

# Annual Report

2012-2013



**ecbi**

European Capacity Building Initiative  
[www.eurocapacity.org](http://www.eurocapacity.org)

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## MESSAGE FROM THE DIRECTOR



### **Benito Müller**

*Director, ecbi and Head of the Fellowship Programme*

The past year has brought a number of significant changes for the ecbi. First and foremost, we have a new member organisation, the Legal Response Initiative (LRI), whose executive director, Christoph Schwarte was chosen to represent LRI on the ecbi Executive Committee. LRI is a London-based membership organisation that provides free legal advice to poor developing countries and civil society observer organisations in connection with the international climate negotiations. It works through a network of pro bono advisers from law firms, barrister chambers and universities in various jurisdictions.

The Fellowship Programme carried out its traditional meetings in Bonn (Bonn Seminar) and in Oxford (Fellowship Colloquium and Oxford Seminar). As always, the discussion was very open and instructive. Personally, it allowed me to get some valuable feedback on some work that was later to be published as an ecbi Policy Brief on the topic of operationalizing ‘respective capabilities’. The Programme also organised a number of ‘ad hoc’ ecbi Finance Circle events, in conjunction with meetings of the Standing Committee on Finance (SCF) and of the Green Climate Fund Board (GCFB). These meetings proved to be very useful also for the advisory services that we supported in the context of these two bodies.

I am also pleased to be able to report that our policy analysis activities, now managed through our Policy Analysis and Publications Unit, headed and represented on the Executive Committee by Anju Sharma, have finally come into their own and are on course to continue to do so next year, not least by supporting the publication of a paper series for the LDC Group.

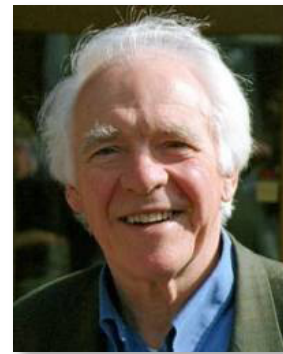
The Workshop Programme, however, suffered a setback beyond our control. New administrative rules of the UK Advocacy Fund – in particular a 15 per cent cap on logistics and travel expenses – meant that our workshops could no longer be supported. CDKN, who administer the fund, kindly offered to support the LDC Paper Series instead, but this still meant that, much to our regret, we were unable to find the funding for our regional workshops in the past year.

Having said this, I am pleased to be able to end this year’s message on a much more encouraging note. As alluded to earlier, the ecbi has been able to support certain advisory services which have proven to be much appreciated and, I dare say, effective. Achala C. Abeyasinghe, IIED’s representative on the Executive Committee, has been Chief Legal Advisor to Pa Ousman Jarju, the LDC Group Chair (also a valued member of our Advisory Committee). She and her team at IIED have worked closely with the Chair to develop the LDC Group’s strategy, including a record number of LDC Group submissions.

I myself had the honour of advising the LDC Group Chair, as well as Emmanuel Dlamini (Africa Group Chair and Advisory Committee member) on climate finance issues. As such, I provided advice to the LDC members of the Standing Committee on Finance and the Green Climate Fund Board. Following the work during the Transitional Committee, the principal aim of the LDC GCF delegation was Enhanced Direct Access through National Funding Entities, such as the Bangladesh Climate Change Resilience Fund. It is thus particularly pleasing that at its last meeting, the GCF Board ‘noted convergence’ among its members that the GCF should commence working through national, regional and international funding entities.

During this reporting period, LRI attended all major meetings of the UNFCCC Conference of the Parties and its subsidiary bodies. It responded to over 100 requests for legal advice and produced several briefing papers. LRI’s advice-giving model enables LDCs and other climate vulnerable countries to access high quality legal support services that would otherwise be unavailable, and allows the legal community to make a meaningful contribution to the protection of the global environment. Based on a self-assessment, the LRI pro bono advisers provided a total of 44 hours of free legal advice during this reporting period.

