

2018 Pre-COP Training Workshop



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ecbi

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INTRODUCTION

The 2018 ecbi Pre-COP Training Workshop took place on 1 December at the Focus Hotel in Katowice, Poland. The Workshop was attended by 28 negotiators from least developing countries (LDCs), who were attending the 24th Conference of Parties (COP24) to the UN Framework Convention on Climate Change (UNFCCC).

The Workshop started with a speed networking session, where participants introduced themselves to each other and shared information on the agenda items they will follow, and their previous experience in the climate negotiations.

Achala Abeysinghe, International Institute for Environment and Development (IIED) and head of the ecbi Training and Support Programme; Benito Muller, ecbi Director and head of the ecbi Fellowship Programme; and Anju Sharma, head of the ecbi Publications and Policy Analysis Unit introduced ecbi, highlighting capacity building for new developing country negotiators; trust-building among senior negotiators from developing countries and Europe; technical support to the LDC Group; and policy analysis support as key goals.

In his introductory remarks, Gebru Jember Endalew, Chair of the LDC Group, said he started his association with ecbi as a new negotiator more than ten years ago, at an ecbi Regional Training Workshop in Gaborone, Botswana. Since then, he said, ecbi has provided invaluable support during his journey to Chair, and he is always learning from the ecbi process. He shared his own early experiences at the UNFCCC negotiations, and called on the participants to be focused; be aware of Group positions; and support LDC Group thematic coordinators. He expressed his pleasure to see that several relatively new negotiators are already taking on coordination roles, including on the public registry, global stocktake, and compliance. He concluded by thanking ecbi for its role in building the Group's capacity.

Monika Antosik, Ministry of Foreign Affairs, Poland, representing the Polish Presidency, said she attended the annual ecbi Oxford Seminar when she started working on the UNFCCC negotiations five years ago, and it was an extremely important experience from which she learnt a lot – including the importance of connecting with other negotiators, to understand their many different perspectives and rationales, to drive compromises and consensus. She said ecbi is extremely crucial for capacity building of European negotiators, and not only of developing country negotiators. She also commended ecbi's efforts to empower women negotiators in particular.

Addressing the Polish Presidency's priorities for COP24, Antosik listed agreement on the Paris Agreement Work Programme (PAWP), to ensure a balanced outcome which all Parties can support and defend; and the Talanoa Dialogue. The Pre-COP and bilateral consultations with Parties indicate a strong will to implement the Paris Agreement, she said, but a key challenge is the amount of time available to complete the technical work that remains. She encouraged participants to play their part in closing "non-PAWP" agenda items in the first week, so the second week can focus on the PAWP; and in finding common ground to ensure a successful COP.

Brianna Craft, IIED, introduced the UNFCCC Code of Conduct relating to discrimination and harassment, including sexual harassment, and invited participants to engage openly, without fear of discrimination and harassment, or of making mistakes, in the workshop.

LDC GROUP PRIORITIES FOR COP24

Endalew listed three key priorities for the LDC Group at COP24:

- Completion of the Paris Agreement implementation guidelines;
- The Talanoa Dialogue; and
- Climate finance.

On the implementation guidelines of the Paris Agreement, he noted that ownership of the Nationally Determined Communications (NDCs) by sectors within countries is still missing. The NDCs will have to be further clarified and re-communicated in 2019 on the basis of the implementation guidelines, to enable effective implementation.

On the Talanoa Dialogue, he said several inputs were provided during the technical phase of the Talanoa Dialogue through an inclusive process, including concern that the current NDCs will not even achieve the 2°C target. He highlighted the importance of using the Dialogue to push ambition and deliver a clear message for politicians to take back home, to revise the NDCs and make them more ambitious. While some Parties would like the Dialogue process to end at COP24, he said, the LDC Group has proposed a COP decision to follow up on the Dialogue; and has also (successfully) requested the UN Secretary-General (UNSG) to hold a follow-up Summit in 2019, on the Talanoa Dialogue and the special report by the Intergovernmental Panel on Climate Change (IPCC) on *Global Warming by 1.5°C*. The process and outcome of the Talanoa Dialogue will also influence the process of future global stocktakes, he said, and therefore it is important for the LDCs that there is adequate follow-up, to push greater ambition.

Listing finance to unlock ambition as a priority, he noted that the finance gap, between finance available and finance needed by developing countries to address climate change, has been increasing. He said a number of LDCs have submitted funding proposals, which are either approved and awaiting finance, or still awaiting approval. Although an annual goal of US\$ 100 billion was agreed by 2020, this has not yet been delivered, and a clear definition of climate finance is still lacking for reliable accounting of contributions. The issue of negotiating on a new goal for the post-2025 period also has to be initiated at COP24, he said, while expressing the hope that other countries will follow the example of Germany, which has recently committed to provide an additional US\$ 1.5 billion.

Chair Endalew said despite negotiating for three years, Parties have not been able to resolve many of the PAWP issues. The progress on specific issues varies, with some issues such as transparency progressing further than others, such as mitigation or finance. He highlighted the importance of a balanced outcome, which not only provides the rules to implement the Paris rulebook, but also the means of implementation. He reminded participants that there are, in effect, only five negotiating days in Katowice, but a number of crunch issues still remain to be resolved at the technical level.

Highlighting the need to implement sustainable solutions through a programmatic rather than project-based approach, Endalew also called for the ratification of the Doha Amendment to the Kyoto Protocol. He concluded by saying COP24 should be a turning point, shifting the focus from negotiations to implementation.

