at its first session, consider that the AF may serve the PA.)

The developing countries led by **the G77 and China** are of the view that the APA mandate is to have a mere procedural decision to give effect to

the decision taken in Paris as regards the AF serving the PA.

The Philippines for the G77 and China reminded Parties that the AF was agreed to in Marrakech in 2001 and was put under the Kyoto Protocol (KP) because the funds for it came from the share of proceeds from the Clean Development Mechanism.

Argentina also stressed that the decision needed was procedural and it did not understand why the AF was being treated differently from other funds (like the Global Environment Facility or the Green Climate Fund which are under the Convention), except that the AF is under the KP.

The Bahamas, which also coordinates **the G77** on the matter of the AF, said that the APA’s mandate is clearly procedural. It said that the G77 could restate why the AF is important but that is sending the wrong message (as to the importance of the AF serving the PA).

Similar views were also expressed by **Egypt for the African Group**.

Australia said that the matter was not simple and procedural. It said that the CMA may take a decision for the AF to serve the PA and the mandate does not say that the AF will serve the PA. The CMA needs to be informed about the AF and its role and that is the preparatory work that is needed.

Argentina in response to Australia said that developing countries have expressed strongly about the importance of the AF in serving the core objectives of the PA. The decision needed is procedural as the APA needs to recommend to the CMA that the AF serves the PA.

The Bahamas said that there is no issue that the AF has a role in adaptation and that is how developing countries interpret the PA.

The European Union said that Parties have different views over how to organise the preparatory work and that a decision that the AF serves the PA is not a procedural decision.

The United States agreed that adaptation finance is important and so is the AF. It said it had different views on what constitutes preparatory work and several questions have to be addressed before Parties say that the AF serves the PA. It is a question of interpretation of what is or is not preparatory work.

Nicaragua stressed that no Party to the Convention must be excluded from accessing the resources of the AF (even if they are not a Party to the PA).

The Philippines said that it was left speechless after hearing the responses of the developed countries who appear not to know about the AF as it has been in existence since 2001.

Switzerland said that whether the AF may serve the PA is not a procedural decision and Parties were uncertain and cannot say that the AF could

serve the PA. There were many uncertainties (in Paris) and Parties ran out of time to clarify and so the decision was taken for the preparatory work to be done to clarify that the AF must serve the PA. It said that there are some Parties around the table who are not Parties to the KP (in reference to the US and Canada). Therefore, 'we cannot simply copy and paste' that the AF can serve the PA, it added.

Egypt in response said that Parties are celebrating the PA but are questioning adaptation support. It said that the AF can serve the PA and that is crucial to the PA.

Costa Rica for the **Independent Association of Latin America and the Caribbean (AILAC)** said that there is uncertainty about the process and substance of the mandate and that it is important to look for ways to increase funding for adaptation. Hence, it said Parties need to find ways to come out with a solution.

The APA Co-chair Baashan said that more time will be scheduled to consider the matter further.

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UNFCCC Should Guide Work on Aviation and Maritime Fuels

Marrakech, 11 November (Hilary Chiew) – The United Nations Framework Convention on Climate Change (UNFCCC) shall guide the work of the UN aviation and maritime agencies, stressed many developing country Parties.

While recognising the recent efforts undertaken by the International Civil Aviation Organisation (ICAO) and the International Maritime Organisation (IMO), a large number of developing countries reaffirmed that the UNFCCC is the primary forum to address the issue of climate change with the Convention's principles and provisions, in particular the principles of equity and common but differentiated responsibilities and respective capabilities.

They said this at the opening session of the 45th session of the Subsidiary Body for Scientific and Technological Advice (SBSTA 45) on the sub-agenda item 'Emissions from fuels used for international aviation and maritime transport' on 7 November.

At its recent 39th Assembly, ICAO member states reached an agreement called 'Carbon Offsetting and Reduction Scheme for International Aviation' (CORSIA) as the first of its global market-based measure that addresses CO₂ emissions from any industry sector. The 'basket of measures' to achieve ICAO's aspirational goals of 2% annual fuel efficiency improvement and carbon neutral growth from 2020 includes four elements: aircraft technology, operational improvements, sustainable alternative fuels, and a global market-based measure.

The IMO adopted amendments to chapter 4 of the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI that will require ships to record and report data on their fuel oil consumption and additional data on proxies for the 'transport work' undertaken by the ship.

The amendment is expected to enter into force on 1 March 2018. The IMO Marine Environmental Protection Committee also approved a roadmap (2017-23) for developing a 'Comprehensive IMO strategy on reduction of GHG emissions from ships' which foresees an initial greenhouse gas (GHG) strategy to be adopted in 2018.

SBSTA Chair Carlos Fuller (Belize) said he would conduct informal consultations in preparing a draft conclusion to be approved by the SBI at its closing plenary on 14 November.

India delivered a statement which was supported by **the African Group, the Arab Group, the Least Developed Countries (LDCs), Argentina, Brazil, Chile, China, Cuba, El Salvador, Iran, Malaysia, the Maldives, Panama, Uruguay and Vietnam.**

These Parties, while recognising the efforts that recently took place in the ICAO and IMO to address the issue of aviation and maritime emissions, reaffirmed that the following elements should be duly considered by the ICAO and IMO when addressing climate change:

- The UNFCCC as the primary forum to address the issue of climate change. Climate change-related work under the ICAO and IMO shall be guided by and consistent with the work under the Conference of the Parties (COP) to the UNFCCC;
- Article 2.2 of the Kyoto Protocol, by which Annex I Parties shall pursue limitation or reduction of emissions of greenhouse gases from aviation and marine bunker fuels, working through the ICAO and IMO respectively, with the developed countries taking the lead;
- Respect for the principles and provisions of the Convention, in particular the principles of equity and common but differentiated responsibilities and respective capabilities; and measures should not constitute disguised restric-

tions on international trade;

- Comprehensive assessment of the possible social, economic, technical and environmental implications of the measures under discussion for developing countries, taking into account that international aviation and maritime transport play a vital role in the facilitation of world trade, and therefore on social and economic development in developing countries;
- Respect for the consensus rule, and for the promotion of an inclusive and transparent process, and a multilateral approach consistent with the principles and provisions of the UNFCCC, in opposition to unilateral measures; and
- Promotion of financial resources, environmentally-sound technologies and know-how by the developed countries to developing countries.

The developing countries 'urge ICAO and IMO, bearing in mind the outcome of the 39th ICAO Assembly and the latest IMO Marine Environment Protection Committee Session (MEPC 70) to develop climate change measures in a manner that is consistent with the principles and provisions of the Convention, in particular the common but differentiated responsibilities between developed and the developing countries and to be fully aligned with and support the implementation of the Paris Agreement, with a view to avoid possible inconsistencies between intergovernmental organisations under the UN'.

They stressed that, 'The developed countries shall take the lead in mitigation actions as per the Convention, and the outcome of ICAO and IMO shall not impose inappropriate economic burden in developing countries and shall not hamper the sustainable development of developing countries.'

They also said that efforts to achieve a strategic plan to address the issue of GHG maritime emissions should not undermine growth and trade flows of developing countries and should consider the negative impacts on growth and trade, taking into account that their trade is based mainly on the shipping sector.

In relation to the outcomes of the last ICAO Assembly, India highlighted on behalf of the group of Parties that it has been agreed that the GMBM scheme (CORSIA) 'shall take into account special circumstances and respective capabilities of States, in particular of developing countries, and with developed States taking the lead in addressing emissions. It is also important to highlight that the ICAO Resolution A39.3, in its preamble, recognises that it does not set a precedent for or prejudice the outcome of negotiations under the UNFCCC, the Paris

Agreement, or other international agreements, nor represent the position of the Parties to the UNFCCC, the Paris Agreement, or other international agreements.'

'In this regard, we further note that, in order to avoid duplication of work and promote tolerance between both UNFCCC and ICAO, units arising from the Kyoto Protocol mechanisms should be automatically recognised as eligible for ICAO's CORSIA and given preference. Proposals regarding this issue under ICAO technical bodies should be respectful of the mechanisms under the UNFCCC and should not prejudice ongoing discussions under the UNFCCC,' the Parties further added.

They also said that, 'We also wish to reaffirm the temporary nature of the GMBM scheme, including as complementary to a broader package of measures, such as further progress on aircraft technologies, operational improvements and sustainable alternative fuels. Under this broader effort, there is a need to ensure the provision of means of implementation to support developing countries for them to be able to voluntarily undertake specific action plans and measures.'

Finally, they emphasised that the work in the ICAO should remain consensually in a Party-driven, transparent and inclusive as well as consensus-building manner, without resorting to unilateral actions that are inconsistent with UNFCCC principles.

In relation to the IMO work, these Parties pointed out that it should be taken into account that the issue of GHG emissions in the maritime transport has particular characteristics.

'Firstly, emissions from maritime transport account for a relatively low percentage of overall global emissions. On the other hand, shipping plays a vital role in facilitating trade flows and being a key driver of development in developing countries.

'Secondly, IMO's future emission scenarios vary widely. This is related to the uncertainty in the range of the increasing demand for maritime transport.

'Thirdly, compared to emissions from other modes of transport, international shipping is efficient and cost-effective. Should measures on shipping emissions increase costs, trade could be switched, where possible, to other means of transport that have much higher emissions per tonne-mile,' they cautioned.

In this context, these Parties said there are many options to be explored when addressing emissions from shipping, including changes in ship de-

sign, operational practices and energy efficiency, which could lead to good results, while avoiding negative impacts on international trade, especially for relatively distant countries. Besides, the work that is being undertaken on further measures for energy-efficiency of ships and data collection should be consistent with UNFCCC principles and provisions.

Traditionally, they noted, actions under the IMO have always been taken only after adequate and in-depth technical studies and analyses. On the discussions under the roadmap towards a 'Comprehensive IMO Strategy on reduction of GHG emissions from ships', they urged the important need to have analysis and studies in order to take adequate decisions for measures including in the strategy.

They said that in the IMO High Level Action Plan [resolution A, 1998 (29)] , it has been established that 'Developing countries' necessities should be taken into consideration.'

They requested that their intervention 'be included in the records of these sessions and we entrust that the ICAO and IMO will take these matters under consideration in their work and in their reports in future SBSTA sessions', emphasising that the two organisations 'should harmonise their actions with COP decisions'.

The United States said it strongly supported and welcomed the ICAO's GMBM. It also welcomed the IMO MEPC70 work that paved the way for the textual amendment to the MARPOL Convention, which enabled the data collection system to track fuel consumption of ships. It looked forward to comprehensive implementation of emissions reduction from shipping in the next couple of years.

The European Union in welcoming the progress in the ICAO and IMO said in the Paris Agreement, Parties set ambitious temperature goals

and agreed to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases by the second half of this century.

It said all economic sectors, including international aviation and maritime transport, have to contribute fairly to attaining these goals. Any sector, it added, that fails to reduce its emissions puts the global effort to combat climate change at risk. The EU therefore encouraged Parties to bring the spirit of Paris to the ICAO and IMO.

Singapore in reaffirming the leadership of the two respective UN agencies in addressing emissions from international transport said the ICAO Assembly made a historic move in adopting the CORSIA and that 66 member states covering 86.5% of international aviation emissions have declared their intent to participate in the scheme from the outset. It urged the ICAO and member states to follow up by vigorously working out the details necessary for implementing the CORSIA, even as they continue to work on operational and technological measures to address emissions from international aviation.

Singapore further welcomed the IMO's MEPC70 work in the adoption of a clear roadmap for developing a strategy to reduce emissions from international maritime transport and the adoption of the global data collection system on ships' fuel consumption which will provide a robust process in determining whether, and what additional measures would be needed in the strategy to reduce emissions from international shipping.

Japan, echoing Singapore, said it strongly believed that GHG emissions from international aviation and shipping should continue to be addressed by the ICAO and IMO which have expertise in the respective fields and that their member states are already taking concrete steps and actions to address emissions from international transport.

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APA Discusses on Way Forward to Proceed with Work Next Year

Marrakech, 14 November (T Ajit) – On 12 November, the UNFCCC's Ad Hoc Working Group on the Paris Agreement (APA) convened a contact group where Parties heard reports-back from ongoing informal consultations on various topics under the APA agenda.

(Over the past week of climate talks that began on 7 November, the APA has conducted several informal consultations on various agenda items such as guidance on features, information and accounting of nationally determined contributions [NDCs]; guidance related to the adaptation communication; modalities, procedures and guidelines for the transparency framework for action and support; matters relating to the global stocktake; modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance and further matters related to the implementation of the PA.)

During the reports-back, the co-facilitators of the informal consultations reported that work had progressed under each of the agenda items and that they would convene their last informal consultations on 14 November where Parties would provide their reflections on the informal notes prepared by the co-facilitators and continue to share their views on the work going ahead from Marrakech.

Each of the co-facilitators has prepared informal notes, which they said comprised the views expressed by the Parties during the informal consultations and which are available on the [UNFCCC website](#).

The contact group also had a brief discussion on the revised [draft conclusions](#) of the APA prepared by the APA Co-chairs **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)**.

(The Co-chairs had presented the draft conclusions to Parties during a contact group on 11

November. Parties had provided their initial reflections on the draft conclusions based on which the Co-chairs issued a revised iteration of the draft conclusions on 12 November.)

The draft conclusion states that 'the APA noted that, at this session, it has been possible to progress work on all substantive agenda items. But much remains to be done and, in the light of the entry into force of the PA, the APA affirms its commitment to working diligently and expeditiously to fulfil its mandate as soon as possible. The APA emphasized the need to progress on all items in a coherent and balanced manner, and to ensure a co-ordinated approach with regard to related matters considered under the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA).'

(In Paris, various bodies including the APA, SBI and SBSTA were assigned tasks related to the implementation of the PA.)

The draft conclusions also have placeholders for the ongoing work in the informal consultations. According to the Co-chairs, these would be populated with the outcome of the work of the informal consultations on future work once they are finalised.

'If there is agreement on future work arising from any or all of the informal consultations that would provide the content to populate the placeholder paragraphs. Draft conclusions will come back to the whole group before they can be taken to the APA Plenary,' said Tyndall.

In the draft conclusions, the APA also noted 'the progress made on all substantive items on the APA agenda as reflected in the informal notes prepared, under their own responsibility, by the co-facilitators of the informal consultations on those items. It agreed that the notes will help advance the work of the APA at its next session.'

With reference to the term ‘under our own responsibility’, **Saudi Arabia** for the **Arab Group** had proposed on 11 November a footnote to elaborate what the term means.

The footnote reads: *‘The notes prepared by the co-facilitators attempt to informally capture the views expressed by some Parties to date on the respective agenda items and they do not necessarily reflect the views of all Parties. The notes are not intended to prejudge further work that Parties may*

wish to undertake or to prevent Parties from expressing other views they may have in the future. The views presented in the notes are not in any order of importance and they do not signify any consensus among Parties or imply the basis for any future negotiations.’

The APA will convene another contact group on 14 November to finalise the draft conclusions, after which the closing plenary of the APA is expected to follow.

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Parties Clash over Public Registry for NDCs and Adaptation Communications

Marrakech, 14 November (Zhenyan Zhu and Meena Raman) – Differences of views between developed and developing countries have emerged on how they view the public registry for nationally determined contributions (NDCs) and for adaptation communications under the Paris Agreement (PA).

The UNFCCC's 45th session of the Subsidiary Body for Implementation (SBI 45) has been conducting informal consultations in this regard since 8 November under agenda items 5 and 6 relating to the development of modalities and procedures for the operation and use of a public registry referred to under Articles 4 (12) and 7(12) of the PA.

(Article 4 (12) provides that 'NDCs communicated by Parties shall be recorded in a public registry maintained by the secretariat' and Article 7(12) states that 'the adaptation communications ... shall be recorded in a public registry maintained by the secretariat'.)

Underlying the tensions that arose among Parties was the content of the public registry for NDCs – whether it should cover just the mitigation component or the full scope of NDCs including adaptation and the means of implementation as reflected under Article 3 of the PA.

Also at issue was whether there should be one or two registries since some developing countries are of the view that the NDCs also include an adaptation contribution or communication.

The issue of what constitutes NDCs is a live issue that is being dealt with under the work of the Ad Hoc Working Group on the PA (APA) on the features of NDCs.

In this regard, the **Like-minded Developing Countries (LMDC)** during the SBI consultations expressed the view that the work in the SBI was a technical one and should not duplicate the work ongoing under the APA.

The informal consultations are co-chaired by **Madeleine Diouf (Senegal) and Traude Wollansky (Austria)**.

The SBI was tasked to agree on draft conclusions that will be forwarded for the consideration and adoption by the Conference of Parties meeting as the Parties to the PA at its first session (CMA1).

The intense exchanges among Parties led to agreement on the draft conclusions to be forwarded. The relevant draft conclusion in relation to the public registry under the Article 4(12) agreed to reads as follows:

'The SBI took note of the views exchanged by Parties at the session on the modalities and procedures for the operation and use of the public registry as referred to in decision 1/CP.21, paragraph 29, including on the linkages of its work under this agenda item to the work under SBI 45 agenda item 6, and to the work of the Ad Hoc Working Group on the Paris Agreement.'

Parties also agreed in their conclusions that 'the SBI also agreed to continue its consideration of this matter at SBI 46 (May 2017)'.

Registry for NDCs

At the first meeting of the informal consultations on the NDC registry held on 8 November, the Co-chair invited Parties to share their views such as its key features and elements of the modalities and procedures, procedures of Parties' submission of their NDCs as well as adjustment of NDCs, etc.

On the operation and use of the public registry, Parties expressed the following key elements as characteristics of the registry which included user-friendliness, accessibility, simplicity, searchability, keeping of historical records of NDCs submissions, having a full complete record and allowing adjustment of NDCs, etc.

Generally, Parties agreed that the matter under discussion was a technical one, and that it should not resolve any political issues.

China, speaking for the **Like-minded Developing countries (LMDC)**, stressed that Parties should keep the discussions away from any sensitive and political discussions that are being dealt with in the APA.

It added that at this stage, the discussion should focus on how the registry should function and on how to register the NDCs. China said it preferred one public registry accommodating NDCs and adaptation communication and that Parties could upload two documents under one column.

Saudi Arabia for the **Arab Group** supported China and added that, although there are two items in the SBI agenda (on NDCs and adaptation communications), there should be one registry.

In the second meeting of the informal consultations held on 9 November, the co-facilitators circulated a document titled ‘possible elements for draft conclusions on SBI agenda item 5’, and invited Parties to comment on this document, saying that it captured the views of Parties.

China for the **LMDC** expressed strong opposition to the document and said that Parties should stop substantive discussions on the issue of NDCs and wait until the outcome of discussion in the APA. China said it was not appropriate to produce the document and invite Parties to have discussions and said that the document should not have any legal status. It was opposed to having any matters relating to the substance of NDCs included in the draft conclusions.

Pakistan echoed the intervention made by China and said that the points captured in the document were quite confusing and did not want further discussions on the matter.

India and **Saudi Arabia** also supported China’s position in this regard.

Saint Lucia appreciated the co-facilitators’ document, saying it captured the views of Parties and that there was a mandate to develop modalities and procedures for the operation and use of a public registry and that discussions in another room (APA) should not prevent Parties from discussing further.

The European Union supported St. Lucia in this regard.

In the third meeting of the informal consultations on 10 November, the co-facilitators presented a text of draft conclusions for the consideration of Parties.

Colombia proposed to have the elements of the earlier document prepared by the co-facilitators the previous day to be included in the draft conclusions.

China for the **LMDC** was opposed to this proposal.

As to whether to merge the two agenda items of SBI 45 into one and whether to have one registry for both NDCs and adaptation communications, **China** on behalf of the **LMDC**, **Saudi Arabia** on behalf of the **Arab Group**, **India** and **Pakistan** wanted the two agenda items to be merged and wanted one registry for both NDCs and adaptation communications.

As Parties could not agree on the draft conclusions, they agreed to meet for further discussions the following day.

China for the **LMDC** wanted the next discussion to be based on the current text of the draft conclusions, for the discussions to be kept at the procedural and technical level without causing prejudice to discussions taking place under the APA. This was supported by the **Arab Group** and **India**.

Following intense exchanges at the informal consultations on 11 November, Parties agreed to the conclusions as reflected above, which was the original text of conclusions agreed to at the previous session of the SBI in Bonn in May this year.

Registry on adaptation communications

In the first meeting of informal consultations on the registry for adaptation communications held on 8 November, Parties had divergent views on whether to have one registry for both NDCs and adaptation communications or have two registries.

China for the **LMDC**, **Saudi Arabia** for the **Arab Group**, and **Zimbabwe** wanted one registry for NDCs and adaptation communications while **the EU**, **Switzerland**, **Canada**, **the United States**, **Jamaica** and **Tuvalu** wanted to have two separate ones.

In the second meeting of informal consultations, **Saudi Arabia** proposed to the co-facilitators to produce a draft conclusion for Parties to go over as what has been done for item 5 and wanted Parties to exchange views at the next session of the SBI. It did not want a request for submissions by Parties as proposed by some Parties.

China supported **Saudi Arabia** and wanted a simple and procedural conclusion as it was too early to call for submissions, as discussions of ad-

aptation communications had not yet been concluded under the APA.

Parties were again significantly divergent on whether to merge two items into one under the SBI agenda.

Tuvalu said the two discussions (under agenda item 5 on NDCs and item 6 on adaptation communications) should be separate until there is agreement on the nature of adaptation communications.

The EU said that all Parties recognise that intended NDCs do contain an adaptation component but that is not the same with adaptation communications.

The US also could not agree with China and Saudi Arabia.

Saudi Arabia sharply pointed out that adaptation should be given more value when discussing NDCs, adding that there would be clearer discussions if the two issues were in one agenda item

for discussions. It added that when there is more work on adaptation communications in the APA, there will be a clearer linkage between the communication of NDCs and adaptation efforts.

In the third informal consultations held on 11 November, Parties agreed with the following draft conclusion, which was the same as agreed to at the last Bonn session.

The draft conclusion reads: ‘The SBI took note of the views expressed by Parties during the session on this matter, including on the existing or potential linkages to SBI 45 agenda item 5, the continued work of the secretariat on the interim registry, the web page maintained by the secretariat on undertakings in adaptation planning and the work of the Ad Hoc Working Group on the Paris Agreement.’ They also agreed that ‘the SBI agreed to continue its consideration of this matter at SBI 46 (May 2017)’.

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Unease over 'Marrakech Call for Action'

Marrakech, 14 November (Hilary Chiew and Zhenyan Zhu) – Unease has emerged among some developing countries over the content of a confidential document being prepared behind closed doors by the Moroccan Presidency of the UN climate talks billed the 'Marrakech Call for Action'.

News about the call was formally announced at the end of a midday stocktaking plenary of the climate talks held on 12 November. The talks began on 7 November.

The President of the 22nd meeting of Parties to the UN Framework Convention on Climate Change (COP22) Salaheddine Mezouar, who is also the Moroccan Foreign Minister, issued an appeal to Parties to support the 'Marrakech Call' and said that it was meant to 'send a message to the international community'.

Mezouar said that he did not want to open up the document to a 'complicated debate at this point because it could bog us down but I launch an appeal now to be supported by all delegations'.

He did not reveal the contents of the 'Marrakech Call' but has made it available to some Parties and is expected to present the document and obtain the endorsement of the Heads of States and ministers who are arriving for the traditional high-level segment of the talks that begin on 15 November.

