



# Regional Training Workshop

Anglophone Africa



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**ecbi**

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This report is written by Yonas Gebru, and edited by Anju Sharma.

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## INTRODUCTION

The ecbi Regional Training Workshop for Anglophone Africa, on 2 & 3 May 2019 at the Harmony Hotel in Addis Ababa, Ethiopia, was organised in partnership with regional partner ENDA Energie. It was attended by 29 participants from the region, nominated by UNFCCC National Focal Points.

On behalf of ENDA Energie, Emmanuel Seck welcomed participants, and described ENDA's collaboration with ecbi on the annual training workshops.

Anju Sharma, Oxford Climate Policy, noted that several of the Workshop participants were returning for the second time, and this continuity would help strengthen their capacity. Pointing to the increasing threats from climate change around the world, most recently the flooding in Mozambique, she said climate change is one of the biggest challenges that humankind is facing today, and also one of the biggest injustices. The Workshops are a small contribution towards levelling the playing field at least in the UNFCCC negotiations she said, requested participants to make the best use of the opportunity, and to follow in the steps of others such as Pa Ousman from The Gambia, and Gebru Jember Endalew from Ethiopia, who started at the ecbi Training Workshops and went on Chair the LDC Group. She also encouraged participants to use the opportunity to network and build personal relationships, which can be critical in overcoming differences in the global negotiations.

Describing ecbi, Sharma explained that it is a network of three global institutions – International Institute for Environment and Development (IIED), Oxford Climate Policy (OCP), and Legal Response International (LRI) – with three key programmes: Fellowship Programme; Training and Support Programme (TSP); and the Publications and Policy Analysis Unit (PPAU). The Fellowship Programme focuses on trust-building among senior UNFCCC negotiators, mainly through the annual Oxford and Bonn Seminars. TSP, meanwhile, focuses on building the capacity of new negotiators, and providing bursaries to women negotiators, to allow them to participate in UNFCCC sessions on a more regular basis. PPAU provides publications for both units – mainly advanced policy briefs for senior negotiators, and Guides for new negotiators. In this context, Sharma introduced two new Guides published recently: a *Pocket Guide to the UNFCCC*, and a *Pocket Guide to Adaptation*.

Olivia Tattarletti, LRI, said LRI provides legal advice to negotiators through a pro bono network of lawyers and academicians from universities; and develops resources for negotiators, such as mechanisms to track implementation of the Paris Agreement, produced in collaboration with UN Environment.

Brianna Craft, IIED, said that IIED is an independent research organisation based in the with four research groups: climate change, natural resources, sustainable markets, and human settlements. She said IIED is an ecbi founding partner, and takes the lead in the TSP, organising regional training workshops, providing bursaries, and providing technical advice to the LDC Group of negotiators. This was followed by a round of introductions, where participants indicated their existing level of experience with the negotiators and listed their key areas of interest. Craft then introduced the Workshop agenda, while encouraging participants to ask questions and participate freely.

## THE UNFCCC NEGOTIATIONS AND THE PARIS AGREEMENT

This session started with a presentation by Stella Gama, senior negotiator for Malawi. She invited participants to consider why a multilateral process is needed to address climate change. Participants responded that a multilateral process is necessary to address a global problem without borders, such as climate change.



Stella Gama, Malawi, explains the history and structure of the global climate change negotiations

Gama then described the UN Framework Convention on Climate Change (UNFCCC); Kyoto Protocol; and the Paris Agreement.

On the UNFCCC, she said the treaty was adopted in 1992, with the overall objective of stabilising greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, 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. She listed the following four key principles of the UNFCCC:

- Common but differentiated responsibilities and respective capabilities (CBDR-RC)
- Equity
- Precautionary principle
- Sustainable development

She then moved on to the Kyoto Protocol, saying it was adopted in 1997, and entered into force in 2005, with its 192 signatories making up the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP). She said the Kyoto Protocol is mostly a mitigation-related agreement that commits developed country Parties to reduce GHG emissions by an average of 5% below 1990 levels during the first commitment period (2008-2012); and further reductions in second commitment period (2013-2020).

Describing the Paris Agreement, Gama said it was negotiated in 2015 and entered into force in 2016, with its Parties making up the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement



(CMA). She explained that the Paris Agreement is a universal agreement, based on the principles of the UNFCCC. It is legally-binding; comprehensive and balanced; introduces a bottom-up approach; and has a built-in ambition mechanism. It aims to strengthen the global response to climate change by: holding global average temperature increase to less than 2°C, while aiming for 1.5°C; increasing the ability to adapt and foster low-carbon, climate-resilient development; and making finance flows consistent with low-carbon and climate-resilient development pathways.

However, Gama noted that currently, national pledges made through Nationally Determined Contribution (NDCs) are not enough to limit warming to 1.5°C. The Intergovernmental Panel on Climate Change (IPCC), in its special report on *Global Warming of 1.5°C*, recently concluded that avoiding warming of more than 1.5°C will require carbon dioxide emissions to decline substantially before 2030. This will require more effort by countries to close the “emissions gap”. Since pre-industrial times, human activities have caused approximately 1°C of global warming, with severe consequences for people, nature and livelihoods. At the current rate, global average temperatures are expected to reach 1.5°C between 2030- 2050, she said.

Gama listed the impacts of climate change on Africa from the IPCC special report, including more frequent heat waves in West Africa and the Sahel resulting in a decrease in maize and sorghum production, together with food insecurity and poor nutrition; and reduced water availability in Southern Africa, together with increased mortality due to heat waves, and further threats to agriculture and livestock. She invited participants to consider what this means for Africa, including what action Africa needs to take, what is the support required, what Africa’s message to the world should be, and last but not least, what this means for them individually as negotiators for Africa, and what role they can play.