In response to questions from participants, Endalew said he did not personally think that a separate window for each sector in the NDCs would be preferable, because a landscape approach is more effective than a thematic approach. Also, he said, the number of asks of each sector will dilute available resources to implement actions. He informed participants that following a ministerial meeting in Addis Ababa, ministers were

informed of priorities, and a few frontrunners among the ministers will focus on specific thematic issues at the COP.

Responding to a question on whether any punitive action was possible if the 1.5°C target is missed, he said the Paris Agreement focuses on facilitative, rather than punitive measures, and overall the UN processes does not have a strong compliance mechanism. Abeyasinghe said the inclusion of the 1.5°C target in the Paris Agreement is an important victory, as even those who opposed its inclusion now support it, and refer to it as the Paris Agreement goal instead of the 2°C target.

A participant asked for further details on the issue that has arisen with Turkey, and what it means for the LDCs and Africa. Chair Endalew explained that Turkey would like to revise the Annexes to re-classify themselves as a developing, not developed, country. However, allowing them to do so would open the door for many others to seek special status. He expressed the hope that the COP Presidency would be able to resolve this issue before the COP begins, so it does not result in another agenda fight, as Turkey wants to include this item in the agenda. He said the agenda could be adopted with that particular proposal held in abeyance.

On the disagreements between Parties on the follow-up of the Talanoa Dialogue, Müller said it was precisely because of this that the “common timeframes” issue is so important. There should be prior agreement for a rational process to follow up and raising of ambition, rather than an ad hoc one that is likely to be ignored by Parties. He encouraged participants to become familiar with the common timeframes discussion, and to follow it closely.

CONFERENCE AGENDAS

Manjeet Dhakal, Climate Analytics, presented on the conference agendas. He listed the six meetings that will take place simultaneously over the coming two weeks, while familiarising participants with their acronyms:

- 24th Conference of Parties to the UNFCCC (COP24);
- 14th Conference of Parties serving as the Meeting of Parties to the Kyoto Protocol (CMP14);
- Ad-hoc Working Group on the Paris Agreement (APA1.7);
- 49th meeting of the Subsidiary Body for Scientific and Technological Advice (SBSTA49); and
- 49th meeting of the Subsidiary Body for Implementation (SBI49).

Dhakal then took participants through the agendas of the meetings, saying during the first week (2-8 December), all six meetings will be opened during the opening plenary session; the first part of the high-level segment will begin with national statements; a joint COP, CMP, CMA, SBSTA, SBI and APA plenary will take place for statements; a number of informal meetings and negotiations will take place; and finally the closing of the SBSTA, SBI and APA will take place.

During the second week (9-14 December), he said, the second part of the high-level segment will take place, along with high-level mandated events on: the Global Climate Action High-Level Event; the Pre-2020 Stocktake and the High-Level Ministerial Dialogue on Climate Finance; a high-level education event; and the political phase of the Talanoa Dialogue. In addition, informal meetings and negotiations and political engagement to resolve issues will continue. The closing plenary of the COP, CMP and CMA will take place at the end of the second week.

Dhakal then listed the agenda items for the six meetings thematically (see **Tables** below).

COP24 Agenda, thematically*	
PAWP	NON-PAWP
SBSTA 1: Matters related to Article 6 of the Paris Agreement APA 3: Mitigation section of I/CP.21 on NDCs	COP 9: Second review of the adequacy of UNFCCC Article 4.2
SBI 5: Common time frames	CMP 4: Matters related to the Clean Development Mechanism
SBI 6: Public Registry (Article 4.10)	CMP 5: Matters related to Joint Implementation
SBSTA 11: Matters related to Article 6 of the Paris Agreement	SBI 8: Matters related to mechanism under the Kyoto Protocol
APA 3: Mitigation section of I/CP.21 on NDCs	CMP 6: Report of the Kyoto Protocol Compliance Committee
	CMP 8: Report of the Ministerial Roundtable on the Kyoto Protocol
	CMP 9: Report and review of Annex I reporting
	CMP 11: Matters related to Kyoto Protocol Articles 2.3 and 3.14
	COP 11 & 12/SBI 3 & 4: Annex I and Non-Annex I reporting
	SBSTA 6: Research and Systematic Observation
	SBSTA 10: Methodological issues under the UNFCCC, emissions from aviation and maritime sources
*The numbers indicate to the item number on the Agendas, and not to session numbers.	

Adaptation*	
PAWP	NON-PAWP
APA 4: Adaptation Communications	SBI 9 / SBSTA 8: Koronivia joint work on agriculture
COP 6: Report of the Adaptation Committee	SBI 9 / SBSTA 8: Koronivia joint work on agriculture
SBSTA 3: Report of the Adaptation Committee, Paragraphs 41, 42 & 45 of I/CP.21	COP 14/SBI 12: Matters related to LDCs
SBI 7: Public Registry (Article 7.12)	
SBI 11: Report of the Adaptation Committee	
COP 14/SBI 12: Matters related to LDCs, Para 41 & 45 of I/CP.21	
*The numbers indicate to the item number on the Agendas, and not to session numbers.	

Loss and Damage*	
PAWP	NON-PAWP
COP 7: Warsaw International Mechanism (WIM) for Loss and Damage	
SBI 10 / SBSTA 4: Report of the WIM Executive Committee	
*The numbers indicate to the item number on the Agendas, and not to session numbers.	

Finance*	
PAWP	NON-PAWP
COP 10/ SBI 15: Matters relating to finance: (a) Long-term climate finance (e) Identification of the information to be provided by Parties in accordance with Article 9.5, of the Paris Agreement	COP 10: Matters relating to finance: (b) Matters relating to the Standing Committee on Finance (c) Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund (d) Report of the Global Environment Facility to the Conference of the Parties and guidance to the Global Environment Facility
*The numbers indicate to the item number on the Agendas, and not to session numbers.	