According to sources, the Moroccan Presidency has been conducting consultations behind the scene on the four-page document with groupings of Parties during which he sought inputs from Parties and listened to their concerns.

Some developing country Parties have expressed their grave concerns over the document to the COP Presidency and are deeply troubled by the lack of balance in the document which they claim did not make any reference to the UNFCCC, its principles and provisions; and did not stress the importance of pre-2020 actions.

The secret text was leaked to the media and has also alarmed observers who warned that such a move is highly unwise and failed to appreciate the delicate political balance achieved among Parties at the Paris COP barely a year ago which resulted in the Paris Agreement and its accompanying set of decisions.

(See http://www.business-standard.com/article/current-affairs/not-trump-the-marrakech-call-hobbles-climate-change-talks-in-morocco-116111200180_1.html)

They are wondering how the COP President intends to get the endorsement of Parties of a non-negotiated text.

At the halfway stocktake, the COP President provided an opportunity to Parties to hear reports-back from the various bodies who have been conducting negotiations over the course of the week.

Following the reports-back, Parties provided their views on the process and divergent views were heard over whether to continue the work of the Ad Hoc Working Group on the Paris Agreement (APA) during the second week of the talks.

All subsidiary bodies including the APA are supposed to conclude their work with their respective closing plenaries scheduled on 14 November, before the commencement of the high-level segment.

A large number of developing country Parties opposed the idea of continuing the work of the APA in the second week while some developed countries as well as developing countries wanted to 'engage in the coming week to move forward with essential work to implement the Paris Agreement'. (See exchanges of Parties below.)

[During the first week, Parties also conducted work at the 45th session of the Subsidiary Body for Implementation (SBI45) and the 45th session of the Subsidiary Body for Scientific and Technological Advice (SBSTA45).]

Mezouar also informed Parties that the historical first meeting of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA1) will be declared open late morning on 15 November.

He said Heads of Governments are arriving to participate in the high-level segment to celebrate the entry-into-force of the Paris Agreement as well as the opening of the CMA1 and ‘everything we have achieved including under the Convention and the Kyoto Protocol’.

He also noted the key events for the coming week: the second part of the ‘facilitative dialogue on enhancing ambition and support’, the ‘second biennial ministerial high-level on climate finance’, the high-level event on ‘sustainable economic transition and economic diversification’, and, the high-level on ‘global climate action’.

The COP 22 President informed Parties that consultations are still underway on several matters: the adoption of the CMA rules of procedure; vulnerability of Africa; access to support to the Green Climate Fund and Climate Technology Centre and Network by those Parties with special circumstances; and the platform for local communities and indigenous peoples (under paragraph 135 of the Paris decision 1/CP21).

(Paragraph 135 reads: *Recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, and establishes a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner.*)

On the consultations on the preparation for the entry into force of the Paris Agreement and CMA1, the COP President stressed that they were going well and he anticipated a smooth launch of CMA1. The consultations in this regard are being led by Ambassador Aziz Mekouar.

The COP President Mezouar then invited SBI, SBSTA and APA Chairs to provide updates on their respective work.

SBSTA Chair Carlos Fuller (Belize) was pleased that almost all agenda items had been concluded. He noted that work is still ongoing on the review of the Executive Committee of the Warsaw International Mechanism on Loss and Damage from the impacts of climate change (WIM); matters relating to Article 6 of the Paris Agreement (relating to cooperative approaches); and the modalities for the reporting of financial resources.

He also informed that in the discussion on the report of the Adaptation Committee, concerns were raised on insufficient resources, noting that this might be a common issue across bodies and there was a need to find innovative ways to address the matter.

SBI Chair Tomasz Chruszczow (Poland) informed that the SBI held the first part of its closing plenary on 11 November with the adoption of a number of draft conclusions and draft decisions after only three days of intense negotiation as Parties were able to advance or reach agreement.

He said the Cancun measuring, reporting and verification (MRV) system is fully operational now with the convening of the facilitative sharing of views by seven developing country Parties which presented information on their biennial update report on 10 November and there were active interactions through several rounds of questions and answers and sharing of information in a transparent manner.

He also added that developed country Parties expressed deep appreciation for their efforts and the process was seen as very positive by all Parties in building the path for the transparency framework under the Paris Agreement.

Chruszczow pointed out that parallel to this stocktake session, the Multilateral Assessment under the International Assessment and Review process (for developed countries) was being convened and he invited Parties to join the two-day process that will continue on 14 November.

He was pleased to report that thanks to hard work during the Bonn intersession in May (2016) and here, the first meeting of the Paris Committee on Climate Change will be convened next May, pending nomination of members.

He also noted that Parties had advanced work on the development of the modalities and procedures for the operation and use of the public registry referred to in Articles 4.12 and 7.12 of the Paris Agreement.

(Article 4.12 refers to the nationally determined contributions communicated by Parties that shall be recorded in a public registry and Article 7.12 refers to the adaptation communications of Parties that shall be recorded in a public registry, that are to be maintained by the secretariat.)

Parties, he added, also advanced on important issues under the Convention and the Kyoto Protocol and he hoped to complete work on the review of the WIM.

APA Co-chair Jo Tyndall (New Zealand) reported good progress so far despite complexities and limited time and that Parties met from four to six times on each agenda item as well as in informal, informal setting to progress work. Initial versions of co-facilitators' notes show factual summary and iterations as consultations continue, she said, pointing out that the notes are available on the website.

Global Climate Action Champion Hakima El Haite (Morocco) reported on the thematic events held under the Global Climate Action Agenda and that she would continue to hold consultations on how to provide guidance to the technical examination process to scale up action in the pre-2020 period to ensure the objective of the Convention can be met with the aim to publish proposals for scaling up of pre-2020 actions on 17 November.

Following are the highlights of the exchanges on the continuation of the APA work in week two.

Proposing to continue the APA work in the second week, **Switzerland** representing the **Environmental Integrity Group (EIG)** said that 'all of our experts are willing to work next week to further our understanding,' adding that many delegations smaller than the EIG had underlined willingness to work too. Technically, it said, Parties are able to continue beyond Monday (14 November) evening and Parties should use the remaining days in Marrakech to better understand opinions and views to better prepare for the next meeting when delegates returned to their capitals.

This was immediately met with objection from two developing country groupings and several developing countries which took to the floor.

Speaking for **the Like-minded Developing Countries (LMDC)**, **Bolivia** said Parties need to take into account the balance between pre-2020 and post-2020 actions.

'We heard a lot of progress in several groups including the APA. Our suggestion is to close the APA as it was originally planned and focus on pre-2020 actions and the means of implementation next week,' it stressed.

The Maldives representing the **Alliance of Small Island States (AOSIS)** said the Group has always supported advancing work. However, it said next week delegations would be focusing on many ministerial events. 'AOSIS believes that we need more work during the inter-session next year and do not want to reopen issues as we just started substantive work of APA,' it noted.

India cautioned on the need for balanced work and not allow for a pick-and-choose approach. It said Parties must not look at some work whereas other issues which are equally if not more important languish in the background, noting the importance of pre-2020 actions.

'While we prepare the rules book for post-2020 (referring to rules for the implementation of the Paris Agreement) which is four years ahead of us, our focus on pre-2020 actions has been limited. The issue before us really is what kind of work plan we have for 2016 to 2020. Are we just relying on non-governmental organisations or non-state actors to deliver on the emissions gap?' it asked.

India lamented that 'there are specific mandates and line of actions that need to be taken forward but we do not find traction on these. It is important that we focus on concrete action in pre-2020 (by) looking at revisit of Kyoto Protocol targets, and the timeline for ratification.

'We are talking about timeline for Paris Agreement by 2017 or 2018 but not the timeline for the pre-2020 issues according to paragraph 3 and 4 of the decision 1/CP.19 (of the Warsaw COP in 2013). We have to prioritise this in a significant manner for next week,' it urged.

Nicaragua in highlighting the increasing impacts of climate change stressed that pre-2020 is not an abstract question and that the Doha Amendment (for the second commitment period of the Kyoto Protocol) needs to be implemented immediately.

Saudi Arabia said it would support the COP Presidency's outline of work for next week and feared that 'changing the gear' would interrupt progress, noting the excellent progress made and the momentum can be continued next year.

Echoing support for focus on pre-2020 actions, **China** said Parties should not only concern themselves on arrangements of the post-2020 time frame under the Paris Agreement but should also be concerned of actions before that.

Australia, echoing EIG, said Heads of States would be flying in shortly and 'it is not the right way to say we are not doing anything'. Stopping all work is not a good suggestion; we need to keep moving things in tandem, it opined.

The European Union said it supported the EIG and Australia and it was ready to engage in the coming week to move forward the essential work to implement the Paris Agreement. It said the many high-level events will focus on crucial issues of pre-2020 but at the same time Parties need to

take advantage of next week to move forward on completing the rules book.

Costa Rica speaking for the **Independent Association of Latin America and the Caribbean (AILAC)** supported the idea of making the best use of time by prolonging the work of the APA beyond 14 November as ‘Parties need to deepen the technical work’.

Supporting the extension of work, representing the Least Developed Countries (LDCs), the Democratic Republic of Congo said a great amount

of work needs to be done particularly when it comes to implementing the Paris Agreement and it believed that the remaining time can help to guarantee that the Marrakech COP is the COP of action.

Honduras, Mongolia, Argentina and Canada supported extending work on the APA in the second week.

The APA Co-chairs have informed Parties that the body will conclude its work on Monday, 14 November as originally planned. (See separate article on the APA contact group held on 12 November.)

TWN

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Facilitative Dialogue on Enhancing Ambition and Support Provides Key Findings

Marrakech, 15 November (Zhenyan Zhu) – The UNFCCC’s Conference of the Parties at its 22nd (COP 22) session in Marrakech convened the first part of the ‘Facilitative Dialogue on Enhancing Ambition and Support’ on 11 November.

The dialogue is being held in two parts, with the next part to be convened on 16 November (which will involve the participation of ministers) and relates to commitments and actions in the pre-2020 time frame.

The first part of the dialogue assessed progress made, with regard to the enhancement of pre-2020 ambition, and the provision of means of implementation and was of a technical nature, and its findings are expected to serve as important input to these ministerial deliberations.

Speakers from various agencies including the UNFCCC Secretariat made useful presentations providing some facts and figures as regards the mitigation actions undertaken by Parties as well as on the provision of financial resources and technology transfer.

(Parties had agreed in Paris ‘to conduct a facilitative dialogue’ at COP 22 ‘to assess the progress in implementing decision 1/C.P. 19, paras 3 and 4 and identify relevant opportunities to enhance the provision of financial resources, including for technology development and transfer and capacity-building support, with a view to identifying ways to enhance the ambition of mitigation efforts by all Parties, including identifying relevant opportunities to enhance the provision and mobilisation of support and enabling environments’.)

(Paras 3 and 4 of decision 1/C.P. 19 relate to what Parties agreed to in Warsaw in 2013 to accelerate the full implementation of the decisions as agreed to under the Bali Action Plan and in relation to the provision of means of implementation, including technology, finance and capacity-build-

ing support for developing country Parties, recognising that such implementation will enhance ambition in the pre-2020 period.)

The first part of the Facilitative Dialogue (FD) was moderated by Joydeep Gupta, a journalist. Part 1 consisted of discussions in seven panels:

- (1) Introduction to Pre-2020 Action and Ambition
- (2) Quantified Economy Wide Targets by Developed Country Parties
- (3) National Appropriate Mitigation Actions (NAMA) by Developing Country Parties
- (4) Means of Implementation
- (5) Finance
- (6) Technology Development and Transfer
- (7) Capacity-building.

In the panel on ‘Introduction to Pre-2020 Action and Ambition’, **Dr Katia Simeonova** from the **UNFCCC Secretariat** presented the pre-2020 action and ambition. She referred to the 2016 UNEP Emissions Gap Report and showed that the pledges under the Cancun Agreements and the nationally determined contributions (NDCs) submitted so far are insufficient to achieve the temperature goals enshrined in the Paris Agreement.

The secretariat presentation showed that all developed countries and many developing countries have submitted and are now implementing their pre-2020 emission reduction pledges. On aggregate greenhouse gas (GHG) emission trends of developed countries during 1990-2020 (based on their biennial reports), GHG emissions of Annex 1 Parties are on a downward trend by 2020; Annex 1 Parties are implementing policies and making progress towards their 2020 targets and the Kyoto Protocol Parties reached their first commitment period targets. Simeonova said that the ratification of the Doha Amendment (for the entry into force of the second commitment period) is deemed as an

essential part of momentum for global climate action. She pointed out that 71 Parties have ratified the Amendment, as of end October 2016. (A total of 144 Parties are needed for the second commitment period to come into effect for the period 2013-20.)

All regions are active in preparation and implementation of NAMAs (nationally appropriate mitigation actions by developing countries), said Simeonova. The number of registered NAMAs has increased by 35% since 2015. The largest increase in NAMAs is from African countries and Least Developed Countries (LDCs). Financial, technology development and capacity-building support at scale is urgently needed, she added.

Through the international consultation and analysis (ICA) process, developing countries have outlined their efforts to attain their mitigation pledges enshrined in their NAMAs and implement actions, she said.

As key messages, Simeonova pointed out the following:

- The 2015 Paris Agreement provides not only a long-term direction and destination, but also adds momentum to the ongoing climate change action by all Parties contributing to achievement of their 2020 pledges;
- All Parties are advancing their efforts in implementing their 2020 pledges and for developed countries this is reflected in the downward emission trend as demonstrated through the MRV (measurement, reporting and verification) system;
- Many Parties demonstrated through the MRV system and other means that they are increasingly introducing a plethora of national policies and related instruments for low-emission and climate-resilient development building on the 2020 Cancun pledges, but greater mitigation potential is yet to be utilised;
- Financial support, technology development and capacity-building at scale are deemed essential for developing countries to attain the climate objectives for 2020 and beyond.

Asad Rehman from Friends of the Earth International cited the 2016 UNFCCC synthesis report on the aggregate effect of the intended nationally determined contributions (INDCs) and indicated that the carbon budget for 1.5°C will be rapidly depleted, 'leaving us with only 550Gt CO₂; by 2025 we will have hardly any budget left and by 2030 we will have exceeded it'. For the more dangerous 2°C target by 2025, less than half of the current available budget would remain by 2025 and by 2030 a quarter will remain.

In 2010 in Cancun, he said, Parties committed to limit temperature increases to below 2°C with industrialised countries taking the lead and providing the means of implementation (finance, technology transfer and capacity building) to enable developing countries to also play their part.

According to a report just released by civil society organisations titled 'Setting the Path Towards 1.5°C: A Civil Society Equity Review of Pre-2020 Ambition', developing country pledges are twice that of developed countries. 'To be on track for 1.5°C, we would need 2 to 3.5 times more than that and no matter how you measure fairness, developed countries should do more than developing countries,' he stressed, sharing the findings of the report at the FD.

Rehman also pointed to an analysis by Oxfam of the 'Roadmap to US\$100 Billion' produced by Australia and the United Kingdom, in which the analysis translated the US\$100 billion finance pledges into grant equivalent terms amounting to approximately US\$14 billion in 2020 for climate-specific net-assistance for emission reductions. Based on International Energy Agency information, it is estimated that this may result in an additional 240Mt of CO₂ reductions in 2020, he said.

He stressed that this is a negligible contribution to the actual mitigation needed to be on track for 1.5°C. 'By 2030 ambition will have needed to increase more than 5-fold (from 3.3Gt CO₂ to 18.5 Gt CO₂) and that's just for the 2°C goal. This is a massive transformation for developed countries but also a huge transformation for developing countries,' Rehman added.

Solutions are possible and they do exist that can unlock the mitigation potential, if the support needed to do so is available but all are dependent on the necessary finance and technology transfers, he said further.

Rehman pointed out that in Doha, Parties agreed to an aggregate GHG reduction of 18% by 2014 for Annex 1 Parties, and for them to revisit those reductions to align them with the upper end of the Intergovernmental Panel on Climate Change's 4th Assessment Report recommendation of 25-40% reductions on 1990 levels. However, that revisit never happened and Parties have yet to ratify the Doha Amendment, he lamented.

With some Parties such as the European Union and Japan already having met their 2020 targets, and in light of recent political events, Parties should ensure that they align their pre-2020 mitigation efforts, and the support needed to meet the goals agreed in Paris, he concluded.

In the panel of ‘Means of Implementation’, **Dr Carlos Fuller**, the **Chair of the UNFCCC Subsidiary Body for Scientific and Technological Advice (SBSTA)**, presented an overview of climate finance flows. US\$25.4 billion in 2013 and US\$26.6 billion in 2014 of climate-specific finance was reported in second Biennial Reports of developed countries, of which US\$23.1 billion in 2013 and US\$23.9 billion in 2014 were channelled through bilateral, regional and other channels. This represents an increase of about 50% from public finance reported through the same channels in 2011-12.

Thirty-four biennial update reports (BURs) were submitted by developing countries as of 22 September 2016, of which 22 provide a summary of information on climate finance received during a certain period. The rest indicated climate finance received for a selective number of projects/activities, sectors or donors, or did not include quantitative financial information. The BUR guidelines do not require information on underlying assumptions, definitions and methodologies used in generating the information, said Fuller.

He said that the (UNFCCC) operating entities and other dedicated Funds also provided enhanced support and stated the following:

- The initial resource mobilisation of the Green Climate Fund (GCF) hit US\$10.3 billion as at July 2016, with 27 projects and programmes approved as at 14 October 2016, amounting to US\$1.2 billion. The GCF is also active in engaging with the private sector.
- The Global Environment Facility (GEF) has funded 836 projects on climate change mitigation with more than US\$5.2 billion GEF funding in more than 165 countries. The GEF funding leveraged over US\$45 billion from a variety of sources.
- The Least Developed Countries Fund (LDCF) received cumulative pledges amounting to US\$1.2 billion of which US\$254 million were in 2016. It mobilised US\$4.0 billion in co-financing. US\$1 billion has been approved in grant funding, including financing the preparation of 51 national adaptation programmes of action (NAPAs), of which 50 are completed, and the approval of 173 NAPA implementation projects, submitted by 49 countries.
- The World Bank’s Special Climate Change Fund (SCCF) received cumulative pledges amounting to US\$351.3 million of which US\$2.2 million were in 2016. SCCF-A pro-

vided US\$289.9 million for adaptation projects. Sixty-six projects were approved for funding, mobilising US\$2.3 billion in co-financing. The SCCF-B provided US\$60.7 million for 12 projects that support technology transfer, mobilising US\$382.3million in co-financing.

- The Adaptation Fund has allocated US\$358 million to date to 55 adaptation projects and programmes in 48 countries. It received pledges amounting to almost \$75 million in 2015.

He also presented an overview of capacity-building support. In capacity building for adaptation, agriculture and land use took up 20%, with 15% for water, 23% for science and observation, 18% for risk assessment and the rest of 24% for others. In capacity building for mitigation, energy took up the biggest share of 54%, 13% for forestry, 16% for climate policy and the remaining 17% for others.

In the panel on NAMAs by developing country Parties, **Ash Sharma** from the **NAMA Facility** presented some reflections. The NAMA Facility, said Sharma, is to support developing countries and emerging economies in implementing ambitious actions to mitigate greenhouse gas emissions. He said NAMAs are an important building block for implementing NDCs, themselves the building blocks of the Paris Agreement. Successful NAMAs need to incorporate a combination of policy, reform and improved institutional framework, appropriate financial instruments to lower risks and improve returns and develop a pipeline of investments projects so as to make low-carbon investment the preferred development path.

In the panel on finance, **Preeti Bhandari** from the **Asian Development Bank** showed the 2015 total multilateral development banks’ climate finance of US\$25,096 million, 20% of which is for adaptation (US\$5,024 million) and 80% is for mitigation (US\$20,072 million) and with an additional US\$56 billion in co-financing.

Tosi Mpanu Mpanu, the **LDC Chair**, said in his presentation that the cost of adaptation in developing countries is much higher than mitigation and is still underestimated and the most recent adaptation cost is 2-3 times higher. He stressed that finance allocation on mitigation and adaptation should be balanced and NDCs are for both adaptation and mitigation.

In the panel of ‘Technology Development and Transfer’, **Chizuru Aoki** from the Global Environment Facility (GEF) Secretariat presented the

GEF's support for technology transfer. Technology transfer is a key theme since the GEF was established, he said. In its mitigation portfolio (1991-June 2016), the GEF supported a total of 836 projects of energy efficiency, renewables, urban transport, policy, capacity, etc. with US\$5.2 billion GEF grant and US\$45.2 billion co-financing. In its adaptation portfolio (2001-June 2016), the GEF supported over 300 projects of resilience of rural livelihood, reducing vulnerability of physical assets and natural system with US\$1.5 billion from LDCF and SCCF. The GEF provides support to technology needs assessment as well.

He added that since 2014, the GEF has supported policies and strategies, and financial/institutional mechanisms to accelerate technology innovation. There have been 45 mitigation projects with technology transfer objectives of US\$401 million from the GEF Trust Fund support and US\$10.9 billion co-financing, and 22 adaptation projects with technology transfer objectives with US\$230 million from LDCF and SCCF with US\$1 billion co-financing.

Part 2 of the Facilitative Dialogue will take place on Wednesday morning, 16 November.

(Edited by Chee Yoke Ling)

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APA Adopts Draft Conclusions, Suspends Session at Marrakech

Marrakech, 15 November (T Ajit and Meena Raman) – The UNFCCC’s Ad Hoc Working Group on the Paris Agreement (APA) convened its closing plenary at 10.30 pm on 14 November, where Parties adopted the draft conclusions proposed by Co-chairs **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)**.

The draft conclusions, which have gone through several iterations over the past four days since the APA Co-chairs presented them to Parties on 11 November, outline the work to be carried forth next year under each of the agenda items (See [TWN Marrakech Update 12](#)).

[Since the climate talks began on 7 November, the APA conducted several informal consultations on various agenda items such as guidance on features, information and accounting of nationally determined contributions (NDCs); guidance related to the adaptation communications; modalities, procedures and guidelines for the transparency framework for action and support; matters relating to the global stocktake; modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance and further matters related to the implementation of the Paris Agreement.]

With respect to further guidance on NDCs, the ‘APA invited Parties to submit, by 1 April 2017, their views on issues discussed under this agenda item, taking into consideration the questions identified by Parties...’ It was also decided that a ‘roundtable’ on the issue would take place on 6 May 2017.

On adaptation communications, the APA requested the secretariat to prepare an information note on the vehicles for the communications, invited Parties to submit further views, and requested a workshop to be organised on 6 May 2017.

On transparency of action and support, the APA listed four questions and invited submissions

from Parties. The four questions were around the modalities, procedures and guidelines on the transparency framework; building on existing arrangements; flexibility for developing countries; and other elements to be considered. It was also agreed that an intersession workshop would be carried out prior to the May 2017 session of climate talks to be held in Bonn, Germany.

On matters related to the global stocktake to assess the collective progress of Parties on the implementation of the Paris Agreement (PA), the APA welcomed the advice of the Subsidiary Body for Scientific and Technological Advice (SBSTA) on ‘how the assessments of the Intergovernmental Panel on Climate Change can inform the global stocktake’ and invited Parties to submit their views on issues discussed under the agenda item.

On facilitating implementation and promoting compliance, the APA invited Parties to submit their views and proposals, among others, on modalities and procedures for the effective operation of the compliance committee.