## MESSAGES FROM THE ADVISORY COMMITTEE CO-CHAIRS



### **Bo Kjellén**

*Senior Research Fellow, Stockholm Environment Institute, and Chairman of the Swedish Research Council on Environment, Agricultural Sciences and Spatial Planning (Formas)*

Climate negotiators have had an intense year, trying to confirm the results achieved in Durban in late 2011, paving the way for a new international regime post-2012, and at the same time giving substance to a second commitment period of the Kyoto Protocol. Success was not a foregone conclusion, since many doubts remained about the viability of the Durban Platform. The meetings of subsidiary bodies in Bonn in June 2012 saw a laborious start for the new Ad Hoc Working Group on the Durban Platform (ADP).

Nevertheless, the UNFCCC Conference of Parties (COP-18) in Doha managed to agree on a package that enabled commitments for Annex I countries to continue until 2020 and permitted the ADP to become a single negotiating track for the post-2020 regime. Negotiators welcomed the deal named the “Doha Gateway”, but many NGO’s remained skeptical, underlining that the Doha results were mainly procedural and not much progress had been made on substance.

As a former negotiator, I recognize this dichotomy of opinions. For the negotiators, Doha had to confirm the Durban Platform and create a simplified negotiating structure: this was achieved. But at the same time, tremendous substantial problems with the highly political content remains to be solved in the short time until COP-21 in 2015. And climate change does not wait for the negotiators – we can expect that the Fifth Assessment Report of the Intergovernmental Panel on Climate Change to be presented in September this year will sharpen the warnings of science. How much time do we have? It is logical that environmental NGO’s should do their part in influencing national opinions and creating the enabling conditions for more daring instructions to negotiators.

We are in a period of transition: the economic crisis, particularly in Europe, risks moving climate change to a lower priority in politics. At the same time, the re-election of Barack Obama should open new possibilities in the United States, even if the situation in Congress continues to be a problem. And in international climate politics the simple logic of the UNFCCC and the Kyoto Protocol with the clear distinction between Annex I and non-Annex I will be replaced with something new and different, reflected in the language of the Durban Platform.

This changing negotiating environment exists against the background of changing geopolitical realities with the increasing importance of the rapidly growing countries in the BASIC group, while in the run-up to 2015 the problems of poverty remain a priority reflected in the Millennium Development Goals.

Therefore, climate negotiations need to deal more directly with the questions of equity, fairness and justice. Experience has shown that such talks are very difficult in a formal negotiating setting: the experience of ADP in 2012 has confirmed this. But the last year has also shown that informal consultations and seminar-style encounters can have an impact on the negotiations, albeit with certain delay. Therefore, the negotiating process has to create new platforms for such dialogues.

ecbi has shown its convening capacity for such meetings over the years. The ecbi seminars and regional workshops, and not least the Oxford Fellowships and Seminars, have already set the pattern for exactly the kind of discussions between negotiators that has now become more important than ever. And it is beyond doubt that these activities have influenced the negotiating environment over the years, creating ever more capacity and ever more trust between negotiators from different groups.

Based on written background reports, particularly by Benito Müller, the ecbi has managed to influence negotiations in various ways, not least in relation to the crucial issues related to finance, but also in other fields such as institutions and adaptation.

This report reflects the important action of ecbi in more detail. It demonstrates that in exactly this crucial phase of the negotiations the ecbi method has an important role to play in helping negotiators move international climate politics towards critical agreements.



### **Farrukh Iqbal Khan**

*Lead Negotiator for Climate Change and Counsellor, Permanent Mission of Pakistan to the UN in New York*

Progress in the climate negotiations remains slow – but there are several signs that give hope of enhanced momentum in the near future, including the shrinking space for climate skeptics in the face of irrefutable evidence of climate change, and greater bilateral engagement between the US and China.

Climate change has become a top priority for the international community, as evidenced by the UN Secretary-General's choice to convene a Head of State/Government level Summit on climate change in September 2014; and the efforts of Jim Yong Kim, the new World Bank President, to put climate action firmly on the development agenda.

Finally, France is leading a determined effort to reach agreement on a global deal by 2015, when the 21st Conference of the Parties to the UNFCCC will be held in Paris. French leadership will be critical in achieving this goal.