Technology*	
PAWP	NON-PAWP
SBI 14(a): Scope and modalities of the periodic assessment	COP 8(b): Linkages between Technology Mechanism and financial mechanism
SBSTA 5(a): Technology Framework under Article 10.4 of the Paris Agreement	SBI 14(c): Poznan strategic programme on technology transfer.
	COP 8(a) / SBSTA 5(b) / SBI 14(b): Joint report of the Technology Executive Committee (TEC) and the Climate and Technology Centre and Network (CTCN)
*The numbers indicate to the item number on the Agendas, and not to session numbers.	

Capacity Building*	
PAWP	NON-PAWP
	CMP 10/SBI 16: Capacity building under the Kyoto Protocol
	COP 13/SBI 16: Capacity building under UNFCCC
	SBI 16: Annual technical report of Paris Committee on Capacity Building (PCCB)
	SBI 19: Report on activities related to Action for Climate Empowerment
*The numbers indicate to the item number on the Agendas, and not to session numbers.	

Paris Agreement Work Programme*
COP 4: Preparation for Paris Agreement implementation and CMAI
APA 3: Mitigation section of I/CP.21 NDCs
APA 4: Adaptation Communications
APA 5: Transparency of action and support
APA 6: Global Stocktake
APA 7: Compliance and implementation
CMA 3 / APA 8: Matters related to the implementation of the Paris Agreement
*The numbers indicate to the item number on the Agendas, and not to session numbers.

Process Related and Cross-Cutting*
COP 5: Consideration of the proposal for amendments to the UNFCCC (Russian Federation, Papua New Guinea, Mexico, and Turkey)
COP 15/SBI 18: Gender and climate change
SBSTA 7: Local Communities and Indigenous Peoples Platform
COP 17/SBI 20: Administrative, financial and institutional matters: (a) Audit report and financial statements for 2017 (b) Budget performance for the biennium 2018–2019 (c) Decision-making in the UNFCCC process (d) Continuous review of the functions and operations of the secretariat
*The numbers indicate to the item number on the Agendas, and not to session numbers.

Dhakal listed the following major issues at COP24:

- **Paris rulebook priorities:** NDC communication; transparency/ accounting (including finance accounting); Global Stocktake; Article 9.5.
- **Talanoa Dialogue priorities:** Signaling countries to do more; front runners commitments (governments and stakeholders); roadmap between 2018 and 2020.
- **Finance priorities:** Process for 2025 target; loss and damage; review process from the finance mechanisms (GCF and GEF replenishment, SCF review).

The presentation was followed by a round of comments by each of the participants, listing the issues they intend to follow up at COP24 and the agenda items under which the issues will be discussed.

Abeyasinghe noted that it is important not only to know what people are following themselves, but also what others are following, to support each other. She urged participants to follow the lead of issue coordinators, and to attend the LDC Coordination Meetings held at 1 PM each day, to follow progress, report back, and talk about how to work together. She introduced the incoming chair of the LDC Group, from Bhutan, saying she would need a reliable team to coordinate the work of the LDC Group.

CLIMATE DIPLOMACY, THE TALANOA DIALOGUE, AND HIGH-LEVEL EVENTS

Dhakal then spoke on the Talanoa Dialogue, climate diplomacy and high-level events. He played a video describing why COP24 is important, while quoting Patrician Espinosa, Executive Secretary of the UNFCCC, saying COP24 is “Paris 2.0,” and will have to deliver on ambition. He then played a video on the IPCC’s special report on *Global Warming of 1.5°C*, which he said concluded that while limiting warming to 1.5°C is still possible, it will require unprecedented transitions in all aspects of society. The longer action is delayed, the more difficult, expensive, and dangerous it will be.

Dhakal stressed that climate diplomacy must give way to action at Katowice, as COP24 marks the deadline agreed by signatories of the Paris Agreement to adopt a “work program for the implementation” of the commitments made in 2015. About 30 Head of State and government are expected to deliver statement at the high-level opening segment, providing political guidance. In addition, there will be four high-level mandated events to raise ambition.

Explaining the importance of review and stocktake, Dhakal said the Paris Agreement establishes a cycle of bottom up mitigation pledges (“Nationally Determined Contributions”, or NDCs), which is to be informed by top-down scientific input on what is needed to achieve the Agreement’s long-term temperature goal. The “intended” NDCs submitted before the Paris Conference in 2015 were not consistent with delivery of the ambitious long-term temperature goal many Parties sought. The Paris outcome had to address this clear mismatch, so the intended NDCs can be revisited to become more ambitious before they are formalised.

Describing the *Talanoa Dialogue*, he said this was earlier known as the Facilitative Dialogue, and it is a crucial part of the implementation of the Paris Agreement. The Dialogue is expected to advise on the level of mitigation ambition needed in new/updated NDCs to be communicated by 2020, also taking into account the findings of the IPCC report on *Global Warming of 1.5°C*. The Dialogue was launched at COP23, he said, to begin in January 2018 and convene throughout 2018. The preparatory phase included submissions by governments and non-state actors, which were synthesised into a report, and followed up by Technical Examination Meetings on mitigation. Discussions took place at the local, national, regional, and global levels. The political phase at COP24 is expected to take stock of the collective efforts of Parties in relation to progress towards the long-term goals of the Paris Agreement, and to inform the preparation of NDCs.

Dhakal noted that during COP24, the high-level roundtable discussions on the Talanoa Dialogue will take place on 11 December, with 21 ministerial roundtables spread over three segments of seven parallel groups. Each roundtable will have a maximum of 13 participants each, with 11-12 Parties and two non-party stakeholders. Ministers will be accompanied by one advisor. The roundtables will address the main and final question of

“How do we get there?”. Each roundtable will be for 75 minutes, with interventions/stories limited to three to four minutes. A closing meeting will take place on the evening of 12 December.