On further matters related to the implementation of the PA, the ‘APA noted that during the session it had constructive and rich discussions on all issues under this agenda item, including substantive discussions on the Adaptation Fund that were launched at this session. One group of Parties presented a draft decision, with a view to the Adaptation Fund serving the Paris Agreement, for adoption by CMA 1 (Conference of the Parties serving as the meeting of the Parties to the Paris Agreement). However, other Parties were of the view that such a decision would be premature.’

(During the course of the week, developed countries were against the Adaptation Fund serving the Paris Agreement. See [TWN Update 10](#).)

The G77 and China had on 12 November presented a draft decision for the consideration of Parties during the informal consultations, but devel-

oped countries described the proposed decision as 'problematic'. The G77 requested the APA Co-chairs to reflect the G77 proposed text in their report to the Conference of Parties, which was done by the Co-chairs.

The G77 in their proposed draft decision recommended that 'the Adaptation Fund in accordance with decision 1/CP.21 [taken in Paris last year] shall also serve the PA, on interim basis, and requests the Adaptation Fund board to take the necessary actions as appropriate'. It also called for a decision to 'mandate the Subsidiary Body for Implementation to further discuss legal and institutional issues related to expanding the mandate of the Adaptation Fund to serve the PA, based on proposals to be provided by the Parties and a technical paper to be prepared by the Secretariat with a view to provide recommendations to the CMP [the Conference of Parties meeting as the Parties to the Kyoto Protocol] and CMA for their consideration'. It also requests the Secretariat to take the necessary action for the implementation of the decision, in preparation for the first meeting of the CMA consideration of the issue.)

According to the draft conclusions adopted by the APA, 'For all items on the APA agenda where there is a call for the submission of views from Parties taking into consideration guiding questions, the APA emphasized that the questions in no way restrict Parties from making submissions on any aspect of the issues on the APA agenda.'

The hour-long APA closing plenary also saw groups of Parties stressing on the future work of the APA in their interventions.

Speaking for **the G77 and China, Thailand** said that with the unprecedented speed at which the PA had entered into force, the APA could show that the work is progressing by preserving the delicate balance of the PA on all the issues. NDCs are the key vehicles to deliver climate action on mitigation, adaptation and means of implementation.

Thailand said that it welcomed the further guidance on NDCs, and supported the proposal to hold a roundtable and call for submissions. It underscored that any guidelines should be developed in a flexible manner to accommodate the capacity of developing countries and taking into account the nature of their NDCs.

On adaptation communications, Thailand stressed on the purpose, linkages and flexibility for developing countries and said that progress had been captured in the table proposed by the co-facilitators of the informal consultations and that it would be the basis for future work. It underscored that

there was a need for advanced understanding on the adaptation communications and their common elements. It also added that developing countries need flexibility and have different circumstances. The G77 also stressed that adaptation communications should not become a burden for developing countries.

Thailand reiterated that while balanced progress across all items did not mean equal progress, both the halves of the transparency framework (on action and support) must progress together.

On matters relating to the global stocktake, Thailand said that it looked forward to reaching a common understanding on the issue.

On facilitating implementation and promoting compliance, Thailand said that the guiding questions by the co-facilitators will help Parties put their views in relation to the compliance mechanism.

Thailand stressed that adaptation funding was essential to cope with increasing efforts to cope with climate change and expressed concerns that the preparatory work for the Adaptation Fund to serve the PA was delayed. Thailand hoped that further efforts would allow Parties to work on the item.

The G77 also reiterated the importance of accelerating implementation of climate action in the pre-2020 period, the ratification of the Doha Amendment to the Kyoto Protocol and called on developed countries to close the ambition gap.

The Maldives for the Alliance of Small Island States (AOSIS) said that there was too much to accomplish with very little time left. It said that it would be critical to ensure that guidance on features, information and accounting of NDCs helped Parties to limit global temperature increase to 1.5°C. The Maldives underscored the need for simplified procedures to help the Small Island Developing States (SIDS) and the Least Developed Countries (LDCs) to access their fair share of the 'much needed resources'. It added that there was a need for a serious discussion on how the Adaptation Fund could serve the PA.

The Democratic Republic of Congo (DRC) spoke for the LDCs and highlighted the importance of advancing work, particularly in the context of entry into force of the PA. It called on Parties to work diligently on building on the Convention and moving beyond the conceptual stage of discussions and bring the PA to life.

Welcoming the conclusions adopted, **Bolivia for the Like-minded Developing Countries (LMDC)** said that work ahead needs to be done in a balanced manner that reflects the principle of

common but differentiated responsibilities (CBDR) and the interests of the global community under the Convention. It stressed that the scope of the NDCs and reflection of differentiation was fundamental and significant. It said that the full scope of the NDCs and different sets of guidance for developed and developing countries were appropriately addressed in accordance with the provisions of the Convention and its PA.

On adaptation communications, Bolivia underscored the need to reflect flexibility for developing countries and highlighted the importance of support for adaptation.

On transparency, Bolivia said it would be important to operationalise differentiated approaches consistent with differentiated obligations under the Convention and the PA. Operationalising flexibility for developing countries should be a priority to be dealt with at the next session, added Bolivia.

The LMDC looked forward to ensuring that the global stocktake was a comprehensive and balanced process to assess how the differentiated obligations of Parties had allowed them to progress and the gaps that need to be addressed under the Convention and its PA.

Bolivia also stressed on the facilitative, non-adversarial and non-punitive nature of the compliance mechanism and said that the mechanism should cover the full scope of the PA.

Speaking for the **Africa Group**, **Mali** said work on features, information and accounting of NDCs should take into account the diversity of NDCs and that the guidance should provide for credible transparency arrangements. Mali said that roundtables, workshops and focused submissions

were a good basis for the work moving forward. Mali also reminded Parties of the critical importance of pre-2020 ambition and called on developed country Parties to show leadership and fulfil their obligations under the Convention and Kyoto Protocol.

Saudi Arabia for the **Arab Group** said that work had progressed with full participation, inclusiveness and transparency. It said that future work should be balanced, and cover all the items of the PA and the COP21 decision (1/CP.21). With reference to the guiding questions and summaries produced by the informal consultations, Saudi Arabia said that those were simply questions and summaries that could be used in the preparation of work, but that they did not limit Parties to submit papers clarifying their views further.

The European Union (EU) called on Parties to show urgency, keep the political balance achieved and stick to the outcomes of Paris.

Switzerland for the **Environment Integrity Group (EIG)** said while it was glad to see progress made on the agenda items it was concerned that some Parties reiterated their pre-Paris positions. Switzerland called on Parties to keep to the delicate balance achieved in Paris and said that backsliding from the compromise would slow down the momentum. It said that operationalisation of the PA was one of the most important tasks after Paris and said that they would like to work for a full two weeks during the intersession and the COP next year.

Australia for the **Umbrella Group** expressed concern on the slow pace of work and expressed support in the approach going forward by scheduling roundtables and workshops next year.

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First Session of CMA Expected to Address Issue of 'Homeless Matters' under Paris Agreement

Marrakech, 16 November (T Ajit and Meena Raman) – The first meeting of the UNFCCC Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA 1) is expected to address the issue of matters under the Agreement that have not been allocated a 'home' or a 'body' to pursue further work.

On Tuesday, 15 November, the first session of the CMA was convened briefly and adjourned immediately without adopting the provisional agenda or carrying out organisational work and will resume late evening on 16 November to conduct its work.

(The CMA 1 was adjourned to make way for the opening ceremony of the high-level segment of the Marrakech climate talks, which saw the participation of several heads of state and ministers from all over the world, as well as the King of Morocco, the President of the United Nations General Assembly, Peter Thompson of Fiji, the UN Secretary-General Ban Ki Moon and the UNFCCC's Executive Secretary, Patricia Espinosa.)

The UNFCCC's Ad Hoc Working Group on the Paris Agreement (APA), which convened its closing plenary on 14 November, heard differences of views among Parties on what to do with these matters that are called 'homeless'.

In Paris last year, through a decision that was adopted at the PA (referred to as decision 1/CP.21), the 21st session of the Conference of the Parties (COP) assigned various tasks related to the PA implementation to several bodies which included the APA, the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA), among others.

There were several matters that were not assigned to any of the bodies, which Parties referred to as the 'homeless items'. They were taken up last

week and on Monday 14 November in the informal consultations co-chaired by the APA Co-chairs **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)** under agenda item 8 on 'matters related to the further implementation of the PA'.

Also at issue was when these 'homeless items' should be considered for adoption by the CMA upon the completion of work, as the decision in this regard sets a timeline for some of the items but did not do so for others.

The situation of the homeless items is expected to be raised by Parties when the CMA 1 resumes today (16 November).

The list of homeless items, as captured by the APA Co-chairs during the informal consultations, includes the following:

- common time frames for nationally determined contributions (NDCs) for consideration at CMA 1 (Article 4.10 of the PA);
- guidance by the CMA on adjustment of existing NDCs (Article 4.11);
- progress and procedural steps to enable the forum on the impact of the implementation of response measures to serve the PA (Article 4.15; paragraphs 33, 34 of 1/CP.21);
- modalities for the recognition of adaptation efforts of developing country Parties, for consideration and adoption at CMA 1 (Article 7.3; paragraph 41 of 1/CP.21);
- initial guidance by the CMA to the operating entities of the Financial Mechanism (Article 9.8; paragraphs 58, 61 of 1/CP.21);
- initial guidance by the CMA to the Least Developed Country Fund and the Special Climate Change Fund (paragraph 58 of 1/CP.21);
- process for setting a new collective quantified goal on finance (paragraph 53 of 1/CP.21);

- modalities for biennially communicating information in accordance with Article 9.5 (which relates to ‘quantitative and qualitative information on projected levels of public finance by developed countries’); and
- guidance by CMA 1 on education, training and public awareness (Article 12; Paragraph 83 of 1/CP.21).

The list above is captured in an explanatory note of the APA Co-chairs which reflects the views expressed by Parties on the issue.

‘During discussions under the agenda sub-item, Parties identified possible additional matters concerning implementation of the Paris Agreement and the convening of CMA 1, which they were of the view may have not yet been addressed under the work programme under the PA contained in decision 1/CP.21,’ the note reads.

During the informal consultations, an issue that became contentious was whether the items from the list should be prioritised.

Brazil picked three issues out of the list. These included common time frames, modalities for the recognition of adaptation efforts of developing country Parties, and guidance by CMA 1 on education, training and public awareness. ‘We suggest dealing with three items; on the common timeframe (Article 4.10), our preference is for the item to be dealt with in the SBI,’ said Brazil. It added that the matter of the adaptation efforts under Article 7.3 is already being treated elsewhere, so it is not homeless.

Paragraph 83 of decision 1/CP.21 on ‘education, training and public awareness’ could be considered in either the SBI or SBSTA, according to Brazil.

Referring to the other issues on the list, Brazil said, ‘These issues have to be tackled by CMA 1. If we do not start dealing with them now, and reconvene in 2017 or 2018, we will not be fulfilling the mandate.’

China said it was seeking a comprehensive arrangement for all the items and cautioned against a pick-and-choose approach. It said that it was not against making arrangements for some matters, but it was seeking a comprehensive arrangement for all those items. ‘Many developing countries are concerned that if we make arrangements for only some items and not the whole list, the rest will be forgotten and fall off the table. We will not initiate a full comprehensive discussion on all those items. So, we must adopt a package approach and adopt the full rulebook, not just some items,’ stressed China.

China further added that the issues in the list were very important and dear to the developing countries. **Saudi Arabia** for the **Arab Group**, **Kenya** for the **Africa Group** and the **Philippines** supported China.

Tuvalu for the **Least Developed Countries (LDCs)** said it would be a shame if work was not allocated for the items under discussions. It said that this could be done easily. From the list, Tuvalu said that the issue of common time frames and adjustments of NDCs, and modalities for adaptation efforts could be handed to the SBSTA. On the issue of response measures, guidance to the LDCF and SCCF, and education and awareness, these could be handed to the SBI while the quantified goal on finance and biennially communicating information could be handed to the APA.

China expressed disappointment that they were concluding the meeting without deciding on the way forward and supported Tuvalu’s proposal.

Brazil, however, responded by saying that there was no need to propose ‘homes’ for any of the items. ‘The items specifically mentioned are CMA items. We are not against treating items in a comprehensive way but some items have to be decided by the CMA. They are not orphan issues,’ said Brazil.

Taking the same line as Brazil, **Australia** also said it was incorrect to refer to the items as ‘homeless’ and said that the CMA is the home of the articles. Referring to the items on the list, Australia said that preparatory work needs to be done and that the work should not be duplicated. Australia added that in the report to the COP, the Co-chairs should mention that these were items that needed further work and that these are being considered in other places. **The United States** supported Brazil and Australia.

Following no resolution, the Co-chairs in their explanatory note emphasised that the APA should only identify and bring these possible additional matters to the attention of the COP for its consideration and any further action, without prejudice to any action to be taken by the COP.

This is reflected in the draft conclusions adopted by the APA, where the APA ‘took note of possible additional matters concerning implementation of the PA and the convening of CMA 1, which have been identified by some Parties and which some Parties were of the view may not yet have been addressed, as reflected in the annex to the informal note prepared, under their own responsibility, by the APA Co-chairs of the informal consultations on agenda item 8(b), and agreed to provide

this information to COP 22 for its consideration and appropriate action’.

(Since the climate talks began on 7 November in Marrakech, the APA has conducted several informal consultations on various agenda items, including on item 8. The co-facilitators for each of the informal consultations prepared informal notes, which capture the discussions during the consultations. For agenda item 8, the explanatory note by the APA Co-chairs is annexed to the informal note.)

With the rapid and early entry into force of the PA, an issue that will arise when the CMA 1 resumes is how all Parties, including those who

have yet to ratify the PA, can be included in the process of crafting the rules related to the implementation of the PA.

The COP 22 Presidency has been holding informal consultations on the matter and it can therefore be expected that upon the resumption of CMA 1, a decision will be taken on the process forward.

The CMA is then expected to be suspended and to resume at an agreed timeline. At issue is when the CMA will resume its meeting. It appears that most Parties prefer 2018 to be when the CMA should meet again, while there are some Parties who are calling for its resumption in 2017.

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High-level Call to Fulfil US\$100-billion-a-year Promise for Climate Actions

Marrakech, 16 November (Hilary Chiew and Zhenyan Zhu) – Developed country Parties' fulfilment of the provision of US\$100 billion annually by 2020 was stressed by all the guests of honour at the opening of the traditional high-level segment of the two-week United Nations climate talks.

Officiating the three-day segment on 15 November at the ongoing 22nd session of the Conference of the Parties (COP22) to the UN Convention on Climate Change, **His Majesty King Muhammad VI of Morocco** urged all Parties to translate their commitment of solidarity in the fight against climate change into action and called upon advanced developed countries to honour their commitment in mobilising US\$100 billion by 2020.

French President Francois Hollande assured 'those hesitating' that most developed countries will do their utmost to mobilise the US\$100 billion by 2020 and that France will contribute US\$5 billion per year by 2020 including US\$1 billion for adaptation.

United Nations Secretary-General Ban Ki Moon said the UN must continue to advance the moral case and called on developed countries to mobilise the promised US\$100 billion while the **UN General Assembly President Peter Thomson** emphasised that provision of finance was an important milestone in the Paris Agreement, and it is crucial that developed countries scale up their commitment.

In light of the recent United States election which will see climate sceptic, the Republican president-elect Donald Trump, occupying the White House soon, Hollande said:

'The United States, the second largest greenhouse gas emitter, must respect the commitment it has undertaken. France can assure you, it will lead this dialogue with the US and its president in open-

ness and respect but with demand and determination on behalf of the 100 states that had ratified the Paris Agreement.'

As of 15 November, 110 Parties have ratified the Paris Agreement, which entered into force on 4 November, ahead of COP 22 that began on 7 November.

The high-level segment opening ceremony was preceded by the opening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1). Shortly after declaring the CMA 1 open, **COP President Salaheddine Mezouar**, who is also the Foreign Minister of Morocco, adjourned the meeting to make way for the high-level segment.

Earlier King Muhammad VI had welcomed more than 100 heads of state and government and ministers on the red carpet as they entered the convention centre at Bab Ighli from 11 am.

King Muhammad VI, in his speech, said the whole of mankind is pinning its hope on resolution to the climate crisis and priority must be given to tackle the adverse repercussions of climate change that is growing worse for countries in the South and island states.

He said there are major differences among states and regions, noting that the priorities of advanced nations are not the same as developing countries, and there are major gaps in terms of resources.

'The era of colonisation is over. It is our joint duty to work hand in hand. Developing countries must not be pressured to accept decisions that they cannot comply with ... they do not have the necessary means to implement. Wait-and-see attitude and negligence will lead to dire consequences,' he stressed.

King Muhammad VI urged all Parties 'in the name of our shared destiny, ... to work to translate our commitment of solidarity into actions by pro-

viding countries in the South especially the least developed countries and small island countries with urgent finance and technology support to enable them to adapt to climate change.’ He called on advanced developed countries to honour their commitment and mobilise US\$100 billion at least by 2020 which is key to the Paris Agreement; and facilitate technology transfer and working on development and research. Non-governmental partners were also called upon to give strong impetus to the Global Climate Action Agenda.

(The Global Climate Action Agenda is the continuation of an initiative launched at COP 20 in Lima, Peru dubbed the Lima-Paris Action Agenda, to promote the involvement of the private sector, particularly businesses, in combating climate change.)

Highlighting Morocco’s efforts, King Muhammad VI also said the Kingdom spared no effort to increase its contribution towards curbing greenhouse gas emissions as the country is among the first to announce its intended nationally determined contributions (INDCs) and had taken concrete steps to ensure that 52% of energy supply will come from clean sources by 2030.

Ban Ki Moon spoke of the six lessons he learnt from a decade of giving top priority to climate change:

- Multilateral solution works. This is true for the Paris Agreement, the Sustainable Development Goals and the recent achievement on mitigation.

- Heads of State and Government must lead.

- Whole societies need to engage. The Global Climate Action Agenda generated collaboration between government, business, financial community and civil society. They demonstrate the power of partnership.

- The United Nations must continue to champion the science. ‘Current nationally determined contributions will not get us out of the danger zone. The mechanism within the Paris Agreement to continuously raise ambition based on the best available science is critically important. We need to get on a global emission pathway that limits warming this century to well below 2 degrees Celsius and close to 1.5 as possible. This means the global emissions need to peak by 2020 and decline rapidly from then on. I strongly urge all countries to increase the mitigation ambition of their national climate plans by 2018. The private sector must also do much more. And I call for the elimination of fossil fuel subsidies to accelerate the transition to clean energy.’

- Fund and expand solutions. ‘We need to better anticipate and absorb climate risks and re-

shape development to be more resilient. The Paris Agreement and the Sendai Framework for Disaster Risk Reduction will advance progress. I have also launched a Climate Resilience Initiative.’

- The United Nations must continue advancing the moral case for action. ‘I call on developed countries to honour their commitment to mobilize climate finance of US\$100 billion by 2020 to help developing countries to mitigate and adapt to climate vulnerability.’

Peter Thomson said the speed of the entry into force of the Paris Agreement sends a clear message of collective commitment to the world of the urgent need to act on climate change.

Citing catastrophic climate events in recent time, he said urgent action on climate change must therefore be seen as a moral, environmental, scientific and developmental imperative, guided by ambition, action and equity, noting that transforming the global economy in a manner that drives inclusive economic growth while decoupling it from global emissions is needed.

‘The aggregate result of all current global pledges by Parties under the Paris Agreement leaves us an “emissions gap” between what has been pledged and what the scientific community tells us is required to meet the objectives of the Paris Agreement.’

‘Raised ambition and scaled up mitigation action are therefore needed. Here in Marrakech it is incumbent on the international community to pursue these efforts collectively in accordance with the principles of common but differentiated responsibilities and respective capabilities,’ he stressed.

Thomson highlighted that the transition to inclusive low-carbon economies will require a scaling-up and mobilising of finance and that the provision of finance was an important milestone in the Paris Agreement, and it is crucial that developed countries scale up their commitments to mobilise US\$100 billion annually by 2020, in support of developing countries’ climate actions.

‘Definition of a clear roadmap to meet this finance target would further strengthen the trust created between Parties in Paris,’ he asserted.

UNFCCC Executive Secretary Patricia Espinosa said the day is historic as it is marked by the first meeting of the Conference of the Parties to the Paris Agreement.

‘We should celebrate, but we should also reflect on how to now accelerate climate action. At the very centre of our work lies the vital need to make climate action a cornerstone of the transformation to truly sustainable development,’ she said, adding that, ‘This must guide us as we build a low-

emission and resilient world. We must strike a balance between the needs of societies and the need for a healthy planet. Finding this harmony will protect the one planet we all share and depend on. It will promote prosperity and the well-being of people, especially the most vulnerable.'

Taking the floor as the last speaker of the opening ceremony, **French President Hollande** recalled the memorable Paris COP last year and described the gathering in Marrakech with the entry into force of the Paris Agreement in record time as 'historic' and that the agreement is 'irreversible'.

'We are moving decisively towards a low carbon model of growth. Today, renewable energy accounts for 90% of new electricity production,' he said.

'France will lead by example by issuing the first sovereign bond next year for investment in the energy transition ... that's why it is irreversible. The climate emergency did not stop on 12 December (referring to the day of the adoption of the Paris Agreement in 2015),' he added.

Hollande said he did not come to Marrakech to remind people of Paris but to call for consistency and perseverance.

He recalled that the role played by US President Barack Obama was crucial, particularly in light of decisions taken with China and others.

'The US as the second largest greenhouse gas emitter must respect the commitment they have undertaken. It is not only their duty but it is in the interests as well of Americans affected by climate change because no country can be sheltered (from) impacts of climate change.

'France can assure you that it will lead this dialogue with the US and its (in-coming) President (Donald Trump) in openness and respect but with demand and determination on behalf of the 100 states that had ratified the Paris Agreement,' he said emphatically.

He said as countries set the goal of limiting temperature rise to 2°C, and if possible 1.5°C, they

need to step up the pace to implement the Paris Agreement faster.

'In 2018, we need to step up pace for the nationally determined contributions. France wants to lead by example and reduce its greenhouse gas emissions by 40% by 2040 and we shall close our coal plants by 2023. I know not all countries are ready for this but France wants to lead and achieve carbon neutrality by 2050,' he declared.

He also said COP 22 must put Africa at the heart of the solution, noting that US\$10 billion has been pledged for the Africa Renewable Energy Initiative launched in Paris and that France will provide US\$2 billion over the next five years to the initiative.

Hollande further assured that 'those hesitating must know that most developed countries will take commitment and fulfil the US\$100 billion by 2020', adding that 'we must do our utmost to mobilise the funding ... France will contribute US\$5 billion per year by 2020 including US\$1 billion for adaptation.'

He said some people had the idea of 'all are done in Paris' but nothing is farther from the truth. It is now, he stressed, that everything starts.

'A promise of hope cannot be betrayed. It must be fulfilled here in Marrakech. We are the guardians of the letter and spirit of the Paris Agreement.

'We must remember what unites us (who are) from different religions, convictions, situations, different stages of development ... what unite us is what we have in common and that simply is our planet,' he concluded.

The high-level segment opening ended with a lively song by local artists accompanied by young children. Following that, dignitaries were invited to a lunch hosted by King Muhammad VI.