Amid these developments, ecbi is playing a crucial role by promoting fairness, trust and a leveling of the field amongst UNFCCC Parties. This small but effective organization has proved that lasting solutions are not just the result of consensus among the big players. “Smaller” players, who are likely to suffer the worst impacts of climate change, must also be part of the decision-making, and be able to voice their concerns in an effective manner to promote solutions that will help avert the danger they are in. The LDC capacity building initiative, the Fellowships and informal, offline communications on the margins of the formal negotiations remain a relevant and positive feature of this initiative.

The road to Paris is not yet fully lit up, but by ensuring that every country has the right tools at its disposal to help find solutions, we have better hope of finally untying the Gordian knot.

*“The ecbi programme is an excellent way of building confidence between developing countries and Europe, with a view to promote progress in the international negotiations on climate change.”*

*- Anna Lindstedt, Ambassador for Climate Change, Ministry of the Environment, Sweden*

## ECBI GOVERNANCE STRUCTURE

The European Capacity Building Initiative (ecbi) is an umbrella initiative, originally with two ‘Lead Member Institutions’ – Oxford Climate Policy (OCP) and the International Institute for Environment and Development (IIED). As of 2013, the Legal Response Initiative (LRI) has also joined the initiative as a Lead Member Institution.

Under the ecbi management and governance structure, the Lead Member Institutions nominate a representative for the ecbi Executive Committee, which in turn appoints the ecbi Director and programme and unit heads. The Executive Committee is responsible for the overall administrative and financial management of ecbi. The ecbi Director is responsible for the everyday running of ecbi, with support from the Programme and Unit Heads.

An Advisory Committee co-chaired by two eminent people, one from a developing country and the other from Europe, provides strategic guidance for the content of the initiative.

## ECBI ACTIVITIES

ecbi activities are divided into two main Programmes: the *Fellowship Programme* and the *Workshop Programme*. The Fellowship Programme, led by Benito Müller, includes the Oxford Fellowships, Oxford Seminars, and Bonn Seminars. The Workshop Programme, led by Achala Chandani Abeysinghe, includes Regional and Pre-COP Workshops, as well as Bursaries for climate change negotiators. However, this past year, it was unable to fulfil its key activities due to lack of funding. Despite this, ecbi continued to grow through the Fellowship Programme and additional activities that received positive feedback from participants and laid a strong foundation for the coming year.

ecbi includes a number of cross-cutting activities, including the *Publications and Policy Analysis Unit* (PPAU) headed by Anju Sharma, and support to the ecbi Advisory Committee. The PPAU has gone from strength to strength with twice as many publications as the year before. In addition, the ecbi Finance Circle has continued to expand with the aim of enhancing understanding of the issues involved in financial architecture and governance. It hosted three meetings and two noteworthy receptions for the GCFB and SCF. Lastly, ecbi supports a number of activities by OCP, IIED and LRI, through the technical and legal assistance they provide in the UNFCCC negotiations.

*“A great experience as ever under Benito’s benign eye: the informal frank and friendly character of the seminar allowed a real dialogue, and helped me understand better the underlying perspective of a number of developing country colleagues.”*

*- Peter Betts, Lead Negotiator, United Kingdom*



## Fellowship Programme

### *Fellowship Colloquium and Oxford Seminar 2012*

The ecbi Fellowship Colloquium and Oxford Seminar are sister events held every year. The Fellows Colloquium for developing country negotiators is a three-day event with a long-standing record for promoting 'South-South' trust building. The discussions are focused on immediate issues relevant to the UNFCCC negotiations. The developing country Fellows decide which issues they would like to discuss with their European counterparts in the Oxford Seminar, which immediately follows the event and lasts two days.

The ecbi Oxford Seminar is hosted for senior climate negotiators from developing countries and Europe in the academic setting of Oxford University. It aims to promote trust among negotiators by providing an opportunity for them to exchange views in an informal and non-confrontational setting, and to understand better other national and group positions.