While some Parties would like the process to end at COP24, Dhakal said the LDC Group has pushed for political momentum for greater ambition after 2018, with a plan by the end of COP24 for activities in the period up to the communication of new and updated NDCs by 2020. The LDC Group has also submitted a proposal for a COP decision on the Dialogue, which:

- *Welcomes* the work towards and completion of the mandate.
- *Recalls* that each Party shall communicate a nationally determined contribution every five years in accordance with Article 4.9 of the Agreement...
- *Also recalls* the invitation in Decision 1/CP.21, paragraph 35, and in accordance with Article 4, paragraph 19 of the Agreement, to formulate and communicate mid-century, long-term low greenhouse gas emission development strategies.
- *Recognizes* the important role of finance, technology, and capacity-building in enabling developing country Parties to implement.
- *Welcomes* the political declaration of the Talanoa Dialogue.
- *Recognizes* the Climate Summit to be organised by the UN Secretary-General.
- *Decides* that the outcomes of the Talanoa Dialogue shall help inform Parties in the review and updating of their nationally determined contributions in 2019.

Dhakal listed the following desirable outcomes from the Talanoa Dialogue at COP24:

- A clear political commitment for significantly more ambitious levels of emissions reductions in line with limiting warming to 1.5°C by all countries when communicating NDCs by 2020.
- A clear signal for countries to communicate new and updated NDCs by 2020 to ramp up their ambition to get the world on a 1.5°C pathway.
- A political declaration and COP decision at COP24 that sends a strong political message to strengthen the global response to climate change and continues to uphold the spirit and vision of the Paris Agreement to achieve its long-term goals.

He ended the presentation with a list of resources for participants:

- A [guide for Ministers](#) and other participants to the high-level round tables.
- [Frequently Asked Question](#) uploaded on the Talanoa Platform clarifying approach and mandate.
- [Approach](#) to organising the Talanoa Dialogue at COP24.
- [Overview of inputs](#) to the Talanoa Dialogue.
- [Synthesis report](#) of the preparatory phase.
- Submission by [Ethiopia](#) on behalf of the LDC Group.
- Submission by [Maldives](#) on behalf of Alliance of Small Island States (AOSIS).
- Submission by [Saint Lucia](#) on behalf of the Independent Association of Latin America and the Caribbean (AILAC), the Caribbean Community (CARICOM), and the Environmental Integrity Group (EIG).

PARIS AGREEMENT WORK PROGRAMME

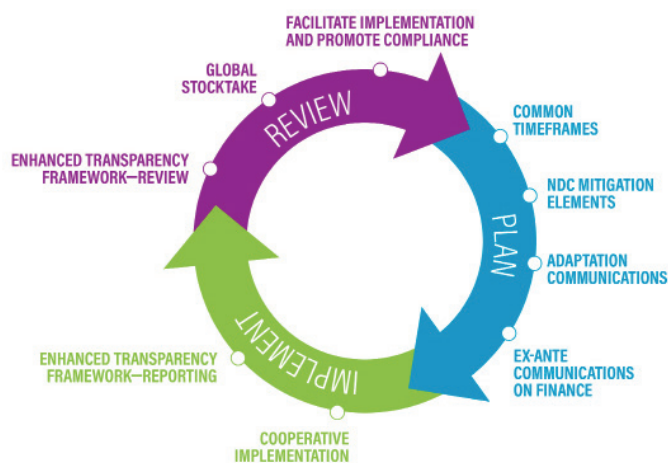
Presenting on a comprehensive Paris Agreement Work Programme (PAWP), Abeyasinghe the Paris Agreement creates a framework blending bottom-up and top-down provisions. The task at COP24 is to put in place some more top-down rules, so the bottom-up approach can be brought together to have internationally agreed rules.

She noted that only five negotiating days remained to complete the rulebook. The opening plenaries of all six bodies will be followed by contact group meetings, as Dhakal explained earlier. While most of the issues will have to be resolved at the technical level, those that cannot be could be sent to the political level for resolution, she informed participants.

Abeyasinghe clarified relevant terminology that could be confusing to new negotiators, familiarising participants with the meaning of terms such as co-facilitators, presiding officers, and COP Presidency; PAWP and non-PAWP issues; Bangkok iterations and reflection notes by presiding officers; crunch issues; and roadmaps.

Defining a “comprehensive package”, she said it should provide political momentum; ensure that every piece of the Paris Agreement works; ensure transparency and accountability of all countries; encourage more ambitious action to reduce emissions; strengthen resilience and address loss and damage; and ensure that the tools and resources developing countries needs to act are made available. The package would include guidelines to plan, implement and review, she said, presenting **Figure 1**.

Figure 1: The implementation package



Source: World Resources Institute

She then listed the following elements for the successful operationalisation of the Paris Agreement:

- Robust, comprehensive and precise rules.
- Rules that are binding to the extent possible.
- Common rules, with flexibilities based on national circumstances and capabilities.
- Timely and adequate support to developing countries, in particular LDCs.
- Interlinkages between different issues and properly synchronise.

- Synchronisation of the application of rules.

Abeyasinghe directed participants to the [joint reflection notes](#) prepared by the Chairs of Subsidiary Bodies to help the PAWP negotiations, with nine addenda documents trying to bring all issues to a comparable level of progress (although each issue needs to be further looked into in its own unique context). She noted a clear shift to decision-like language in these notes, which collapse similar options and propose options for Parties to consider. However, she said, Parties still have a lot of work to do in narrowing down the options further.

