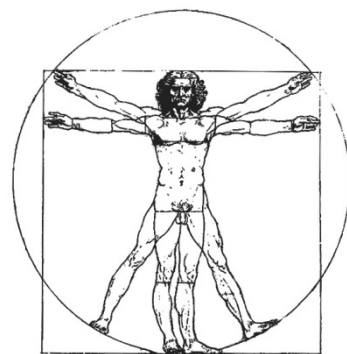


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ecbi report



ecbi Regional Workshop South Africa, East Africa and Asia

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This Workshop Report was compiled by Euster Kibona, Kaijage Erneus and Linda Kiluma from Environmental Protection and Management Services, Tanzania

Partners



ecbi Regional Workshop for climate negotiators from South and East Africa, and Asia

Introduction

The ecbi Regional Workshop for South and East Africa and Asia was held on 31 October and 1 November 2011, at the Kunduchi Beach Hotel in Dar es Salaam, Tanzania. It was jointly organized by the European Capacity Building Initiative (ecbi), International Institute for Environment and Development (IIED) and Environment Protection and Management Services (EPMS), and hosted by the government of the United Republic of Tanzania.

A total of 30 participants, representing 18 countries from East and South Africa and Asia, attended the workshop. Countries represented in the workshop included Zimbabwe, Zambia, Uganda, Togo, Lesotho, Gambia, Ethiopia, Bangladesh, Comoros, Madagascar, Burundi, Cambodia, Rwanda, Tanzania and the UK. Five Participants from UK, Gambia, Togo and Zimbabwe attended both as facilitators and resource persons. The list of all participants is included as an Annex to this report.

The main objective of the workshop was to bring together representatives from the governments of participating countries to discuss the forthcoming seventeenth conference of parties (COP17) of the United Nations Framework Convention on Climate Change (UNFCCC) to be held in Durban, South Africa from 28 November to 9 December 2011. This report presents a summary of the presentations and discussions at the Workshop.

Richard Muyungi, Assistant Director of Environment in the office of the Vice President, Division of Environment opened the meeting on behalf of Sazi Salula, Permanent Secretary Vice President's Office. In his remarks, Muyungi noted that CoP 17 is yet another opportunity for the international community to agree on a binding treaty. Delays in doing so will subject many developing countries, particularly Least Developed Countries (LDCs), to further negative impacts. He highlighted the need to increase the overall level of ambition with regard to emissions reductions, and a timetable for doing so in the very near future.

Current Status of UNFCCC Negotiations

Margaret Mukahanana, Vice-Chair of the Ad-hoc Working Group on Long Term Cooperative Action (AWG-LCA) discussed the outcomes of recent negotiations sessions in Cancun, Bangkok, Bonn, and Panama. She highlighted key outstanding issues, including, *inter alia*, Shared Vision for Long Term Cooperative Action, Adaptation, Technology Development and Transfer, Capacity Building, Nationally Appropriate Mitigation Commitment by developed countries, Nationally Appropriate Mitigation Actions (NAMAs) by developing countries and Policy Approaches and Positive Incentives for REDD+. Other issues included the various approaches including opportunities to use markets and non-markets, Finance, Review, legal

options, and the discussions under the Ad hoc Working Group on the Kyoto Protocol (AWG-KP).

On **Shared Vision for Long Term Cooperative Actions**, Mukahanana said the vision originated from the Cancun text but many other issues were added in Bangkok, making the text too long and very complex. Hence Panama was unable to agree on a long-term global goal for emissions reduction or timescale for peaking of emissions.

On **adaptation**, she said an advanced text came out of Panama, but there are still divergent views on: reporting relationship with the COP; relationship with the financial mechanism and the different funds; relationship with the Technology Executive Committee (TEC); and the composition of the Adaptation Committee. There is also concern about lack of cohesion among the different aspects of adaptation under various bodies such as the programme on loss and damage, adaptation plans, adaptation committee and the Nairobi Work Programme.

On **Technology Development and Transfer**, she said three issues are under discussion: governance of the Climate Technology Centre and Network (CTCN) and relationship to the TEC; procedure for call of proposals and on criteria to be used to evaluate and select the host of the CTCN; and funding for the CTCN. Divergent views remain on all the items and options remain on the table for further discussion in Durban.