It resumed from 5.30pm until past 8pm with national statements by heads of state and government, and will continue on 16 November morning.

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Proposals on Decision-making Process and UNFCCC Amendments Referred to COP 23

Marrakech, 17 November (Zhenyan Zhu) – Consideration of a proposal related to decision-making in the process of the United Nations Framework Convention on Climate Change (UNFCCC), and two others on amending specific provisions will continue at the next session of the Conference of the Parties.

These three proposals, that were tabled several years ago, were addressed in informal consultations at the 22nd session of the UNFCCC Conference of the Parties (COP 22) that is taking place in Marrakech, Morocco from 7 to 18 November. Parties have agreed to refer them to the COP 23 in 2017 for discussions to continue.

Below are the highlights of the informal consultations on 12 and 14 November.

Decision-making in the UNFCCC process

This is item 17(c) in the agenda of COP 22 and was dealt with in the informal consultations on 12 November.

[At COP 19 in Warsaw in 2013, the Russian Federation had proposed a new sub-item on ‘Decision making in the UNFCCC process’ under the agenda item on ‘Administrative, financial and institutional matters’. In the 39th session of the Subsidiary Body for Implementation (SBI) in Bonn before COP 19, a similar proposal to include this matter as an agenda item of the SBI was also made by the Russian Federation, Belarus and Ukraine.]

The Russian Federation first took the floor and said that compliance with the rules of procedures is essential to the legitimacy of the legal standing of the COP and CMP (COP serving as the Meeting of Parties to the Kyoto Protocol) and in the future for CMA (COP serving as the Meeting of Parties to the Paris Agreement) decisions.

It said that in the past years, many Parties were dissatisfied with the procedural issue and poor transparency, and many actions and non-actions either by the Secretariat or by the presiding officers caused lots of problems. It gave a few examples to illustrate this point. One example was the incident in May 2016 during the 44th session of the SBI where the closing plenary was carried out and some Parties requested to speak from the floor before adopting the decision but the floor was not given; there was unnecessary delay to the closure of the SBI because of the unwillingness of both the Secretariat and the presiding official.

Another example was the preparatory process for Marrakech. The Russian Federation stressed that it is clearly said in the rules of procedures that the provisional agenda in the official language should be delivered at least six weeks before the opening of the conference. ‘At our ministry of foreign affairs, the agenda for the COP was not available in our official language as of 15 October; it was only posted on the 17 October, 3 weeks before the COP, which is a clear violation of rules of procedures,’ it said, adding that, ‘we need safeguards to avoid those inappropriate happenings.’ It said the item is still valid and it is a prerequisite and legitimate to maintain the legitimacy of the system.

Belarus said in the past we face ‘untransparency’ and undue decision-making, and ‘we think this issue is important and support the Russian Federation and others who are striving to improve the rules of decision-making process.’ It stressed that it becomes more relevant for the future decision-making process under the CMA.

The European Union (EU) said it found the informal consultation a useful dialogue on the conduct and responsibilities of the (COP) President or

presiding officers and the Secretariat, and a good format to look into the principles of openness and transparency and the possibility for further improvement. However, the EU also opined that this process has its set of complexities and needs to adapt to circumstances and the informal consultation is living up to inclusiveness and openness and transparency. The EU preferred not to have a conclusion on this item at the current COP 22.

Ukraine said the decision-making is very important, especially considering that we are now in the Paris Agreement and all Parties agreed that the lessons learnt in previous experiences should be taken into account for transparency and smooth work to be continued.

The Russian Federation again took the floor and said that there is necessity for the continuation of the discussion though we have the version of what would ideally be the outcome of the decision; the common ground gives us the possibility to discuss the issue of transparency. 'It is our firm belief that we have to continue; we are quite mindful that we need to focus on the substantive work to be done to elaborate the rulebook of the Paris Agreement to make it operational; we would like to suggest that we take into account the exceptional situation and this time we don't envisage the consultation for Bonn (at the next SBI meeting in 2017) but continue this item at the next COP,' it said.

As no further request came from the floor, the Chair took it that Parties agreed to the Russian Federation suggestion and he will report to the COP President to continue consultations at COP 23.

Proposal from the Russian Federation to amend Article 4 paragraph 2(f) of the Convention

The proposal from the Russian Federation to amend Article 4, paragraph 2(f) of the Convention is agenda item 5(a) of COP 22 and it was addressed in informal consultations on 14 November.

[The UNFCCC Secretariat received a letter from the Government of the Russian Federation on 24 May 2011, which sets out a proposal for an amendment to Article 4, paragraph 2(f), of the Convention. The Russian Federation proposed adding a new sentence after the words '*with the approval of the Parties concerned*' in the sub-paragraph concerned, that reads: 'A further review of amendments to the lists contained in annexes I and II shall be conducted on a period basis as determined by the Conference of the Parties until the objective of the Convention is achieved.'

Article 4.2(f) reads: '*The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned.*'

Annex I is the list of developed country Parties and Parties undergoing the process of transition to a market economy that has UNFCCC obligations to undertake mitigation actions. Annex II is the list of developed country Parties and other developed Parties that have financial obligations, including for transfer of technology, to developing countries for the latter to implement key UNFCCC obligations.]

The Russian Federation was of the view that the proposal and the agenda item is still relevant but it understands the real situation in Marrakech that a number of informal consultations, contact groups, meetings and plenaries under the five bodies are meeting, so it suggested that the Chair report to the COP President that the Russian Federation made a proposal to hold this agenda item in abeyance.

There was no objection from Parties and the Chair will accordingly report to the President to refer this agenda item to the next COP and concluded the informal consultation.

Proposal from Mexico and Papua New Guinea to amend Articles 7 and 18 of the Convention

The proposal from Mexico and Papua New Guinea to amend Articles 7 and 18 of the Convention is agenda item 5(b) of COP 22. The informal consultation was held on 14 November.

(Article 7 of the Convention deals with the role and functions of the COP which include adopting decision-making procedures such as the majorities required for adoption of particular decisions. Article 18 is about the right to vote.)

At the beginning of the informal consultations when the proponents of this agenda item, Mexico and Papua New Guinea, were not present in the meeting room, the Chair asked Parties whether to wait for the proponents or put this agenda item to the next COP but the Chair needed to check with the proponents.

Saudi Arabia requested the Chair to have consultations with the proponents and said if proponent Parties do not insist, then maybe we do not need to discuss this agenda item again and therefore take out the agenda item. **Egypt** suggested that the Chair have consultations with the proponents

but said it is wise to put this item on the agenda of the next COP.

The Chair then proposed to put it on the agenda of COP 23 but needed to check with Mexico and Papua New Guinea and take their views.

Saudi Arabia responded that, 'We would not say we will not accept your suggestion but you need to consult with the proponents on two things: whether they continue to have serious discussion on the item and whether to consider to take this agenda item out, because the Parties who proposed the item are not in the room, which might be a signal that (the issue) is not important any more.' Therefore it requested the Chair to also consult with the proponents that there is a proposal from Parties to take the agenda item out.

When the Chair announced to have another meeting on 15 November, a Mexican delegate came into the room and expressed that they want to have the item on the table but explained that this is a technical issue and she was waiting for her lawyer.

Venezuela agreed with Saudi Arabia to take this item out of the agenda.

Mexico said it is important to remind ourselves that rules of procedures as to how to move forward is an important topic, and stressed that it is not something to be delayed or something for the next COP. **Colombia** supported Mexico's position.

Saudi Arabia responded to Mexico by referring to previous experiences of the COP, saying that we have successive COPs, like Paris where consensus was achieved and we are also optimistic that this COP would have a good outcome, so we do not see a need for such an interruption in the process.

Mexico insisted that since the proposal was presented with Papua New Guinea, the item should be moved to COP 23 until delegates of Papua New Guinea are present.

Given that Parties have different views on this agenda item and are not ready for another informal consultation during this week, the Chair referred to Rule 16 of the Draft Rules of Procedure of the Conference of the Parties and its Subsidiary Bodies that provides: 'any item of the agenda of an ordinary session, consideration of which has not been completed at the session, shall be included automatically in the agenda of the next ordinary session, unless otherwise decided by the Conference of the Parties'. The Chair concluded that the item should be included on the agenda of the next COP.

(The rules of procedure of the COP and its Subsidiary Bodies are still in draft form due to lack of consensus on the voting majorities in Rule 42.)

Edited by Chee Yoke Ling

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CMA Adopts Agenda; Consultations Continue on Decision to be Adopted

Marrakech, 17 November (T Ajit and Meena Raman) – The first session of the Conference of the Parties serving as the meeting of Parties to the Paris Agreement (CMA1) convened late evening on 16 November and adopted the agenda and the organisation of work.

The meeting was adjourned an hour later after hearing statements from Parties, to allow for informal consultations to be conducted with the Moroccan Presidency of the CMA to finalise the draft decision to be adopted by Parties at the closing plenary of the CMA as well as an associated decision under the UNFCCC's 22nd session of the Conference of Parties (COP 22) that concerns matters relating to the implementation of the Paris Agreement (PA).

(Informal consultations continued afternoon of 17 November in this regard, after Parties requested time to consult with their respective constituencies on the proposed decision by the COP 22 and CMA 1 President.)

The Marrakech climate talks under the UNFCCC began on 7 November, and is scheduled to conclude on 18 November.

When the CMA 1 convened to adopt the provisional agenda, Parties agreed to its adoption.

Following the adoption, **Bolivia** for the **Like-minded Developing Countries (LMDC)** clarified its understanding of agenda item 3 of the CMA.

Speaking for the countries in the LMDC who have ratified the PA, **Bolivia** expressed 'for the record' its 'understanding that the work to be undertaken in relation to the CMA agenda item 3 including its footnote is to be in the context of Articles 2 and 3 of the PA'.

(According to sources, the **LMDC** wanted the footnote to also include Article 3 of the PA, which relates to what are nationally determined contributions [NDCs] but this was not agreed to by the **United States [US]**, during informal consultations with Parties and the CMA President that were conducted behind closed doors prior to the adoption of the provisional agenda.)

(Article 3 of the PA has been a hugely contentious issue among developed and developing countries during the course of the last one week of the climate talks. Developed countries led by the US view NDCs as being mitigation focused, while developing countries led by the LMDC insist that NDCs constitute the full scope of contributions by Parties including mitigation, adaptation and the means of implementation. Sources stated that this was the reason behind the LMDC expression of its understanding during the CMA 1 plenary.)

(Item 3 of the CMA agenda is on 'Matters related to the implementation of the PA' and has a footnote that states: *'This agenda item will address the modalities, procedures and guidelines that the CMA at its first session is expected to consider and take decisions on in accordance with the mandates contained in the PA, as well as the draft decisions to be recommended by the subsidiary bodies through the Conference of the Parties to CMA 1 for its consideration and adoption in accordance with the work programme in decision 1/CP.21, including Article 4 of the PA... Article 6 ...; Article 7 ...; Article 8...; Article 9...; Article 10...; Articles 11 and 12...; Article 13...and Article 14...; and Article 15.... Any other matter concerning the implementation of the PA could also be addressed by the CMA under this agenda item, as decided by the CMA...'*)

Following the adoption of the agenda, Parties were invited to deliver their statements.

Congratulatory messages were expressed from almost all groups of Parties on the rapid entry into force of the PA and the convening of CMA1, as they also outlined the importance and the amount of work ahead to ensure the PA's implementation.

Additionally, the **LMDC** and the **Least Developed Countries (LDCs)** underscored the importance of closing the ambition gap in mitigation and finance in the pre-2020 time frame (given that the NDCs take effect post-2020) as well as on the ratification of the Doha Amendment of the Kyoto Protocol (KP) to secure the second commitment

period of the KP from 2013-20 for Annex 1 Parties to undertake emission cuts and to revisit their ambition levels.

The LDCs also underscored that the CMA should be suspended in Marrakech and called for its resumption in 2017 to take stock of work and adopt decisions.

According to sources, there are divergences on this issue with most countries not in favour of the CMA resuming in 2017. The COP22 Presidency has been conducting informal consultations in this regard and a decision is expected to be finalised by the closing plenary on 18 November, which is the last day of the Marrakech talks.

Speaking for **the G77 and China, Thailand** encouraged all Parties to the PA to fully implement the Agreement and for all Parties to the Convention to deposit their instruments of ratification as soon as possible. Thailand said as Parties were moving to the implementation phase, the adoption of the agenda and the work programme sent a positive message to the world. It underscored that CMA1 must ensure that no one is left behind while keeping in mind that the PA implementation applies to those who have ratified the Agreement.

Bolivia for the **LMDC** spoke for those countries in the group that had ratified the PA and said the rapid entry into force of the PA and the convening of the CMA were not the structural solutions to address the causes of climate change but were important steps in the global community's efforts since 1992 with the Convention and then in 1997 with the KP to achieve greater levels of international cooperation to combat climate change.

Bolivia said it looked forward to Parties faithfully implementing their commitments and actions under the Convention and its PA, and expected other Parties that have ratified the PA to also do so 'despite recent political events' (in an apparent reference to the recent elections in the US).

It said that 'the work of designing and agreeing on the implementing modalities for the PA should continue to be undertaken by the various subsidiary bodies under the COP ... over the next two years until COP24 in 2018'.

Bolivia underscored that these negotiations must reflect and not attempt to 'revise the political balance contained in the PA that the scope of NDCs is comprehensive and covers mitigation, adaptation, and the provision of the means of implementation; that common but differentiated responsibilities (CBDR) between developed and developing countries and equity are key principles in the PA that must be reflected; and that the PA is part of the Convention regime and so must be read in the light of the Convention's objectives, principles and provisions'.

Cautioning against a mitigation-centric approach, Bolivia said that the treatment of all the issues under various bodies related to the implementation of the

PA should be consistent with the provisions of the Convention and its PA and addressed in a balanced and holistic manner within one package.

Bolivia expressed 'grave concerns' at the imbalance in the treatment between pre-2020 and post-2020 climate actions.

'While the PA rapidly entered into force in less than one year, the Doha Amendment to the KP providing for the second commitment period up to 2020 for legally-binding mitigation obligations of developed country Parties continues to be unratified by most developed country Parties and has not yet entered into force. It has been four years since 2012, when the Doha Amendment was adopted... The long-delayed ratification and the potential non-entry into force of the Amendment before 2020 shows that there continues to be a major gap between rhetoric and practice in this regard,' said Bolivia.

Stressing on pre-2020 action further, Bolivia said, 'The Doha Amendment should have been, and can still be, given the same fast-track treatment in relation to its ratification and entry into force as the PA. Accelerating the pre-2020 implementation, in particular increasing pre-2020 mitigation ambition and enhancing the provision of the means of implementation to developing countries is as important as post-2020 action given the urgency of the challenge.'

Saudi Arabia for the **Arab Group** underscored the importance of Articles 2 and 3 of the PA in the implementation work. It said that the goal of the PA is the implementation of international cooperation based on the principles of CBDR as well as the historical responsibility of developed countries for the greenhouse gas emissions, as well as to preserve the priorities of sustainable development in line with the priorities and strategies of countries. Saudi Arabia also said that the forthcoming stages in the negotiations would be delicate and complicated and it would be important not to renegotiate anything which would lead to negative impacts on the Convention and which would be detrimental for developing countries. Saudi Arabia stressed that the balance on all the issues should be preserved, including focusing on the negative impact of climate change and response measures.

Tuvalu for the **LDCs** said the aim for Parties is to hold temperature rise to 1.5°C, strengthen adaptation and work on loss and damage. It added that in this regard, the highest political will and commitment was needed. Tuvalu said that most of the work should be completed by 2018 and added that the CMA should be suspended at Marrakech and resume in 2017, to adopt matters ready for adoption as well as to set a clear work programme for 2018. 'Reconvening in 2017 should not only be to take stock, but to also take decisions on substantive issues that do not need two years to be completed,' said Tuvalu.

Tuvalu also underscored the importance of addressing the pre-2020 ambition gap and said that Parties must not lose track of it. 'We must ensure that the Doha Amendment to the KP comes into force as soon as possible. Achieving the objective of the PA depends on pre-2020 ambition. We call on all Parties to ratify the Doha Amendment as they did for the PA,' it said further. Tuvalu added that the success of the PA depends on support provided to developing countries. 'We call for increase in volume, flow and access to finance, technology and capacity building,' said Tuvalu.

The Maldives for the **Alliance of Small Island States (AOSIS)** said that the rapid entry into force of the PA was a cause for celebration but not for complacency. Referring to the worsening impacts of climate change, the Maldives said that the long-term temperature goal of limiting temperature rise to 1.5°C was critical for the world and that the existing NDCs

set the world for a 3°C or 4°C pathway. It emphasised the critical need for the raise in mitigation ambition.

Mali for the **Africa Group** expressed full support to the CMA Presidency to ensure a fruitful outcome of talks over the next few days.

The European Union said that the PA is a game changer and the rapid entry into force in less than 12 months showed that countries were serious about clean energy plans. It urged Parties to move at full speed to an actionable plan and to work to complete the rulebook of the PA by 2018 (in reference to the rules for implementation of the PA).

Australia for the **Umbrella Group** said that work had progressed at Marrakech, which was reflected in the conclusions taken by the Ad Hoc Working Group on the PA. It also said that the good engagement by Parties provided the platform to deliver the mandate of CMA1 by 2018 and that it looked forward to the CMA resuming 'at some point'.

The meeting of the CMA was then adjourned.

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Marrakech Proclamation for Action on Climate and Sustainable Development Issued

Marrakech, 18 November (Hilary Chiew) – Parties at the climate talks on 17 November supported the call issued by the President of the Conference of Parties to the UNFCCC entitled the ‘Marrakech Action Proclamation for our Climate and Sustainable Development’.

The President of the 22nd meeting of the Conference of the Parties (COP22), who is also the Foreign Minister of Morocco, Salaheddine Mezouar introduced the document to the plenary evening of 17 November.

Describing it as a new source of inspiration, he said the ‘proclamation’ for our climate and sustainable development received the support of all Parties and invited Moroccan Ambassador Aziz Mekouar to read it out.

(Mekouar had been conducting informal consultations among Parties over the document to receive their inputs over the past week following expressions of concern over the nature of the document, which was not previously negotiated.

The document, which was then billed as the ‘Marrakech Call for Action’, had initially drawn much unease especially among some developing countries over its content due to concerns over a lack of balance on issues of importance to developing countries. According to sources, the consultations had restored the balance needed and hence, received the support of all delegates present.)

Many also saw this as an important signal to the world that Parties were committed to climate change and sustainable development, with the recent turn of events in the United States with the election of Donald Trump and the uncertainty surrounding the US commitment to the Paris Agreement.

The proclamation, which was read out, is as follows:

‘We, Heads of State, Government, and Delegations, gathered in Marrakech, on African soil, ...issue this proclamation to signal a shift towards a new era of implementation and action on climate and sustainable development.

Our climate is warming at an alarming and unprecedented rate and we have an urgent duty to respond.

We welcome the Paris Agreement, adopted under the Convention, its rapid entry into force, with its ambitious goals, its inclusive nature and its reflection of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, and we affirm our commitment to its full implementation.

Indeed, this year, we have seen extraordinary momentum on climate change worldwide, and in many multilateral fora. This momentum is irreversible – it is being driven not only by governments, but by science, business and global action of all types at all levels.

Our task now is to rapidly build on that momentum, together, moving forward purposefully to reduce greenhouse gas emissions and to foster adaptation efforts, thereby benefiting and supporting the 2030 Agenda for Sustainable Development and its Sustainable Development Goals.

We call for the highest political commitment to combat climate change, as a matter of urgent priority.

We call for strong solidarity with those countries most vulnerable to the impacts of climate change, and underscore the need to support efforts aimed to enhance their adaptive capacity, strengthen resilience and reduce vulnerability.

We call for all Parties to strengthen and support efforts to eradicate poverty, ensure food security and to take stringent action to deal with climate change challenges in agriculture.

We call for urgently raising ambition and strengthening cooperation amongst ourselves to close the gap between current emissions trajectories and the pathway needed to meet the long-term temperature goals of the Paris Agreement.

We call for an increase in the volume, flow and access to finance for climate projects, alongside improved capacity and technology, including from developed to developing countries.

We the developed country Parties reaffirm our US\$100 billion mobilisation goal.

We, unanimously, call for further climate action and support, well in advance of 2020, taking into account the specific needs and special circumstances of developing countries, the least developed countries and those particularly vulnerable to the adverse impacts of climate change.

We who are Parties to the Kyoto Protocol encourage the ratification of the Doha Amendment.

We, collectively, call on all non-state actors to join us for immediate and ambitious action and mobilisation, building on their important achievements, noting the many initiatives and the Marrakech Partnership for Global Climate Action itself, launched in Marrakech.

The transition in our economies required to meet the objectives of the Paris Agreement provides a substantial positive opportunity for increased prosperity and sustainable development.

The Marrakech Conference marks an important inflection point in our commitment to bring together the whole international community to tackle one of the greatest challenges of our time.

As we now turn towards implementation and action, we reiterate our resolve to inspire solidarity, hope and opportunity for current and future generations.'

Delegates in the plenary hall gave a standing ovation after the proclamation was read out.

COP President Mezouar commended the spirit of inspiration that was experienced since the beginning of the talks.

The plenary proceeded later to adopt draft conclusions and draft decisions that were forwarded from the 45th session of the Subsidiary Body for Implementation (SBI45) and the 45th session of the Subsidiary Body for Scientific and Technological Advice (SBSTA45) as well as several draft conclusions and draft decisions of COP22.

The COP will resume again for its final plenary session afternoon of 18 November.

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CMA Decision Adopted amidst Controversy on Paris Agreement Implementation

Marrakech, 22 November (Meena Raman) – The closing plenary of the first session of the Conference of the Parties to the United Nations Convention on Climate Change serving as the meeting of Parties to the Paris Agreement (CMA 1) adopted a decision on matters related to the implementation of the Paris Agreement (PA) in a rather unprecedented manner that was confusing on the future work of the body.

The decision, which was adopted just past midnight (early morning of 19 November), a day later than the scheduled closure of the meeting in Marrakech, was mired in controversy on the process forward, as regards items under the PA that were not assigned in Paris last year to any of the subsidiary or constituted bodies for further work (referred to as the ‘homeless items’).

(The 21st session of the Conference of the Parties to the United Nations Framework Convention on Climate Change was held in Paris in 2015, which adopted the PA.)

The source for the controversy during the final plenary began already during the first week of the climate talks (that started on 7 November), where these ‘homeless items’ were the subject of intense debate in the informal consultations under the Ad Hoc Working Group on the Paris Agreement (APA) and comprise the following matters:

- common time frames for nationally determined contributions (NDCs) for consideration at CMA 1 (Article 4.10 of the PA);
- guidance by the CMA on adjustment of existing NDCs (Article 4.11);
- progress and procedural steps to enable the forum on the impact of the implementation of response measures to serve the PA (Article 4.15; paragraphs 33, 34 of the Paris decision known as 1/CP.21);
- modalities for the recognition of adaptation efforts of developing country Parties, for consideration and adoption at CMA 1 (Article 7.3; paragraph 41 of 1/CP.21);

- initial guidance by the CMA to the operating entities of the Financial Mechanism (Article 9.8; paragraphs 58, 61 of 1/CP.21);
- initial guidance by the CMA to the Least Developed Country Fund and the Special Climate Change Fund (paragraph 58 of 1/CP.21);
- process for setting a new collective quantified goal on finance (paragraph 53 of 1/CP.21);
- modalities for biennially communicating information in accordance with Article 9.5 (which relates to ‘quantitative and qualitative information on projected levels of public finance by developed countries’); and
- guidance by CMA 1 on education, training and public awareness (Article 12; Paragraph 83 of 1/CP.21).

