



**ecbi** policy brief

**Bonn III Reports  
of the ecbi/IIED  
Supported Negotiators from  
Vulnerable Developing Countries**

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### **About the authors:**

The **International Institute for Environment and Development (IIED)** is a global leader in sustainable development. As an independent international research organisation, IIED is a specialist in linking local to global. Working in collaboration with partner organisations and individuals in developing countries IIED climate change group has been leading the field on adaptation to climate change issues.



<b>List of Reports</b>	<b>Page number</b>
1. Damian Casmiri, A Brief Report on Mitigation	<b>4</b>
2. Sumaya Ahmed Zakieldeem, Adaptation: LDC aspect	<b>8</b>
3. Litsabako Kali, Legal Form of Agreed Outcome	<b>11</b>
4. Rehab Ahmed Hassan, Mitigation in LWG-LCA	<b>13</b>
5. Momodou Njie, Report on AWG-LCA and AWG-KP	<b>16</b>
6. Birama Diarra, Synthèse Des Actions Sur Le Transfert De Technologies	<b>23</b>

## **BONN III CLIMATE CHANGE TALKS, 10-14, AUGUST 2009**

### **A BRIEF REPORT ON MITIGATION PART**

**Prepared by  
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#### **Preamble**

The meeting was convened from 10-14 August 2009 as one of the series of negotiation meetings before Copenhagen in December 2009. Negotiations were conducted in two broad areas: Ad hoc Working Group on Further commitments for Annex I parties under the Kyoto Protocol (AWG-KP) and the Ad hoc Working Group on Long term Cooperative Action under the Convention (AWG-LCA consistent with the Bali Mandate). Prior to this there were two meetings: the first meeting was convened in March 2009 in Bonn and the second was in June, 1<sup>st</sup>-12<sup>th</sup> in Bonn also, the fourth will be in Bangkok in September, the fifth in Barcelona in November and the last will be in Copenhagen in December. The aim of these meetings are to negotiate texts (at least for now under the KP and under the LCA) that will culminate in an agreement for addressing climate change challenges in the post 2012 regime that will be concluded in Copenhagen. The legal form of this agreement is also still debatable.

During this meeting, AWG-LCA text with proposals from parties as submitted during Bonn II meeting was subjected to a third reading whereby the main issue was on how to reduce the size of the text with about 200 pages to a manageable text with few pages without compromising the position of the various parties.

#### **About the AWG-LCA text:**

This was the Chairs' text that was availed to parties during Bonn II together with compilation of proposals from parties. The new text with parties proposals was no longer the Chair's text but rather the Parties text. Parties were requested to provide their initial reaction on the text ensuring that the key positions are reflected. Parties were also requested to propose how to deal with this text at the subsequent negotiations. Some parties (particularly developing countries) proposed that the text should be converged /consolidated and eliminate the language which is not compatible with the convention and the BAP. During the negotiations it was observed that many proposals were repeated hence a need for deletion/consolidation. Some parties claimed that their proposals were not reflected in the text therefore this should be taken care of during the final consolidation of the text. It was pointed out that convergence (at least in some areas of the text) was of paramount importance due to the need to reduce the text drastically. However it was noted that there was a great divergence between the positions of developing and developed countries on various issues. In general, while developing countries want more actions to deal with climate change consistent with the provisions of the convention, developed countries are still stressing on creating enabling environment, policy frameworks etc. Parties pointed out that there are cross cutting issues both in AWG-LCA and AWG-KP that need to be addressed without compromising the mandates of the two tracks.

The AWG-LCA revised negotiation text was divided into 4 parts namely;

- A shared vision for long term cooperative action.
- Enhanced action on adaptation and its means of implementation.
- Enhanced action on mitigation; and
- Enhanced action on financing, technology and capacity building.

This brief report concentrates on enhanced action on mitigation.

Enhanced action on mitigation

This was the longest part of the revised text with about 80 pages divided into:

- Mitigation by developed countries/parties
- Mitigation by developing countries/parties.
- Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.
- Cooperative sectoral approaches and sector-specific actions; and
- Various approaches to enhance the cost-effectiveness of, and to promote, mitigation actions.

During negotiations the following issues were pointed out:

*Bali Action Plan:*

Concerns were raised by parties regarding proposals which are not consistent with Bali Action Plan and the conventions. Suggestions were made by developing countries on deleting all proposals that are not in conformity with convention as the Bali Action Plan calls for implementation and not for amendment. Some developed country parties suggested that both article 1(b) (i) and 1(b) (ii) under the BAP should be converged. Developing countries opposed this because the BAP clearly puts parties in two categories of developed and developing countries hence combining the two would bring ambiguity especially the role to be played by each part in dealing with climate change specifically on mitigation part consistent with the historical responsibility. There is a firewall between the comments of developed countries and actions by developing countries. Developed countries that supported the idea of combining the two maintained that both mitigation actions should be measurable, reportable and verifiable while developing countries stressed that their participation angle in the post 2012 regime are nationally appropriate mitigation actions (NAMAs) that should be country driven, voluntary and supported by developed countries. By combing the two it would imply that mitigation options in both developed and developing countries will be legally binding Again this would illustrate that both parties/blocks have the same role in reducing emissions without taking into consideration historical responsibility, level of development and the capacity.

*Nationally Appropriate Mitigation Actions (NAMAs):*

Developing countries stressed that NAMAs should be country driven and undertaken on voluntary basis and shall be supported and enabled by Monitored, Measurable, Reportable and Verifiable (MRV) technology, capacity building and financing in accordance with article 4.3 and 4.7 of the convention. Furthermore, NAMAs should be distinct from quantified mitigation

commitments by developed countries and all proposals must reflect this and get away from treating mitigation contributions of all parties in a non-differentiated unified manner. Parties went further demanding that NAMAs should not be used for offsetting by developed countries and the support should be provided through the Convention's mechanisms. Some parties emphasised that NAMAs should be unilateral and internationally recognised and a registry for this should be supported. While some parties supported registry, the ideal of registry was opposed on the ground that they should be country driven and when there is a registry it would not be a country driven any more because the countries would be compelled to meet certain criteria to be applicable to all NAMAs in all countries. There was a proposal from one developing country that the excess credits from NAMAs could be traded and used by developed countries in attaining their emission reductions commitments.