Describing “crunch issues” that may prove difficult to resolve, Abeyasinghe listed the following issues under mitigation:

- **How to address differentiation:** Some countries and groups, like China, India and the Arab Group, would like a separate set of implementation guidelines for developed and developing countries, while others, like the LDC Group and AILAC, are calling for one set of guidelines, but with differentiation within them. Additionally, the issue of differentiation may also come up regarding the guidelines for the use of market mechanisms under Article 6 of the Paris Agreement in achieving NDC targets, she said.
- **Agreeing a common timeframe for NDC implementation:** LDCs and other progressive groups are pushing for a five-year implementation timeframe, where Parties communicate their upcoming “firm” NDCs, along with an additional five-year indicative NDC for the subsequent five years (know and 5+5). Müller added that the communication of an indicative NDC for the subsequent five-year period is essential to allow for ambition in the Paris Agreement, by allowing countries to compare their NDCs and nudge each other to higher ambition. Abeyasinghe said the ten-year timeframe that some countries have currently is too long, and does not allow for updating of ambition in light of technical advances. For instance, the EU communicated its indicative NDC in 2014, for 2020-2030. In the 15 years that the EU and its member countries will have to update their NDCs, technology will have changed rapidly, allowing for far greater mitigation ambition.

A participant asked how countries can be encouraged to increase ambition without waiting for others. Abeyasinghe said while a few years ago climate action was seen as a burden, countries are increasingly viewing it as an opportunity to promote development.

Elaborating on the Article 6 mechanism in response to a question from a participant, Abeyasinghe said the main issue for LDCs is how they can benefit from a market mechanism, as they did not benefit from the Clean Development Mechanism (CDM). Also, she said, they do not want to create loopholes that may risk environmental integrity, and international oversight is a key crunch issue.

Adding to the point on differentiation, Müller said the issue of differentiation can become easier if Parties believe that all countries act in good faith. This will eliminate the need for elaborate annexes. If and when countries are unable to comply with a provision pull their weight, then they should explain why a greater understanding of their challenges so the global community can provide them with the help they need to do better.

On climate finance, Abeyasinghe listed the following issues, saying they were facing serious objections by developed countries:

- Upfront (*ex ante*) information on financial resources to be provided, which is to be communicated biennially by developed countries, to enhance predictability and transparency of climate finance.
- Initiating the process for agreeing a new quantified collective long-term goal on climate finance before 2025, based on science, and the needs and priorities of developing countries.

On loss and damage, she said a key crunch issue is how and where loss and damage should be addressed in the rulebook. There is a risk of losing any reference to loss and damage in the enhanced transparency framework, she said. The global stocktake also requires a clear standalone workstream on loss and damage allowing separate inputs and outputs on the issue of gaps in addressing loss and damage and how they can be closed. Another question relates to how financial support will be provided to address loss and damage due to climate change.

Among other crunch issues, Abeyasinghe listed:

- A minimum set of guidelines for communicating adaptation plans.
- How to address flexibilities for LDCs in the guidelines for transparency? Do they need flexibility in scoping, how much detail should they provide, and what should the frequency of reporting be? LDCs do not want in-country reviews, which are very rigorous and will strain their capacity. Instead, they would like only desk-based reviews.
- How to ensure that the global stocktake will contribute to closing gaps in light of equity and best available science. Some countries, like Saudi Arabia and India, say there is no mandate for a COP decision at the end of a stocktake. However, learning from the experience of the Talanoa Dialogue, LDCs would like to ensure that a follow-up process is included in the guidelines, to avoid the difficult conversation on this issue each time.
- What powers should the Article 15 compliance committee have? Saudi Arabia would like only the country itself to trigger interventions by the committee, but for it to be effective, the committee and the CMA should also have the power to approach a country that is not meeting its obligations, to offer help or recommendations.

She listed three “crosscutting issues” that could be problematic:

- The inverse relationship between rigour, flexibility, and differentiation, where the push for rigour is countered by requests for more differentiation.
- Concrete measures vs. non-adversarial, non-intrusive measures. While countries would not like oversight, review committees have to be able to give recommendations.
- Ambition vs. conditionality, and how to help countries to be more ambitious.

Describing options for the structure of the final outcome, Abeyasinghe said there could either be:

- A **single comprehensive decision**, which would make it easy to compare elements and understand linkages in the rulebook. This will be difficult to amend in the future, however, as the entire decision will have to be re-opened.
- An **umbrella decision**, tying up separate decisions. Here again it will be easier to track and address linkages, but amendments will be a challenge.
- **Standalone decisions** for each issue. This will make it easy to see how linkages work, but it will be easier to amend in future.

She said while the plan of the COP Presidency for the structure of the final outcome is not yet known, single documents are being produced in different negotiating rooms, and further work will be needed if they are to be merged.

Finally, she described possible scenarios at the end of COP24. If the Paris rulebook is adopted, she said, it could either be robust and balanced, or deficient and weak, with a roadmap agreed to finalise it. Some countries are

of the opinion that there could be a COP-bis, or that some elements can be finalised later. A worst-case scenario would be if the rulebook is not finalised, and there is no timeline for its completion she said

Abeyasinghe ended her presentation by pointing to the following resource material:

- The [overview of the Paris Agreement work programme](#).
- The [progress tracker](#).

In the discussion that followed, Müller said merely having text in the decision that finance should be provided for loss and damage is unlikely to be sufficient to raise funds. Instead, he said it would be better for the COP to provide guidance to the operating entities of the Financial Mechanism to provide funds for loss and damage. A participant asked whether this is the same as the guidance to Parties to provide funds for the Special Climate Change Fund. Müller clarified that this should be guidance to the funds, like the Green Climate Fund (GCF), asking them to open a window for loss and damage, and not to Parties. The funds would then have to use their existing resources for loss and damage.

