



Regional Training Workshop

Francophone Africa



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ecbi

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INTRODUCTION

The 2019 ecbi Regional Training and Support Workshop for Francophone Africa took place in Addis Ababa, Ethiopia, from 29 April to 1 May. The workshop was organised in collaboration with Energie Environment Développement (ENDA Energie) and attended by 32 participants from the region.

Opening the Workshop on behalf of ENDA Energie, Programme Coordinator Emmanuel Seck warmly welcomed all participants and introduced ENDA. He thanked the team of ENDA in Ethiopia for organising the workshop, and hoped that this session will build their capacity. He encouraged the Workshop participants to ensure that they get the maximum benefit of the training.

Anju Sharma, head of the Publications and Policy Analysis Unit of ecbi, also welcomed participants and provided a background and introduction to ecbi. She described the Fellowship Programme which aims to build trust between senior negotiators from developing countries and their European counterparts; and the Training and Support Programme (TSP) which is aimed at training new and junior negotiators from developing countries. She said ecbi has been successful in contributing towards a level playing field at the UN negotiations and many negotiators trained through these workshops have gone on to represent their countries and hold important positions in the UNFCCC process. Brianna Craft welcome participants on behalf of the International Institute for Environment and Development (IIED), and Olivia Tattarletti described the activities of ecbi partner Legal Response International (LRI).

The 32 participants then introduced themselves and described their expectations from the workshop. Craft walked the participants through the programme agenda, and reminded them that the workshop will operate in compliance with the UNFCCC policy of zero tolerance towards discrimination, harassment, or abuse of authority.

NEGOTIATIONS ON CLIMATE CHANGE AND THE PARIS AGREEMENT

This session was facilitated by Mamadou Honadia from Burkina Faso. He briefly explained the science of global warming, and presented a short history of the UNFCCC negotiations.

Honadia said the greenhouse (GHG) effect is natural, to maintain an average temperature of 15°C. Without it, global average temperature would be -18°C. The problem arises when the high concentration of GHGs in the atmosphere results in the effect becoming extreme, and causes climate change, which in turn dangerously compromises human existence and undermines production systems through loss of water resources and desertification. He listed seven major GHGs responsible for changes in climate, their sources and percentage emissions in 2010:

- Carbon dioxide (CO₂): Combustion of fossil fuels, changes in land use, cement production etc; 76%
- Methane (CH₄): Exploitation and distribution of fossil fuels, cattle, rice growing, dumps; 16%
- Nitrous oxide (N₂O): Agriculture (fertiliser) and related changes land use; 6%
- Hydrofluorocarbons (HFCs): Coolants; < 2%
- Perfluorocarbons (PFCs): Refrigerants, electronics industry, aluminium industry; < 2%
- Sulphur hexafluoride (SF₆): Insulators in the electronics industry and magnesium industry; < 2%
- Nitrogen trifluoride (NF₃): Electronics, photovoltaic industries etc; < 2%

Honadia said the main objective of the UNFCCC, defined in Article 2 of the Convention, is to achieve stabilisation of GHGs concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner. He added that of the seven gases mentioned above, six are regulated by the Convention.

He then briefly narrated the experience with the Kyoto Protocol; failed efforts to agree a successor to this Protocol in Copenhagen; and the subsequent adoption of the Paris Agreement in 2015.

He described three key groupings in the UNFCCC process: Annex 1 Parties, made up of 41 developed countries; Annex II Parties; Non-Annex 1 Parties, made up of all developing countries; and Least Developed Countries (LDCs), characterised by their strong vulnerability and need to adapt. He said during the first Conference of Parties (COP1) in Berlin in 1995, the decision was taken to launch an intergovernmental process of negotiations in order to come up with a more focused treaty. The Kyoto Protocol was adopted in 1997 and came into force in 2005, after it was ratified by 192 Parties, with the objective of establishing reduction targets within two commitment periods (2008-2012 and 2013-2020), although the second commitment period under the Doha Amendment has not yet received enough ratifications to come into force.

The Copenhagen conference in 2009 was expected to be an important turning point, delivering the successor to the Kyoto Protocol's first commitment period. In reality, it did not deliver, as the Copenhagen Accord was only *noted*, and not adopted, by Parties. Its proposals were eventually adopted under the Cancún Agreements in the following year, and included: "fast start finance" of US\$ 30 billion (2010-2012) from developing countries; and long-term financing of US\$ 100 billion by 2020. The Nationally Appropriate Mitigation Actions (NAMAs) were also part of the Cancún Agreement.