On **Capacity Building**, she said there are still divergent views on the adequacy of the current initiatives. A compilation text has been produced by the facilitator on ways to enhance monitoring and review of the effectiveness of capacity building initiatives and modalities regarding institutional arrangements and reporting by Parties on capacity building.

On **Nationally Appropriate Mitigation Commitments by Annex 1 countries**, Mukahanana said the discussion is guided by non-papers developed by the co-facilitator on: Possible elements for draft guidelines for Biennial reports for developed countries; Possible elements of modalities and procedures for International Assessment and Review including objectives, process and output of the review; and Summary of discussion on level of ambition and how to increase it.

On **NAMAs by Developing Countries**, she said the discussion is based on compilation of non-papers on: possible elements for draft guidelines for biennial update reports from developing country Parties; NAMA registry, its functions, modalities and relationship to the financial mechanism; and possible elements of modalities and procedures for ICA.

On **Policy Approaches and Positive Incentives for REDD+**, she said the Panama discussions focused on sources of funding for the full implementation phase of REDD+ activities, and there is a proposal for including a REDD+ window within the Green Climate Fund.

On **Various Approaches including Opportunities for using Markets and non-Markets**, Mukahanana said this discussion is based on a compilation document on mandate to discuss new market mechanism and is linked with the discussion under Kyoto on market mechanisms. The document is due for streamlining before Durban although possibility of adopting one or more market mechanisms at COP 17 seems difficult given the progress on negotiations under this item to date.

On **Economic and Social Consequences of Response Measures**, she said no agreement had been reached on what to discuss under this agenda item given that the same issues are being discussed under SBSTA, SBI and the KP. The only issues discussed in Panama were trade, forum, support and just transition.

On **Finance**, she said the discussion centred on two main issues: the standing committee and long-term sources of finance.

On the **Review**, Parties were tasked to further define the scope and develop the modalities, and there is an advanced non-paper, with divergent views on the scope of the review, which will form the basis for negotiation in Durban

On **Legal Options**, she said there is general agreement that Durban cannot produce a legally binding outcome but that it could agree on a process to reach that goal. However, a number of legal options for Durban outcome have been identified, including:

- A mandate to conclude a legally-binding instrument with a clear roadmap;
- A Declaration regarding a future instrument leaving the legal form open;
- Continuing discussions to identify the appropriate form of the different elements of the agreed outcome; and
- Affirming the importance of a legally binding instrument and continuing to address the Bali Action Plan pillars.

On the AWG-KP, Mukahanana said there were several issues under discussion including clarifying the mitigation targets and possible nature and content of rules for the second commitment period; flexibility mechanisms; LULUCF rules; potential consequences; and methodological issues.

In the discussion that followed, Mukahanana called on developing countries to have a bold position regarding Annex 1 commitments, and form strong cross-regional alliances. She noted that countries were unwilling to sign on the Kyoto Protocol mainly to protect their economies.

Legal Options for Durban Outcomes

Benito Muller, Director, Oxford Climate Policy (OCP) presented on legal options from Durban. Muller listed three options:

- **Option A**, keeping the Kyoto Protocol in more or less its current form, and complement it with a separate LCA-Protocol, covering the relevant key elements of the current negotiations under the AWG-LCA.
- **Option B** would involve starting afresh with negotiating a comprehensive new instrument incorporating the key elements of the KP with the AWG-LCA outcome.
- **Option C** requires an agreement on a second commitment period with an amended Annex B. There is no need under this option for a new mandate to negotiate the latter, as this is already meant to be the task of the AWG-KP, but it does require a new mandate to negotiate the envisaged third commitment period. This option proposes a ‘balanced sequencing process’ starting at CMP.7 and completing at CMP.18 for the new global mechanism to be in place.

In making the case for **option C**, Muller argued in this presentation that options A and B are unlikely to sufficient due to the few inherent challenges below:

- Likelihood for a new legally binding instrument leading to a lead to a mitigation framework akin to a ‘pledge-and-review’-type agreement;
- Likelihood of the far less stringent framework than the present framework under the Kyoto Protocol due to the need for the renegotiation of the most of the desirable architectural elements of Kyoto Protocol in order to produce a framework acceptable to USA and allies; and
- Lack of guarantee that the adoption of a negotiating mandate would produce a new legal instrument in short order.