In response to a question on market mechanisms, Ambassador Ian Fry from Tuvalu highlighted a number of challenges to their implementation, including: what to trade, given that the NDCs are so varied, with some countries presenting absolute targets and others presenting renewable energy targets; and avoiding perverse incentives for countries to present low ambition in their NDCs, so that they can trade the excess.

On the issue of differentiation in the context of transparency, Müller said while it is a very difficult issue to resolve, it will help to assume that all Parties are acting in good faith. If they fail to meet even the basic requirements for transparency, then a facilitative approach could help them overcome the challenges that prevent them from doing so. He also addressed a query on non-market mechanisms, saying Article 6.8 came about because some countries did not have faith in markets. One way non-market mechanisms could be effective, he said, is by helping countries improve their economies of scale to encourage energy efficiency and renewable energy. He gave an example from India, where the government was able to reduce the price of more energy efficient LED bulbs by a tenth, by calling a tender for 700 million bulbs. LDCs could join together under the mechanism to bulk purchase items and achieve economies of scale, he proposed.

In reply to a question on how LDCs can benefit from market mechanisms, Fry said there will be special consideration for LDCs and small island developing States (SIDS), to ensure that the rules are less stringent to do projects and get funding. A challenge, however, will be how to get net benefit from the market – any project for the market could have to be made up elsewhere to meet the NDC target, unless it creates momentum for a bigger project.

FINANCE IN KATOWICE

Müller presented on climate finance in Katowice. He said a key issue relates to Article 9.5 of the Paris Agreement, which calls for *ex ante* information on the projected levels of finance provided by developed countries:

- **Article 9.5:** *Developed country Parties shall biennially communicate indicative quantitative and qualitative information related to paragraphs 1 and 3 of this Article, as applicable, including, as available, projected levels of public financial resources to be provided to developing country Parties. Other Parties providing resources are encouraged to communicate biennially such information on a voluntary basis.*

In this context, Müller noted two further Articles that define the role of developed countries in providing

climate finance.

- **Article 9.1: Developed country Parties shall provide financial resources to assist developing country Parties** with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention.
- **Article 9.3:** As part of a global effort, developed country Parties should **continue to take the lead in mobilizing climate finance** from a wide variety of sources, instruments and channels, noting the significant role of public funds, ... taking into account the needs and priorities of developing country Parties. Such mobilization of climate finance should represent a **progression beyond previous efforts**.

Despite this distinction that is key to the structure of the agreement, he said, there are disagreements on whether the terms “developed” and “developing” countries should be used in the context of climate finance. According to a recent news article on the Standing Committee on Finance, “the US blocked the approval of the [2018 Biennial Assessment and Overview of Climate Finance Flows] by claiming that the terms ‘developed countries’ and ‘developing countries’ were not defined clearly to identify how climate finance flows between the two sets of countries”.

Müller said Article 9.5 was only on the COP agenda before COP23, but it was moved to the SBI and addressed in SB48 and SB48.2 (in Bangkok). A note by the SBI Chair notes that “in Bangkok Parties were able to deepen their understanding of the various elements of quantitative and qualitative information to be provided in accordance with Article 9, paragraph 5, of the Paris Agreement. Parties further elaborated which types of information on Article 9, paragraph 5, of the Paris Agreement would be useful and practical and identified elements which can be turned into draft decision text in Katowice.”

Following this, Müller said, the Chair converted the Bangkok outcome into a draft decision text with an annex that contains the quantitative and qualitative information to be communicated in accordance with Article 9.5, of the Paris Agreement. Nevertheless, substantive discussions remain around this issue, on how to interpret Article 9.5 and whether it is limited to *ex ante* projected levels of financial resources, or also linked to the *ex post* report. During SB48 the issue of modalities for reporting the information was raised and rejected. That issue of modalities for reporting appear now under “other items” on APA and current work in the Agenda is limited to *ex ante* finance, with the idea that *ex post* reporting is to be handle under SBSTA and the transparency framework under Article 13 of the Paris Agreement.

Müller then provided a gist of the sort of information countries are expected to provide:

- Enhanced information to increase clarity on the expected levels of provision and mobilisation of climate finance to developing countries, including time frame, from different sources.
- Quantitative information, to the extent possible, and qualitative information where quantitative information cannot be provided, on the nature of support/parameters.
- Information on recipient countries, geographies, beneficiaries, targeted groups
- Information on how support takes into account the needs and priorities of developing countries.
- Information on actions and plans to mobilise additional finance, as part of the global effort to mobilise climate finance flows consistent with low greenhouse gas and climate resilient development.
- Information on national circumstances and internal processes in Parties providing support of relevance to the provision of ex-ante information.
- Information on actions taken and plans to mobilise finance for the implementation of mitigation and adaptation actions.
- Information on efforts to mobilise financial resources for developing countries from the widest array of sources, including:
 - (a) How the need for public grant-based resources is taken into account.

- (b) The relationship between public interventions used and the private finance mobilised.
- (c) Concrete initiatives and measures to facilitate private sector engagement in SIDS and LDCs.

Müller pointed to the broader, related issue of differentiating between loans and grants for adaptation, particularly in the context of private sector finance. He observed that a narrower focus on the public sector contributions that flow through the financial mechanism could help to overcome many of the definitional issues related to climate finance.