Parties were divided since the very beginning on how to handle these items, with **Brazil** wanting items such as the common time frames for NDCs and education, training and public awareness to be forwarded to the subsidiary bodies of the Convention on the grounds that these matters were mandated to be dealt with by CMA 1, while other countries in the **Like-minded Developing Countries (LMDC)** group wanted all the ‘homeless items’ to be dealt with comprehensively as a package.

(Common time frames for NDCs relate to the length of the period of a contribution, as currently, Parties have communicated either a 5- or 10-year time frame that expires in 2025 or 2030 from 2020. Brazil has been pushing for a common time frame for all Parties.)

As there was no agreement on the issue, the APA Co-chairs **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)** emphasised that the APA should only identify and bring these possible additional matters to the attention of the Convention’s Conference of the Parties (COP) for its consideration and any further action, without prejudice to any action to be taken by the COP.

Consequently, when the APA concluded its work on Monday, 14 November, the Moroccan COP

Presidency continued with informal consultations on the decision to be adopted by the CMA as well as the COP on matters related to the PA, including that of the 'homeless items'.

Again, no agreement was possible given the divergences between Parties. The decision proposed by the Presidency, which was circulated to the CMA plenary for consideration and adoption, was to have the APA continue its consideration of the issues next year.

However, when the Moroccan Foreign Minister Salaheddine Mezouar, who was also the CMA 1 President, convened the meeting late Friday, 18 November, he singled out two of the 'homeless items' for the consideration of Parties, i.e. the common time frames for NDCs and guidance on education, training and public awareness.

Bolivia asked the CMA President for clarification about the proposal he was making, given that it was 'something very new' (and not contained in the draft decision proposed by the President for adoption by the Parties).

To this, Mezouar responded that after considering this matter, Parties could move forward on the adoption of the proposed decision.

Bolivia then asked the CMA President to invite Parties to first consider the draft decision proposed and circulated to Parties before reviewing the items he raised.

The President then invited Parties to adopt the decision proposed (contained in FCCC/PA/CMA/2016/L.3), which was then approved by Parties with no objections (see highlights of decision below).

(Paragraph 9 of the decision which addresses the 'homeless items' requests the APA 'to continue its consideration of possible additional matters relating to the implementation of the PA and the convening of the first session of the CMA'.)

Following the adoption of the decision, the President then invited Parties to consider the issue of the common time frames for NDCs and that of education, training and public awareness, and proposed to send these items to the Convention's Subsidiary Body for Implementation (SBI) for further work and to forward a decision to the CMA.

Bolivia said that it could not support the proposal by the President as it meant that there would be follow-up on a specific issue (of common time frames for NDCs) which appeared to be mitigation-centric (as the other 'homeless items' dealt mainly with finance-related matters, adaptation and response measures). It also said that there was a need for a comprehensive and holistic approach on all the 'homeless items' in a single package, and that just singling out a particular issue was 'breaking the delicate balance' as regards all the issues. Bolivia said it wanted to see a balanced approach on all the remaining issues and wanted this matter discussed at the next meeting (of the APA).

Brazil did not agree with Bolivia and said that the two issues raised by the President are supposed to be dealt with by CMA 1 as mentioned in the PA and asked Bolivia to reconsider its decision. (The PA does refer to the two issues for the consideration of the first CMA while the other issues have no time frame specified from the decision in Paris.)

Bolivia asked for clarification, saying that Parties had already taken a decision on the matter and why after doing so, specific issues were being raised by Parties and that this was setting a bad precedent. It said that the particular interest of Parties can be considered later (next year) in one single decision in a comprehensive manner.

Costa Rica, the United States, Mali, the European Union, the Democratic Republic of Congo and the Maldives supported Brazil and the proposal by the President.

India supported Bolivia and said that a common understanding was needed and called for a balanced and inclusive approach. It said paragraph 9 of the CMA decision (that had just been adopted) captured the views of all Parties and was accepted in the spirit of compromise. It said that it was best to stick to the decision without singling out any specific topic for further work.

At this juncture, the CMA President called for a short break for Parties to consult, which took longer than expected.

When the President reconvened the meeting, he said that after consultations, there was no possibility to reach an agreement at this point and proposed that Parties move forward.

Brazil continued to persist in its demand and asked Parties to consider forwarding the two issues to the SBI's next session.

(On the sidelines, as the plenary meeting continued, countries of the BASIC group [Brazil, South Africa, India and China] were seen engaged in a huddle in intense talks.)

South Africa then raised its flag and spoke on behalf of **BASIC** and said that it wanted first to register its concern regarding the way the pre-2020 issues (climate actions in the pre-2020 time frame) were dealt with as pre-2020 actions form a good basis for the implementation of the PA (climate actions in the post-2020 period). It added further that it was concerned that the pre-2020 matters had not received good attention, and went on to say that it could go along with the President's proposal (of forwarding the two issues for the consideration of the SBI). It stressed that it was the understanding of BASIC that at the next session, Parties would give equal attention to both pre-2020 and post-2020 issues.

The CMA1 President then proposed to send the two items to the SBI for its consideration at its 47th session and this was gavelled with the approval of Parties.

(Several Parties and observers alike were confused as to how the proposal by the President was going to be reflected when the decision that was adopted reflected a different approach.)

The CMA meeting was then suspended to allow for the resumption of the 22nd session of the COP (COP 22) for the adoption of a decision related to ‘preparations for the entry into force of the PA and the first session of the CMA’.

The COP President then invited Parties to consider and adopt the decision contained in FCCC/CP/2016/L.12, and this was accordingly adopted.

Highlights of the CMA decision

Below are highlights of the decision adopted by the CMA on matters related to the implementation of the PA.

On the completion of the work programme under the PA, in paragraph 5, the CMA invited the COP ‘to continue to oversee the implementation of the work programme under the PA in accordance with the arrangements contained in decision 1/CP.21, and to accelerate work and forward the outcomes at the latest to the third part of the first session of the CMA to be convened in conjunction with the 24th session of the COP (December 2018) for its consideration and adoption’.

(This decision was taken to allow an inclusive process under the COP for all Parties, including those that have yet to ratify the PA, to take part in crafting the rules of implementation for the PA, as not all Parties have ratified the Agreement. The decision in this regard also makes clear that the further decisions from the outcome of work of the COP will only be considered and adopted in 2018, at the resumed session of CMA 1.)

In paragraph 6, the decision invites the COP ‘to continue to oversee the work on further guidance in relation to the adaptation communication, including, inter alia, as a component of NDCs, referred to in Article 7, paragraphs 10 and 11, of the PA’.

In paragraph 7, the decision invites the COP ‘to continue to oversee the work on the development of modalities and procedures for the operation and use of a public registry referred to in Article 7, paragraph 12, of the PA’, which relates to the adaptation communication.

Paragraph 9 of the decision invited the COP ‘to request the Subsidiary Body for Scientific and Technological Advice (SBSTA), the SBI, the APA and the constituted bodies under the Convention to accelerate their work on the work programme resulting from the relevant requests contained in ...decision 1/CP.21, and to forward the outcomes’ to COP 24 (2018) at the latest.

The decision in paragraph 9 invites the COP to request the APA to continue its consideration of possible additional matters relating to the

implementation of the PA and the convening of the first session of the CMA. (This is the paragraph in controversy surrounding the ‘homeless items’.)

In paragraph 10 of the decision, the CMA decided that ‘the second part of its first session’, will be convened with a joint meeting of COP 23 to be held in November 2017, ‘to review progress on the implementation of the work programme under the PA’.

In relation to the Adaptation Fund (AF), in paragraph 11, the CMA decided that ‘the AF should serve the PA, following and consistent with decisions to be taken at the third part of the first session of the CMA, to be convened in conjunction with the 24th session of the COP (2018), and by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) that address the governance and institutional arrangements, safeguards and operating modalities of the AF’.

(In Marrakech, developed countries were of the view that in Paris, no decision was taken that the AF shall serve the PA, while developing countries on the contrary had the understanding that the AF would serve the PA following some ‘preparatory work’ that needed to be undertaken at COP 22. See TWN Update 10 for details.)

Highlights of the COP decision

Below are highlights of the decision adopted by the COP as regards the ‘preparations for the entry into force of the PA and the first session of the CMA’.

On the completion of the work programme under the PA, paragraph 10 of the decision requests the ‘SBSTA (Subsidiary Body on Scientific and Technological Advice), the SBI, the APA and the constituted bodies under the Convention to accelerate their work on the work programme described in decision 1/CMA.1 ... and to forward the outcomes to COP 24 (2018) at the latest’.

Similar to the decision adopted under the CMA above, in paragraph 11, the COP decided to convene, at its 23rd session in November 2017, a joint meeting with the CMA ... to review progress on the implementation of the work programme under the PA.

In paragraph 12, the COP decided to ‘conclude the work programme under the PA as soon as possible and to forward the outcomes, at the latest, to the third part of the first session of the CMA ... in conjunction with the 24th session of the COP, for its consideration and adoption’.

On the issue of the ‘homeless items’, paragraph 13 of the decision took note of the invitation by the CMA to request the APA ‘to continue its consideration of possible additional matters relating to the implementation of the PA and the convening of the first session of the CMA’.

In relation to the Adaptation Fund (AF), the decision in paragraph 14 requested ‘the APA in its

consideration of the necessary preparatory work on the Adaptation Fund to address the governance and institutional arrangements, safeguards and operating modalities for the Adaptation Fund to serve the Paris Agreement’.

Paragraph 15 of the decision ‘invites Parties to submit, by 31 March 2017, their views on the governance and institutional arrangements, safeguards and operating modalities for the AF to serve the PA’.

In relation to the facilitative dialogue on enhancing ambition and support to be conducted in 2018, the decision in paragraph 16 requested the Moroccan COP 22 President ‘in collaboration with’ the incoming President of COP 23 (which will be Fiji) ‘to undertake inclusive and transparent consultations with Parties on the organization of the ... dialogue referred to in decision 1/CP.21, paragraph 20, including during the sessions of the subsidiary bodies to be convened in May 2017 and COP 23, and to jointly report back to COP 23 on the preparations for this dialogue’.

(The 2018 facilitative dialogue is to take stock of the collective efforts of Parties in relation to progress towards the long-term goal referred to in Article 4(1) of the PA that relates to the global peaking of greenhouse gas emissions as soon as possible, recognising that peaking will take longer in developing countries and to inform the preparation of NDCs.)

On the issue of enhanced action prior to 2020, paragraph 18 of the decision underscores ‘the urgent need for the entry into force of the Doha Amendment (of the Kyoto Protocol)’ and calls ‘on those Parties to the Kyoto Protocol that have not done so to deposit their instruments of acceptance ... as soon as possible’.

(The Doha amendment provides for the second commitment period of greenhouse gas reduction under the Kyoto Protocol.)

Paragraph 19 welcomed the ‘Marrakesh Partnership for Global Climate Action’ (which is designed to provide a strong foundation for how the Convention process will catalyse and support climate action by Parties and non-Party stakeholders in the period from 2017 to 2020).

Paragraph 20 of the decision takes note of the resolutions adopted at the 39th session of the Assembly of the International Civil Aviation Organisation (ICAO) on 6 October 2016 while paragraph 21 welcomed the adoption of the Kigali Amendment by the Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, at the 28th meeting.

Following the adoption of the decision, several Parties took the floor.

The Democratic Republic of Congo speaking for the **Least Developed Countries (LDCs)** said that its understanding was that when the CMA resumes in 2017 to review the progress of work, it could take decisions (and not just take stock of the progress of work as understood by a large number of Parties.)

China supported the statement by South Africa on behalf of BASIC, and emphasised that the pre-2020 enhanced actions did not attract sufficient attention and this needed to be addressed at the intersessional meeting in Bonn in May next year.

Bolivia speaking for the LMDC said that it was puzzled by the decisions adopted and that the ‘Marrakech Proclamation for Climate Action and Sustainable Development’ did not find reflection in the decisions adopted.

(See TWN Marrakech News Update #21 on the proclamation.)

Bolivia said that developing countries took the lead in ratifying the PA and expected more action from the developed countries in the pre-2020 period to reflect the urgency needed for the post-2020 mandate.

It referred to section IV of the Paris decision in 1/CP.21 and the 2013 Warsaw COP decisions (under 1/CP.19, paragraphs 3 and 4 that relate to the implementation of commitments under the Bali Action Plan and the Kyoto Protocol) that it said ‘defined precisely the actions sought by all Parties’. Bolivia further said that, ‘it was incumbent upon Parties in Marrakesh to give momentum to our collective desire, to take these decisions forward and take them to their logical conclusion.’

Bolivia also stressed that the outcome of the 2016 facilitative dialogue on enhancing ambition and support (that was conducted in Marrakech) should also be followed up and linked to the 2018 facilitative dialogue referred to in the decision adopted at COP 22.

In relation to the decision regarding the ICAO, **Venezuela** expressed its reservations and said that the rules of the Convention needed to be respected, stressing that the ICAO needed to support developing countries in providing the means of implementation for undertaking actions.

India supported Venezuela in this regard and also expressed its reservation, stressing the need for coherence between the ICAO, the Convention and the PA.

Following these interventions, the COP meeting was adjourned for a joint session of the COP, the COP serving as the Parties to the Kyoto Protocol and the CMA, to hear statements by Parties (see separate article on this).

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Climate Talks Close with Developing Countries Calling for Strong pre-2020 Action

Marrakech, 22 November (T Ajit) – The Marrakech climate talks, which began on 7 November, closed around 2 am on 19 November, with developing countries making a strong plea for pre-2020 climate action and for developed countries to fulfil their pre-2020 commitments.

This call was made at the joint closing plenary of the 22nd session of the Conference of the Parties (COP22), the 12th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 12) and the first part of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA1).

The talks were supposed to end on 18 November, but dragged on due to wrangling over the final decisions that were adopted by the CMA and the COP. (See TWN Update 22 in this regard.)

Speaking for **the Group of 77 and China, Thailand** said the challenge that faced Parties to the United Nations Framework Convention on Climate Change (UNFCCC) was to turn the Paris Agreement (PA) into action. Early entry into force of the PA signals the importance and urgency of action. ‘We are here to accelerate climate action, which has been underscored by the Marrakech proclamation for action on climate and sustainable development,’ added Thailand.

(The Marrakech proclamation for action on climate and sustainable development was issued on 17 November. See TWN Marrakech Update 21.)

While the PA entered into force at an unprecedented speed, it is regrettable, said Thailand, that the same cannot be said about the Doha Amendment (to the Kyoto Protocol to secure the second commitment period for emission reductions by Annex 1 Parties for the period 2013-20).

‘After nearly 4 years, only 73 Parties have deposited their instruments of acceptance. The Group reiterates that unfinished business of pre-2020 action and ambition are long overdue and must be urgently addressed. The Group believes that the Kyoto

Protocol is a fundamental building block in our post-2020 efforts,’ said Thailand.

Thailand said that adaptation is a matter of urgency for developing countries and in implementing the PA, balance between mitigation and adaptation was critical.

It added that it was pleased that the Marrakech talks had got some clarity and agreed on next steps on some of the issues. ‘This includes the initial work plan for the Paris Committee on Capacity Building (PCCB), the established linkages between the Technology and Financial Mechanisms, the indicative five-year rolling work plan of the Executive Committee on the Warsaw International Mechanism on Loss and Damage, and the review of capacity building under the Convention and the Kyoto Protocol,’ said Thailand, adding that there remain outstanding issues from discussions in Marrakech.

Thailand stressed that the G77 places priority on finance, in particular on adaptation finance and said that there can be no enhanced action without enhanced support. Thailand underscored that developing countries were bearing the brunt of climate change and the extent of their action would depend on the fulfilment of developed country obligations.

‘Provision of scaled-up financial resources should cover all developing countries under the Convention. To this end, we adopted decisions on the guidance to the two operating entities of the Financial Mechanism, the Green Climate Fund and the Global Environment Facility as well as guidance to the Standing Committee on Finance,’ it added further.

It was pleased that much work has been done on finance. ‘There has been good guidance to the operating entities, although much work remains for all issues on finance,’ said Thailand.

Noting the decision adopted on long-term finance, Thailand said that developing country Parties are yet to gain clarity and assurances on the mobilisation and provision of scaled-up financial

resources for them. (Separate article on decisions taken on finance to follow.)

Thailand also underscored that the strong and united call for the Adaptation Fund serving the PA had not been fully heard. ‘Despite our call, the conditions required to trigger this are still there in the decisions. Hence, the predictability and adequacy of adaptation financing remains to be resolved,’ said Thailand.

(Thailand was referring to the Adaptation Fund section of the CMA decision adopted, which reads: *‘Decides that the Adaptation Fund should serve the Paris Agreement, following and consistent with decisions to be taken at the third part of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, to be convened in conjunction with the twenty-fourth session of the Conference of the Parties, and by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol that address the governance and institutional arrangements, safeguards and operating modalities of the Adaptation Fund’.*)

(During the Marrakech climate talks, a contentious issue was whether the Adaptation Fund should serve the Paris Agreement or not. Developed countries were against it. See Marrakech TWN Update 10.)

Bolivia for the Like-minded Developing Countries (LMDC) said that 2016 had been the hottest in the history of the planet, and every year was getting hotter than the previous year. Because of this, climate change is worsening hunger and poverty, with deeper impacts on developing countries. Life on the planet is in danger because of climate change, said Bolivia.

It added that the greatest goal of humanity in this century must be to eradicate unsustainable patterns of production and consumption, before they destroy humanity and the planet. ‘If we do not build another society as soon as possible, the goals of sustainable development will be replaced by the goals of sustainable death of all beings in the planet,’ said Bolivia.

‘The PA under the Convention is not the structural solution to climate change but is an important step to reduce the impact of climate change in the world. There is much work to be done for implementing all provisions of this Agreement. The UNFCCC, with its principles and provisions, in particular the principle of equity and common but differentiated responsibilities (CBDR), continues to be the political and legal basis for Parties to enhance climate actions and strengthen international cooperation in the post-2020 period,’ said Bolivia.

Bolivia also said that the LMDC was moving forward stressing their commitment to enhancing implementation of the Convention in all aspects,

especially the pre-2020 action under the Kyoto Protocol, and would continue working together to address climate change on the basis of the Convention’s principles. ‘The LMDC firmly considers that the pre-2020 action is the foundation for the post-2020 action,’ said Bolivia.

The Maldives for the Alliance of Small Island States (AOSIS) underscored the need for climate action in the view of climate change impacts and said the success of the PA would be determined by the action taken by Parties. It said that there was still a shortfall in developed countries meeting their US\$100 billion commitment and insufficient financing for developing countries to meet their adaptation needs. It said that the fundamental question of what constitutes climate finance remained unclear and called upon developed countries to ratify the Doha Amendment to the Kyoto Protocol.

The Democratic Republic of Congo (DRC), for the Least Developed Countries (LDCs), said that it was time to get down to work and underscored the need to channel public financing for adaptation. It urged developed countries to support the LDC Fund, which it said was ‘under-resourced’. The DRC underscored the urgent need for developed countries to enhance their pre-2020 ambition, including ratification of the Doha Amendment.

Speaking for the **Central American Integration System, Nicaragua** said it was very important to continue working to enhance climate action on the principle of common but differentiated responsibilities and respective capacities. It said that the Central American region was inherently vulnerable and required a systematic and coherent approach to funding.

It underscored that the Convention and the PA should not be replaced or re-written, and called on Annex I Parties to not shirk their commitments. Any negotiations on finance, technology and capacity building should not impair, exclude or erode the rights of Parties who have not signed or ratified the PA, said Nicaragua. It hoped for access to necessary finance flows to deal with the pre-2020 gap.

India said that the Marrakech proclamation for action on climate and sustainable development reflected the collective will of all. ‘We have a long journey ahead of all of us and the fight against climate change has to be accelerated. The adoption and ratification of the PA is as important as its successful implementation. Unfinished pre-2020 action needs urgent attention,’ it added.

India also said that it remains hopeful that matters related to implementation of the PA would be undertaken in an inclusive manner and would be considered in COP24 in 2018. ‘In this spirit, we would like to state that the UNFCCC with its principles and provisions, in particular the principle of equity and CBDR, continue to be the political and legal basis

for Parties to continue to enhance and strengthen climate action and international cooperation in the post-2020 period,' said India.

India added that the process should enable all Parties to fully participate regardless of the status of the PA at the present juncture and give them time to complete their domestic processes. 'We have to ensure that our work reflects and promotes the right to development of developing countries and the achievement of sustainable development goals and aspirations of our peoples with climate justice and equity.

'Sustainability has been a way of life in India for centuries. Rightly, the PA recognizes that sustainable lifestyles and sustainable patterns of consumption and production with developed country Parties taking the lead play an important role in addressing climate change,' said India.

India also said that the road towards building the Paris rulebook and guidelines towards it must be inclusive and balanced with progress on all pillars – adaptation, means of implementation, technology transfer, capacity building and loss and damage.

China said that while there had been success at the Marrakech climate conference, there were still some issues awaiting consolidation and perfection. China also said that due attention should be paid to the pre-2020 issues and finance and capacity-building issues, and resolved next year and in future processes.

'Climate change is a serious challenge. Green and low-carbon development is an opportunity for all of us. China is willing to join efforts of all Parties to respond and go along this trend. We have the responsibility of sharing our common destiny. We will be guided by a principle of sustainable and inclusive development and will join efforts to abide by the principles of the PA and contribute to PA implementation to contribute to a fair and just global system,' said China.

The European Union (EU) was of the view that there was considerable progress on finance in Marrakech, especially towards increasing predictability of climate finance flows to developing countries. It said that the EU had pledged US\$81

million for the Adaptation Fund and expressed pleasure on the outcome of work on capacity building.

Speaking for **the Umbrella Group**, the US said 111 Parties representing over three-quarters of global emissions had joined the PA and that momentum behind the PA would not be stopped. The US said that markets were responding, finance flows were transforming and that business leaders were near unanimous to shift to a low-carbon economy.

The US said that it is critical to give the Paris rulebook integrity and ambition and underscored the importance of an enhanced transparency framework, guidance for mitigation contribution and the importance of markets. Developed countries have shown they remain committed to deliver. Countries are ready to work together and with other institutions, including development banks and the finance community, said the US. It added that effective climate action was not limited to Parties and that the private sector, businesses, civil society, and indigenous peoples would have to drive the shift.

Speaking at the joint plenary session, the COP22 President **Salaheddine Mezouar** said that the Marrakech proclamation for action on climate and sustainable development was a sign of commitment of the Parties. Mezouar added that strengthening pre-2020 action was not a choice but duty of Parties. Mezouar also said that 2017 should be a year for large-scale financial mobilisation and large-scale financing, including for adaptation.

UNFCCC Executive Secretary **Patricia Espinosa**, who spoke after the COP 22 President, said that great progress had been made at the Marrakech conference on the implementation work of the PA and that she saw greater financial support flowing to developing countries. She said that the Marrakech conference had lined up processes to make the Paris machinery fully operational by 2018. She added that the Marrakech proclamation for action on climate and sustainable development reflected the renewed momentum of action. 'We all need to do more. Countries need to increase ambition and enhance action pre-2020. Companies need to invest in developing countries. Each one has to adjust our lifestyle and consumption pattern,' said Espinosa.