In 2012, the Fellowship Colloquium and Oxford Seminar took place from 8 to 14 July. Twelve Fellows from developing countries (including participants from LDCs, the Alliance of Small Island States, the Alliance for the Peoples of Our America (ALBA), the Africa Group, and the BASIC group), and 14 participants from Europe and the European Commission were in attendance. The discussion concentrated on the implementation of the Bali Road Map; the post-2020 regime under the Durban Platform on Enhanced Action (DPEA), in particular common but differentiated responsibilities and relative capabilities (CBDR and RC); long-term finance, in particular the use of innovative sources of finance; and support for adaptation, in particular the National Adaptation Plans of Action (NAPAs) and National Action Plans (NAPs). A detailed report of the Seminar can be found at <http://www.eurocapacity.org/downloads/Oxford2012Seminar.pdf>.



*"The Oxford Seminar was a brilliantly organised event, permitting us over a few days an enriching experience on substance and intellectual aspects, the free-flow and exchange of ideas, and most importantly, the space to work towards a shared and better understanding of key issues to better address global climate change and financing issues."*

*- Dipak Dasgupta, Principal Economic Adviser, Ministry of Finance, India  
Member of the Green Climate Fund Board*



*"Before I attended the Fellowship, I could not establish a close relationship with the negotiators, especially those from developed countries. I think this was so mainly because in the negotiation there is so much tension coming from strong position that tends to create an unnecessary mistrust. After engaging in an informal manner and relaxed way, attitudes were very much controlled and I believe everybody enjoyed each other present - I did very much. We even had time to joke amongst ourselves on a number of issues which created the relax atmosphere that prevailed throughout the fellowship and enabled the building of trust amongst ourselves. Bravo fellowship!"*

*- Emmanuel Dlamini, Chair of the African Group*

### **Bonn Seminar 2012**

The Bonn Seminar, another important annual meeting for the ecbi, was held on 20 May 2012 and attended by 31 participants from developed and developing countries. This was the seventh ecbi Bonn Seminar organized alongside the annual meeting of the UNFCCC Subsidiary Bodies and provided an informal forum for discussing issues that prove difficult to resolve under the formal auspices of the UNFCCC.

ecbi Advisory Committee members Bo Kjellén and Farrukh Iqbal Khan co-chaired the Seminar with three sessions: equity and CBDR, the future of the Kyoto Protocol (Architecture), and long-term finance. A detailed report of the Bonn Seminar 2012 can be found at <http://www.eurocapacity.org/downloads/Bonn2012Seminar.pdf>.



## Publications and Policy Analysis Unit

In FY 2012-2013, PPAU continued with its twin aims of generating timely and relevant policy analysis of direct relevance to the climate negotiations, and capacity building of developing country (mainly LDC) negotiators, who are involved in the policy analysis process as either co-authors or reviewers.

During this year, the following four papers were commissioned:

- 1. The Oxford Approach: Operationalising ‘Respective Capabilities’:** This ecbi Policy Brief by Benito Müller and Lavan Mahadeva proposes a measure to define or assess climate change cost/burden sharing schemes. To illustrate the potential use of the methodology proposed in the Brief, it considers two examples: assessing the fairness of a given cost distribution; and developing a (rule-based) ‘graduation scheme’ regarding obligations to pay.
- 2. The 2015 Climate Agreement: Lessons from the Bali Road Map:** This Policy Brief by Xolisa Ngwadla, Achala C. Abeysinghe and Adéyemi Freitas draws on lessons from the Bali Road Map negotiations to reflect on possible approaches to the 2015 agreement and its legal form. The paper also examines the shift from a ‘top-down’ approach to commitments, to a ‘pledge and review’ approach, and the seemingly paradoxical relationship between the nature of commitments and the effectiveness of the regime.
- 3. Least Developed, Most Vulnerable: Have Climate Finance Promises Been Fulfilled for the LDCs?** This Policy Brief by David Cipler, Timmons Roberts, Mizan Khan, Spencer Fields and Keith Madden considers nine questions to review whether wealthy countries are keeping their Copenhagen ‘Fast Start Finance’ pledges. A brief version of this report was published in collaboration with IIED, in time for the climate conference in Doha in 2012. The figures have recently been updated to take into country recent information.
- 4. Crowdfunding for Climate Change:** This Policy Brief by Konrad von Ritter and Diann Black-Layne considers ‘crowdfunding’ as a way of mobilizing new and additional (micro)finance from private individual sources, to fund local-level climate change action.