#### *Cooperative sectoral approaches and sector specific actions*

Developing countries particularly LDCs stressed the use of sectoral approach at national level only unlike the proposal by some developed countries which proposed emission reductions in developing countries through international sectoral approaches. The area which seems to be the target was the energy. The arguments given out by parties rejecting the proposal of sectoral approach is that by allowing, for example, a cap in a certain sector let say energy, will have impact in another sector as well hence a need to treat all sectors uniformly. It is clear that other sectors such as agriculture and industries consume a significant amount of energy for various activities from different sources and any measure intends to limit emissions from energy sector will impose significant consequences, "knock-on effect". The idea of facilitating the identification of best practices and best available technologies for each sector through cross boarder analysis was supported and further clarified that Best Available Technologies and best practices for each sector can be identified through cross boarder analysis and the need to promote transfer of those identified Best Available Technologies and best practices from developed countries parties through analysing reduction potentials as well as setting indicators. It was stressed that cooperation between developing and developed countries should be on those priorities and sectors identified by developing countries themselves.

#### *Market mechanism*

The issue of whether the market mechanism will play a greater role in the next regime or not captured attention of many negotiators. Non annex I parties proposed that mitigation efforts should not be market driven by private companies rather it should be funded by public sources from annex I countries as a part of historical responsibility. The foundation for this argument is based on CDM under Kyoto Protocol which is market driven and due to this many non annex I countries especially LDCs have not benefited much from this mechanism. On the other hand annex I parties proposed market to play a greater role to include even NAMAs. This contradicts with the underlying principles of NAMAs which state that they should be country driven and implemented voluntarily. Although it seems that market mechanism is not the best option to achieve emission reductions, it should not be discouraged completely. A certain allowance should be made, let say 10% of offsetting could be from market, to ensure that CERs from emission reduction projects in non annex I parties has access to market.

#### Conclusion

The contents of the text were not discussed. Rather parties tried to discuss how the text will be reduced to manageable text while accommodating the proposals submitted by all parties. Some delegates didn't know exactly whether informal session constitutes a further exchange of views or a negotiating session aiming at consolidation of the text.

Real negotiations will start at the next meeting in Bangkok. A new text that consolidates the text (without losing the position of the various parties) will be released soon. This will be the basis for the two weeks of intensive negotiations in Bangkok.

**Report on:  
Adaptation: LDC aspect  
The 7<sup>th</sup> session of the AD HOC Working Group on Long-term Cooperative Action under  
the Convention, Bonn, 10-14 August 2009**

**By:  
Sumaya Ahmed Zakieldean**

Adaptation Report:

The Seventh session of the AD HOC Working Group on Long-term Cooperative Action (AWG-LCA)

From 10-14 August 2009, the *Ad Hoc* Working Group on Long-term Cooperative Action under the Convention (AWG-LCA) held an informal consultations in Bonn, Germany, as part of ongoing negotiations under the United Nations

Background:

In Bali, Parties had taken the critical step of launching a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision at the fifteenth session of the Conference of Parties (COP) in 2009. Through the Bali Action Plan Parties had identified five main areas, and elements within these areas, that the process should address these were:

- a shared vision for long-term cooperative action;
- enhanced national/international action on mitigation of climate change;
- enhanced action on adaptation;
- enhanced action on technology development and transfer;
- and enhanced action on the provision of financial resources and investment.

Adaptation similar to other elements of the LCA negotiating text was formulated after series of LCA sessions, up to date seven sessions were held. From the first to the fourth session parties were exchanging views in order to improve their understanding regarding the different elements of the LCA. The Chair of the LCA was mandated during the third session (Accra, 21 to 27 August 2008) to prepare under his own responsibility, a document assembling the ideas and proposals presented by Parties on the elements contained in paragraph 1 of the Bali Action Plan, taking into account the ideas and proposals presented by accredited observer organizations. During the fifth session (Bonn, 29 March to 8 April 2009) the LCA Chair presented his text and Parties were allowed to edit/insert/oppose any part of the negotiating text.

The Seventh session of the AWG- LCA:

During the last session (AWG-LCA 7) the edited version of the negotiating text was available. Many of the Parties and Groups expressed their concerns regarding the edited text as it was described as extremely long, complex and confusing. Many of them also expressed their inability to trace the whole picture of their own proposals. Regarding the LDCs submissions/ proposals for adaptation element, they were adequately reflected in the text.

The LDCs similar to many others parties and Groups were hoping since the sixth session of the AWG-LCA to get into the full negotiation mode. However, even at the seventh session the whole period was allocated for smoothening of the negotiating text trying to find ways and

means for removing repetitions, identifying areas of convergence and divergence and agreeing on a methodology for consolidation of the text in order to make it readable, workable and reasonable.

Given the limited time left between the next meeting to be held in Bangkok (September) and Copenhagen (next December) the LDCs feel extremely worried about the actual time which is going to be available for negotiation. It was agreed during the last LCA session that Bonn III and Bangkok will be considered as one time block, accordingly the first week of Bangkok will also be allocated for reaching an agreement on the text to be negotiated.

At the end of the last session the assigned Co-facilitators for the different elements of the LCA were mandated to consolidate the LCA text. For adaptation consolidation of section *B: implementation of adaptation action* was made by the co-facilitators as a test for the consolidation methodology. The Parties and the different Groups agreed that it was a useful exercise that was found to take on board the different views and made the text more workable. Accordingly the co-facilitators were entrusted to complete the task for the whole adaptation part. However, many parties advised the co-facilitators to avoid loss of ideas and exclusion of proposals.

General Comments and recommendations for LDCs based on the deliberations of the last session:

- The exercise of adaptation text consolidation was helpful in revealing the areas of divergence in the text such as: institutional arrangements, means of implementation etc. It might be of great help to LDCs to exert some effort on bilateral for resolving sticky and thorny issues not only in adaptation but also for all the element of the LCA text.