In the discussion that followed, participants said Option C would need to be based on significant ambition to reduce emissions, and ensure better compliance. In response to a question on the implications for the US if Option C is successful, Muller said the US is unlikely to sign up to anything beyond nationally binding measures.

Updates on the LDC Strategy

Pa Ousman Jarju, Chair of the LDC Group, presented on the LDC strategy in the UNFCCC negotiations. He highlighted four key priority areas and several activities that the LDC group intend to focus on to 2013 and beyond. The key priority areas include: capacity building and support to the Chair; evidence based research; tools/ outputs; and communication.

In the discussion that followed, Jarju clarified that the operationalization of the LDC strategy is financed by the UNFCCC and by the UK’s Department for International Aid through the Climate and Development Knowledge Network. In response to a question on the LDC strategy relating to Rio+20, Jarju said the strategy is addresses Rio+ 20 and other similar events of global importance. He said although the LDC Group would like to have more than one person for a particular subject in the core team, the Group was restricted by the finances available.

Draft LDC Key Messages for Durban

Following a request made during his earlier presentation, Jarju made a presentation based on a document on the key LDC messages for Durban. He said these messages cover all key areas currently in the international negotiations, which include *inter alia*, further commitments for Annex 1 countries under Kyoto Protocol; long term cooperative action under the convention (shared vision); adaptation and mitigation and their associated means of implementation including financing mechanism and capacity building. Other topics covered include mitigation actions by non-annex 1 parties including REDD+ mechanism, development and transfer of technology, institutional arrangement as well as the economic and social consequences of response measures.

In the discussion that followed, Jarju said the key messages are expected to inform ministers and other negotiators from the LDC group. In response to a question on why the Group still maintained a position that was considered unattainable (maintaining separate tracks of negotiation under the convention), he responded that the Group did not want to give up too early on this point, given its importance in effort to address the 2°C challenge.

A participant noted that the document should be titled the LDC Position, rather than Key Messages. Jarju said this, and other suggestions for the content and structure for the document, would be communicated to the working group that prepared the document for consideration.

Another participant raised the issue of difficulties in understanding the definition and scope of co-financing, which has hindered the implementation of projects. Jarju said the Global Environment Facility (GEF) was advised to write to all governments to clarify what co-financing means and how it should be addressed so as to avoid it being a barrier to project development and implementation. The leadership of the LDC should follow up with GEF on this.

On the differentiation of the National Adaptation Programmes of Action (NAPAs) and National Action Plans (NAPs), Jarju said the two mechanisms are very different from each other in terms of objectives and scope. NAPAs are for immediate and short-term adaptation measures while NAPs are for medium to long-term adaptation measures.

On the basis of the US\$ 2 billion figure for funding the full implementation of NAPAs, Jarju said the figure was based on the analysis of NAPAs five years ago. He agreed that costs has changed given changes in the value of money but also increased impacts of climate change, and it was reasonable to increase the figure to US\$ 3 billion at least.

Jarju also noted that the establishment of Adaptation Centres was of prime interests to the LDCs, and the Group would keep pushing for and seek support from other blocks for its inclusion in future negotiation texts. On the LDC position on funding for REDD+, he said the Group supports funding from public resources, but private sector sources are not excluded.

He said it will be necessary for developing countries to have a strong voice in demanding a specific LDC window under various funds that are being established e.g. the Green Climate Fund. This arrangement already exist under the Adaptation Fund but hasn't been effective because the adaptation is underfunded.

Update on the work of the Transitional Committee (TC) for the Design of the Green Climate Fund (GCF)

Benito Muller made this presentation on behalf of Carol Mwape from Zambia, LDC representative on the TC. Muller highlighted, among other things, the relationship between the GCF and the Conference of Parties; the legal status of the GCF; independence of the secretariat; funding windows; direct access of funds; role of the private sector; and transitional arrangements for the operationalization of the GCF.

He said the issues of critical concern for the developing countries on the other hand include: restriction of windows to adaptation and mitigation; direct access by developing countries and the role of national entities in the approval of projects; the role of the private sector; and the procedure for selection of a permanent Trustee after the interim period for the World bank elapses, among others. He said the TC has produced a draft report with proposals and recommendations on various subjects mentioned above, for discussion at CoP 17 in Durban.