The Paris Agreement was adopted in 2015, he said, where all Parties, including the LDCs, are expected to present NDCs. This led to the establishment of the Ad Hoc Working Group on the Paris Agreement (APA); NDCs; and the goal of limiting global average temperatures to 2°C, while trying to keep it below 1.5°C.

Honadia listed the important elements of the Paris Agreement:

- **Mitigation:** NDCs; clarity, accounting and transparency; review every five years; NDC register.
- **Financing:** The annual US\$ 100 billion goal will be increased by 2025; and the funding entities include the Green Climate Fund (GCF), the Global Environment Facility (GEF), and the Adaptation Fund.
- **Technology transfer:** A Technology Mechanism, with a Technology Executive Committee (TEC) and Climate Technology Centre and Network (CTCN), will work towards supporting technology transfer and development.
- **Capacity building:** A Paris Committee for Capacity Building (PCCB) and a Capacity Building Initiative for Transparency (CBIT) is established.

Honadia then described the main messages from *Global Warming of 1.5°C*, a special report recently produced by the Intergovernmental Panel on Climate Change (IPCC), saying it calls for a 45% reduction of GHGs by 2030, to reach net zero by 2050.

Among key areas of concern for developing countries, he listed the urgency for increasing ambition in the NDCs, including through follow-up on the Talanoa Dialogue and the special report on 1.5°C; and having a permanent point in the negotiations to discuss climate finance.

Honadia then described the governance structure of the UNFCCC, explaining the role of the COP, Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP); and the Conference of Parties serving as the meeting of the Parties to the Paris Agreement (CMA). These supreme decision-making bodies meet annually to adopt decisions and further the implementation of each of these agreements. In addition, he said there are two permanent bodies supporting the COP, CMP, and CMA: the Subsidiary Body for Implementation (SBI); and the Subsidiary Body for Scientific and Technological Advice (SBSTA).

Finally, advising participants on how to prepare for the negotiations, Honadia emphasised the responsibility that negotiators have in representing their countries and millions of citizens. He encouraged the inclusion of other stakeholders, including NGOs, media and private sector representatives, in the decision-making process. He then listed the key negotiation groups under the UNFCCC process:

- **Group of 77 and China** (G77 and China) with 134 members mainly from developing countries.
- **Africa Group of Negotiators** (AGN), with 54 countries, a geographical grouping.
- Least Developed Countries (LDCs) with 48 countries categorised as 'least developed' according to UN criteria.
- **Small Island Developing States** (SIDS), with 39 members, negotiate as the **Alliance of Small Island States** (AOSIS).
- **Alliance of Latin America and the Caribbean** (AILAC), with Chile, Colombia, Costa Rica, Guatemala, Panama, Paraguay and Peru.
- **Like-Minded Developing Countries** (LMDCs), with about 25 members.
- **European Union** (EU), with 27 members.
- **Umbrella Group**, with Australia, Canada, Japan, New Zealand, Norway, and the US.
- **Environmental Integrity Group** (EIG), with Mexico, Liechtenstein, Monaco, Republic of Korea and Switzerland.

Honadia advised negotiators to prepare mentally and physically for negotiating sessions, saying negotiators need a strong mind; endurance; good physical and mental health; the ability to keep calm; team spirit; willingness to learn; and the ability to communicate well and to coordinate. Further, he encouraged the Francophone negotiators to learn English, and participate in group coordination meetings, including the Africa Group meetings daily between 8-9 am; and the G77/China meetings between 9-10 am. He advised them to view other negotiators as partners, not enemies, and encouraged a spirit of "giving and receiving".

Finally, Honadia listed the following resources as useful for negotiators:

- The UNFCCC [website](#)
- The *Earth Negotiations Bulletin*
- *The NGO Newsletter, ECO*
- [Climat.be](#)
- *Guide De Poche De L'Accord De Paris*
- *Manuel de terminologie des négociations sur le climat: anglais-français*

During the discussions, participants commented on how to deal with the language barriers during the negotiations as the negotiations are undertaken in English, what needs to be done on the national level to be prepared internationally, and what is required for the LDCs to be more efficient and use their funds effectively. Honadia emphasised the need for negotiators to be familiar with the documents, guidelines, and rules of the process and be confident to make their presence felt at the conferences. He added that national committees usually exist in each country, and regular meetings of these committees should be organised.