In addition, PPAU produced meeting reports for the 2012 Bonn Seminar, 2012 Oxford Fellowships and Seminar, and the Seminar on Durban Outcomes for the Africa Group in March 2012.

Given their timeliness, and the fact that they have a direct conduit, so to speak, to negotiators (either because they are written/reviewed by negotiators, thus building ownership, or because of the opportunities presented to interact with negotiators by ecbi’s other activities), ecbi publications continue to be influential in the negotiations.

For instance, the Policy Brief on operationalising the principle of ‘respective capabilities’ was commissioned in anticipation that the issue would become important in coming months. It was completed just when the discussion on capabilities was starting to take off in the peripheries of the UNFCCC negotiations. As a result, the measure proposed in the paper is now one of the proposals under consideration in exploratory meetings to initiate the formal discussions. The Brief also caught the attention of the media, and was described by Paul Baer, one of the authors of a proposal for Greenhouse Development Rights (GDRs – another proposal to measure capability) as “by far the best analysis of Greenhouse Development Rights that has ever been written... [the] approach is very thoughtful and creative”.

The three other papers were completed only recently, so it is too early to review for impact. However, the paper reviewing Fast Start Finance was commissioned in response to a direct request from the Chair of the LDC Group, and will inform Group positions over 2013. The draft version of the paper on the 2015 Climate

*“The ecbi makes it possible that people with different positions of their own groups or countries to listen to one another for the common good of our peoples.”*

*- Qi Dahai, Director, Office of Climate Change Negotiations, Ministry of Foreign Affairs, China*

Agreement was presented to the Africa Group, with comments taken on board for the final version. The authors of this paper are the lead Group members working on this issue in the negotiations (Xolisa Ngwadla for the Africa Group, Sandra Adéyêmi Freitas for the LDCs). Freitas has been asked by the LDC Group to provide support on the overall ADP negotiations and in particular to coordinate the negotiations under Workstream 2, on the work programme for enhanced ambition, on behalf of the Group.

Co-author Diann Black-Layne, Director/Ambassador at Government of Antigua and Barbuda and a member of the UNFCCC Steering Committee on Finance (SCF) will present the paper on microfinance at the upcoming SCF Forum in May 2013.

ecbi has also been successful in raising funds for a policy brief and a set of ten “LDC Papers” for the LDC Group from the Climate and Development Knowledge Network, UK for 2013. The LDC Paper Series will be planned and implemented in close collaboration with the LDC Group and through a ‘Series Editorial Board’ that will include a SIDA representative.

*“The paper has been presented to the African Group in Doha, and in general it has been welcomed. Parties find the analysis interesting and the discussions we had were all positive...several delegates also asked for the soft version of the paper, showing their interest. On the LDC side ... the paper has still a role to play in helping the group better shape its position on ADP issues. For me in particular, it provided an opportunity to think and frame initial propositions for the Group on issues like: how to ensure achievements under the LCA will be carried out in the ADP without loading the ADP; the approach for adaptation under the future regime; and how to anchor the institutions established in Durban and consolidated in Doha in the new process and in the future regime. All this to say that, YES, the paper has been valuable to the LDCs at this earlier stage of the ADP and will probably continue to do so, as we will be embarking this year and next year in the elaboration of the substance of the ADP.”*

*- Sandra Adéyêmi Freitas, LDC Negotiator*

## Finance Circle

The ecbi Finance Circle has continued its traditional meetings during negotiation sessions with five events during this past year.

### **ecbi Finance Circle Meeting, Bonn Germany**

On 19 May 2012, the ecbi Finance Circle hosted an event during the formal meeting of the Subsidiary Bodies to the UNFCCC in Bonn, Germany. Twenty participants from Australia, Canada, Ecuador, EU, India, Ireland, Japan, Malawi, Poland, Slovenia, UAE, Uganda, UK, USA, Zambia, Zimbabwe and the UNFCCC Secretariat attended the meeting.