Two areas require adequate effort and rich conceptual understanding as very limited time was allocated for them these are:

(1) Monitoring and review of enabled and supported adaptation

(2) Risk reduction, management and sharing

- Adaptation is the corner stone for Copenhagen agreement. In fact the LCA elements are closely interlinked. Finance, technology transfer, and capacity building are all quite essential as means for implementation of adaptation. The way the LCA work is organised and divided its elements in to contact groups makes it difficult for following all the issues. In order to follow all of them closely the LDCs Coordinators need to work closely together so as to achieve perfect integration of the issues.
- The current adaptation text covered satisfactorily the LDCs concerns. However they need to exert a lot of effort to keep all these concerns in the new consolidated text. For good while LDCs repeated that they need concrete actions/activities on adaptation. Presumably it is the right time for LDCs to talk more explicit regarding the identification of *what are the concrete things that they want from Copenhagen?* In the adaptation text there are claims for NAPAs funding. However, even if that happened that will mean funding of only the urgent and immediate needs which will cost approximately two billion. But then what about the cost of all the *national adaptation activities of the LDCs?* I believe that the LDCs should envisage new claim/s to address the latter question in order to get something specific from Copenhagen that in addition to filling the empty basket of the LDC Fund. In order to do that the LDCs will need to devote a lot of effort

and to make use of their capacities and expertise. In addition to that they will also need cooperation and coordination with in themselves as well as with other Groups and Parties.

- Specification of the LDCs and SIDs as the particularly vulnerable to climate change was strongly and repeatedly criticised by some of the Latin American countries. The latter used the preamble 19 of article 4.8 to explain that their countries vulnerabilities were not adequately considered/appreciated when LDCs and SIDS were given special consideration. I believe that the LDCs should really be careful about this new trend. They should also consider this issue with a lot of attention in order to redefine more clearly their specific situation in the new agreement.
- LDCs need to have clear position regarding the hanging issue of response measures. For a very good while the LDCs were reluctant to deal with all elements of the response measures, they stood firmly against the economic diversification and it took sometime before realising its importance for all countries including the LDCs. During the last session there was very rich exchange of views on issues regarding:
  - Article 4.8 , its preamble and the allocation of response measure with in adaptation element of the LCA
  - Importance of response measures for none oil producing countries
  - Consideration of response measures under technology transfer and finance in addition to adaptation

In fact different thinking start to emerge during the previous session regarding the importance of response measures for countries other than oil producing countries. Even during the LDCs meetings, it has been stated that there are going to be some response measures even for technology transfer. Examples from different part of the world (including LDCs) were explored *e.g.* response measures conditions were created by change in livelihoods due to biofuel production. It seems like there is real need for understanding of such examples and others. The LDCs need to consider whether they could live the response measures within the adaptation and if that is the case what are they going to lose/gain?

- For LDCs adaptation is the major issue and their demands should always be strongly reflected. It might be a good idea if the chair of the LDCs always speaks during adaptation sessions to give strength to LDCs' claims and additional support to their coordinator. In addition to that frequent press briefing by LDCs Chair might also attract attention of all the parties to the important of adaptation to the LDCs

**NOTE:**

e-mail address was created by the secretariat for comments and correction directed for Co-facilitators of adaptation (MKATO@unfccc.int). However, for submissions parties were directed to use the official e-address that was given during the 6th session for the submissions.

**Report on:  
United Nations Framework Convention on Climate Change:  
Report on: Legal Form of Agreed Outcome**

**Meetings held in Bonn  
(10 -14 August 2009)**

**Prepared by:  
Litsabako Kali, Lesotho**

Legal Form of Agreed Outcome

For Bonn 111 session, I followed the legal form of the agreed outcome, where most of the developing countries want to retain Kyoto Protocol with commitments of Annex 1 countries, and want to focus only to amending the KP Annex B.

However, the developed countries want to have a new protocol, with some developing countries joining Annex 1 and with amendments to KP to enable other issues like LULUCF to be included.

Under the AWG-LCA, most developing countries want the outcome of the AWG-LCA to be in the form of set decisions, but developed countries want a new “ agreement ” for LCA and possibly to integrate KP and LCA outcomes in a single agreement. Developing countries want KP and LCA to remain in two (2) separate tracks.

Developed countries want to merge the two tracks (KP and LCA), and pull the issues into “single-undertaking” with a single legal outcome. The US submission to the Ad Hoc Working Group on Long term Cooperative Action under the UN Framework Convention on Climate Change (UNFCCC) proposes an agreed outcome for the UN Copenhagen Climate Change Conference in the form of “An Implementing Agreement” under the UNFCCC in order to allow for legally binding approaches and to reflect the Bali Action Plan’s mandate to further the implementation of the Convention.

Implementing agreements involve the details of all-encompassing or framework agreement. The objective is to facilitate implementation. Implementing agreements can be of various kinds; for example, they can be expressed in exchanges of letters and non-binding joint statements. The experience is limited with regard to the formal, legally binding implementing agreements.

At this juncture, the main issue to consider is what are the legal implications of the term “implementing agreement”. Its effectiveness, does it achieve key objectives. What are the benefits and risks of the new proposals? Another concern is whether it strengthens or weakens current levels of international cooperation or how does it reduce burdens and distribute benefits particularly with respect to vulnerable countries and communities.

From one’s point of view, in practice the difference between an implementing agreement and a protocol does not need to be huge. An implementing agreement would be legally binding and

would not just enable legally binding approaches which could be interpreted as something dissimilar.

A risk with an implementing agreement is that it could in the wrong circumstances become an agreement that shifts, even undermines principles that underpins the UNFCCC.

However, the format of an implementing agreement might appeal to some countries. It could co-exist with an amended Kyoto Protocol or new protocol or protocols or as a comprehensive implementation could even replace the Kyoto Protocol.

**Report on:**  
**the Meeting of Ad Hoc Working Group on Long-Term Cooperative Action**  
**under the UNFCCC (AWG-LCA)**  
**Mitigation Section**  
**(10 -14 August 2009)**  
**Prepared by:**  
**Rehab Ahmed Hassan.**  
**Higher Council for Environment and Natural Resources.**  
**Khartoum- Sudan**

### 1. Introduction

The Ad Hoc Working Group on Long-Term Cooperative Action under the United Nations Framework Convention on Climate Change (AWG-LCA) and the Ad Hoc Working Group on Further Commitment for Annex I Parties under the Kyoto Protocol (AWG-KP) held an intersessional informal meeting from 10 -14 August 2009 in Bonn, Germany.

For the AWG-LCA the objective of the meeting was to proceed with the revised negotiating text that had been prepared by the AWG-LCA chair. The text covers the building blocks of Bali Action Plan (BAP) which includes:

- Shared vision for long-term cooperative action.
- Adaptation
- Mitigation.
- Technology and capacity building.
- Finance.