CLIMATE DIPLOMACY: OUTLINING THE YEAR AHEAD

This session was facilitated by Anju Sharma, Oxford Climate Policy. Sharma highlighted the following key developing country priorities for climate diplomacy in 2019:

- **Increase pre-2020 ambition**, including through an enhancement of mitigation pledges at the 2019 Climate Summit organised by the UN Secretary-General; and by delivering the US\$ 100 billion climate finance pledge.
- **Encourage and facilitate post-2020 ambition**, including by enhancing post-2020 Nationally Determined Contributions (NDCs) and adopting rules for the remaining elements of the Paris Agreement, including Common Time Frames (CTFs), Article 6 cooperative mechanisms and post-2020 climate finance.

She described the process for the UN Climate Summit that will be held in September 2019, and explained its plan to inspire a leap in collective national political ambition. She outlined and explained in detail the three main goals of the Summit:

- **Raise national ambition**: Countries to present concrete, realistic plans, compatible with IPCC *Special Report on Global Warming of 1.5°C*, to enhance their NDCs by 2020, reduce GHGs emissions by 45% over the next decade, and to net zero by 2050.
- **Prompt transformative changes**: In energy transition; infrastructure, cities and local action; industry transition; resilience and adaptation; nature-based solutions; climate finance; and carbon pricing.
- **Generate political momentum**: Enhanced social and political drivers, youth and public engagement.

She said the Summit will focus on nine tracks, each led by two countries:

- **Mitigation Strategy** track, led by Japan, Chile
- **Social and Political Drivers** track, led by Peru, Spain
- **Youth and Mobilisation** track, led by the Marshall Islands, Ireland
- **Energy Transition** track, led by Denmark, Ethiopia
- **Resilience and Adaptation** track, led by Egypt, UK
- **Nature-based Solutions** track, led by China, New Zealand
- **Infrastructure, Cities and Local Government** track, led by Turkey, Kenya
- **Climate Finance and Carbon Pricing** track, led by France, Jamaica, Qatar
- **Industry track**, led by India, Sweden

The outcomes from the Summit will include a Chair's summary, and arrangements to track progress, ensure accountability, facilitate implementation, she said.

Describing progress on the pre-2020 finance pledge of US\$100 billion, she noted the absence of mutually agreed metrics to measure progress, which could result in a further erosion of trust in the negotiations between developed and developing countries. As a result of the lack of common metrics, the calculations made by different actors on the climate finance delivered so far differ considerably. For instance, the Standing Committee on Finance (SCF), in its 2018 Biennial report, estimates that total public financial support reported by Annex II Parties in October 2018 amounts to US\$ 45.4 billion in 2015 and US\$ 49.4 billion in 2016. Climate-specific finance, provided mostly through bilateral channels, amounts to US\$ 37.5 billion in 2016. However, Oxfam's *Climate Finance Shadow Report 2018* estimates "net climate specific assistance" in 2015-2016 at only US\$16-21 billion. "Net climate specific assistance" takes into account how loans are counted, and how

funds for projects that only partially cover climate action are counted. Sharma said this pointed to the need for mutually agreed rules for measuring climate finance, as a critical step towards greater trust among countries.

On post-2020 climate action, Sharma noted that COP24 was unable to agree rules on two critical elements that would have a bearing on overall ambition: CTFs and Article 6 on cooperative mechanisms.

Sharma said that while it is not widely acknowledged, CTFs could have a bearing on how ambitious countries are in updating their NDCs, and how fair the NDCs are, in reaction to responsibility for emissions and capacity to address them. She said shorter, five-year common timeframes will create a common “pressure point” on all countries to update their ambition; and to also take into account a rapidly evolving technological landscape. At the same time, the submission of “indicative” NDCs for the subsequent five-year period will give time to Parties and non-Party stakeholders to assess the fairness of country contributions and allow countries to revisit their indicative NDCs before finalising them.

She then described the three cooperative mechanisms laid out in Paris Agreement Article 6.2, 6.4 and 6.8. She said the rules for these mechanisms could also have an important bearing on overall ambition of mitigation contributions.

On post-2020 climate finance, Sharma described Article 9.3 of the Paris Agreement, saying it calls for the setting of a new collective long-term quantified goal for climate finance by 2025, with the current pledge of US\$ 100 billion as the floor. Despite differences before Katowice, it was agreed at COP24 that the discussion on this long-term goal will begin in 2020, and include discussions on Paris Agreement Article 2.1(c), on “*making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development*”.