He then described the negotiations on Article 9.7 on reporting on *ex post* finance, which states that:

Developed country Parties shall provide transparent and consistent information on support for developing country Parties provided and mobilized through public interventions biennially in accordance with the modalities, procedures and guidelines to be adopted by [CMA.1]. Other Parties are encouraged to do so.

In this context, he highlighted the importance of agreement on [cross-cutting] underlying assumptions, definitions, and methodologies, and a common reporting format. Without a common reporting format, he said, comparisons and aggregations are not possible, as illustrated by the experience on fast start finance. The provision of finance can then be reduced to a trust-destroying, rather than trust-building measure.

Another issue on finance Müller described relates to the Adaptation Fund serving the Paris Agreement. He noted that this will include revisiting some of the elements on governance, reporting modalities, composition of the Adaptation Fund Board, operating modalities, eligibility and sources of funding. Müller noted that the existing proposed text on the sources of funding for the Adaptation Fund is heavily bracketed:

16. [Decides that the Adaptation Fund shall be financed [primarily] from [[activities under] [the share of proceeds] [on the mechanisms under] [in line with] Article [6] [6.4] of the Paris Agreement, [as well as]] [voluntary public funding] [and other sources of funding] [including innovative sources of funding].] [Noting the need to ensure sustainability, adequacy and predictability of funding for the Adaptation Fund,]

He said that since the activities of the smaller climate funds are important, there should be a joint replenishment for all of them, not just the GCF and the Global Environment Facility (GEF). He said this idea was part of the Paris Agreement text for one night, but was removed because the text was too long, and no one was pushing hard enough to keep this option.

However, Müller noted that Raffaele Mauro Petriccione, Deputy Director General for Climate Action in the European Commission has recently supported a similar idea, stating: “*The Commission would suggest that Member States should seriously consider the replenishment of the climate funds under the Climate Convention, the Global Environment Facility, and the Green Climate Fund. Our position on this issue will be very important for the negotiating dynamics at COP 24 and actions on these issues will have a positive impact which will be disproportionate to the relatively small funds that would be needed*”.

Müller said a replenishment is a formal contract with an entity, and governments that come in future are bound by that contract, thus providing more certainty.

In the discussion that followed, participants asked why the distinction between developed and developing countries is being questioned given that it is in the Paris Agreement, which is not open to renegotiation. Müller responded that the distinction between developed and developing is more political than technical, and at some point soon a more formal criterion will be needed for classification of countries, like the criterion for

classification of LDCs. In particular, if “developing” is meant to refer to “deserving of support”, there are some countries that don’t fit that categorisation, he said. This general classification is already leading to problems – for instance, the GCF funding was denied to Argentina because it is a middle-income country. However, he felt this issue will be easier to deal with at the level of the GCF Board than at the COP, and that purpose-built case-by-case definitions may be needed to suit specific contexts.

Fry added that this is a battle that could arise when the COP agenda is being decided, as Turkey has introduced a new agenda item on amending the Convention, to allow Turkey to go backwards from a developed to developing country, so that it can access GCF funds. However, opening this for discussion could mean that some Eastern European countries also become eligible, and it will not make sense. Abeyasinghe noted that there were also broader political issues, beyond climate change, that were buying Turkey support.

Responding to a question on innovative finance, Müller said this refers to finance that is not from national budgets, like the International Air Passenger Adaptation Levy (IAPAL) proposed by LDCs in Poznan. The levy could have raised US\$ 8-10 billion annually, but was not accepted. He described efforts by ecbi to promote “sub-national contributions”, inviting those who are interested to know more to a side event on 8 December.

A participant enquired if the GCF gets funds from the European Commission. Müller responded that they wanted to get a seat at the table of the GCF Board, but since they didn’t, they do not contribute.

NEGOTIATING EFFECTIVELY

Ian Fry, Ambassador for Climate Change and Environment, Tuvalu, presented on negotiating effectively.

Fry said negotiating in the UNFCCC context refers to collective and consensus-based decision-making that is acceptable to all Parties, because there is no voting. Consensus, however, is not the same as unanimity, as not all Parties have to be in agreement. The Chair can decide if consensus exists, if it has the support of all Parties but a few and if there is no explicit objection. Consensus is sometimes defined as something that most Parties like, and none hate, he said. The result may therefore not represent the absolute position of any one Party.

At COP24, he said, a set of decisions under the PAWP will need to be negotiated. There are a few ways to achieve consensus, including finding trade-offs, with the aim of trying to give something to everyone, and finding what is called a landing zone. This can be achieved by using exceptions; creating a narrow start; offering a broad-brush approach; or providing a compensating clause.

Fry gave the example of creating a special situation for disadvantaged countries to illustrate the use of an exception: *All countries have to reduce their emissions except LDCs.*

Creating a narrow start refers to having limited obligations at the beginning and letting them develop over time, he said. For instance, a decision that first states that *All countries need to report on sectors they chose for their national greenhouse gas inventories* could, at a later stage, be changed to *All countries need to report on all sectors for their national greenhouse gas inventories.*

Offering a broad-brush approach refers to the application of general rules to everyone, Fry said. For instance: *All countries should develop nationally determined contributions.*

Provide a compensation clause refers to creating an action that may be difficult for some countries but compensate poorer or disadvantaged countries for taking action. For instance: *Countries that shall undertake greenhouse gas inventories every two years. Financial and technical support will be provided to SIDS and LDCs to help them prepare greenhouse gas inventories.*

Fry then set an exercise for participants, inviting them to tell him which approach they would take to get countries to sign on to a gender action plan as part of their climate change national strategy.