In the discussion that followed, participants asked whether the definition of the private sector in the TC document includes private sector from developed countries, developing countries or both. Muller said it included international and domestic sources. A participant asked about the legal implications of calling on developing countries to contribute to the GCF. Muller said the call for contributions targets mainly emerging economies such as India and China, and not all developing countries.

Bangladesh Climate Change Funds

Munjurul Khan, Ministry of Environment and Forests, Government of Bangladesh, presented on the two national climate funds set up in Bangladesh climate funds, driven and established by the government of Bangladesh in order to support the implementation of its ten-year Climate Change Strategy and Action Plan (BCCSAP, 2009-2018). These funds are the **Bangladesh Climate Change Trust Fund (BCCTF)** and the **Bangladesh Climate Change Resilience Fund (BCCRF)**. The former is fully initiated, and the government of Bangladesh has allocated US\$100 million for each financial year for the period of 2009-2012. The latter fund, on the other hand, is jointly funded by the government and development partners and has so far accumulated a total of US\$ 125.5 million.

Commenting on the government's extraordinary commitments in establishing these funds, Khan emphasized that the government wanted to demonstrate its seriousness and concerns over climate change impacts. He said Bangladesh could not wait any longer for external support which had failed to come through for over five years, leading to failure in operationalization of NAPAs, and thereby aggravating climate change impacts. This presentation provided further details on the management and operationalization of both funds

including challenges associated with access, management and utilization of the funds. Khan argued that the government was happy with the progress made. He called on other governments to consider a similar approach as a way of addressing financial challenges associated with both development partners and UNFCCC.



Impressed by the progress made on raising significant amount of funds domestically, participants asked what internal arrangements were in place for ensuring in-house capacity for long term management, once the interim role of the World Bank comes to an end. Khan said a secretariat has been established under the Ministry of Environment and Forests to work with the World Bank to in order to build capacity and gain the necessary skills and expertise for performing the role in future.

A participant asked whether the BCCRF contribution by development partners is based on national priorities and annual budget requirements of the government, and whether the contribution is counted as Overseas Development Assistance (ODA). Khan said development partners provide support in accordance to the need and priorities of the government. Moreover, he said their understanding is that these funds are new and additional.

In response to another question, he said funds from the BCCTF are currently used to implement the NAPAs. Participants observed that national entities such as the BCCTF are able to attract funding faster than bilateral or multilateral funds such as the Adaptation Trust Fund under the UNFCCC; and that if countries need to mobilize funds for addressing climate change, they need to show their seriousness and commitments by putting in place the relevant institutions and framework for managing and operationalizing those funds.

Negotiations on mitigation actions by developing countries and mitigation commitments by developed countries

Sandra Freitas, a climate analyst from Togo, made the opening presentation for this session. She said the discussion on mitigation action by both developed and developing countries is based on the Bali Action Plan and the resultant AWG-LCA. Cancun was the first outstanding outcome, which invited both developed and developing countries to submit either their commitments or their actions to the UNFCCC. It also reinforced reporting issues for both developed and developing countries, and the need for establishing registries to match support and actions.

Freitas said progress has been made on developed country commitments, including development and submission of the draft documents on economy-wide emission reduction, levels of ambition and emission gap. For developing countries, four draft documents have been developed and submitted for consideration by parties on the modalities for operationalizing NAMAs, including financing of activities under NAMAs.

She said a key issues of concern for LDCs include the emphasis on the voluntary nature of mitigation actions, and avoiding the regional imbalances that characterized the Clean Development Mechanism.

In the discussion that followed, participants asked who will be responsible for maintaining the NAMA registry. Freitas said discussion on this issue is still preliminary, but it is envisaged to be mainly a web-based with few staff with the UNFCCC Secretariat in charge. It is expected that through this web-based interaction, all actions would be posted there and any kind of support indicated so that actions can proceed.

A participant asked why LDCs were asking for the NAMAs to be voluntary. Freitas said not just LDCs but all developing countries have the same position, to ensure that mitigation requirements for NAMAs are not stringent and binding.