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Science and Equity Demand Urgent Action on Climate Now, Say Developing Countries

Marrakech, 23 November (Zhenyan Zhu) – Developing country delegates called on developed countries to enhance ambition in climate action now and provide the means of implementation to developing countries, as both science and equity demanded acting with urgency, and not to put off actions to after 2020 as is the case under the Paris Agreement (PA).

This call was made at the second part of the ‘Facilitative Dialogue on Enhancing Ambition and Support’ which was held on 16 November, under the 22nd session of the UNFCCC’s Conference of the Parties (COP 22) in Marrakech.

Delegates from developed countries who spoke at the event focused mainly on post-2020 actions related to the nationally determined contributions (NDCs) of Parties under the PA, while developing countries called for enhancing efforts in the pre-2020 time frame, as both science and equity demanded urgent action now.

This part of the ‘Facilitative Dialogue’ (FD) was held to provide an opportunity for Ministers and senior officials, who had arrived for the high-level segment of the climate talks in the second week.

(The first part of the FD was held on 11 November. See TWN Update 15.)

The second part of the FD was moderated by journalist Joydeep Gupa and consisted of discussions in two sessions on policies on ‘ambition’ and on the ‘means of implementation’.

In the panel discussion on ‘ambition’, panelists were expected to answer the following questions: (1) what should Parties do with regard to mitigation ambition by 2020 and what would the factors of success be? (2) what immediate domestic steps should countries take to raise overall ambition and how can these be facilitated?

In response to the proposed questions, **Jos Delbeke**, the Director-General from the **European Commission** and **Louise Méti**vier, the Chief Negotiator for Climate Change of **Canada**, highlighted the importance of translating NDCs into

action. (NDCs refer to climate actions under the PA from 2020 onwards). Much of the focus of their presentation was on implementing the NDCs under the PA.

Developing country delegates, on the other hand, focused on the pre-2020 commitments of developed countries.

Ravi S Prasad, the Joint Secretary on Climate Change of **India**, stressed at the outset that both science and equity demanded action now and expressed concerns that many delegates from developed countries were focusing on actions in the post-2020 time frame. He said ambition could not be put off for another four years with talk only of post-2020 actions. The FD provides a platform to strengthen and streamline pre-2020 efforts and therefore focus should be on what needs to be done now rather than talk about NDCs and post-2020 action, stressed Prasad.

In addition to addressing the emissions gap, equal emphasis should be placed on the adaptation gap and the gap on the means of implementation, which would enable developing countries to enhance their levels of ambition, said Prasad further.

In relation to the early entry into force of the PA, similar urgency should be shown by countries for the entry into force of the second commitment period (2CP) of the Kyoto Protocol (KP) by April 2017, elaborated Prasad further.

He said there is also a need for revisiting the ambition targets of developed countries, for their scaling-up, and removal of conditionalities for doing so under the KP. He said this was needed by the May-June intersessional climate talks in 2017. He stressed further that based on the Convention’s principles of equity and common but differentiated responsibilities and respective capabilities (CBDR-RC), developed country Parties should be taking the lead in addressing climate change.

He also called for working towards climate justice in addressing poverty and the vulnerability of developing countries.

Furthermore, Prasad stressed that efforts for greater global collaboration need to be intensified for research and development on climate-related issues to enable less costly transition to low-emission development and barriers continue to impede the progress of renewable energy and energy-efficiency deployment in developing countries. He pointed out that high patent costs of such technologies and non-facilitative intellectual property rights (IPR) regimes are particular barriers which the Financial Mechanism of the Convention should address. He added that India was not asking for the IPR regime to be tampered or dismantled but called for support for the quick dissemination of technologies.

As for finance, Prasad said that many existing funds have co-financing constraints for which the developing countries will have to chip in their money first to get more money, which is a challenge. To track finance, he said, we need to have in place a rigorous system to track the delivery of all funds promised, ensuring that it is new and additional.

In this context, the roadmap presented by the United Kingdom (UK) and Australia regarding the US\$100 billion has methodological flaws and double-counting issues, said Prasad further. 'Our estimates indicate that there is a mobilization of USD20-25 billion only (from developed to developing countries),' he said, adding that there is a need for new and additional funds which are over and above overseas development assistance (ODA). Prasad commented further that issues regarding scaled-up and predictable finance were also not evident in the roadmap report.

(Prasad was referring to the '*Roadmap to the USD100 billion*' launched by the UK and Australia before the Marrakech climate talks which was heavily criticised by developing countries during the talks.)

In conclusion, Prasad highlighted that in the future, the FD needs to be structured and held in multiple sessions and in parallel on issues of technology, finance, capacity-building support for developing country Parties and commitments in the pre-2020 period. He suggested further that these discussions need to be held on a recurring basis at each COP until the commitments of countries are fulfilled.

'The discussions now and in 2017 should feed into the 2018 Facilitative Dialogue with clear outputs, roadmaps and achievements and we request the Subsidiary Bodies to assess, track and report progress made in implementing these commitments,' concluded Prasad.

(The 2018 Facilitative Dialogue which is mandated under the decision from Paris is to take stock of the collective efforts of Parties in relation to progress towards the long-term goal referred of the PA that relates to the global peaking of greenhouse gas emissions as soon as possible, recognising that

peaking will take longer in developing countries and to inform the preparation of NDCs.)

In the same session, **Dr Siti Nurbaya**, the Minister of Environment and Forestry of **Indonesia**, also stressed that with regard to mitigation ambition by 2020, Parties to the KP should have implemented their commitments including in ratifying the Doha Amendment for the 2CP. Other developed country Parties (referring to the United States who is not a party to the KP) and developing countries should implement their actions under the Bali Action Plan, she added further.

In the session on the means of implementation (MOI), speakers were asked to address the following: (1) what actions are required to further scale up support for accelerating technology development and transfer and strengthen the capacities of developing countries? (2) how can access to financial support be enhanced and simplified to support climate actions in developing countries, particularly those most vulnerable? (3) what role should the Convention and the established architecture for the MOI have to enhance the provision and mobilisation of support?

The Chinese Minister **Xie Zhenhua**, the Special Representative for Climate Change Affairs, said the FD is to help Parties achieve the objectives of the PA and the Convention and establish political mutual trust. He stressed that this was the foundation of the FD. In this context, the Minister said Parties must honour their commitments that they have pledged for the pre-2020 period. The developed country Parties should honour all of their pre-2020 commitments, including on the provision of finance, technology transfer and development and in meeting their emission reduction pledges.

Developing countries very much hope that developed countries will meet their obligations and in providing the US\$100 billion per year by 2020, said the Chinese Minister further. As for the roadmap prepared by the UK and Australia with other developed countries, he pointed out that developing countries still have many doubts over the report in relation to the accounting methodologies. He also emphasised that the main channel for funding to developing countries should be through government channels.

Developing countries need to also increase their adaptation capacity to cope with extreme climate events, said Zhenhua, further adding that this required large amounts of grant financing.

He also underscored the importance of increasing the capacities of developing countries so that they can meet the transparency requirements and are able to take part in future facilitative dialogues and the global stocktake. He said that the capacity of developing countries is very underdeveloped and this needs to be addressed.

On achieving the long-term goal of limiting temperature rise, the Minister said that developing countries needed technological innovation. He said developing countries need to be able to use the technology that is available and that the Green Climate Fund (GCF) could have a window for technology transfer and cooperation.

The Minister also informed the meeting that China has set aside CNY20 billion for the South-South Cooperation Fund on Climate Change and has disbursed about CNY100 million to carry out some projects. He added that there will be 10 green low-carbon demonstration projects, 100 capacity-building training programmes and workshops for 1,000 persons to improve their ability in management and fund-raising activities. He concluded that developed countries can do much to help developing countries.

Everton Lucero, Secretary for Climate and Environment Quality of **Brazil**, echoed the Chinese Minister's views. He said mobilising US\$100 billion from developed countries is the essential action and in this regard, there is a need to improve the

transparency framework to track the support provided by developed countries to developing countries, to track real climate finance flows.

Naoko Ishii, the CEO of Global Environmental Facility (GEF), announced the launch of the Capacity-Building Initiative for Transparency (CBIT) and said that the first set of projects has been approved.

(Parties agreed to establish the CBIT in Paris which aims to strengthen the institutional and technical capacities of developing countries to meet the enhanced transparency requirements under the PA, leading up to 2020 and beyond).

Ishii said that the CBIT Trust Fund has been approved by the GEF Council and the Fund is now operationalised. Sweden, the Netherlands, the UK, the United States, Canada, Germany, Italy, Japan, New Zealand, Switzerland and Australia have all pledged more than US\$50 million to the CBIT. The first set of projects has been approved by the GEF for implementation in Costa Rica, Kenya and South Africa.

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US President-elect Called to Show Leadership at Closing of Climate Talks

Kuala Lumpur, 24 November (Hilary Chiew) – In the wake of the recent elections in the United States, the host of next year's climate talks has made a plea to the President-elect Donald Trump to show leadership as the second largest greenhouse gas emitter in the world.

Fiji, the first Pacific Island state to head the annual summit next year, called upon the US President-elect to abandon his position that man-made climate change is a hoax and take responsibility in contributing to the collective response to climate crisis which is real.

(According to most recent press reports, Mr Trump has been reported as saying that he will keep an open mind about climate change.)

'We in the Pacific and the world look to the US to show leadership just as we looked to America during the dark days of World War II. You came to save us then ... it is time for you to help save us now. I renew my offer to Mr Trump to come to Fiji to see the effects of climate change himself and to meet face to face to discuss the crisis we are facing,' urged **Fijian Prime Minister Frank Bainimarama**, to applause at the closing plenary of the 22nd Conference of the Parties (COP22) to the UNFCCC in the late evening of 18 November.

Bainimarama was addressing the plenary as the incoming Presidency of COP23 which will be held in Bonn, Germany, the seat of the UN Framework Convention on Climate Change (UNFCCC) secretariat from 6 to 17 November 2017. According to the principle of rotation among the five UN regional groups, the Presidency for COP23 is from the Asia-Pacific states.

He said Fiji is humbled by the confidence placed by the community of nations on it to preside over COP23, adding that it is acutely aware of the great responsibility as a region that bears the most brunt of the effects of climate change.

Bainimarama said the Presidency is a crucial platform for the region to place their case and he pledged to small island developing states and other low-lying nations that Fiji would do everything in its

power to place climate change on the very top of the global agenda, including lobbying developed countries that are responsible to allocate funding for developing countries 'to adapt to the terrifying era'.

COP22 was held between 7 and 18 November in Marrakech, Morocco along with the 12th Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP12), the first Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA1), the 45th session of the Subsidiary Body for Implementation (SBI45) and the Subsidiary Body for Scientific and Technological Advice (SBSTA45), and the second part of the first session of the Ad Hoc Working Group on the Paris Agreement (APA1-2).

Decisions of COP22 and CMP12 were adopted over the last two days of the meeting with the second part of the plenary session closing in the early hours of 19 November.

Parties adopted the decision called 'dates and venues of future sessions' where besides Fiji, **Poland** also announced that it would host the 2018 COP24.

Aside from the highly contentious agenda item 4 of the COP on 'preparations for the entry into force of the Paris Agreement and the first session of the CMA' (See TWN Marrakech Update #22 for details), the COP and CMP adopted a number of other key decisions.

The closing plenaries were presided over by COP22/CMP12 President Salaheddine Mezouar, the Foreign Minister of Morocco. Below are highlights of some key decisions adopted.

COP22 decisions

Report of the Adaptation Committee

On 17 November, the COP adopted the draft decision titled '*Review and report of the Adaptation Committee*'.

The decision notes with appreciation the ongoing and planned collaboration between the Adaptation Committee (AC) and other constituted bodies and institutional arrangements under the Convention, ...in

order to enhance the process to formulate and implement national adaptation plans and actions, the implementation of the relevant mandates contained in decision 1/CP.21 (the decision adopted in Paris) and access by developing country Parties to adaptation finance, in particular from the Green Climate Fund, as appropriate.

The COP requested the AC to make use of additional modalities for responding to the relevant mandates contained in decision 1/CP.21, including engaging with the Nairobi work programme and its partner organisations, research institutions and other institutional arrangements outside the Convention.

It also welcomed the establishment of the AC's working group on the technical examination process on adaptation and requested the AC, in conducting the technical examination process on adaptation, to accelerate the preparations for the 2017 technical expert meetings on adaptation, including the selection of topics.

The decision also requested the AC to ensure that the technical examination process on adaptation meets its objective of identifying concrete opportunities for strengthening resilience, reducing vulnerabilities and increasing the understanding and implementation of adaptation action, including through technical papers.

It also requested the AC, as an outcome of this review, to continue with the implementation of its revised workplan, in particular by giving priority to the activities in support of the Paris Agreement, and to seek further ways to enhance its progress, effectiveness and performance and decides to review the progress, effectiveness and performance of the AC again at COP27 (2021), with a view to adopting an appropriate decision on the outcome of that review.

The decision noted with concern the shortfall in resources available to the AC, the need for supplementary financial resources and the estimated budgetary implications of the activities to be undertaken by the secretariat pursuant to decision 1/CP.21 and encourages Parties to make available sufficient resources for the successful and timely implementation of the three-year workplan of the AC.

Warsaw International Mechanism for Loss and Damage associated with climate change impacts

On 17 November, the COP adopted two decisions related to the Warsaw International Mechanism for Loss and Damage associated with climate change impacts (WIM) and the review of the WIM.

On the WIM, the decision noted that while significant progress has been made in laying the foundation for work on loss and damage, owing to the late nomination of members, work remains to be carried out.

It welcomed the report of the Executive Committee (ExCom) of the WIM and progress made in implementing its initial two-year workplan, including in enhancing understanding, action and

support, in particular the establishment of the expert group on non-economic losses, the technical expert group on comprehensive risk management and transformational approaches and the task force on displacement, and in outreach and information sharing.

The COP approved the indicative framework for the five-year rolling workplan of the ExCom as the basis for developing corresponding activities, starting at the first meeting of the ExCom in 2017, taking into account relevant inputs provided by Parties and relevant organisations.

It requested the ExCom to include in its five-year rolling workplan a strategic workstream to guide the implementation of the WIM's function of enhancing action and support, including finance, technology and capacity-building, to address loss and damage associated with the adverse effects of climate change, as provided for in decision 2/CP.19 (that was adopted in Warsaw).

It invited Parties and relevant organisations to submit views and relevant inputs on possible activities under each strategic workstream as contained in the indicative framework for the five-year rolling workplan of the ExCom by 28 February 2017.

It also invited constituted bodies under the Convention, as appropriate, as those bodies undertake their work, to continue or to initiate, as appropriate, the integration of efforts to avert, minimise and address loss and damage associated with the adverse effects of climate change in particularly vulnerable developing countries, vulnerable populations and the ecosystems that they depend on.

The decision also encouraged Parties to incorporate or continue to incorporate the consideration of extreme events and slow-onset events, non-economic losses, displacement, migration and human mobility, and comprehensive risk management into relevant planning and action, as appropriate, and to encourage bilateral and multilateral entities to support such efforts.

It also invited the United Nations and other relevant institutions, specialised agencies and entities, the research community and the private sector, as appropriate, to strengthen cooperation and collaboration, including through partnerships, with the ExCom on topics relevant to addressing loss and damage associated with the adverse effects of climate change, including extreme events and slow-onset events.

The COP reiterated its encouragement to Parties to make available sufficient resources for the successful and timely implementation of the work of the ExCom.

On the **review of the WIM**, the COP adopted the decision which recommends that there be a process to periodically review the WIM and that reviews take place no more than five years apart with the next review to be held in 2019, and that the

periodicity of future reviews be decided at that time.

The COP also agreed that future reviews of the WIM should consider, inter alia, progress on the implementation of the workplan of the ExCom of the WIM as well as its long-term vision that guides ways in which the WIM may be enhanced and strengthened, as appropriate; that the subsidiary bodies finalise terms of reference for each review of the WIM ...; that as an input to the review in 2019, a technical paper be prepared by the secretariat elaborating the sources of financial support, as provided through the Financial Mechanism, for addressing loss and damage as described in relevant decisions, as well as modalities for accessing such support; that the technical paper includes an elaboration of finance available for addressing loss and damage as described in relevant decisions, outside the Financial Mechanism, as well as the modalities for accessing it

The decision also recognised that the ExCom may enhance its effectiveness by prioritising activities in thematic areas for further work. It recommends that the following may advance the work of the ExCom:

(a) Enhancing collaboration, cooperation and partnerships with bodies, entities and work programmes, including the Paris Committee on Capacity-building, within and outside the Convention;

(b) Considering the establishment of, as appropriate, additional expert groups, subcommittees, panels, thematic advisory groups or focused working groups to assist it in conducting its work and supporting its efforts to enhance action and support for loss and damage...;

(c) Improving access to, and interaction with, relevant scientific and technical panels, bodies and expertise available to the WIM, its ExCom and substructures over time...to ensure that the best available science is highlighted in the work of the WIM;

(d) Inviting interested Parties to establish a loss and damage contact point through their respective UNFCCC national focal point, with a view to enhancing the implementation of approaches to address loss and damage associated with the adverse impacts of climate change at the national level.

The COP also invited the Paris Committee on Capacity-building, within the scope of its workplan, to consider a future theme on addressing loss and damage.

Development and transfer of technologies

Joint annual report of the Technology Executive Committee and the Climate Technology Centre and Network

At the first part of the closing plenary on 17 November, Parties adopted the draft decision

forwarded jointly by SBI45 and SBSTA45 titled *Enhancing climate technology development and transfer through the Technology Mechanism*.

On activities and performance of the Technology Executive Committee (TEC), the decision welcomed the rolling workplan of the TEC for 2016-18 and the progress made by the committee in advancing its implementation, including in the areas of adaptation; climate technology financing; emerging and cross-cutting issues; innovation and research, development and demonstration; mitigation; and technology needs assessments.

It also noted that strengthening linkages between the technology needs assessments, nationally determined contributions and national adaptation plan processes would enhance their effectiveness and responsiveness towards implementation in countries.

On activities and performance of the Climate Technology Centre and Network (CTCN), the decision underlined the importance of well-functioning and strengthened collaboration between the national designated authorities for the GCF, the focal points for the Global Environment Facility and the national designated entities for technology development and transfer.

It also welcomed the increased engagement between the GCF and the CTCN, particularly with respect to utilising the Readiness and Preparatory Support Programme and the Project Preparation Facility of the fund in order to respond to country-driven requests for technical assistance and encourages the advancement of the engagement including through the strengthening of collaboration between national designated authorities for the GCF and national designated entities for technology development and transfer.

Linkages between the Technology Mechanism and the Financial Mechanism of the Convention

Parties also adopted the draft decision which welcomed the progress made by the TEC, the CTCN and the operating entities of the Financial Mechanism in further elaborating the linkages between the Technology Mechanism and the Financial Mechanism, including through an in-session workshop.

It welcomed the decision of the Board of the GCF to hold annual meetings between the GCF and the constituted bodies under the Convention, including the TEC and the CTCN, and its invitation to the Chairs of those bodies to its 14th meeting.

It encouraged the Board of the GCF to continue to invite the Chairs of the TEC and the Advisory Board of the CTCN to future meetings of the Board of the GCF on issues of common interest in order to strengthen the existing linkages between the Technology Mechanism and the Financial Mechanism.

The COP welcomed the increased engagement between the GCF and the CTCN, particularly with respect to utilising the Readiness and Preparatory Support Programme and the Project Preparation Facility of the fund, noting the potential of such engagement in supporting developing country Parties to build their capacity for implementing technology projects and programmes.

It also noted with appreciation the progress made by the GCF in response to decision 13/CP.21 regarding support for facilitating access to environmentally sound technologies in developing country Parties and for undertaking collaborative research and development for enabling developing country Parties to enhance their mitigation and adaptation action.

It invited the GCF national designated authorities and focal points to use the support available to them under the Readiness and Preparatory Support Programme to, inter alia, conduct technology needs assessments and develop technology action plans.

It also invited developing country Parties to develop and submit technology-related projects, including those resulting from technology needs assessments and from the technical assistance of the CTCN, to the operating entities of the Financial Mechanism for implementation, in accordance with their respective policies and processes.

Matters relating to finance

A total of six sub-items were deliberated during COP22 and that resulted in decisions that were adopted in the early evening of 18 November.

The items were: long-term finance; report of the Standing Committee on Finance (SCF) and review of the functions of the SCF; report of the GCF to the COP and guidance to the GCF; report of the Global Environment Facility (GEF) to the COP and guidance to the GEF; 6th Review of the Financial Mechanism; and initiation of a process to identify the information to be provided by Parties in accordance with Article 9.5 of the Paris Agreement. (Separate article on this agenda item is forthcoming.)

Capacity-building under the Convention

At the first part of its closing plenary held on 17 November, Parties adopted the draft decision on *the third comprehensive review of the implementation of the framework for capacity-building in developing countries under the Convention*.

The decision reaffirmed that ‘capacity-building should be a participatory, country-driven and continuous process consistent with national priorities and circumstances’, that ‘capacity-building is an integral component of the means of implementation to enable developing country Parties to implement the Convention and the Paris Agreement’.

The decision recalled that ‘the Paris Committee on Capacity-building (PCCB) aims to address both

current and emerging gaps and needs in implementing capacity-building in developing country Parties and to further enhance capacity-building efforts, including with regard to coherence and coordination in capacity-building activities under the Convention’.

It invited the PCCB, in managing the 2016-20 workplan, to take into consideration cross-cutting issues such as gender responsiveness, human rights and indigenous peoples’ knowledge; to take into consideration the outcomes of the third comprehensive review of the implementation of the framework for capacity-building in developing countries; to take into consideration previous work undertaken on indicators for capacity-building; to promote and explore linkages with other constituted bodies under the Convention and the Paris Agreement, as appropriate, that include capacity-building in their scopes; to promote and explore synergies for enhanced collaboration with institutions outside the Convention and the Paris Agreement engaged in implementing capacity-building activities; to take into consideration ways of enhancing reporting on capacity-building activities, taking into account all initiatives, actions and measures on capacity-building under the Convention and the Paris Agreement as well as existing reporting mandates, in order to achieve coherence and coordination.

It also invited the SBI to facilitate complementarity between the Durban Forum (on capacity-building) and the PCCB; and invited Parties to cooperate in order to enhance the capacity of developing country Parties to implement the Convention and the Paris Agreement, and further invited developed country Parties to enhance support for capacity-building actions in developing country Parties.

The COP decided to conclude the third comprehensive review of the implementation of the framework for capacity-building in developing countries under the Convention and to initiate the fourth comprehensive review thereof at SBI50 (June 2019), with a view to completing that review at COP25 (November 2019).

Apart from the above decisions, the COP Presidency conducted a number of informal consultations at the request of some Parties without arriving at any conclusion. The issues are as follows:

Parties whose special circumstances are recognised by the COP

At the opening of COP22, Turkey, an Annex I Party to the Convention, proposed to include its request to access to support from the GCF and the CTCN under the Paris Agreement by Parties whose special circumstances are recognised by the COP as an agenda item. However, it was subsequently dealt as a sub-item under ‘other matters’.