### 2. Organization of the Sessions.

The AWG-LCA informal session was opened on Monday 10<sup>th</sup> August and continued for a week of consultations.

In addition to the opening session there was a stocktaking session in the mid of the week and the closing session at the end of the week. During the week, the work was undertaken in informal groups focusing on the five elements of BAP mentioned above.

The chair of the AWG-LCA noted the length and complexity of the revised negotiating text and he invited parties to work hard for shortening it.

The G77 and China stated that their proposals were not clearly indicated in the negotiating text, they also encouraged the full participation and consultations by all parties.

The chair explained that a second information document will be prepared before Bangkok session containing the corrections and proposals raised by parties during this session.

### 3. Mitigation Negotiations:

Mitigation was addressed in six subgroups to discuss the sub paragraphs as stated in BAP 1(b) i - 1(b) (vi) namely:

- 1(b) i on mitigation by developed countries.
- 1(b) ii on mitigation by developing countries.
- 1(b) iii on reducing deforestation and forest degradation in developing countries.
- 1(b) (iv) on sectoral approach.
- 1(b) (v) on market –based approach.
- 1(b) (vi) on consequences of response measures.

### 3.1 Paragraphs 1(b)i and 1(b)ii:-

This sub-paragraph has been discussed in closed meetings. Different ideas and proposals have been raised from parties. G 77 and China stated that developed countries must take quantified emission reduction commitments and legally binding target. This opinion from the G 77 and China has been supported from Canada.

On mitigation by developing countries, issues discussed included differentiation, the nature of Nationally Appropriate Mitigation Action (NAMAs), NAMA registries and MRV. The issue of differentiation has been supported by different countries like the US.

The facilitator for the 1(b) ii presented a non-paper that explained the plan to be taken in preparing the text for Bangkok. Parties then gave their comments on the non-paper with some countries proposed to change the headings and the structure.

At the end of the session on this sub-paragraph the chair stated that both the non-paper on 1(b) ii and the revised negotiating text would be forwarded to Bangkok.

### 3.2 Paragraph 1(b) iii:-

Two meetings were convened to discuss this paragraph. Parties agreed to consider the objective and scope of REDD plus (Reducing emissions from deforestation and forest degradation in developing countries), they also consider financing for REDD activities and financing for implementation and the relationship with the NAMAs.

Due to the limiting time, REDD facilitator met with the interesting parties individually and he also developed a non-paper that had been presented to the parties. Parties were satisfied with the non-paper with the request to better reflect parties' ideas.

Some parties suggested that REDD-plus should be a three-phased approach to be moved from a fund-based to market mechanism.

At the end of the discussion there was agreement among the parties that the non-paper could be used as the basis for the negotiation in Bangkok and the results will be included in the new information document to be issued before AWG-LCA7.

### 3.3 Paragraph 1(b) (iv):-

The issue of cooperative sectoral approach and sector specific actions was discussed in two meetings. The facilitator stated that this issue needs to be more clarified in the negotiating text, he also requested parties to focus their discussion on what the cooperative sectoral approach should and should not do, what they should do for Annex I parties and non-Annex I parties and what should they do for all parties.

During the discussion the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO), updated the group with their recent activities.

Parties considered during the meeting a non-paper. The facilitators also presented a non-non-paper to structure and clarify the text. Several parties agreed on the non-paper while expressing reservation on the non-non-paper.

At the end of the discussion the facilitator stated that the non-non-paper would not be further considered, while the non-paper containing the negotiating text would be used as a useful guide for discussion and would be included in the new information document to be issued before Bangkok.

#### 3.4 Paragraph 1(b) (v):-

Two meetings were convened to the issue of market-based mechanism approach. The discussion focused on new mechanism including NAMA crediting and trading.

Parties discussed criteria and conditions for designing market mechanism and the need to decide whether market mechanism is desirable. Some parties highlighted that market mechanism would enhance mitigation efforts. Parties also discussed the issue of funding the NAMAs.

After discussion, parties agreed that the information should be compiled in to be compared with the various proposals and criteria for market mechanism to facilitate discussion in Bangkok.

#### 3.5 Paragraph 1(b) (vi):-

Two meetings were convened to discuss the issue of economic and social consequences of the response measures. On this issue, parties discussed the negative consequences of the response measures on developing countries, they also discussed the negative impacts of carbon taxes.

Parties presented a non-paper to restructures the ideas and the proposals. This non-paper will be forwarded to the AWG-LCA for incorporation in the new information document.

#### 4. Closing meeting:-

In the closing plenary the AWG-LCA chair explained that all the work done by the informal groups would be presented in a new information document to be issued before Bangkok meeting which will be held during the period 28 Aug. – 9 Oct. and the revised negotiating text would remain as a document for proposals.

As developing countries, adaptation is an area of interest, we have to struggle for providing of finance to meet adaptation cost for all developing countries.

Developing countries also need a financial concrete structure under the UNFCCC with certain principles.

**Report on: the Intersessional Informal Consultations of  
the AWG-KP and AWG-LCA, Bonn, Germany;  
(10 -14 August 2009)**

**Prepared by  
Momodou Njie, Gambia**

## 1. INTRODUCTION

I recently attended AWG-KP and AWG-LCA informal consultations that took place in Bonn, Germany, from 10-14 August 2009. Participating in this confabulation for the first time, and considering its informal nature, one of my objectives was to get informed on the status and direction of the negotiation process by listening to delegates/speakers, talking to the few I could manage to talk to, and reading up on key documents. I hoped in particular to get information and reactions to a number of proposals on adaptation financing to help me provide insightful analysis and build a strong support base for the international air passenger adaptation levy (IAPAL) proposal by the Maldives (on behalf of the LDCs).

Owing to the nature of the work programme, characterised by numerous parallel sessions, one had to be selective about attendance/participation. I was with the informal group on finance primarily, and those tackling mitigation and paragraph 1(b)(iv) of the BAP issues when their schedules did not clash with the finance sessions.

Section 2 provides some pieces of the jigsaw that was laid out in Bonn, and section 3 a short analysis of positions articulated on issues covered in section 2. Section 4 features my concluding remarks and proposals for follow-up actions to the Bonn meeting.