Matters relating to LDCs and the work of LDC Expert Group

This presentation was given by Fred Onduri Machulu, Assistant Commissioner and Head of Policy Planning, Ministry of Foreign Affairs, Uganda. Machulu discussed various issues relating to LDCs and adaptation including the genesis of LDCs in the context of UNFCCC negotiations, the genesis of LDC fund, synergies in adaptation and financing for adaptation, and the NAPAs. He gave a summary of key issues for consideration in the negotiations. Key messages from this presentation included the following:

- Matters relating to LDCs are anchored in Article 4.9 of the UNFCCC, which urges developed country Parties to give special consideration to LDCs while providing support in development and transfer of technology and finances.
- The LDC work programme was established in 2001 at CoP 7 in Marrakesh and it contained various elements including the NAPAs and national climate change focal points and secretariats.
- The Least Developed Country Expert Group (LEG) was established to provide guidance and technical support to LDCs in the NAPA process.

- 45 LDCs have completed and submitted their NAPAs for consideration for the implementation Phase. About 10 LDCs have their initial project concepts endorsed by the GEF Council and are now developing full scale NAPA projects.
- Several challenges have hampered NAPA implementation. including limited level of awareness on climate change and adaptation, inadequate capacity related to project formulation and accessing of funds, and inadequate funding for the NAPA process.
- Despite these challenges, the NAPA process has registered some significant success including, *inter alia*, enhanced awareness on climate change and adaptation, mainstreaming adaptation in national Programmes, and enhanced capacity building through regional workshops.
- The LDC Fund (LDCF) lacks resources. The total requirement is estimated to be US\$ 2 billion, but the LDCF currently has US\$ 400 million. Key challenges include inadequacy, timely access, predictability and complex GEF criteria.
- Other funds for adaptation include Adaptation Fund (AF), Fast Track Finance and long term finance (Green Climate Change Fund)
- Key adaptation issues that are unresolved under current negotiation include the future of finance, CDM, NAPAs and NAPS. Discussion on these elements will continue at CoP 17.

In the discussion that followed, participants asked how to resolve barriers posed by implementing agencies such as UNEP, UNDP, the GEF and the World Bank in efforts to implement adaptation programs and activities. Machulu said LDCs must be very clear and consistent in their demands. As intermediaries, implementing agencies should not dictate priority activities or allocation of the funds, but rather give guidance and advise.

Another participant asked whether the NAPAs would draw attention away from the critical issue of funding for NAPAs. Machulu said funding for NAPAs is voluntary while NAPS present another opportunity for addressing adaptation needs, with different financial and implementation arrangements that are likely to operate more effectively. In response to another question, he agreed that the term ‘urgent and immediate’ as applied in the context of the NAPAs has lost meaning, given the delays in implementation. He advised that rather than throw away the effort made for the NAPAs, they should be combined with emerging opportunities such as NAPS.

A participant noted that there might be a need for LDCs to pursue a special LDCs window under Green Climate Change Fund.

National Adaptation Plans

Pa Ousman Jarju made a presentation on the NAPAs. He said the Cancun Adaptation Framework established a process to enable LDC Parties to formulate and implement NAPAs, building upon their experience in preparing and implementing NAPAs, and as a means of identifying and addressing medium- and long-term adaptation needs.

Jarju reviewed experience and constraints from NAPA implementation to draw up lessons that would guide the development and implementation NAPs including general approaches, guiding principles, modalities and technical support for both the NAPs process and NAPs document. The presentation highlighted and proposed the overall elements of the NAPs document, based on NAPA experience.

In the discussion that followed, Jarju said the key lessons learned from the NAMAs include the need for: full and effective engagement of stakeholders; capacity building at the national and regional levels; improved fund management and disbursement procedures; realistic timelines for project development and implementation; and an assessment of the actual situation in relevant LDCs. He said the GEF-led process for NAPAs was a kind of learn-by-doing approach. The NAPs process cannot repeat the same mistakes.

In response to another question, Jarju said the NAPA, NAP and NAMA processes could potentially complement and benefit from each other. For instance, in the case of NAMAs, if the needs/vulnerability assessment is done well, it can provide identification of the entry points for NAPs and NAPAs. This is particularly relevant given the fact that NAPA only involved a rapid assessment and did not involved detailed assessment of the different adaptation needs for different LDCs. As such, NAPs and NAMAs provide a unique opportunity for bridging this gap.