The COP President’s representative Ambassador Aziz Mekouar (Morocco) reported that consultation

led by him could not reach a conclusion and that Parties would continue consultation on this item in the future.

Indigenous Peoples Platform

Bolivia and Ecuador requested the COP to consider paragraph 135 of decision 1/CP.21 and informal consultations were conducted by Hamza Tber on behalf of the COP Presidency.

(Paragraph 135 reads: *Recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, and establishes a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner.*)

Parties agreed to an incremental approach and that the SBSTA would undertake work on operationalisation of the platform.

CMP decisions

Report of the Adaptation Fund Board

On 17 November, Parties adopted the draft decision related to the Adaptation Fund Board and decided to renew the interim institutional arrangements with the Global Environment Facility as the interim secretariat of the Adaptation Fund Board for an additional three years, from 30 May 2017 to 30 May 2020.

The CMP also decided to restate the terms and conditions of the services to be provided by the International Bank for Reconstruction and Development (the World Bank) as the interim trustee of the Adaptation Fund and to extend the term of the trustee's services for an additional three years, from 30 May 2017 to 30 May 2020.

The CMP noted with concern issues related to the sustainability, adequacy and predictability of funding for the Adaptation Fund based on the current uncertainty on the prices of certified emission

reductions, assigned amount units and emission reduction units.

It also noted that the scale of funding required for projects in the active pipeline is estimated to be of the scale of US\$233.5 million and that the current available funds for new projects amount to US\$230.5 million, resulting in a current funding gap of US\$3 million.

The CMP encouraged developed country Parties to scale up financial resources for the implementation of adaptation projects in the active pipeline of the Adaptation Fund and encouraged the provision of voluntary support that is additional to the share of proceeds from clean development mechanism project activities in order to support the resource mobilisation efforts of the Adaptation Fund Board, with a view to strengthening the Adaptation Fund.

It further encouraged the Adaptation Fund Board, in implementing its resource mobilisation strategy, to further consider all potential sources of funding and to continue its consideration of linkages between the Adaptation Fund and other funds, including the GCF, and to report on its findings to CMP13 (November 2017).

It also took note of the information provided by the Adaptation Fund Board on the added value of the Adaptation Fund for the operationalisation of the Paris Agreement, as contained in the addendum to annex I to the report of the Adaptation Fund Board.

It invited the COP to bring the information to the attention of the Ad Hoc Working Group on the Paris Agreement.

Status of the ratification of the Doha Amendment to the Kyoto Protocol

On 17 November, CMP President Mezouar informed that Australia had ratified the Doha Amendment to the Kyoto Protocol on 9 November, bringing the total number of ratifications to 73 out of 144 required for the second commitment period of the Kyoto Protocol to enter into force. He called upon Parties to ratify the Doha Amendment as soon as possible.

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Subsidiary Body to Operationalise Indigenous Peoples' Platform on Climate Change

Kuala Lumpur, 28 November (Hilary Chiew) – The 22nd Conference of the Parties (COP 22) to the UN Framework Convention on Climate Change (UNFCCC) has agreed that the Subsidiary Body for Scientific and Technological Advice (SBSTA) will undertake work on operationalising the platform for the exchange of experiences and sharing of best practices of local communities and indigenous peoples on mitigation and adaptation in relation to climate change.

This decision was arrived at during the COP closing plenary in the early hours of 19 November, when Parties agreed with the proposal by COP22 Vice President, **Khalid Abuleif (Saudi Arabia)**, for an 'incremental approach' and for the SBSTA to undertake work on the operationalisation of the platform.

This was the result following divergences that arose during the informal consultations on the matter, as regards the status of the platform among Parties.

(The informal consultations were held at the request of **Bolivia** and **Ecuador** to consider paragraph 135 of decision 1/CP.21 and conducted by **Hamza Tber** on behalf of the COP 22 Presidency. Para 135 of the Paris decision reads: '*Recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, and establishes a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner.*')

Some Parties pointed out that the Paris decision adopted last year in this regard (para 135 of decision 1/CP.21) had already established the platform and all that was needed in Marrakech was its operationalisation. **The European Union (EU)** wanted an incremental and cautious approach and to not move too quickly on the matter.

The Marrakech climate talks began on 7 November and ended early morning of 19 November.

At the first informal consultations held on 14 November, **Ecuador** and **Bolivia** supported the request by indigenous peoples' organisations to deliver their interventions before Parties as 'they were the key actors of the platform'.

The International Indigenous Peoples Forum on Climate Change (IIPFCC) representative welcomed the process and reminded Parties that meaningful participation must be ensured as provided in the Paris Agreement with regard to acknowledgement of respecting the rights of indigenous peoples as enshrined in the UN Declaration on the Rights of Indigenous Peoples.

Parties were then asked to provide their views on the scope, content and structure of the platform.

Bolivia said besides acknowledging and strengthening the knowledge of indigenous peoples on climate change, the platform was also about creating a holistic perspective on mitigation and adaptation as an integrated way to address climate change. It was also about the technologies that are maintained and used by indigenous communities and their efforts in responding to the impacts of climate change.

Bolivia was of the view that the platform should work as a permanent forum to be held at each COP and intersession as a body under the UNFCCC discussing specific issues.

It expected COP22 to agree on developing the full programme of work and the institutional arrangements of the platform at the next subsidiary bodies meeting with a proposal to be forwarded to COP23 (2017) for consideration and approval and also to have a high-level event on the knowledge and practices of indigenous peoples on climate change at the next COP.

Ecuador saw the discussion of the platform beyond para 135 and in the wider context of the preamble of the Paris Agreement (referring to Parties' obligation to respect, promote and consider the rights of indigenous peoples). It said the protection of

indigenous peoples' traditional knowledge should also be linked to Article 8(j) of the Convention on Biological Diversity (CBD).

(Article 8(j) of the CBD states: *Each contracting Party shall, as far as possible and as appropriate, subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices.*)

Ecuador wanted a website for the exchange of information on practices and knowledge, a high-level event and a COP decision mandating the SBSTA at its next session to include in its agenda an item to develop the modalities of the platform in accordance with para 135.

Guatemala supported the full participation of indigenous peoples under the COP and called for the establishment of an advisory group for indigenous peoples from seven regions. (It did not elaborate on the seven regions.) The platform, it said, should be supported with the means of implementation in capacity-building, finance and technology as well as in participating more closely in the Intergovernmental Panel on Climate Change (IPCC) process.

Canada said it is committed to renewing its relationship with indigenous peoples. It saw value in their participation in the UNFCCC as traditional knowledge holders. It was of the view that the platform should play a role in capturing information of the contributions and leadership of indigenous peoples and the climate-related process including adaptation plans.

Supporting Bolivia and Ecuador, it said there needed to be commitment to a meaningful platform and not a token symbol. It wanted exchange of knowledge rather than extraction of indigenous knowledge and the exchange to be reciprocal in helping to improve the well-being of indigenous communities.

The EU preferred step-by-step progress and cautioned that Parties need to approach the matter in a way to make sure that the platform can be agreed by all Parties and live up to the result.

Panama supported Bolivia, Ecuador, Guatemala and Canada.

UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, said the platform to share experiences and practices of indigenous peoples in bringing solutions to climate change is in the interests of the states. 'This is a historical milestone in the climate change negotiations and I certainly hope this will come to reality. The

main guiding principle is inclusivity and transparency. Indigenous peoples should be included in the platform which will be a key contribution to the climate change Convention,' she added.

At the informal consultations held on 16 November, **Hamza Tber** recalled discussions held on 14 November where Parties were divided with some calling for the operationalisation of the platform while others expressed concerns in moving too quickly without preparatory work.

During the informal consultations, Tber informed Parties that the COP 22 President had proposed that the SBSTA conduct a multilateral dialogue in this regard at the May 2017 session to be held in Bonn, Germany. He also said that the COP President proposed the invitation of submissions from Parties and to also request the secretariat to operationalise the platform. The secretariat will be guided by the SBSTA Chair and the outcomes of the dialogue, said Tber further.

In response to this, **Ecuador** said that notwithstanding the usefulness of a dialogue, this could mean a one-time exercise, while what it wanted was establishing something more permanent. It sought clarification on the nature of the dialogue.

Tber replied that his understanding was not to presume anything about the dialogue and that this was the first step (in the process).

Ecuador in response said notwithstanding the incremental approach, this should not preclude the inclusion of a permanent space for the platform.

'A dialogue, frankly speaking, is a one-time exercise. We prefer a permanent space ... more faithful and it is what was decided as per para 135 of decision 1/CP.21... and that reflected something permanent which was a long-standing request of the indigenous peoples,' explained Ecuador.

'The platform is permanent. We want to give voice to everyone via submissions,' it said further, stressing that the dialogue is to make the platform operational and was not about the (formation of) the platform itself.

Supporting Ecuador, **Bolivia** noted that while having a multi-stakeholder dialogue was important, what was really needed is a permanent structure for the platform. 'The platform is already established so we need something in COP decision (saying) that we are going to move in that context. We need a stronger signal that it is already established ... a dialogue is not what we are expecting. We would like the COP decision to have a strong understanding that we already have the platform as a permanent body to facilitate the dialogue,' said Bolivia.

It added further that Parties should move forward on the substantive issues as regards the platform in order to have it implemented at the next COP with regard to the functions and the institutional arrangements regarding the platform. Bolivia could agree with the call for submissions from Parties and

indigenous peoples' organisations as a way to improve the discussions.

Bolivia said it could agree to a procedural COP decision that mandates the next COP to continue what Parties have been doing including having an 'Indigenous Peoples' Day' in the work of the high-level champions of the non-state actors initiative.

(At COP 21 in Paris, it was agreed that mobilising stronger and more ambitious climate action by all Parties and non-Party stakeholders is urgently required. In this regard, Parties agreed that two high-level champions will be appointed to act on behalf of the COP President to facilitate through strengthened high-level engagement in the period 2016-20 the successful execution of existing efforts and the scaling-up and introduction of new or strengthened voluntary efforts, initiatives and coalitions.)

The EU reiterated that a lot of clarification is needed. It said that it is wise to follow an incremental approach to ensure that this platform addresses the concerns of indigenous peoples. The EU representative said he needed to take the discussions back (to the EU constituency) as it was not on the formal agenda and sought clarification on how the matter would be reflected in the report of the COP.

At this point, **Ecuador** requested for proposals from the COP President in writing to enable Parties to use the remaining time of the session to consult.

Responding to the EU, Tber then instructed the secretariat to distribute a one-page proposal and invited Parties to discuss bilaterally.

The one-page proposal read as follows: 'Elements for an outcome of the informal consultations on the indigenous peoples' platform: -

- Adopt an incremental approach in developing the indigenous peoples' platform
- Convene an open multi-stakeholder dialogue to be conducted by the SBSTA Chair during the May sessions on the operationalisation of the platform
- Invite submissions by Parties and non-Party stakeholders on the purpose, content and structure of the indigenous peoples' platform to inform the above dialogue
- Request the secretariat, under the guidance of the SBSTA Chair, to operationalise the platform taking into account the submissions and the outcomes of this dialogue.'

Twenty-five minutes later, Ecuador said without prejudging other views, it was comfortable with the idea of submissions but sought additional time to provide specific language on the COP decision to be adopted through email.

Tber responded that he would rather Parties fix the language in order to leave the session with a solution.

The EU welcomed the constructive proposal but noted that it would like to take the matter back to its constituency for consultation and wanted a step-by-step approach and to find common ground among all Parties. 'It is important to go forward but not to be too ambitious as it might complicate things and make it difficult to take this first step,' it stressed.

Bolivia said that the idea is to move step-by-step but to move forward and not backward. 'At this COP, we should open a process to operationalise the platform and not a process to discuss about the platform itself,' it urged.

Hindou Oumarou Ibrahim from the **IIPFCC** said it was urgent to move towards implementation of the platform and supported Bolivia, Ecuador and Guatemala about the next step. She lamented that on top of the short notice about the meeting, the indigenous peoples' caucus was barred by security.

'The COP President should consult in good faith. It is urgent for us to work on the modalities of the platform. We are proposing to co-facilitate this process and the indigenous peoples' representative will be elected from among ourselves and (he or she) must be given full accreditation and financial support as this is a long-term partnership,' she added.

(Although the meeting was marked as 'open' on the CCTV display, UN security informed the IIPFCC delegates that the consultations were 'closed'. They were eventually allowed in after Bolivia intervened on their behalf.)

In the absence of an agreement from the informal consultations, Tber said the only alternative was to inform the COP President that there was no outcome and to continue discussions next year, which he reckoned was not an outcome that anyone wanted.

Finally, Parties agreed to the proposal forwarded by the COP Presidency to adopt an 'incremental approach' and for the SBSTA to undertake further work next year in the operationalisation of the platform.

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Difficult Negotiations on Long-term Climate Finance in Climate Talks

Penang, 1 December (T Ajit and Meena Raman) – At the recently concluded climate talks in Marrakech, Morocco, Parties to the UN Framework Convention on Climate Change (UNFCCC) adopted a key decision on long-term climate finance (LTF) on the final day of the meeting on 18 November, after much wrangling on some key issues.

Arriving at the decision was apparently difficult as there were major divergences between developed and developing countries on some of the key issues as regards climate finance.

Sources revealed that among the issues that were most contentious were the ‘Roadmap to the USD 100 billion’, scaling-up climate finance, adaptation finance, the measuring, reporting and verification (MRV) of support and the referencing of Article 9 of the Paris Agreement in the preamble of the LTF decision. (See further details below.)

(The ‘Roadmap to the USD100 billion’ was an un-mandated report launched by the United Kingdom and Australia on behalf of the developed countries just ahead of the climate talks. It claimed that US\$62 billion was mobilised in 2014 by developed countries and based on an analysis by the Organisation of Economic Cooperation and Development [OECD], ‘pledges made in 2015 alone will boost public finance from an average of USD 41 billion over 2013-14 to USD 67 billion in 2020 – an increase of USD 26 billion’. This report was used by developed countries to assert their claim that they are on target to meet the US\$100 billion per year by 2020 goal that was agreed to at the climate talks in 2010 in Cancun, Mexico.)

As expected, developing countries, led by **the Philippines for the G77 and China**, did not want to lend legitimacy to the ‘Roadmap’ as it was not mandated by the UNFCCC.

Instead, they preferred to rely on the work of the UNFCCC’s Standing Committee on Finance [SCF] which submitted a report to the 22nd session of the Conference of the Parties (COP22), which includes

a ‘Summary and recommendations on the 2016 biennial assessment (BA) and overview of climate finance flows’, as mandated by the COP.

(The BA highlighted that the flows of public finance from developed to developing countries as reported in the biennial reports of developed countries were US\$25.4 billion in 2013 and US\$26.6 billion in 2014.)

When the talks began on 7 November, the COP agreed that a contact group be established on LTF, which was co-chaired by **Georg Borsting (Norway)** and **Andres Mogro (Ecuador)**.

During the informal consultations held under the contact group, several iterations of the draft text were hammered out until the last day of the COP, which were mainly conducted behind closed doors, not open to observers.

A bracketed text was finally forwarded by the co-facilitators of the contact group to the COP22 Presidency on the final day of the climate talks, following which the Presidency offered a bridging proposal.

Parties worked on the bridging proposal in an informal setting and that is how a decision on LTF got adopted on 18 November.

Following are the highlights from the LTF decision around the contentious issues.

US\$100 billion ‘Roadmap’

In para 2 of the decision adopted, the text reads: *‘Welcomes with appreciation the submission made by developed country Parties in response to decision 1/CP.21, paragraph 114, and takes note of the information contained therein;’*

(Paragraph 114 of COP21 decision (1/CP.21) refers to the call to developed countries ‘...to scale up their level of financial support, with a concrete roadmap to achieve the goal of jointly providing USD 100 billion annually by 2020 for mitigation and adaptation while significantly increasing adaptation

finance from current levels and to further provide appropriate technology and capacity-building support;’)

According to sources, developing countries led by **the G77 and China** were against the explicit reference in para 2 of the decision to the developed countries’ ‘Roadmap to the USD 100 billion’ and wanted to only ‘take note’ of it and not welcome it.

On the other hand, developed countries led by **the European Union (EU) and the United States (US)** wanted to ‘welcome’ the report ‘with appreciation’ and insisted that this was a red-line for them. For the G77 and China, the words proposed by the developed countries were viewed as being ‘too strong’, as it would lend credence to the ‘Roadmap’.

TWN learnt that during the closed-door negotiations, the US had found it ‘mind-boggling’ that some Parties had suggested deleting the reference to the ‘Roadmap’.

The final compromise was the use of the terms ‘*the submission made by developed country Parties...*’ which is an implicit reference to the ‘Roadmap’.

(According to several developing country negotiators and observers, there are serious issues in the ‘Roadmap’ as to what is regarded as ‘climate finance’ and there were significant questions about the accounting methodology involved in the analysis that is the basis for the report.)

Sources also revealed that developed countries led by the US were particularly aggressive on their stand as regards appreciating the ‘Roadmap’ and also insisted that long-term climate finance was about pre-2020 climate finance (and not about the post-2020 time frame which is covered by the Paris Agreement).

According to a seasoned negotiator from a developing country, the US contention was that the LTF would end in 2020. ‘If it is long-term climate finance, how can it end in the pre-2020 period?’ questioned the negotiator.

MRV of Support

According to observers, developing countries achieved some success in deleting references to any numbers in the decision adopted on what may be regarded as climate finance flows from developed to developing countries.

In the decision adopted, para 1 noted ‘*with appreciation the 2016 biennial assessment and overview of climate finance flows of the Standing Committee on Finance, in particular its key findings and recommendations, highlighting the increase of climate finance flows from developed country Parties to developing country Parties*’.

In an earlier version of the draft decision, the section on MRV of support read as follows:

‘Notes with appreciation the 2016 biennial assessment and overview of climate finance flows of

the Standing Committee of Finance, in particular its key findings and recommendations, underlining the need to improve reporting guidelines taking into account the challenges and limitations identified in the report and the importance of addressing methodological issues of tracking finance flows and for the reporting on finance provided to developing country Parties and the finding that global climate finance flows continued to increase, including flows mobilized from developed to developing countries reaching USD53 billion in 2013 and USD61 billion in 2014.’

According to sources, deleting the numbers was important for developing countries because of the limitations and challenges mentioned in the 2016 BA.

The BA mentioned that challenges were encountered in ‘collecting, aggregating and analyzing information from diverse sources’. Other challenges highlighted included: ‘the limited clarity with regard to the use of different definitions of climate finance limits comparability of data; there were uncertainties associated with each source of data’, including ‘uncertainties’ related to data on ‘domestic public investments’ and ‘lack of procedures and data to determine private climate finance’.

Given these uncertainties and challenges, it was hard for many developing countries to accept the figures on the finance flows from developed to developing countries.

Scaling up climate finance

As regards the scaling up of climate finance, para 3 of the decision adopted reads: ‘*Welcomes the progress by developed country Parties towards reaching the goal of jointly mobilizing USD100 billion annually by 2020,...and urges developed country Parties to continue to scale up mobilized climate finance towards this goal;*’

According to sources, negotiations on this issue were quite intense as developed countries with **the US and Switzerland** in the lead, wanted everything on ‘scaling up’ deleted, especially as regards long-term finance beyond 2020.

In a previous version of the draft decision of 15 November, the text on ‘scaling up’ was much longer and read as follows:

‘Acknowledging that developed country Parties should continue to take the lead in providing and mobilizing climate finance from a wide variety of sources, recognising the important role thereof, taking into account the needs and priorities of developing countries, and further confirming that those efforts should represent a progression beyond previous efforts,...urges developed country Parties to scale up their provision of financial support to developing country Parties in line with the latter’s increasing needs and priorities identified in a country-driven manner, including enhancing their national efforts

within the global action to tackle climate change as identified in the nationally determined contributions (NDCs), where they exist.'

(NDCs refer to climate actions in the post-2020 time frame under the Paris Agreement.)

Clearly, the final compromise reached does not refer to the scaling-up of climate finance beyond 2020 but is limited to the US\$100 billion annually by 2020.

Adaptation Finance

On adaptation finance, para 5 of the decision adopted reads as follows:

'Urges developed country Parties to continue their efforts to channel a substantial share of public climate funds to adaptation activities and to strive to achieve a greater balance between finance for mitigation and for adaptation, recognizing the importance of adaptation finance;'

Para 6 of the decision notes *'with appreciation the summary report on the 2016 in-session workshop on long-term climate finance, which focused on the issues of adaptation finance, needs for support to developing country Parties, and cooperation on enhanced enabling environments and support for readiness activities;'*

(During COP22, a workshop on LTF focused on adaptation finance.)

Para 7 of the decision also notes *'the increase in adaptation finance to date as identified in the 2016 biennial assessment and overview of climate finance flows, and the need to continue efforts to significantly scale up adaptation finance, while stressing the need to strive for a greater balance between adaptation and mitigation finance, and invites Parties and relevant institutions to consider the key messages from the in-session workshop referred to in paragraph 6 above, including that:*

(a) Country-driven processes for the assessment of adaptation needs in developing countries are fundamental for scaling up adaptation finance;

(b) The nationally determined contributions and adaptation communications could constitute a good opportunity for supporting the scaling up of adaptation finance;

(c) The role of the private sector in adaptation finance needs to be further enhanced;

(d) Access to adaptation finance remains a challenge, particularly for small-island developing States and the least developed countries;

(e) Better information needs to be generated for more efficient planning, including through enhanced tracking of adaptation flows;

(f) Strengthening national public financing management systems is vital to support countries to effectively manage, track and monitor climate finance;

(g) Maximizing the effectiveness of adaptation finance is important in ensuring that limited financial resources achieve the greatest possible impact;'

According to sources, in relation to adaptation finance, the paras above which were agreed to came 'after a lot of struggle'.

TWN was told that **the G77 and China** had a proposal to quadruple financing based on the SCF's BA, but the proposal did not fly in the negotiations.

(According to the BA, mitigation-focused finance represented more than 70% of the public finance, and that adaptation finance provided to developing countries only accounted for about 25% of the total finance.)

Reference to Article 9 of the Paris Agreement

According to sources, **the G77 and China** wanted to include in the preamble to the decision a reference to Article 9 of the Paris Agreement, which among other matters, reaffirms the legal obligation of developed countries to provide financial resources to developing countries.

Developed countries, it seems, refused to entertain any proposal on recalling Article 9 and a compromise was reached.

Instead of Article 9 being referenced explicitly, there is reference to decision 1/CP.21, which is the COP decision adopted in Paris to which the Agreement is annexed.

The preamble of the decision adopted reads:

'The Conference of the Parties,...Recalling Articles 4 and 11 of the Convention, Also recalling decision 1/CP.16, ...1/CP.21 ...'

In-session workshops for 2017 and 2018

The decision adopted also spells out themes for in-session workshops in 2017 and 2018 as follows.

Para 12 reads: *'Decides that the in-session workshops on long-term climate finance in 2017 and 2018 will, with a view to scaling up climate finance for mitigation and adaptation, focus on experiences and lessons learned from:*

(a) Articulating and translating needs identified in country-driven processes into projects and programmes;

(b) Roles of policies and enabling environments for mitigation and adaptation finance;

(c) Facilitating enhanced access;'

Para 13 states: *'Requests the secretariat to organize the in-session workshops referred to in paragraph 12 above and to prepare summary reports on these workshops for consideration by the Conference of the Parties.'*

A developing country negotiator explained that 'for consideration by the COP' referred to in para 13 is important in that the COP will need to consider the

reports of the workshops and take a decision, which is different from just noting that an in-session workshop took place.