Finally, Sharma listed the challenges that are likely to impact agreement on these remaining issues:

- 14 Parties have not yet ratified the Paris Agreement, including the Russian Federation, Iran and Turkey.
- There is uncertainty over Brazil’s role, following the election of Jair Bolsonaro as President.
- The absence of the US will impact overall mitigation ambition, and the availability of climate finance.
- A key challenge will be for countries to update their NDCs.

Sharma noted some opportunities and silver linings as well, including that the new host of COP25, Chile, could play a critical role in making it an “ambition COP” and driving progress on the critical issue of loss and damage (particularly finance for loss and damage) as the Warsaw International Mechanism on Loss and Damage will be reviewed in 2019. She said rising protests around the world as the impacts of global warming become more and more tangible, including by school students, could empower politicians to show more ambition.

In the discussions that followed, participant highlighted the important role of finance in driving post-2020 ambition, and the importance of fairness and justice in deciding who should increase their contributions.

MOCK NEGOTIATIONS - PART I

In this session, participants selected a country to represent and negotiate a mock draft text. The main aim of this simulation exercise is to give participants a practical understanding of the negotiating process and to let



Participants consult during the mock negotiations

them negotiate by following the rules and procedures. The theme of the draft text was on loss and damage under the UNFCCC. The session was chaired by Seck and facilitated by Craft.

ADAPTATION AND THE PARIS AGREEMENT

This session was presented by Binyam Gebreyes, IIED. Gebreyes first invited a couple of participants to share one adaptation priority for their country, which is included in their National Adaptation Plan (NAP). A participant from Benin said that an initial focus of his country's NAP on agriculture, water resources, and health was later expanded to include transport, forestry, and energy. Another participant from Chad said that her country's NAP focuses mainly on energy, agriculture, and environment and natural resource.

Seck asked how NAPs and NDCs are linked in the different countries. A participant from Burkina Faso explained that in his country, data from the NAP is used to elaborate the NDC. He added that sectors like energy, health, agriculture, environment, natural resource, infrastructure, and water resources are the main focus of Burkina Faso's NAP.

Gebreyes then described the drastic impacts of climate change in the world. He defined adaptation as a process of coping with climate change by taking measures to reduce the negative effects or exploit the positive ones by making proper adjustments. He highlighted the inevitability of adaptation, and the greater vulnerability of developing countries with less capacity, calling for strong adaptation policies. He explained in detail the concept of vulnerability in climate change which, as he outlined, is a function of three factors:

- **Exposure:** what is at risk from climate change
- **Sensitivity:** biophysical effect of climate change
- **Adaptive capacity:** the capacity to adapt

Describing the provisions of the UNFCCC on adaptation, he listed:

- UNFCCC Article 4.1, which calls on all parties to “*cooperate in the preparing of adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods*”.
- UNFCCC Article 4.4, which states that “*the developed country parties.... Shall also assist the developing country parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.*”

Gebreyes presented the following timeline for adaptation-related decisions under the UNFCCC:

- **COP2** (1996): National Communications
- **COP7** (2001): Support for LDCs; National Adaptation Programmes of Action (NAPAs), LDC Expert Group, LDC Fund, Special Climate Change Fund and Adaptation Fund
- **COP11** (2005): Nairobi Work Programme (NWP)
- **COP13** (2007): Bali Action Plan
- **COP15** (2009): Copenhagen Accord, with financial support for adaptation
- **COP16** (2011): Cancun Adaptation Framework
- **COP17** (2012): Technical guidelines for NAPs
- **COP21** (2015): Global goal for adaptation
- **COP24** (2018): Modalities, procedures and guidelines for Adaptation Communication

Describing the adaptation elements of the Paris Agreement, Gebreyes said it recognises that more mitigation will mean that less adaptation is required. It agrees on a global goal for adaptation, aimed at:

- Enhancing adaptive capacity and resilience.
- Reducing vulnerability with a view to contributing to sustainable development.
- Ensuring an adequate adaptation response in the context of the goal of holding global warming well below 2°C.

He said that the Paris Agreement makes the link between finance and adaptation and that it has set up a vehicle for cooperation between countries to share experiences and strengthen collective knowledge. He also added that the Agreement asks for countries to communicate periodically reflecting their priorities, implementation, and support needs. The Paris rulebook, agreed in Katowice, provides guidance for the adaptation communications, and is fairly light in comparison to other parts of the implementation guidelines.