The meeting focused on long-term finance and the work programme of the SCF. Regarding long-term finance, the conversation included how finance sources are raised, transparency and MRV of support, and the lessons that could and should be learned from the Fast Start Finance experience. For the discussion on the SCF Work Programme, the provision of draft guidance to the Operating Entities of the Financial Mechanism was cited as a priority task in the SC work programme, as well as a forthcoming review of the Financial Mechanism



where it remains unclear the role of the SCF. The last topic raised was the role (if any) of the SCF in drafting the accountability arrangements between the COP and the GCF.

### ***LDC/ecbi Finance Circle Reception for the GCFB***

On 22 August 2012, the Green Climate Fund Board (GCFB) formally held its constitutive meeting in Geneva, Switzerland. Following a tradition established by the ecbi in the context of the Adaptation Fund Board and the Transitional Committee, the ecbi Finance Circle organized a reception for the GCF Board on 24 August 2012, which was co-hosted by David Kaluba, LDC member of the GCFB. After a short welcome by Kaluba, Müller gave a presentation on the importance of involving stakeholders in the GCF.

### ***ecbi Finance Circle Reception for the SCF***

On 6 September 2012, two years and one week after it was conceived during the 2010 ecbi Fellowships in Oxford, the Standing Committee on Finance (SCF) had its formal inaugurating meeting in Bangkok, Thailand. In order to celebrate this significant event, and to provide a chance for its members to interact with the SCF, the ecbi Finance Circle hosted a reception on 5 September in Bangkok.

The ecbi Director, who is advising Edith Kasajja, the LDC SCF member from Uganda, opened the meeting with a few introductory remarks on the nature and the priorities of the SCF and handed out the 'birth certificate' of the SCF, the proposal by the 2010 ecbi Fellows to create "a standing committee ... to provide support to the COP in exercising its functions with respect to the Financial Mechanism of the UNFCCC" (ecbi Fellows Finance Architecture Proposal). The reception was also attended by Pa Ousman Jarju, LDC Group Chair, and Prakash Mathema, LDC Group Chair elect.

*"I am very impressed with what I have seen of ecbi so far. I participated in the workshop in Bonn and will be in Oxford. This is an excellent format for both capacity-building and trust-building to serve the negotiations. Needless to say that Benito and Bo do a fantastic job, both by being the people they are and by the way they moderate the discussions."*

*– Anna Lindstedt, Ambassador for Climate Change, Ministry of the Environment, Sweden*

### **ecbi Finance Circle Meeting, Doha**

At COP 18 at Doha, the Finance Circle met on 4 December 2012. Discussions centered on how the Finance Circle could continue to serve as a useful platform for the negotiators, particularly at this stage when the negotiations on finance have become more complex. In particular, participants cited the focused discussions in the Finance Circle meetings as extremely useful, with dedicated sessions to specific issues such as innovative finance mechanisms and other technical issues. Finance Circle meetings of this type have taken place in the context of the Adaptation Fund, the Transitional Committee, the SCF, and the GCF and will continue to do so.

Lastly, the discussion turned to the method and approach of the Finance Circle, which provides a neutral forum for negotiators to discuss difficult matters. It was noted how the ecbi, and the Finance Circle in particular, has contributed to certain key UNFCCC decisions. For example, the suggestion to set up a Standing Committee was first discussed at the 2010 ecbi Fellowship Colloquium and Oxford Seminar; the suggestion to set up a Transitional Committee was also put forward in an ecbi Policy Brief, and later developed by the ecbi Finance Circle; and finally, the Finance Circle led a number of discussions that contributed to the decisions on enhanced direct access. In 2010, the Finance Circle also launched a public, online library to facilitate the activities of the Finance Circle.

### **ecbi Finance Circle Meeting, Berlin**

On 11 March 2012, the Finance Circle met in Berlin. The meeting was attended by the two SCF Co-chairs (Antigua and Barbuda, and Switzerland), four SCF members (Australia, Belgium, Norway and the US), an GCFB alternate member (US), and representatives of five GCFB members/alternates (Czech Republic, Denmark, France, Germany, and Norway).