## 2. INFORMAL GROUP MEETINGS

### 2.1. Finance

Group meetings discussed a range of issues related to the generation of funds, their allocation and the financial mechanism that best meets the objectives of the convention.

*Bangladesh* stressed the need for a financial mechanism providing easy and direct access to resources under the authority of the COP. *Barbados*, emphasising the need to upscale financial resources to fight climate change, supported Bangladesh in calling for direct and simplified access to finance especially for SIDS and LDCs.

The *United States (US)* announced its revived interest in the process informing the meeting that it had made substantial contributions to the LCDF and SCCF for the first time. The US also highlighted what it perceived as convergent positions vis-à-vis other delegations. In its view, private sector participation would be equally important in addressing funding challenges. *Canada* underscored the need to stimulate private financial flows and its preference to maintain the existing financial mechanism albeit with renewed drive to improve effectiveness of its operations. *Australia* stated that public and private sources of funding including carbon markets are all important. The US also favours operational improvement of existing institutions, frameworks and networks. The *Philippines*, for the *G-77/China*, stressed the need for

responsibility of the financial mechanism to the COP, citing parties' effectual inability to ensure operational changes (from outside) over the last decade. *Barbados*, for AOSIS compares the current situation with being given an ATM card but without the PIN.

The *Philippines*, for the *G-77/China* pointed out that reliance on the private sector as a source of finance would lead to unpredictable funding and developed parties should take greater responsibility in mobilising financial resources. *China* sees calls in the text for all parties to mobilise funds as an attempt to shift responsibilities to developing countries. It also views proposals not referenced to the convention as being out of place. *Bangladesh* and *China* stressed that the bulk of financial resources should be provided by the public sector and recommend at least 0.5-1% GDP contribution from developed countries. Financial markets which are unpredictable should only be viewed as complimentary source of funding. *South Africa*, speaking on behalf of the Africa group expressed its broad support to the *G-77/China* position. The Africa group does not support text that calls for financial contribution of all parties, differentiated access to funds, or conditionalities to access funds. And although African countries support a balanced funding mix, they remain convinced that greater emphasis should be placed on public funding and not financial markets. The Africa group also favours a new financial mechanism answerable to the COP and proposed at least 1% GDP annual contribution by developed countries into dedicated funds. *Uganda*, for the LDCs, reminded meeting about national adaptation programmes of action (NAPAs) held in abeyance by inadequate resources. It characterises the principle of loans for adaptation as "immoral."

*Saudi Arabia* supported the *G-77/China's* view that developed parties are responsible for financial resources. Calling for financial resources from developing countries is in contravention of the Convention's principles. *Colombia* re-iterated that funding must be predictable and sustainable. It argued for the removal of references to counterpart funding. Under a share of proceeds proposal, it recommended that 8% of the proceeds from JI and ETS be paid the Adaptation Fund.

Several delegates drew attention to the need for "new and additional" and "predictable" funds but there was no specific mention of IAPALs (appearing as Option 3 under paragraph 171 on page 154).

## 2.2. Annex I Parties' emission reduction

I did not attend/participate in these deliberations on a full-time basis. My information is at best therefore only patchy and needs to be filled in from other sources. It is my understanding nonetheless that one of the tasks of the AWG-KP is to consider assigned amounts for the second commitment period (2013-2017) and to turn parties' pledges into quantified emission limitation and reduction objectives (QELROs).

The *G-77/China* called for a sharp distinction (in the text) between developing country NAMAs and quantified mitigation commitments by developed countries. The *Russian Federation*, *Japan* and *Croatia* advocate that the aggregate range of emission reductions should be determined through a bottom-up approach. *Bolivia* expressed the opposite view that individual shares should be allocated in a top down approach. In the same vein, *Barbados* emphasised that total reduction should be benchmarked against likely impacts on SIDS and the most vulnerable countries.

*Japan*, expressing the view that aggregate range should be discussed in cooperation with the AWG-LCA, drew attention to its proposal on expressing targets as absolute emission reductions. *Australia*, the *European Union (EU)* and *Canada* also called for closer cooperation with the AWG-LCA on the issue. *Tuvalu* pointed out definitional issues in Article 1 and proposed changes to existing text. *South Africa* requested consideration of ratios with respect to peak emissions.

### 2.3. Mitigation (paragraph 1(b)(iv) of the BAP)

Group discussions under paragraph 1(b)(iv) of the BAP centred on cooperative sectoral approaches and sector-specific actions. A non-paper and non-non-paper were introduced at different stages of discussion by the facilitator to bring issues into sharper focus.

*Saudi Arabia* supported by *India* emphasised that sectoral approaches must relate to Convention Article 4.1(c). *India* also voiced opposition to the harmonisation of sectoral standards. *Brazil*, for the *G-77/China*, called for sectoral and voluntary actions that are mindful of rules for an open international economic system. The *EU* spotlighted opportunities to increase efficiency and sustainability through sectoral approaches and merits of including shipping and aviation sectors in a global agreement.

The IMO informed the meeting that 75% of ships involved in international trade are flying under the flags of non-Annex I countries. A sectoral approach therefore implies massive technology transfer for these ships. The organisation suggested that funds generated under market-based approaches be used for adaptation in developing countries. The ICAO reported an emission reduction target of 26% relative to 2005 levels by 2020, and 60% by 2050; through improvements in fuel efficiency. The organisation's scheduled meetings in October and November this year are looking into a globally acceptable approach to reduce emissions and alternative fuels for aviation.

*Algeria*, for the Africa group said sectoral approaches were best applied at the national level, and opposed additional strictures on developing countries. *Australia* offered a different perspective in that sectoral approaches can assist parties in meeting obligations, but insists that sectoral actions are no substitute for economy-wide commitments, nor should they be straight-jacket measures imposed on countries. The *US* highlighted the potential of sectoral expertise as a vehicle for international cooperation. *Tuvalu* said the section (of the text) on sectoral approaches could do with further simplification and should be less prescriptive. *Norway* requested that the questions identified by facilitator be made available before the Bangkok meeting. Several parties welcomed the facilitator's non-paper while expressing reservations about the "non-non-paper" which was subsequently withdrawn.

### 2.4. LDC Meetings

LDC meetings held in the early afternoon served the purpose of updating delegates on issues discussed in other sub-groups where delegates were not present. A selection of issues not reflected in preceding sections is covered in the following paragraphs.