Gebreyes concluded his presentation by identifying the need to adopt strong methodologies to assess adaptation needs and cost; knowledge and experience sharing; building adaptive capacity; expediting international funding; and focusing on most vulnerable countries.

During the discussion, participants discussed the role of sensitivity in vulnerability; the “more mitigation, less adaptation” concept of the Paris Agreement; the role of women in adaptation; and integrating adaptation in development strategies. Gebreyes used the example of Ethiopia to clarify the meaning of sensitivity to climate change, saying rising temperatures will affect the taste and production of coffee, which in turn will directly affect the economy, which is highly dependent on coffee. Thus, the country is sensitive to the impacts of climate change.

GROUP POSITION

During this session, chaired by Seck and facilitated by Craft, participants were asked to formulate a group position to respond to a proposal from the Umbrella Group, asking for the UNFCCC sessions to take place once every two years, instead of every year. A consensus was not possible at the end of the allotted time as opinions varied considerably. Seck explained that in the negotiations also, sometimes a consensus is not possible.

TRANSPARENCY FOR ACTION AND SUPPORT

This session started with a presentation by Illari Aragon, IIED. Aragon first underlined the importance of the Paris Agreement's "enhanced transparency framework" (ETF) under Article 13 for countries to demonstrate that they are implementing their NDCs, and to hold countries accountable while building trust.

Quoting Articles 13.5 and 13.6 of the Paris Agreement, she said the ETF should:

- Ensure that countries provide the information necessary to understand actions they are taking to tackle climate change, including on progress towards implementing NDCs and adaptation actions.
- Ensure clarity on the support countries provide and receive, including capacity building, technology transfer and climate finance support for mitigation, adaptation.

She explained that the ETF builds on existing transparency arrangements under UNFCCC, which include the National Communications (done every four years), Biennial Update Reports (BURs), and GHG inventories. She noted that two LDCs have submitted their BURs so far: Mauritania and Mali.

Aragon said under the Paris Agreement reporting requirements, Parties:

- *Shall* provide national GHG reports, in accordance with the IPCC (Article 13.7a);
- *Shall* provide information necessary to track progress made in implementing and tracking NDCs (Article 13.7b);
- *Should* provide information related to climate change impact and adaptation (Article 13.8);
- *Shall* provide information related to financial, technology transfer, and capacity building support provided and mobilised (Article 13.9); and
- *Should* provide information related to financial, technology transfer, and capacity building support needed and received (Article 13.10).

She explained the difference between BURs and Biennial Transparency Reports (BTRs), saying the BTRs will supersede the BURs, and countries are expected to submit their first BTRs by 2024 at the latest, covering:

- National GHG Inventories (mandatory).
- Information to track progress of NDC implementation (mandatory).
- Information on climate change impacts and adaptation (optional).
- Information on support provided and mobilised (mandatory).
- Information on support needed and received (optional).

The submission of these reports will then be followed by a review process, Aragon said. The Technical Expert Review (TER) process will provide independent and expert verification of information in BTRs, by:

- Reviewing whether the information provided is consistent with the modalities, procedures and guidelines (MPGs) agreed in Katowice.

- Considering the Party's implementation and achievement of NDC.
- Identifying areas for improvement and capacity building needs.

She emphasised that the TERs will not make political judgements or review the adequacy or appropriateness of Party's NDC.

Describing the modalities, procedures and guidelines (MPGs) agreed in Katowice, Aragon said they provide further guidance on:

- GHG inventories (Chapter II)
- Tracking progress of NDC implementation (Chapter III)
- Climate change impacts and adaptation (Chapter IV)
- Support provided and mobilised (Chapter V)
- Support needed and received (Chapter IV)
- TERs (Chapter VI)
- Multilateral consideration of progress (FMCP) (Chapter VII)

These MPGs will need to be followed by all countries, but flexibility is provided for countries that need it in light of their capacities. Countries can self-determine whether they need flexibility, but they will have to indicate the use of flexibility provisions, identify capacity constraints, and provide a timeframe for improvements. LDCs have the flexibility to submit information in BTRs at their discretion.

Summarising the process initiated by the Paris Agreement, Aragon outlined the following five steps:

- Parties present their NDCs (it may include adaptation).
- Parties implement NDCs.
- Parties report progress in BTRs (every 2 years).
- BTRs reviewed by TER.
- Improve reporting, encourage ambition.