Another participant asked how to ensure that NAPs do not end up in shelves, like the NAPAs. Jarju said it worth noting that the NAPs are meant to be national planning documents and strategies, and their implementation would not solely depend on donor support like the NAPAs. For this reason, the emphasis of NAPs should be on ensuring that they reflect the needs and priorities of respective national governments, so that agreed activities are in line with and can be supported by the national budget.

Jarju highlighted the need for LDCs to engage in mitigation action, not just to contribute to the effort to deal with climate change, but also because some mitigation measures/actions offer development options that create several benefits, including employment and well-being.

Discussion on Adaptation text from Panama and Preparation for Durban

Munjurul Khan from Bangladesh underscored the basis and mandates for implementing adaptation measures under the UNFCCC. He reviewed recent discussions and proposals from Panama on the operationalization of the Adaptation Framework and Adaptation Committee, particularly the composition and mandates of the committee as well as meeting, review, reporting and linkage with related work programmes on adaptation.

Is IAPAL an opportunity or risk for LDCs?

Pa Ousman Jarju made a presentation focused on the potential of the International Airline Passenger Adaptation Levy (IAPAL) as a potential source of funds for adaptation for LDCs. Jarju highlighted experiences in other countries such as France, UK and Germany, where a similar aviation levy is in place. Jarju explored several economic, ethical and feasibility arguments relevant for LDCs – including, for instance, whether passengers from developing

countries should contribute; and whether IAPAL will generate the amount of funding estimated. He concluded that work on IAPAL was still on going, and discussions will continue in the next months. The LDC Group can then decide whether it would like to adopt or discard the idea of IAPAL, modify it or conduct more research.

In the ensuing discussion, participants asked why the IAPAL concept is not included in negotiation texts. Jarju said this was primarily because of the lack of sufficient evidence that the introduction of IAPAL will not affect the tourism industry, on which many LDCs depend. He said more evidence is needed in this respect.

Another participant asked why a similar levy was not being considered on the maritime sector. Jarju said the aviation sector is more focused on passengers rather than cargo, and that the main rationale for IAPAL was to raise finances for adaptation, not to control emissions. A participant suggested adding a paragraph on the plan for collecting and managing funds from the levy to enhance transparency and credibility.

Concluding session

The workshop concluded with remarks from Pa Ousman Jarju, Allan Dauchi, Achala C. Abeysinghe from IIED, and Richard Muyungi.

On behalf of the LDCs, Jarju thanked participants for attending the workshop and encouraged their continued engagement. On behalf of all participants, Dauchi thanked the organizers and the government of Tanzania for convening the conference. He emphasized its contribution, saying it had been an eye opener and provided clarification on various negotiations issues. Chandani thanked the participants and convenors, and listed a number of activities and events to be organized and or facilitated by IIED.

In his closing address, Muyungi called on the African region and the LDCs to unite and stand firm in demanding a clear and bold decision in Durban regarding the post-2012 regime.

List of Participants

Country	Name	Position/Organisation	Email
Bangladesh	Munjurul Hannan Khan	Deputy Secretary Ministry of Environment and Forests Government of Bangladesh	munjurulkhan@gmail.com
Burundi	Prudence Bizimana	Legal Advisor to UNFCCC National Focal Point Institut géographique du Burundi (IGEUBU) B.P. 331 Bujumbura	pbizima2001@yahoo.fr
Burundi	Capitoline Sabiyumva	Advisor, Environment Department Institut géographique du Burundi (IGEUBU) B.P. 331 Bujumbura	nsabicappy@yahoo.fr
Cambodia	Chanthearith Ou	Deputy Director, Climate Change Department, Ministry of Environment. No. 48, Samdech Preah Sihanouk Blvd. Chamkarmon. Phnom Penh	chanthearithou@yahoo.com.ph
Comoros	Moinamkou Abdou Simba	Coordinator IWRM/WUE (PNUE) Ministère de l'environnement	mabdousimba@yahoo.fr
Ethiopia	Gebreselassie Gebreamlak Mersha	Lead Environmental Conservation Expert Environmental Protection Authority CMC Road, Yeka kifle, Kebele 17, P.O. Box 12760 Addis Ababa	esid@ethionet.et; momonaaamete@gmail.com
Ethiopia	Libawit Hailemichael Biruk	Lead Environmental Conservation Expert Environmental Protection Authority CMC Road, Yeka kifle, Kebele 17, P.O. Box 12760 Addis Ababa	esid@ethionet.et; libawit.hile@gmail.com; libawithailemichael@yahoo.com
Gambia	Pa Ousman Jarju	UNFCCC Focal Point and Chair of LDC Group Ministry of Fisheries, Water Resources and National Assembly Matters 7, Marina Parade Banjul	ldcchair2011@gmail.com; pajarju@yahoo.co.uk
Lesotho	Maqhanolle Tsekoa	Lesotho Meteorological Services P.O. Box 14515 Maseru 100	relebohile@gmail.com
Madagascar	Jaona Mandimby Andrianarisoa	Technical Collaborator in Climate Change Division Ministry of Environment and Forest	lahjsix@yahoo.fr
Nepal	Purna Bhakta Tandukar	Under Secretary Ministry of Environment, Government of Nepal Kathmandu	pbtandukar@hotmail.com
Rwanda	Jean de Dieu Karara	Environmental Analyst	jdkarara@gmail.com;