In a presentation made before the LDC group, the US gave an account of its proactive engagement in the negotiation process with details on funding and GHG emission reductions.

The latter, 15% with respect to 2005 levels (0% by 2020 taking 1990 as base year) deepening to 80% by 2050 (equivalent to 77% w.r.t. 1990 levels). The US also intimated its expectations of further deepening its discussions with LDC group on adaptation, institutional arrangements, and development strategies. Recalling how the US proposed short-term GHG reduction targets, viz., 0% by 2020 w.r.t. 1990 levels was way below LDC expectations, my question to the US delegation was whether and how the US is engaging with other Annex 1 parties to reach aggregate reduction of 40%. The answer received was generally reassuring but not specific. To paraphrase the speaker “*the US is setting itself robust mid-term goals and engaging with other Annex 1 and major developing countries to keep end-of-century global warming below 2°C.*”

The LDC group took note that developed countries’ proposed emission reductions are too low and linked to unrealistic conditionalities. The group also noted developed country attempts to project themselves favourably through use of post-2000 base years and questionable assumptions. The LDC sees little value in developing NAMAs (nationally appropriate mitigation actions) without financing support for their implementation. Within the coalition, the Africa group’s position on reducing emissions from deforestation in developing countries (REDD) and REDD-plus reflects AMCEN Nairobi declaration. Thus, the association between REDD and NAMAs is seen as a justifiable one, but not so for the CDM which buys offsets for developed country parties.<sup>1</sup>

Uganda observed that LDC proposals had been edited out of the text, but had been invited to make a re-submission on issue(s) of interest. My intervention on procedural matters was to refer Chair/Secretariat to electronic backcopies containing proposal, especially if there is any suggestion of systematic omissions,

The LDC group endorsed the idea of holding a press briefing emphasising vulnerability on the continent, the urgency of adaptation, and centrality of financing and technology transfer.

## 2.5. Plenary Sessions

Parties’ interventions during plenaries sought to drive specific messages home, allay some fears, and make specific demands amongst other possible characterisations. Owing to the informal nature of the session some delegates made interventions independently of positions/views held by other parties.

In general, the LDC group within the *G-77/China* coalition call for: 1) negotiating text to be party-driven (no prejudgment by agreements from other fora), 2) differentiation between actions by developing and developed parties, 3) scaling up of financial resources (with more emphasis on public funding and less on market opportunities), and 4) treatment of capacity building is a cross-cutting issue that extends beyond technology transfer modalities.

Developed countries have different perspectives on these issues and agreement is some way off. *India* linked progress of deliberations to adherence to UNFCCC and BAP. It noted that the on-

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<sup>1</sup> I have drawn the attention of the Gambia Focal Point to the fact that more than 80% of closed forest in the Gambia was cleared between 1945 (end of WWII) and 1965 (Independence from Britain). A REDD regime would therefore be disadvantageous to the Gambia, and possibly several other countries.

going exercise/task was not a renegotiation of a new treaty. *Ecuador* noted that reaching a climate agreement was down to political will and social responsibility. In retrospect, the *EU* said more progress could have been made in Bonn, and stressed the need to further consolidate and to concentrate on substantive and political issues.

### 3. ANALYSIS

The previous section shows that counties and groups of countries do not agree on specific issues of interest of all parties. However, this should not come as a surprise considering that the Bonn meeting session was not a formal negotiating session. All the same, issues raised in/arising from parties' interventions require some degree of analysis before the meeting in Bangkok next month. To promote intersessional discussions in the LDC group of these and other issues, I wish to focus on two aspects that stand out in the preceding section.

#### 3.1. Negotiation context guidelines

As several parties have pointed out, the UNFCCC and BAP are the key reference documents for the negotiations. This however has not prevented some parties from tabling proposals that fall outside the ambit of the UNFCCC and BAP, and their rejection by other parties.

As the name of the AWG-LCA suggests, current negotiations are not exclusively focused on the near-term but also looking at cooperative actions on a multi-decadal time scales. In this light, the timing of discussions on "Shared Vision" appears to be wrong. In order to fulfil the function of negotiating context guidelines, a shared vision, incorporating all issues considered by the AWG-KP and AWG-LCA, should be developed and agreed before negotiation on core issues covered by the two AWGs. Not only does this promote consistency and coherence across issues but grounds also for entertaining proposals related to long-term cooperative action.

#### 3.2. Status of negotiations

There is general agreement that session chairpersons and facilitators should update negotiating text with inputs from parties, before AWG-KP 9 and AWG-LCA 7 in Bangkok. Facilitation tools are to be revised also. Stakeholder and cognitive conflicts are main restraining factors to progress. In the three sessional meetings covered and reported on, there is little agreement on the: 1) form of the financial mechanism, 2) role and magnitude of public and private funding, and 3) methodology to establish assigned amounts. The biggest difference in parties' positions is shaped by coalition interests seen through different lenses. The G-77/China wants current rules applied and other coalitions want the rules modified to a lesser or greater extent. Essentially, developed parties' advocacy for change of rules is like an opening gambit in sequential-move games. The challenge is to prove the lack of merit of such proposals. Talk for instance of linking the outcome of the AWG-KP mandate to twin-track AWG-LCA could be a delaying/pressure tactic or reflects parties' hesitation to propose/adopt radical ideas that feed into the AWG-LCA track. It is sufficient to remember/state that the AWG-KP has the full mandate to consider/set/agree targets.

Reflecting on positional differences in three sessional meetings I (partly) covered, I have put together the following ideas which I think can move the negotiations to a higher level:

1. On the financial mechanism specifically, the onus is on the US, Canada and others that prefer slight changes to the status quo to propose new rules/measures “to improve effectiveness”, and to show how these are different from what has been tried in the past.
2. To identify circumstances under which public and private sector funding of actions is most appropriate, start by asking some key questions. For instance, which geographical areas and sectors do international investors show risk-aversion to? Corollary to the previous question how is requisite funding for these areas and sectors to be provided? Observe that public funding of rehabilitation works and resilience-building in national emergency and post-emergency situations that occasionally arise in developed country parties cannot be contested.
3. Assuming that the LDC group within the G-77/China accepts the bottom-up approach to assign amounts, allow Annex 1 countries to answer questions or entangle themselves trying: What is the total reduction from Annex 1 countries? If there is a deficit, how is going to be covered? What are developed and developing countries responsibilities in covering this deficit? Are these roles and responsibilities circumscribed in legal and agreed texts?
4. An agreement on harmonisation and enforcement of sectoral standards is not likely to emerge because parties have comparative advantages in a number of sectors that they would like to maintain. Standards, especially in agriculture, may also be one way of pushing for emission reductions in developing countries by stealth/indirectly. The view that sector-specific actions, with exception of bunker fuels, are purely domestic policy concerns seems to be the correct one. Developing country parties should however contemplate the advantages offered by embedding sectoral approaches into capacity building and technology transfer windows.