The meeting was instrumental in averting a potential disagreement among members of the GCFB. At COP-17 in Durban, it was decided that arrangements between the Conference of the Parties and the Fund should be concluded at the next session, COP-18, to ensure that the GCF is accountable to, and functions under, the guidance of the COP. However, things did not go as smoothly as might have been expected. For one, any attempt at the two GCF Board meetings before COP-18 to prepare draft arrangements proved to be doomed, because some members argued that the drafting should be done by the COP. No drafting of arrangements took place at COP-18 either. Indeed, the first draft Decision submitted by the COP Presidency declared that no additional arrangements were necessary, which clearly was not acceptable, particularly to those who had blocked the drafting at GCF level. The compromise that was ultimately adopted requested the SCF and the GCFB to develop arrangements between the Conference of the Parties and the GCF.

Given the politically sensitive background of this decision, the ecbi Finance Circle organised an event in order to provide an informal platform for an initial exchange of ideas on this important topic between members of these two bodies. The event was successful in demonstrating that the topic was actually more straightforward than it appeared. Indeed, when the topic was eventually raised at the very end of the GCF Board meeting, there was no controversy at all, and the GCFB mandated its Co-chairs 'to develop ... the draft arrangements ... with the Co-Chairs of the Standing Committee on Finance'.



## ecbi Supported Activities

### International Institute for Environment and Development

IIED continued to work closely with the LDC Group in the UNFCCC negotiations. Support included the provision of on-demand and real time legal and technical advice to the LDC Chair and group members (by Achala Chandani Abeysinghe, Head of the ecbi Workshops Programme), support to a core group of individual negotiators, and meetings to strategize and plan in advance of COP meetings in Durban and Doha. In addition, IIED provided assistance in managing the communication and outreach strategy of the LDC Group and providing advice on the thematic negotiating area of adaptation (by Saleemul Huq, member of the ecbi Advisory Committee).

Abeysinghe worked closely with the LDC Group Chair as the legal advisor. She actively contributed developing the five-element strategy of the LDC Group: capacity building and utilisation, evidence based research, strengthening alliances, tools and outputs, and communications and outreach. Over the past year or so the LDC Group profile has been raised through this LDC Group strategy and related activities, including increased submissions, working with other countries and groups through alliances, the LDC Group website, and the use of social media. The benefits of this included the following:

- Clear and strong group positioning on expected outcomes, leading to the production of key messages for Durban and Doha COPs on a variety of areas, including the UNFCCC finance mechanism. This is the first time this happened since the LDC Group was established.
- The production of various negotiating scenarios and outcomes before the COP meetings, and active participation and contributions to the final outcomes of negotiations through many submissions, interventions and draft decisions.
- Raising the LDC Group's profile through a new website and the use of social media.
- Introducing a LDC Paper Series, managed by ecbi's Publication and Policy Analysis Unit.

The comments from the Group Chair and the members of the Group demonstrate that this work has contributed to increased understanding amongst the LDC Group Chair and members over a range of different issues, thereby strengthening their capacities, and has led the Group to actively and positively engage in a number of UNFCCC negotiations processes and final outcomes.

### Oxford Climate Policy

Benito Müller (ecbi Director and Head of the Fellowship Programme), provided support and advice to LDC Group members at several key meetings, in particular the meetings of the SCF and GCFB. In the context of the SCF, Müller convened a number of meetings for members of the LDC and the Africa Group ('LDC/AGN caucus'). In the first SCF meeting, members of this caucus proposed a compromise to the highly politicized issue of who would be drafting the arrangements between the COP and the GCF, which were ultimately adopted at Doha. Moreover, they also succeeded in conferring SCF observer status to National Funding Entities, the recognition of which has been a top priority for LDCs, particularly in the context of the GCF.