Another tactic to achieve consensus is the use of clever negotiation words, Fry told participants. The use of phrases such as “*as appropriate*” “*if appropriate*” “*as necessary*” etc. can change the meaning of a sentence, he said. For example, the following sentence: *Agrees to provide technical support to developing countries, identified in their national communications* can be changed to *Agrees to provide technical support, **as appropriate**, to developing countries, identified in their national communications.*

Another word used in this context is “*consider*”, which postpones the decision to later. For instance, *Decides at its eight session, to give financial support for vulnerable countries...* can become *Decides, at its eight session, **to consider the need for** financial support for vulnerable countries.*

Three words that can change the meaning of sentence are *may*, *should* or *shall*, Fry elaborated. *May* makes an action optional and discretionary. *Should* creates an obligation, but it is not compulsory. *Shall* is a compulsory requirement. He gave the following examples to illustrate this point, saying the middle option would be a compromise between the other two:

- The developed country Parties **may** provide financial resources to support capacity building...
- The developed country Parties **should** provide financial resources to support capacity building...
- The developed country Parties **shall** provide financial resources to support capacity building...

Fry pointed out that the distinction between *shall* and *should* is made in various places in the Paris Agreement, leaving Parties to debate whether certain requirements are obligatory. He referred to the last minute *shall* that was replaced by *should* in the Paris Agreement, and passed off as an editing error. The game is played to the last minute, he told participants, and they need to remain vigilant at all times.

Another way to compromise on something is to agree to organise a workshop, Fry said. Instead of agreeing to *establish a capacity building work programme for adaptation actions in mountainous countries*, the agreement can be diluted to *Requests the secretariat to organize, before the sixteenth session of the subsidiary bodies, a workshop on capacity building for adaptation actions in mountainous countries.* This can delay the outcome by at least a year.

As part of the second exercise, Fry invited participants to weaken the following sentence, to remove an obligation for financial and technical support:

Developing country Parties shall provide LDCs with the financial and technical support to allow them to adapt to the impact of climate change.

Fry then offered the following negotiating tips:

- **Invest time and know issues** you are dealing with. Homework is crucial, he said, pointing delegates to resources such as the *Earth Negotiations Bulletin*, and the annotated agenda.
- **Hear what others have to say**, particularly what they want. He stressed the importance of listening to the views of others rather than pushing your own view, to find out where there is room for manoeuvre.
- **Demonstrate respect for your negotiating partners.** Acknowledging that this is often very

difficult, particularly when countries are not very progressive, he said being too angry or disrespectful could put other people in a corner where they don't want to negotiate with you.

- **Show polite assertiveness.** Fry said as representatives of the most vulnerable and poorest countries, the negotiators represent the concerns of millions, and should be assertive in representing them, although finding the balance between assertiveness and politeness can sometimes be a challenge.
- **Gain the support of others and find a common ground.** Fry emphasised the importance of building bridges and alliances between countries and groups.
- **Accentuate the positive.** Fry said people are often more receptive to positions that are seen as a positive move forward.
- **Don't give in early.** He referred back to the last-minute change of *shall* to *should* in Paris, advising participants not to give up until the end.

In the final exercise, Fry asked participants how they would find out the position of a certain group of countries on whether they support the Adaptation Fund serving the Paris Agreement. Participants offered a number of ways, including some of those listed by Fry in his final slide: reading resources such as the *Earth Negotiations Bulletin*; organising a bilateral; asking NGOs; having a coffee with one of the negotiators from the group; and/or asking the LDC finance coordinator.

In the discussion that followed, Fry said the most difficult part of the negotiations is often dealing with issues that are often very technical; being able to understand issues and find middle ground; and understanding why a country is taking a position. He also pointed to ways of overcoming these difficulties, such as never being afraid to speak up as representatives of the most vulnerable, asking NGOs, and getting support from other people.

Müller advised participants to listen to what others are saying, and assuming that they mean it. He said negotiators sometimes tend to look for the worst interpretation ever, but taking others at their word may pay off, even if this initial faith has to be revisited later.

Fry said negotiators have to reiterate the hardest position of their countries at the negotiating table, but they may soften their view later in an informal setting, while having a coffee together.

An experienced participant said using a matrix of country positions can help identify those are not supportive, so bilateral efforts can help to convince them, or to come to a compromise. She said the EU, for instance, always approaches the LDCs to find out why they are sticking on certain points.

CLOSING SESSION

During the closing session, resource people shared their top tips for becoming effective negotiators.

Abeysinghe said in her early days as a negotiator, she would get personally upset with those who disagreed. She realised eventually that every stated position has a rationale, and different Parties come with mandates from their leaders that they have to stick to. She encouraged the use of informal ways to break down barriers.

Müller said the end objective is often to make sure that everyone is equally unhappy.

Sharma highlighted the importance of working closely with civil society back at home, to understand their needs and represent them better; and also to feed information back to them at the end of a meeting, so they can be better informed, and provide better advice to the negotiators who represent them.

Craft encouraged participants to have the live meeting schedule on their phones.

A participant asked whether all the compromises that are made in negotiations will actually end up solving the climate change problem. Fry responded that he often asks himself the same question, but the problem is that there is no other option to solve a global problem like climate change. We just have to accept compromises, he said, even though there may not be as much progress as we would like.

Abeyasinghe said she looks at the bigger picture, of how the UN process has provided a platform for countries to come together to solve the problem. Even though process is slow, it is movement in the right direction.

Müller said no one ever thought the UN negotiations alone will solve the problem. For instance, in the context of mitigation, it has been said that the top 20 emitters can solve the problem, so what is the point of the negotiations. But mitigation is not the priority for LDCs – adaptation is. They need a place at the table to ensure that this priority gets attention and is addressed. The multilateral negotiations are also more efficient than visiting each country bilaterally, he said, concluding that the negotiations are necessary but not sufficient.