She concluded her presentation with the following questions for reflection:

- Is the ETF an important element of the international climate regime?
- What are the challenges to implement the ETF in your own country?

In the discussions that followed, participants discussed challenges faced by countries in reporting, including the lack of adequate information; mobilising the private and public sector to ensure better reporting; the importance of tracking finance; and finance for transparency. Aragon agreed that the transparency framework could present implementation challenges for countries, but result in greater support.

ARTICLE 6 OF THE PARIS AGREEMENT

This session started with a presentation by El Hadji Mbaye Diagne, LDC lead coordinator on Article 6. Diagne said Article 6 of the Paris Agreement recognises that Parties may choose to cooperate in the implementation of their NDCs on a voluntary basis, to allow for higher ambitions in their mitigation and adaptation actions and to promote sustainable development and environmental integrity. He said Article 6 provides for three cooperative mechanisms:

- Cooperative approaches, described in Article 6.2, which involve the “international transfer of mitigation

outcomes” (ITMOs) at the international level.

- A mechanism for mitigation and sustainable development under Article 6.4, which will operate under the authority of the CMA and produce mitigation outcomes that can be used in fulfilling the NDC of another Party.
- A framework for non-market approaches under Article 6.8, to promote mitigation and adaptation ambition, enhance public and private participation in the implementation of NDCs and enable opportunities for coordination across instruments and institutional arrangements.

Although the rules for implementing Article 6 were to be decided at Katowice, Diagne said, this proved impossible despite ministerial consultations. The differences between countries ran deep, mainly on:

- How to deal with the many different types of NDCs presented by countries (with economy-wide reductions, reductions over single and multiple years, deviations from business as usual, sectoral, policies, etc.);
- Governance of Article 6.2 mechanisms (the level of oversight needed from the UNFCCC, and whether there should be ex ante assessment or only ex post review);
- Accounting and corresponding adjustments;
- Contributions to adaptation through a share of proceeds (whereby a share of the profits from the mechanisms is set aside for adaptation, as in the Kyoto Protocol);
- The impact on overall mitigation of global emissions (OMGE); and
- The future of the Kyoto Protocol mechanisms.

SBSTA is now mandated to submit recommendations to COP25. The SBSTA negotiations will be based on two sets of texts, Diagne said – the SBSTA49 draft CMA decision on Article 6; and the draft text in the proposal by the President. The final two ‘L’ documents issues in Katowice were withdrawn and will not be used.

Diagne then listed the following outstanding issues related to the scope of the Article 6.2 mechanism:

- Eligibility of sectors and gases inside and outside NDCs (including providing incentives for progression while avoiding perverse incentives; putting in place safeguards to ensure environmental integrity, promote sustainable development and avoid double counting; dealing with sectors and gases inside and outside NDCs through corresponding adjustments; and the inclusion of the land and forestry sectors).
- Use of ITMOs outside of UNFCCC (such as the Carbon Offsetting and Reduction Scheme for International Aviation, or CORSIA).
- Governance issues, including whether there should be an Article 6.2 governance body, and international registry for use by countries that don’t have their own.
- Whether shares of proceeds should apply to the Article 6.2 mechanism.
- Whether “corresponding adjustments” are necessary for ITMOs inside and outside NDCs, and for purposes other than towards an NDC, such as CORSIA.
- Tracking, reporting and review of ITMOs, including whether ITMOs should be reported in BTRs. This was complicated by the decision already taken on this issue in Katowice in paragraph 77(d) of Article 13, he noted.

The following outstanding issues were listed for Article 6.4:

- Governance, including whether there should be a supervisory body similar to the Executive Board of the Clean Development Mechanism (CDM), and who should be represented; and whether there should be a grievance mechanism for Article 6.4.
- Scope, including whether activities inside and outside NDCs should be allowed.
- The activity cycle, and whether it should be similar to the CDM cycle.
- The transition of the Kyoto Protocol infrastructure and methodologies, with refinements, including of

units generated under the Kyoto Protocol mechanisms.

- The use of pre-2020 units towards an NDC. Diagne clarified that while LDCs will not benefit from such transfers, the pre-2020 units from emerging economies could flood the market.
- The operationalisation of share of proceeds.
- Ensuring overall mitigation of global emissions (OMGE) through the use of conservative baselines or voluntary cancellation of units.
- The separation of the issues of share of proceeds and OMGE.