*"Having attended the 2011 Fellowship session and now the 2012 session I see the continued value of the ecbi events as fora to build capacity, as fora to exchange views, to be candid and to genuinely search for solutions but more importantly as fora to build trust and engender friendship among the negotiators from the various groups which are clearly required in the negotiations."*

*- Spencer Linus Thomas, Ambassador and Special Envoy, Grenada*

At the third SCF meeting members of the LDC/AGN Caucus made a number of substantive suggestions to overcome political impasses based on advice provided by Müller. Considerable attention at this meeting was given to the Doha Climate Change Conference request that the SCF and GCFB develop arrangements between the COP and GCF. Accordingly, members of the LDC/AGN caucus made a number of interventions and contributed new ideas to the discussion, not least the concept of an UNFCCC ‘Ombuds Office’ as a modality to ensure “Conformity with COP guidance”, and “Reconsideration of funding decisions”. The LDC/AGN caucus members were also instrumental in bringing about a compromise as concerns the inclusion of ‘resource mobilisation’ in the list of possible elements for the Arrangement that was eventually sent to the third meeting of the GCF Board.

In preparation for the third GCFB meeting, Müller drafted a Submission regarding the guidelines for observer participation. The first recommendation of the Submission regarding the webcasting of meetings was widely supported and led to a decision to request the secretariat to carry out a feasibility study for the next meeting. The other two, regarding the definition of observers, and the requirement of an independent review of observer involvement, were adopted outright.

The same meeting also saw what could well turn out to be a historic turning point for the GCF: the acknowledgement that there is convergence among GCFB members on a fundamental design issue, namely that the GCF will “commence as a fund that operates through accredited national, regional and international intermediaries and implementing entities”. Given that the use of (national) intermediaries or “funding entities” (as they are referred to in the GCF Governing Instrument) such as the Bangladesh Climate change Resilience Fund has been one the key demands of the LDC Group since the beginning of the GCF design process under the Transitional Committee, this is a very welcome outcome for the LDC Group.

### **Legal Response Initiative**

The Legal Response Initiative (LRI) had a busy year with many key activities and impacts worth highlighting ranging from events, papers, and legal support and analysis.

LRI Director Christoph Schwarte presented on loss and damage in the climate negotiations at an Advocates for International Development (A4ID) event organized by Weil Gotshal on 25 September 2012. He also gave a talk on the relevance of international law for eighteen African lawyers seconded to different law firms as part of International Lawyers for Africa (ILFA) training programme held at Simmons and Simmons on 27 September 2012.

Schwarte spoke at an event on Climate Change and the International Court of Justice organized by the Yale Centre for Environmental Law and Policy at COP-18, focused on the role international law could play to address climate change. After COP-18, Schwarte attended a press conference organized by the International Institute of Climate Action and Theory (IICAT) to reflect on the Durban Platform.

Along with Action Aid, Care International, IIED and WWF, LRI hosted a civil society meeting on loss and damage on 25 October 2012. LRI also attended a working supper on the establishment of a new international court for the environment held in London on 29 October 2012.

LRI contributed legal analysis to a research paper by IIED on the proposed International Air Passenger Adaptation Levy (IAPAL) commissioned by CDKN to inform the position of LDCs. It also published two briefing papers on ‘The No Harm Rule and Climate Change’ and ‘The ICJ Advisory Opinion Procedure’.



Finally, LRI provided legal advice and assistance to developing country and civil society observer organisations at all UNFCCC sessions during the year. At the Doha COP, LRI received 37 legal queries – a key achievement. Many requests for advice at Doha and later related to the proposed amendments to the Kyoto Protocol, its provisional application in different jurisdictions, and the operation of the flexible mechanisms during the second commitment period. Over half of all queries at Doha and in the following period came from developing country delegations (24), with the remaining (17) coming from civil society observer organisations.

Based on a self-assessment, members of LRI's network of legal advisers provided a total of 44 hours of pro bono time during the reporting period. This estimate, however, only reflects the voluntary contribution by "external" advisers and does not take into account the significant time made available for free by LRI's liaison officers in Doha.

*"What is missing most in the climate change negotiations is open-minded dialogue, trust, and understanding of each other's views and needs. The ecbi seminars are probably the best way to help overcome this shortage by bringing together negotiators from developing and developed countries and creating a great, creative and friendly atmosphere for discussion."*

*- Andrej Kranjc, Lead Negotiator, Slovenia*

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