Besides the decision on LTF, COP22 also adopted other key decisions on finance relating to: the report

of the SCF; terms of reference for review of the functions of the SCF; report of the Green Climate Fund (GCF) to the COP and guidance to the GCF; and report of the Global Environment Facility (GEF) to the COP and guidance to the GEF.

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COP 22: Parties Agree to Ad Hoc Technical Expert Group on Impact of Response Measures

Kuala Lumpur, 2 December (Hilary Chiew) – Parties at the UNFCCC's 45th session of the Subsidiary Body for Implementation (SBI45) and the Subsidiary Body for Scientific and Technological Advice (SBSTA45), reached agreement on 11 November to constitute an ad hoc technical expert group to advance the technical work on the impact of the implementation of response measures.

(Response measures to address climate change taken by developed countries, and their possible impacts on developing countries, has been an important matter of concern for developing countries especially in relation to trade, tourism and other sectors.)

It was also agreed that the ad hoc technical expert group will meet in-session during the next sessions of the subsidiary bodies in May 2017. Parties also agreed that the expert group should elaborate on the technical work on the areas of the work programme in the context of sustainable development.

The decision was reached after a week of intense negotiations on the joint agenda item on the impact of the implementation of response measures (to address climate change) by developed countries.

Developed countries, especially **the United States (US)**, did not want the UNFCCC to be the forum to discuss trade matters, as it was of the view that this was the remit of the World Trade Organisation (WTO).

Developing countries countered this view and said that the WTO did not address matters of climate change and stressed that the UNFCCC was the right space for discussions relating to trade and climate change.

South Africa in response to the US dismissal of addressing trade concerns in the UNFCCC, pointed out that the same could be said on the issue of 'just transition', (which is an issue supported by the US) that the right forum was the International Labour Organisation (ILO) and not the UNFCCC.

'After much wrangling, Parties approved the draft conclusions as agreed to under the subsidiary bodies,

following six informal consultations and two contact group meetings in the late afternoon of 11 November and forwarded the texts to the 22nd Conference of the Parties (COP22) to the UNFCCC which subsequently adopted the decisions at the first part of its closing plenary on 17 November.

(Work under SBI45 and SBSTA45 were launched during the first week of COP22 and concluded their work on 14 November. The Marrakech climate meetings were held between 7 and 18 November.)

The decisions on the conclusions of the bodies adopted covered two main sub-items: (a) improved forum and work programme; and (b) modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures.

The main highlights of the conclusions for the item on 'improved forum and work programme' are as follows:

'The SBI and the SBSTA considered the report of the workshop on views and experiences on economic diversification and transformation and on just transition of the workforce and the creation of decent work and quality jobs held in Doha on 2-4 October 2016...'

'The SBI and the SBSTA held an in-forum discussion on the workshop ... and agreed to advance the technical work on the impact of the implementation of response measures by constituting an ad hoc technical expert group to meet in-session during the forty-sixth sessions of the subsidiary bodies (May 2017). They also agreed that the ad hoc technical expert group should elaborate on the technical work on the areas of the work programme in the context of sustainable development.'

'The SBI and the SBSTA requested Parties to forward to the secretariat their nominations of experts in accordance with the terms of reference through the coordinators of the regional groups by 28 February 2017. Experts should have relevant qualifications and expertise, and at least five years of professional experience on the issues ... The SBI and the SBSTA

also requested the secretariat to publish the list of all experts nominated on the UNFCCC website by 15 March 2017.'

'The SBI and the SBSTA requested their Chairs to invite relevant intergovernmental and international organizations, including the United Nations Conference on Trade and Development, the United Nations Development Programme, the International Labour Organisation, the International Trade Union Confederation or others, to nominate two experts.'

The main highlights of the conclusion for the item on 'modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures' are as follows:

'The SBI and the SBSTA requested the Chairs of the SBI and the SBSTA, with the support of the secretariat, to prepare by 31 March 2017 a reflections note on the views expressed by Parties, both in the submissions...and in thediscussions, relating to the modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures referred to in paragraph 34 of decision 1/CP.21, with a view to facilitating Parties' further discussions thereon at SBI 46 and SBSTA 46 (May 2017).'

(Paragraph 34 of decision 1/CP.21 (which is the decision adopted in Paris last year) reads: *'Further decides that the SBSTA and the SBI shall recommend, for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session (CMA 1), the modalities, work programme and functions of the forum on the impact of the implementation of response measures to address the effects of the implementation of response measures under the Agreement by enhancing cooperation amongst Parties on understanding the impacts of mitigation actions under the Agreement and the exchange of information, experiences, and best practices amongst Parties to raise their resilience to these impacts.'*)

The meetings were jointly chaired by SBI Chair **Tomasz Chruszczow (Poland)** and SBSTA Chair **Carlos Fuller (Belize)**, who were assisted by co-facilitators **Andrei Marcu (Panama)** and **Nataliya Kushko (Ukraine)**.

Below are highlights of some of the exchanges among Parties during the meetings on the two sub-items.

Improved forum and work programme

Speaking for **the Group of 77 and China (G77-China)**, **Bahrain** stressed that specific actions to be developed in the work area on economic diversification and transformation are sector-specific case studies for the agriculture, trade and finance, manufacturing and energy-intensive industries, the oil and gas industries and the tourism sector.

The European Union (EU) questioned the G77-China's rationale for the sector-specific actions and said 'we see a disconnect between the conversations we have had in Doha and now', referring to the intersession workshop held at the Qatari capital from 2 to 4 October.

It said Parties had long and productive discussions on the area of work that they would undertake in the improved forum and stressed the need to stick to the two priority areas identified in paragraph 5 of decision 11/CP.21.

(Paragraph 5 reads: *'Adopts the work programme comprising the following areas: (a) economic diversification and transformation; (b) just transition of the workforce, and the creation of decent work and quality jobs.'*)

Supporting the EU, **the US** said there was a lot going on in the international community that can inform the work. Prioritising (areas of) work does not mean further work (in specific areas) but Parties could have further discussions for an understanding of existing work.

Singapore said response measures is a multi-dimensional issue and it was especially so for the G77-China with member states facing different situations. As a small island state, it said response measures (taken by developed countries) are going to affect Singapore in different ways.

Saudi Arabia said it would like the focus on areas based on the diverse concerns of G77 members, citing the examples of Singapore being an energy consumer and Saudi Arabia as an energy producer.

China, supporting the inclusion of trade issues in the discussions, cited the experience of the World Trade Organisation (WTO) anti-dumping rulings on Chinese solar panel which caused job losses after many factories were shut down.

Responding to the EU, **South Africa** said the Doha workshop highlighted that there was another dimension to economic diversification which is trade. It pointed out that presentations by the United Nations Commission on Trade and Development (UNCTAD) and the World Bank as well as the EU's presentation showed linkages to trade. 'The EU ran a programme in the Gulf region that showed linkages to trade. There is a strong trade element that we should equally focus on,' it stressed. (See TWN report on the Doha Workshop at <http://www.twn.my/title2/climate/info.service/2016/cc161002.htm>.)

The Maldives, speaking for **the Alliance of Small Island States (AOSIS)**, disagreed with the EU about there being a disconnect with the Doha workshop. Although it was not present at the workshop, it read the report prepared by the secretariat. Pointing to a section in the report, it said discussions of the two broad themes had already taken place and it was agreed that work should be further enhanced and a technical expert group should be established to work on the priority areas with a

regional focus. 'We have the necessary ingredients and now we come with concrete priority areas. I do not see the reason why we cannot take off with this,' lamented the Maldives spokesperson.

Taking the floor again, **South Africa** pointed out to the EU that the workshop report stated that trade and economic diversification are linked through the global value chain. 'All we are suggesting now is to add technical value..... The workshop brought to the fore these are the issues and we are not diverting. If the EU has issues with them, it should have challenged them at the workshop but it did not. So, we should proceed on that basis,' it urged.

The US, supporting the EU, responded that there are particular views that were put forward in the workshop but were not reflected in the report.

Co-facilitator Marcu invited Parties to elaborate on the trade-based growth with sector-specific sub-areas.

Singapore said Parties are on track with the work programme and should focus on making progress. 'We urge our partners to be conciliatory; to stay within the mandate as we are willing to work with them on the specific topics. With nationally determined contributions (NDCs), countries are going to enact trade measures that will have impacts on us. It is in that spirit that the G77-China flagged this issue. (So), if international trade is going to affect us, perhaps in the May (2017) session, we can have trade-based growth (as a topic),' it asserted.

China said it sees trade as a cross-cutting issue. Recalling the example of the WTO ruling on anti-dumping of solar panels, it said the sector faced difficulties in getting additional loans and this would impede the sector's ability to provide quality jobs in the future. 'We have other sectors that have suffered or have been affected by trade measures. Some developed countries also have suffered; so we should not prejudice any sector or trade,' it added.

Japan said it did not participate in the Doha workshop and would like to hear more about what happened. Stressing that 'the two areas of economic diversification (and transformation) and just transition (of the workforce and the creation of decent work and quality jobs) are very broad areas', it did not think that it was productive at this stage to broaden the areas of work. 'We just started on our work programme in May (2016) and we should focus on these two areas. We need to identify what aspects we should focus on in these two areas,' it opined.

Ghana reminded Parties that the principles and provisions of the Convention, the Kyoto Protocol and the decisions under the Ad Hoc Working Group on Long-term Cooperative Action maintained that measures taken to combat climate change including unilateral ones should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. It said further that response measures are related to trade in two ways:

via emissions from international transportation and border taxes; so it failed to understand why trade measures cannot be discussed.

The US said it heard the invitation to share priority areas and it did not think anyone would argue about recognising that trade is linked to response measures. However, it said there is the WTO and 'here in the UNFCCC, it is not our responsibility to go into trade'. It then listed some areas that it saw as areas of priority. It wanted a comprehensive summary of case studies of economic restructuring and actions taken by the international labour community.

The Maldives responded that the WTO does not consider the impact of climate change response measures. 'It is this forum that needs to undertake this kind of assessment,' it insisted. It also said that issues of taxation and the labelling (of goods) will affect island economies and their labour markets.

Saudi Arabia said it was confused by Parties who had questions about the workshop in Doha and requested the secretariat to email the presentations delivered at the workshop to Parties.

South Africa urged developed countries to consider their views, noting that statements made thus far has taken the discussion backward especially in terms of paragraph 6 of decision 11/CP.21

(Paragraph 6 reads: *Decides that the implementation of the work programme shall address the needs of all Parties, in particular developing country Parties, and shall be informed, inter alia, by the assessment and analysis of impacts, including the use and development of economic modelling, taking into account all relevant policy issues of concern.*)

On the dismissal of discussing trade measures as a valid concern of developing countries by the US, it said that the same can be said for just transition.

'Why not let just transition be dealt with by the International Labour Organisation? The same condition must be given to trade ... we need to balance the interests. If we cannot do that, we are not going to achieve anything we set out in the decision,' it stressed.

The EU said it respected Parties' views to identify priority areas for the focus of technical work but as a first step to make progress, Parties can agree or agree to disagree on the priority areas.

Co-facilitator Marcu urged Parties to speak to each other to refine the thinking and to reach a solution in the name of goodwill.

Modalities, work programme and functions under the Paris Agreement of the forum

Singapore said conceptual discussions were useful but they are just means to an end. 'We need to be action-oriented and focused. From the perspective of trade, there is need to ascertain (impacts) both in qualitative and quantitative terms how the response measures could potentially affect developing

countries and what are the potential remedial measures,' it stressed.

Supporting Singapore, **South Africa** said going forward, the forum must create new technical value especially to address the concerns of developing country Parties. It said action-oriented meant better technical work than in the past; better assessments of response measures and understanding of impacts not only in the countries of origin but on third parties as well.

The EU was satisfied that the improved forum has been set up and there is already a work programme (established at SBs44 in May 2016 in Bonn) to be worked through. It noted that 'anything more than this will prejudice the work programme' and 'we need to reflect on progress made'. It said as the improved forum was established in May, it was premature to draw conclusions whether or not it is performing and preferred reflections to be made after the completion of the work programme. (The three-year work programme is from 2016 to 2018.)

The Maldives speaking for **the Alliance of Small Island States (AOSIS)** said since all the necessary ingredients are there, Parties need to be action-oriented. It said it was a matter of prioritising work and that AOSIS members need capacity-building to do the assessment (of the impact of implementation of response measures) and that most are dependent on tourism and trade.

The US said some work areas proposed by Parties go beyond the mandate. For example, it said the US supported the importance of capacity-building but noted that the Paris Committee on Capacity-building (PCCB) is being set up and is operationalised.

To this, **South Africa** in a sharp response questioned the US: was it suggesting that there are specific provisions (in the PCCB) that are being looked at on specific assessments and analysis on specific actions (related to response measures), just because capacity-building is being covered by a mechanism (PCCB)?

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Economic Transformation in the South in Response to Climate Change Needs Support

Kuala Lumpur, 6 December (Hilary Chiew) – Economic transformation in response to climate change needs the partnership and support of developed countries, said developing countries at the recently concluded climate talks in Marrakech, Morocco.

The Minister of Energy, Industry, and Mineral Resources of **Saudi Arabia, Khalid bin Abdulaziz Al-Faleh**, said that nobody should deny the fact that transition in developing countries is going to create stresses, including in shutting down of some sectors of economy that are already fragile especially in developing countries.

The Minister also said that transformation would need partnership and support from developed countries.

The Saudi Minister made these comments when making his summary following presentations and interventions from delegates at a high-level segment meeting on 'Sustainable economic transition and economic diversification' held on 15 November during the 22nd meeting of Conference of the Parties (COP22) to the UN Framework Convention on Climate Change (UNFCCC). The high-level meeting was held in conjunction with the annual climate talks which convened from 7 to 18 November.

Reacting to the presentations by several developed countries, **South Africa, Ghana** and **Saudi Arabia** pointed out that while economic diversification is desirable and needed in both developed and developing countries to address climate change, the focus must not be shifted away from the socio-economic implications arising from the implementation of response measures taken by developed countries on developing countries.

Developed country Parties spoke about the history of their respective economic diversification as means to transform their economies and how that

has put them in a better stead to address climate change.

(The high-level segment was the result of a decision adopted under the subsidiary bodies in May this year that 'noted the interest of some Parties in a high-level event on economic diversification and sustainable development to be held at COP22'.)

The event was organised into three parts - panel presentations, interventions and summary of discussions and views.

The Saudi Minister of Energy and the United States special envoy on climate change **Jonathan Pershing** were given the honour to sum up the discussions and provide their views from the perspective of developing countries and developed country Parties respectively.

Below are the highlights of the three parts of the event that was presided over by **Nizar Baraka**, who represented the COP22 Presidency, and moderated by Chair of the Subsidiary Body for Implementation (SBI) **Tomasz Chruszczow (Poland)**.

Summary of discussion and views

Minister of Energy, Industry and Mineral Resources of **Saudi Arabia, Khalid bin Abdulaziz Al-Faleh**, said nobody should deny the fact that transition is going to create stresses including shutting down of some sectors of economy that are already fragile especially in developing countries.

'As we increase costs of electricity and cut jobs, it will create stress. Addressing this issue at a high and superficial level is not fair. All of us accept the Paris Agreement as a truly win-win solution ... the apprehensions we heard today by a number of countries as passionately conveyed by South Africa, Ghana and Organisation of Petroleum Exporting

Countries (OPEC) are real,' said the Minister further.

'One (of them) spoke about reducing barriers of intellectual property rights ... as we write the rules (of the Paris Agreement), we need to find ways to de-risk this transfer of knowledge,' he pointed out.

Minister Khalid said we need to push the envelope in terms of providing finance, technology and technical expertise to developing countries.

Referring to difficult negotiations under the UNFCCC on the issue, he said the reputation of the work under the UNFCCC on response measures had reached him 'as a debate club'.

The mechanism to address response measures, he added, needs to be fit for purpose as Parties enter into the Paris Agreement.

On Saudi Arabia's economic diversification plan, he said the ultimate oil-dependent economy has evolved from a nomadic economy to becoming a member of the G20 (grouping of major economies) which enjoyed a high standard of living.

Even without climate change, he said, oil is not going to be sustainable forever but climate change dictates transformation and led the country to create other sectors that are less energy-intensive and diversified in its energy mix.

Other member states of the Gulf Cooperative Council are also undertaking similar transformation but face challenges in training and investing heavily on technologies which 'are not easy no matter what our means are', explained the Minister.

He stressed further that transformation would need partnership and support from developed countries. 'The transformation (efforts) cannot just help the Least Developed Countries or Small-island States. Certainly, we are not asking for focus on oil economies. We need to realise that this global economy is fragile ... like a house of cards, when one card falls, everything will fall,' he warned.

Citing the retaliation of voters from the coal industry in the United States as reflected by the recent US presidential election, he said even the most affluent and capable economy can be stressed by the process of diversification.

'Let's not blame developing countries for crying out for help ... it is not just about (doing) economic diversification and you will have your answer. We need to use all tools available as everybody has their unique needs,' he concluded.

The US climate envoy **Jonathan Pershing** said he agreed about the difficulties and noted that switching from coal to natural gas has put a lot of people out of work in the US.

'They (referring to the measures) are inevitable no matter how much we like the status quo. A just

transition is part of that deal to manage the transition. It is about education programmes that look at what the economies might be (in the future)...,' said Pershing further.

'We are looking at a longer term vision ... such as fossil fuels with carbon capture and storage, and retrofitting our buildings. There are lots of choices. I heard a lot of explicit ways forward and heard also specific constraints and concerns which opened up the door for exchanges, for clarification on what we should do next,' he added.

Panel presentations

The Minister of Climate Change and Environment of **the United Arab Emirates, Dr Thani Ahmed Al Zeyoudi**, said that his country had integrated climate actions and economic diversification into its development plan. He noted that governments cannot work alone (on combating climate change) and therefore, the UAE is engaging non-state actors and businesses to find climate solutions.

The European Union (EU) representative said that the Paris Agreement offered a unique opportunity to transform economic growth and create new jobs. He said the EU had more than two decades of experience in designing climate technologies and brought them to the market. It also underwent the largest transition from centrally-planned economies to market economies, said the EU.

The EU, he said, has seen the benefits of early actions, noting that between 1990 and 2015, there was a reduction in greenhouse gases of 22% while gross domestic production increased by 50% while the number of green jobs increased from 2.8 million to more than 4.2 million between 2002 and 2013 and a further 6.8 million jobs created in the renewable energy sector.

The EU representative said mitigation and adaptation actions have been integrated in all EU spending programmes including in its regional policies where some were more challenging than others.

Norway said its economy has always been in transition. In the mid-19th century, while it was heavily invested in sailing ships, many companies chose to look at steam boats by the turn of the century. And that turned the industry into the largest commercial fleet and Norway having the sixth largest fleet in the world today.

'The story says you fail if you don't act. Norway has one of the highest carbon taxes in the world since 1991 and that has not made us less competitive. Our

point of departure is that transformation is done by people and business but government can create the architecture and send signals in the right direction,' it added.

It said change is not always comfortable, noting that politicians need to demonstrate that green transition means better life quality and not the opposite.

The representative from **South Africa** underscored the reality that economic transformation programmes give rise to social implications. Hence, developed countries should minimise social economic impacts on developing countries or at least equip them to adapt to the impacts of the implementation of response measures.

He said further that it is critical that developed countries be assessed not only on how they achieve their mitigation (targets) but how they avoided negative impacts on developing countries particularly Africa.

'The negative impacts of response measures on our sustainable development must be minimised. Therefore, we believe the (improved) forum on response measures that was agreed upon has a technical role to play. It should focus on building knowledge and facilitate information sharing; it should conduct assessment and analysis of response measures in the context of climate impacts and socio-economic impacts on third country Parties,' he asserted.

South Africa, he said, acknowledged the need to promote economic diversification but that the exercise must not change the narrative about the minimisation of the socio-economic impacts. Economic diversification (by developing countries) needs to be assessed and analysed in the broader context of sustainable development as determined by national circumstances and not be imposed on developing countries, he emphasised.

'The national circumstances and differentiated responsibilities (towards addressing climate change) will legitimise economic diversification,' added the South African representative. 'Sustainable transition is outlined in our national development plans through new growth path policies. The new path places quality jobs and decent work at the core of our policy. African countries require policy space to industrialise and transform our economies in order to integrate and add value to our development,' he emphasised further.

Minister of Environment and Energy, **Thoriq Ibrahim from the Maldives**, said one of the key aspects of the economic transformation is the need for it to be made in a sustainable manner. Response measures undertaken by developed countries will

have adverse socio-economic consequences within developing countries and undermine the ability to achieve sustainable development, he said further.

Minister Thoriq said the Maldives is extremely dependent on tourism for its economic growth and relies heavily on imports for its own basic needs. He also noted that any economic diversification plan must take into consideration the just transition of the workforce as it would involve a reallocation of resources. No one must be left behind just because transition has to be undertaken, and he noted that just transition of the workforce must include training in the new economic regime.

Poland's representative said the country embarked on a profound economic diversification strategy three decades ago. He said it resulted in 30% reduction of greenhouse gas emissions from the base year of 1990 while doubling its GDP.

Singapore noted that sustainable economic transition and diversification has been an integral part of the island nation's development since independence in 1965 as it was driven by efforts to improve competitiveness.

Its Minister of Environment and Water Resources **Masagos Zulkifli** welcomed the improved forum and the technical expert group to be established and outlined three key principles to be adhered to when dealing with the impact of the implementation of response measures:

- Response measures must be based on the multi-lateral rules-based foundation provided by the Convention and the Paris Agreement; without it, risks of unilateral measures are high and will have distortive effects;
- Mitigation must not undermine economic growth which is recognised as an enabler for sustainable development; thus countries must maintain an open economy, including to climate-friendly goods and services;
- The special circumstances of countries must be taken into consideration such as least developed, alternative energy disadvantaged and small island developing states.

Interventions

The Secretary-General of **OPEC, Mohammed Sanusi Barkindo**, noted that to date since 1999, a total of 22 workshops were held (on the topic of response measures) and it appreciated the focus and attention paid to this.

Supporting South Africa, he said it's time to move from rhetorical commitments to the implementation process as 'we cannot be in endless workshop or

roundtable discussions; what is required of our Annex I Parties is implementation (of actions to address the matter)’.

The Minister of Environment from **Ghana**, **Mahama Ayariga**, said the experiences recounted today tell very different stories and he would be careful about how one can be guided by the experiences.

‘They simply said countries can diversify ... indeed it is a fact that every country seeks to diversify, whether it is motivated by climate change or to improve the lives of their people. We all want to make sacrifices but the truth is that we need to help each other to live up to that commitment. It is important for us to understand the implications of the low-carbon economy and to developing economies.

‘That calls for deeper studies and for a global mechanism that helps developing economies to assess the impacts on their economies,’ he asserted.

The minister also said those countries with better infrastructure and scientific knowledge will do better and reminded that the commitment to share technologies and scientific know-how is important. ‘So, in the area of technology transfer, let us also remember that we have to live up to our commitment,’ he added.

Ecuador said it was a big challenge to ensure the right policy framework to make sustainable economic transition possible and stressed the importance of technology transfer to help meet the goals faster.

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