Stella then described the governance structure of the UNFCCC, beginning from the three supreme decision-making bodies: the Conference of Parties (COP) to the UNFCCC, CMP and CMA. She said these bodies meet annually to adopt decisions and further the implementation of each of these agreements. Two permanent bodies support the COP, CMP and CMA: the Subsidiary Body for Implementation (SBI); and the Subsidiary Body for Scientific and Technological Advice (SBSTA). Gama also listed a number of “constituted bodies” set up to help the COP, including for instance the LDC Expert Group, the Adaptation Committee, and the Executive Committee of the Warsaw International Mechanism for Loss and Damage.

She said the following key negotiating groups are recognised under the UNFCCC process:

- The Group of 77 and China (G77 and China) with 134 members mainly from developing countries
- The African Group of Negotiators (AGN), a geographical grouping of 54 countries
- The Least Developed Countries (LDCs), 48 countries categorized as ‘least developed’ according to UN criteria
- Small Island Developing States (SIDS) with 39 members, negotiating 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

Gama described the role of other key actors in the process, including the UNFCCC Secretariat which supports the preparation of the agenda and facilitation of discussions; the President of the COP, CMP, and CMA; the

SBI Chair; the SBSTA Chair; and observer NGOs, who provide support at the meetings and act as watchdogs. Finally, she briefly described what to expect from the various formal and informal meetings. She said formal meetings include the plenary and contact groups; while informal meetings include informal consultations, drafting groups, coordination meetings, and bilateral meetings.

During the discussions, participants discussed the need for a multilateral process to address climate change; the consequences of renegeing on an international treaty; and what universal applicability means. Participants also discussed practical concerns, such as getting the chance to speak at the negotiations. In conclusion, Gama encouraged participants to consider what the threats described in the IPCC special report mean for Africa's future.

## 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, participants discussed the difference between ratification and signing; and the future of the market mechanisms under the Kyoto Protocol.

## 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 was to give participants a practical understanding of the negotiating process and to let 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 former LDC Chair Gebru Jember Endalew and facilitated by Craft (acting as the UNFCCC Secretariat). Craft explained the basics of how interventions are made, using country flags. Endalew explained consensus-based decision making, and encouraged participants to be persuasive in their arguments. The session ended with the Chair proposing informal consultations coordinated by Zambia, followed by continued negotiations on the next day. The “Secretariat” was asked to provide revised text on the basis of interventions.

## 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 relationship between adaptation and development; and the relationship between NAPs and NDCs.

## ENHANCED TRANSPARENCY FRAMEWORK

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 whether the TER is a pre- or post-review process; links between transparency and technology; and which parts of the ETF are obligatory.

## GROUP POSITION



Seeking consensus on the sidelines of the discussions to reach a group position

During this session, chaired by Gama 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. Following a hot debate, it was agreed that sessions should continue to be held every year, as several key issues such as climate finance and finance for loss and damage still remained to be resolved.

## COOPERATIVE APPROACHES

This session started with a presentation by Gebru Jember Endalew, former LDC Chair. Endalew 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, Endalew 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, Endalew 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.

Endalew 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. 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. Endalew 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, Endalew 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 program; or a Forum for Non-Market Mechanisms with determination of the need for governance arrangements after the completion of certain activities of the work programs.
- Under option B, there could be a task force held in conjunction with the meetings of the SBSTA.

Endalew 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 programs and impacts on global ambition.
- Domestic and international registry for Article 6.2.

During the discussion, participants discussed whether CDM had resulted in actual emissions reductions; the similarities between Article 6.4 and CDM; and carbon trading.

## 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.



Participants found the ecbi Pocket Guides helpful in guiding their progress

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. At the end of the session, participants expressed their satisfaction with the mock negotiations experience, saying it made them realise the extreme importance of adequate information, focus, commitment, and group coordination, including communication with experts and colleagues through WhatsApp etc. Participants highlighted the ecbi Pocket Guides, in particular, as useful while negotiating. They asked questions of clarification, such as what to do if they don't agree on with the Group position. They also felt that senior negotiators should make a bigger effort in including junior negotiators in the process.

## GROUP WORK

Participants were divided into the following thematic groups based on the issues they chose to follow: adaptation; mitigation; finance; capacity building; gender; compliance and transparency. They were asked to

discuss key issues for their countries in these areas, and also ways of keeping in touch after the workshop to support each other and share information.

The group on finance highlighted the need for:

- national strategies for resource mobilisation;
- conducting needs assessments;
- involving the private sector;
- financial management teams;
- regular auditing to build trust with contributors;
- engaging civil society organisations;
- approaching agencies such as the African Development Bank and World Bank with good strategies;
- strengthening financial institutions; and
- meeting and sharing experiences.

The technology group highlighted the need for affordable renewable energy, and for financial and technical support. The adaptation group highlighted the need for early warning systems and legal frameworks. The gender group highlighted empowerment, and systemic consideration of gender in climate-related activities. The capacity building group emphasised the need to target policy makers and developing negotiating skill. The mitigation group highlighted activities around agriculture, forests, energy, and plastic pollution. The transparency and compliance group highlighted the need for national institutional capacity, capacity building, and finance. All the groups resolved to stay in touch through social media, including email and WhatsApp.

## CONCLUDING SESSION

During the closing session, Seck extended his gratitude to the host country for introducing a new online visa system that helped participants process their visas. He also thanked all the resource persons and partners, the staff of ENDA Ethiopia and the ENDA Energy team, and the rapporteur. He extended special thanks to all participants for their active participation in the workshop, saying the training is a privilege but also comes with responsibility, and that participants are expected to remain proactive and committed.