		Rwanda Development Board P.O. Box 6239 Kigali	kararajeandedieud@yahoo.co.uk
Sierra Leone	Juanna Vandy Saawah	Program Manager, Environmental Issues and the Community Coalition of Civil Society and Human Right Activist	j.saawah@yahoo.com
Sudan	Mohamed Abdelrahman Yasin Mohamed	Ministry of Foreign Affairs	rufaa30@yahoo.com
Tanzania	Richard Muyungi	Assistant Director of Environment Vice- President's Office Dar es Salaam	tanzania37@hotmail.com; rmuyungi@vpo.go.tz
Tanzania	Maria Mashingo	Director Ministry of Livestock and Fisheries Development, Dar es Salaam	Drmaria58@yahoo.com
Tanzania	Felician Kilahama	Forest and Beekeeping Department Ministry of Natural Resource and Tourism, Dar es Salaam	fkilahama@gmail.com
Tanzania	Geoffrey Kirenga	Assistant Director, Ministry of Agriculture, Food security and Cooperatives, Dar es Salaam	geoffreykirenga@gmail.com
Tanzania	Theodory Silinge	Ministry of Energy and Minerals, Dar es Salaam	tsilinge@yahoo.com
Tanzania	Ladislaus Kyaruzi	Environmental Officer Vice- President's Office Dar es Salaam	leoky2009@gmail.com
Tanzania	Euster Kibona	Environmental Protection and Management Services (EPMS)	eusterkibona@yahoo.com
Tanzania	Kaijage Erneus	Environmental Protection and Management Services (EPMS)	kruge2002@yahoo.co.uk
Tanzania	Linda Kiluma	Environmental Protection and Management Services (EPMS)	lin.lin14@yahoo.com
Togo	Sandra Frietas	Climate Analytics	sandra.frietas@climateanalytics.org
Uganda	Bob Philip Natifu	Communications Officer - Climate Change Unit	bob.natifu@gmail.com
Uganda	Fred Onduri Machulu	Assistant Commissioner Head/Policy and Planning Ministry of Foreign Affairs	fredonduri@hotmail.com
UK	Achala Chandani Abeysinghe	Researcher, Climate Change Group International Institute for Environment and Development (IIED)	achala.chandani@iied.org
UK	Benito Muller	Director, European Capacity Building Initiative & Oxford Climate Policy	benito.mueller@philosophy.ox.ac.uk
UK	Marika Weinhardt	Administrator, Climate	marika.weinhardt@iied.org

		Change Group International Institute for Environment and Development (IIED)	
Zambia	Allan Dauchi	Environment Management Officer Ministry of Tourism, Environment and Natural Resources (MTENR) P.O. Box 34011 Lusaka	duchi45@yahoo.com
Zimbabwe	Margaret Mukahanana	AWG-LCA Vice-Chair & Permanent Secretary Ministry of Environment and Tourism, Karigamombe Centre, 53 Samora Machel Avenue, Private Bag 7753 Causeway, Harare	mmukahanana@hotmail.com



European Capacity Building Initiative

57 Woodstock Road, Oxford, OX2 7FA, UK

Phone +44 (0) 1865 889 128, Fax: +44 (0) 1865 310 527

e-mail: adm.n.ocp@gmail.com