On Article 6.8, Diagne listed two possible options:

- Under option A, the Article 6.8 mechanism will be governed by existing subsidiary bodies without the creation of new bodies. There are two further sub-options: having non-market mechanism as a SBSTA agenda item with determination of the need for governance arrangements after the completion of certain activities of the work programme; or a Forum for Non-Market Mechanisms with determination of the need for governance arrangements after the completion of certain activities of the work programme.
- Under option B, there could be a task force held in conjunction with the meetings of the SBSTA.

Diagne then listed a number of issues on which further technical studies are needed:

- Modalities for corresponding adjustment in relation of different types of NDCs.
- Avoiding double counting in relation to activities outside Parties' NDCs; and in relation to activities outside UNFCCC.
- Operationalisation of share of proceeds.
- Operationalisation of OMGE.
- Options for the transition of Kyoto Protocol units and registered projects and programmes and impacts on global ambition.
- Domestic and international registry for Article 6.2.

During the discussion, participants discussed how non-market mechanisms could work; the overall impact of carbon markets; how well the tracking and monitoring of transactions in the market work for African countries; and the share of proceeds concept.

GLOBAL STOCKTAKE AND THE COMPLIANCE MECHANISM

This session was facilitated by Olivia Tattarletti, Legal Response International. First addressing the global stocktake, Tattarletti said it was more than a review mechanism – it was also a mechanism to increase ambition over time through taking stock of collective progress. She invited participants to consider Article 14 of the Paris Agreement:

“The Conference of the Parties serving as the meeting of the Parties to this Agreement shall periodically take stock of the implementation of this Agreement to assess the collective progress towards achieving the purpose of this Agreement and its long-term goals (referred to as the “global stocktake”). It shall do so in a comprehensive and facilitative manner, considering mitigation, adaptation and the means of implementation and support, and in the light of equity and the best available science.”

Tattarletti noted that in Katowice, the scope and timeline for the first stocktake was agreed. The stocktake will address three thematic areas: mitigation, adaptation, and means of implementation (loss and damage and response measures may be considered within these three thematic areas). It will consist of a three-stage

process:

- **Stage 1 - Information collection and preparation:** This stage will start at CMA5 (November 2022) with a call for inputs to be submitted at least three months before the next phase begins. The inputs will be made available online. A webinar will take place, and synthesis reports will be prepared by the Secretariat on various topics such as the state of GHG emissions and mitigation efforts. Information gaps will be identified, followed by requests for additional input where needed. Sources of information for this stage include: Parties; the IPCC; subsidiary bodies and other Paris Agreement and UNFCCC bodies; the Secretariat; UN agencies and other international organisations; regional groups and institutions; non-Party stakeholders; and UNFCCC observer organisations. Information can be provided by these actors on: GHG emissions and mitigation efforts by Parties; the effect, and implementation progress, of NDCs; state of adaptation; finance flows; loss and damage; barriers and challenges faced by developing countries regarding finance, technology and capacity building; good practices and potential opportunities to enhance international cooperation on mitigation and adaptation; fairness considerations, including equity.
- **Stage 2 - Technical assessment:** This stage can overlap with the first stage but will finish before the third and final stage. During this stage, Parties will take stock of implementation, assess collective progress, and identify opportunities for enhanced action and support. Scientific and technical exchanges between the SBSTA, IPCC experts and Parties will take place. The existing SBSTA and IPCC joint working group will continue its work in this context. Parties will engage in a technical dialogue and outputs of the assessment for each thematic area will be summarised.
- **Stage 3 - Consideration of outputs:** This stage will take place during CMA6 (November 2023). During this stage, the findings of the Technical Assessment will be presented and their implications discussed by Parties at high-level events. The outputs should identify opportunities and challenges for collective progress; summarise key political messages; and be referenced in a decision for consideration and adoption by the CMA, and/or a declaration.

Before the first stage begins, chairs of the SBSTA and the SBI will develop guiding questions for all components of the stocktake, including thematic and crosscutting questions, one Subsidiary Body session before start of stocktake.

Tattarletti asked participants to consider the limitations of the global stocktake. Among the limitations, she said the stocktake does not focus on individual Parties' implementation or outcomes, and that the outputs can only include "non-policy prescriptive" consideration of collective progress. In addition, there is no guarantee there will be a CMA decision, and the effectiveness of the stocktake will be reduced because "common time frames" will only be applied from 2031. Finally on the stocktake, Tattarletti explained what the next steps for individual Parties might entail (from an LDC perspective).