#### 4. CONCLUDING REMARKS AND NEXT STEPS

The G-77/China is a heterogeneous coalition of groups. Its majority stance on all issues should be clear and parties with reservations/a different perspective should table its position for discussion. The coalition may not always reach consensus in this exercise, but parties would get to know/understand and respect the core reasons behind a lack of consensus.

The G-77/China adamant on a number of issues, and often rightly so (e.g. adherence to the UNFCCC and BAP), but parties need to be flexible on penmanship of negotiating text. It is certainly a truism that there is no way of having a slender negotiating text (FCCC/AWGLCA/2009/INF...?) if the original wording of parties’ proposals is maintained. The LDC group and parties should therefore task themselves to carefully read text and seek legal clarification as appropriate to satisfy themselves that the essence of their proposal(s) has(ve) been incorporated. Ambiguous/inappropriate words in FCCC/AWGLCA/2009/INF.1 include the word “adequate” in relation to individual source of funds. This presumably has led to proposals being characterised as options rather than complementary approaches to resource generation. To consider these different proposals as ‘options’ or ‘alternatives’ would amount to turning off predictable streams of much needed financial resources.

In the weeks and months before COP15, it is part of my plans to facilitate the formation of a contact group on IAPAL within the LDC group that would examine and discuss matters related to its wider acceptance and implementation. As we get information/feedback from IAPAL

stakeholders, we plan to update a table of reservations and clarification (Appendix 1) as extension of Muller’s 13 FAQs.

At this point, a willingness-to-pay survey would fill in an important information gap. Questionnaire design and implementation arrangements are being discussed with the IIED. The survey is expected to provide a strong empirical basis for the IAPAL proposal

## Appendix 1

### Possible/Articulated reservations and objections to IAPAL

Stakeholders	Reservation	Response/Clarification
Countries	Negatively impact (dominant) travel-sensitive economic sectors	Travel trends indifferent to airport tax incorporated (over last 20yrs+) in cost of tickets No individual source of funds could be contemplated as providing ‘adequate’ (paragraph 173) resources. Need therefore to explore innovative funding (IAPAL is a prime example).
Passengers	Passengers may respond to the proposal negatively	Unlike airport tax (treasury), French levy (worthy causes – HIV/AIDS), IAPAL (to fund adaptation) materialises the link <i>between the activity levied (flying) and the earmarked purpose</i> (reparation for costs imposed by climate change impacts) (Muller, 2008: 13 FAQs on IAPAL)
Airlines	Aviation sub-sector (of transport sector) doubly taxed	Passengers are shouldering the levy, not airlines (which are compensated for administrative costs).
Others	Competing with proposed bunker fuel levy	A fuel levy places burden of responsibility for adaptation funding on businesses/firms, whilst IAPAL targets individuals/households. Reference to GDP accounting, notice that government is the third economic agent and is required to provide funding over and above ODA. IAPAL, expected to generate US\$ 9 ± 1 billion per annum, is one of the elements missing from taxing private consumption.
	Has no impact on emission reduction	IAPAL is not targeting emission reductions. Other instruments (e.g. bunker fuel levy, fuel efficiency) are better placed to do that.

## SYNTHESE DES ACTIONS SUR LE TRANSFERT DE TECHNOLOGIES

**Bonn, Allemagne 04 – 14 Août 2009**

**Birama DIARRA**

La 15<sup>ème</sup> Conférence des Parties (CdP 15) sur les changements climatiques, qui se tiendra à Copenhague (Danemark) en Décembre 2009 constituera **l'enjeu majeur** au niveau international **pour prendre des actions concrètes** afin de faire face à ce phénomène. C'est dans ce contexte que les dernières sessions de Juin 2009 de l'ensemble des organes de la Convention Cadre des Nations Unies sur les changements climatiques (CCNUCC) ont décidé quatre (4) semaines de rencontre dont une semaine informelle à Bonn en Août 2009, deux semaines formelles en fin Septembre 2009 à Bangkok et une semaine informelle à Barcelone en Novembre 2009. Ces différentes réunions devraient conduire les Parties à des propositions de consensus afin de prendre des décisions importantes.

La semaine informelle de Bonn s'est tenue du 10 au 14 Août 2009 à l'Hôtel Maritim. Elle a regroupé environ 2 500 participants venant de 180 Parties, des organisations internationales, des médias et des ONG. A l'exception de quelques pays, l'Afrique était représentée par seulement 2 délégués par pays.

L'objet de cette session, était d'analyser et d'harmoniser les points de vue des Parties, et groupements de Parties reflétés dans les documents compilés, sur la base des propositions des Pays par les deux présidents de AWG – LCA et AWG – KP (FCCC/AWGLCA/2009/INF1, FCCC/KP/AWG/2009/10/Add1, 2, 3, 4).

Avant la tenue de la session informelle, le Groupe des Pays les Moins Avancés (PMA), le Groupe Afrique et le Groupe des 77 et de la Chine se sont réunis du 04 au 09 Août 2009 :

- Réunion préparatoire du Groupe des Pays les Moins Avancés (04 – 05 Août 2009).
  - Réunion Préparatoire du Groupe Afrique (06 – 07 Août 2009).
  - Réunion du Groupe 77 et la Chine (08 – 09 Août 2009).
- **Réunion préparatoire du Groupe des Pays les Moins Avancés (PMA)**

La réunion a passé en revue le programme des PMA, en rappelant le nombre de pays les moins avancés (49) Parties à la Convention et toutes les décisions prises concernant les PMA. Il a été noté que le besoin de financement de l'ensemble des projets prioritaires urgents et immédiats d'adaptation aux changements climatiques enregistré, est évalué à **1,8 milliards de dollars** alors que le Fonds pour les PMA ne dispose que de **176 millions de dollars**. **Il y a urgence de trouver des fonds supplémentaires étant entendu qu'il y a pour le moment très peu de projets prioritaires mis en œuvre.**

Le groupe PMA a mis en place cinq groupes de travail (**Vision partagée, Adaptation, Atténuation, le Protocole de Kyoto et le Transfert de Technologies-Finances-Renforcement de capacités**) afin d'apporter des améliorations aux documents proposés par les deux présidents (AWG – LCA et AWG – KP). Le Mali a été rapporteur du groupe de Transfert de technologies. Le groupe a proposé de :

- Rejeter toutes actions de MDP et de NAMAs parce que n'étant pas bénéfiques pour les PMA.

- Prendre comme **seconde période d'engagement 2013 – 2017** (au lieu de 2013-2020).
- Prendre en compte les **technologies propres existantes** et de faire une large diffusion.
- Accorder **plus de priorité aux technologies d'adaptation**
- Renforcer les fonds d'adaptation et les fonds PMA et accélérer la mise en œuvre des Projets PANA.

- **Réunion préparatoire du Groupe Afrique**

Le scénario de note a proposé quatre groupes informels et cinq sous groupes informels pour analyser les deux documents de travail des Présidents AWG – LCA, AWG – KP.

Le Groupe Informel sur les Transferts de Technologies et le renforcement de capacités a déploré la complexité d'exploiter ces documents constitués de la compilation des différentes propositions des Parties. **Il a suggéré une meilleure structuration tout en prenant en compte les préoccupations des pays en développement.**

- **Réunion préparatoire du Groupe des 77 et de la Chine**

Sur les 12 points identifiés par le G77 et la Chine, susceptibles de constituer un blocage au processus de négociation **on note, entre autres pour le transfert de technologies:**

- Le rôle des USA ainsi que des pays en développement dans l'atténuation.
- La mise à disposition concrète et adéquate des financements et le transfert de technologies par les pays développés vers les pays en développement.
- Le souhait des pays en développement pour une structure de financement placée sous la tutelle de la Conférence des Parties. Le G77 et la Chine demande 0,5 à 1% du PNB des pays développés soit environ 200 à 400 milliards de \$ par an. Les pays développés préfèrent le maintien des fonds existants.
- **La définition du transfert de technologies, le problème de la levée des barrières sur le droit de propriétés intellectuelles.**
- Le problème de NAMA, et de PANA.

Le Groupe G77 et la Chine a également constaté la complexité des documents et **a recommandé à la plénière l'analyse des documents conformément aux dispositions de la Convention et du Plan d'Action de Bali (BAP).**

- **Sessions informelles de AWG – LCA et de AWG – KP**

Au sein des différents groupes et sous groupes mis en place, des échanges, débats souvent tendus ont eu lieu des heures durant et même nuitamment. Une méthodologie de travail a été alors utilisée afin d'avoir des documents consolidés :

- Identifier et supprimer les paragraphes et des chapitres qui ne font pas partie de la Convention et du Plan d'Action de Bali.
- Identifier les points de **convergences** et de **divergences** par rapport aux propositions.
- Identifier les arrangements institutionnels.
- Identifier clairement la structure du texte, les objectifs et les principes.

En fonction de cette méthodologie et **compte tenu du fait que cette session ne devrait pas prendre de décision**, chaque groupe a élaboré un projet de document, regroupant les points de convergences et de divergences qui servira de document de base pour la session formelle en fin septembre 2009 à Bangkok.

Pour la consolidation du document FCCC/AWGLCA/2009/INF1 de AWG – LCA par rapport aux **transferts de technologies et renforcement des capacités** (page 169 à 199), une

restructuration a été adoptée avec des propositions de **points de convergences et de divergences**.

**On peut noter** que le Transfert de Technologies constitue aujourd'hui le **pilier le plus important pour la Convention et le Plan Action de Bali**. C'est sur le Transfert de Technologies que reposent les **mesures de réduction des émissions de GES** responsables du réchauffement de la planète, mais aussi les **mesures d'adaptation** en vue de faire face aux effets néfastes des changements climatiques et aussi de réduire les émissions de GES.

**Mais force est de reconnaître que depuis plus de 15 ans aucune action concrète n'a été prise en faveur des transferts de technologies conformément à l'article 4 de la Convention.**

La mise en place de EGTT a permis d'élaborer certains documents, notamment la stratégie de transfert de technologies, le financement et les indicateurs de performances. **Mais le constat reste le même, c'est-à-dire pas d'actions concrètes.**

Par ailleurs, le Groupe PMA après analyse du document de texte a constaté **la non prise en compte de ses propositions ou sa dilution dans des paragraphes**. Quant au Groupe Afrique et au Groupe G77, leurs propositions sont reflétées dans le document. Cependant, la **Philippine au nom de G77 et la Chine a demandé « comment les mesures technologiques seront mises en œuvres et comment elles seront financés et de combien ? »**.

Aussi, il a été clairement demandé par les pays en développement notamment les **PMA des actions concrètes au lieu de se focaliser sur les évaluations des besoins de Technologies (TNA)**. Il a été également suggéré de trouver des solutions aux problèmes de **Droit de Propriétés intellectuelles** et de faire une **large diffusion des technologies existantes**.

**En conclusion**, le caractère informel de cette session n'a pas permis aux Parties de prendre des décisions. Cependant, l'adoption de la restructuration des documents proposés en prenant en compte les points de convergences et de divergences conformément à la Convention et au Plan d'Action de Bali, donne des avancées pour la session de Bangkok. Cependant, **"Quel rapport peut-on établir entre les résultats d'une session informelle et ceux d'une session formelle ?"** Bangkok tentera de répondre à cette question.

### **SIGLES**

**AWG-LCA** : Groupe Ad-Hoc sur la Coopération long à terme au titre de la Convention

**AWG-KP** : Groupe Ad-hoc sur les engagements futurs de réduction des émissions des pays développés

**BAP** : Plan d'Action de Bali

**MDP** : Mécanisme de Développement Propre

**NAMA** : Actions d'Atténuation Appropriées au niveau National

**ONG** : Organisation Non Gouvernementale

**PANA** : Programme d'Action National d'Adaptation

**PMA** : Pays les Moins Avancés

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