Moving on to the **compliance mechanism**, Tattarletti said compliance in the Paris Agreement begins with the procedural commitment of Parties to file and update mitigation NDCs (these compliance requirements do not, however, cover compliance with an NDC). It moves from transparency (the measuring, reporting and review of a Party's action to mitigate and adapt to climate change) to compliance (consideration of whether Parties are following mandatory reporting requirements). In an ideal world, she said, this would be followed by enforcement. However, the compliance mechanism in the Paris Agreement is based on an expectation of good faith rather than sanctioning non-compliance.

Tattarletti read out Article 15 of the Paris Agreement, and discussed its main implications with participants: Article 15 of the Paris Agreement calls for:

"A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement..."

[It] shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.”

She said the Paris Agreement agreed the basic composition of the Compliance Committee, and part of its mandate. In Katowice, Parties further agreed on the Committee’s scope, how and when it can become involved, how it can reach decisions, and what it can do. The Committee’s first task will be to develop further procedural rules on its operation at CMA3 in 2020. The modalities and procedures of the Committee will be reviewed at CMA7 in 2024.

Regarding instances when the Committee can get involved, Tattarletti outlined four scenarios for when this might take place: upon self-referral by a Party; if a Party does not comply with its reporting obligations; with the Party’s consent, in cases of significant and persistent inconsistencies; or to examine issues of a systemic nature. Once it is involved, Tattarletti said the Committee can take the following measures:

- Dialogue with the Party.
- Provide assistance the Party to engage with finance, technology and capacity-building bodies.
- Issue findings of fact in relation to a Party’s implementation or compliance with legally binding obligations.
- Make recommendations to a Party and communicate these to relevant bodies, with the consent of the Party.
- Recommend and assist in developing an action plan.
- Bring systemic issues faced by a number of Parties to the attention of the CMA and make recommendations.

It cannot, however, carry out measures related to enforcement, dispute settlement, penalties or sanctions.

Throughout the process, the Committee shall pay particular attention to national capabilities and circumstances of the Party concerned, and the special circumstances of LDCs and small island developing States (SIDS) should also be recognised.

Tattarletti opened up for debate what limitations the Committee’s scope might have. Following a brief discussion with participants, Tattarletti said the main limitations were that there would be no real consequences for Parties found to be non-compliant and that the mandate of the Committee would not allow it to examine the substantive question of “how” Parties were complying with their reporting obligation, but rather its scope would be limited to only examining “if” Parties have complied.

Finally, listing next steps for individual Parties (particularly LDCs), she said Parties need to understand what their reporting requirements are (including the flexibility afforded to LDCs), and try to comply with them. Parties could also make use of this process to receive assistance in developing an action plan for compliance, and if they are subject to consideration by the Committee, engage with the process, as the mechanism is about helping Parties to comply with the Agreement, not about punishing them.

She listed the following resources:

- [The Katowice Climate Package](#), for the Katowice decisions referred to in her presentation.
- [COP24 Key Outcomes](#), a briefing by ecbi on the Katowice outcomes.
- [COP24 Report](#), another briefing on Katowice.

She also invited participants to visit the LRI website to explore the database for [legal assistance](#) provided in the context of the UNFCCC negotiations, and the LRI/UNEP [advice portal](#) for domestic climate change legislation.

MOCK NEGOTIATIONS - PART 2

The mock negotiations on loss and damage continued during this session.

GROUP WORK

During this session, participants broke into five groups on mitigation, adaptation, loss and damage, finance, and gender to discuss national priorities and develop a strategy to support each other during negotiations.

Reporting back, the group on loss and damage listed health and infrastructure as key concerns. The group on gender highlighted the need for women's involvement in politics and in decision-making processes. They added that the legal status of women should be reinforced through capacity building programs. The group on finance agreed that adaptation projects should be well financed. The group on adaptation highlighted the agriculture, water, and coastal zone sectors, while underlining the need for technology transfer. The group on mitigation highlighted technology transfer and renewable energy. All the groups resolved to keep in touch through social media and exchanged contact details.

CONCLUDING SESSION

Participants thanked the organisers during the closing session, calling for additional training sessions to be organised in the year. Providing final advice, the resource persons wished the participants the courage to represent their countries in the international arena, advising them to form groups and communicate to have a more significant presence. Seck closed the workshop while calling on the participants to seek knowledge, have endurance, and be engaged, motivated, passionate, courageous, and flexible.