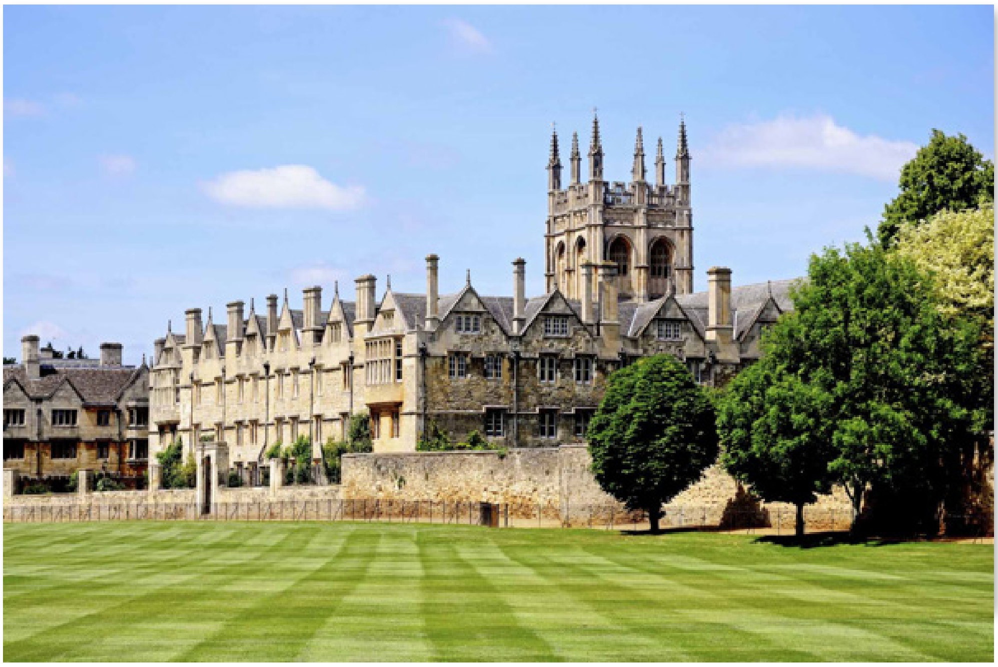
Oxford Seminar 2016



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ecbi

European Capacity Building Initiative
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REPORT OF THE 2014 OXFORD SEMINAR

The 2016 ecbi Seminar took place at the Oxford Union on 1-2 September 2016, following the Fellows Colloquium from 29-21 August 2016. It was attended by 19 participants from developing countries, and 16 participants from Europe. Representatives of the current and future presidency of the UN Framework Convention on Climate Change (UNFCCC), including Aziz Mekouar, Ambassador for the Multilateral Negotiations for the 22nd Conference of Parties (COP 22) in Marrakech in November 2016, participated in the Seminar.

Participants also included lead negotiators from several developing and European countries; the Chairs of the Least Developed Country (LDC) Group, African Group of Negotiators and of the Subsidiary Body for Scientific and Technological Advice (SBSTA); members of the Green Climate Fund (GCF) Board; and representatives from the European Commission (see Annex 1).

Two formal dinners were held during the Seminar, on 31 August 2016 and 1 September 2016. At the dinner on 31 August, Ambassador Jan Cedergren from Sweden was honoured for his role in the inclusion of "enhanced direct access" (EDA) as a modality of the GCF, and presented with a framed photograph taken during the GCF Board meeting in Barbados, in October 2014, where the Board decision on EDA was taken.

At the dinner on 1 September, Ambassador Mekouar addressed the participants, noting the role of the ecbi Seminar in promoting frank and honest conversations on the optimal, most ambitious way to operationalise the Paris Agreement. "When it comes to the mechanics of the operationalisation of the Paris Agreement, the design of the rule book, the steel that will strengthen the structure of the Paris Agreement, it is very important that we get off to a good start in Marrakech," he said.

The seminar included sessions on six elements of the 2015 Paris Agreement, including: the sequencing of Nationally Determined Contributions (NDCs); the global stocktake: transparency of action and support: finance; market-based approaches; and entry into force.

1. SEQUENCING OF NATIONALLY DETERMINED CONTRIBUTIONS

This session started with a presentation by ecbi Director Benito Müller. Müller began with some observations on terminology, noting that the Paris Outcome – including the Paris Agreement and its implementing Decision (1/CP.21) – associates NDCs with "time frames and/or periods of implementation" in paragraph (§) 27 (of the Decision). While no explicit definition of these two concepts is given, the Paris Outcome language suggests that both are (multi-year) periods ending in multiples of 5 (2025, 2030, 2035, and so on).

He proposed a differentiation between the timeframe of an NDC as the time span used in its definition, and its period of implementation during which it is to be implemented, saying it could be assumed that the period of implementation of an NDC will end at the same time as its time frame. These common end-years can thus be used to identify NDCs, for instance, by defining that: "2025 NDC" refers to an NDC with a time frame and period of implementation ending in 2025.

He said Article 14.2 of the Paris Agreement calls for the first global stocktake to take place in 2023, and every five years thereafter. The outcome of the stocktake is meant to inform Parties in updating and enhancing their actions and support. It is meant to inform the national determination of future NDCs, and therefore has a forward-looking influence.

Müller said the Agreement includes two tracks for communicating and updating NDCs:

- The §23 track, which urges Parties whose intended NDC contains a time frame up to 2025 to communicate, by 2020, a new NDC and to do so every five years thereafter; and
- The §24 track, which requests those Parties whose intended NDC contains a time frame up to 2030 to communicate or update, by 2020, these contributions and to do so every five years thereafter.

He noted that significant differences of opinion emerged during the Fellows Colloquium preceding the Seminar in the understanding of the phrase “a new NDC” in §23. While some understood this to mean an advance communication of entirely new 2025-2030 NDCs, others understood it as updating the 2020-2025 “intended” NDCs that have already been communicated.

Müller pointed out that unlike §24, §23 does not mention the option of updating NDCs: only §24 mentions updating. He proposed ‘merging’ the two tracks through a decision urging all Parties, in 2025, to communicate a 2035 NDC and update their 2030 NDC, and to do so every five years thereafter.

In this way, he said, all countries will be expected to update their upcoming NDC (with a five-year time horizon for implementation), while communicating a follow-on (indicative) NDC. Creating more symmetry between the tracks in this manner will mean that all countries are in a common communication and updating cycle, where they all update the NDC coming up on the basis of the global stocktake and scientific evidence, while communicating the next one, with the expectation that the latter will be updated before it comes into effect five years later.

> *“Coming here for the first time, I have to admit it was one of the most intellectually sophisticated discussions I’ve experienced after Paris.”*
>
> ***-Przemyslaw Sobanski, Deputy Director of Air and Climate Protection, Poland***

The more commonality there is between what Parties are expected to do, said Müller, the better the chances that they are willing to enhance ambition. Instead of a ten-year respite, however, this common action must take place over five-year cycles. He described this as a bottom-up synchronized updating to enhance ambition, by encouraging countries to update NDCs regularly (every five years) and at the same time, to enable them to be more ambitious themselves while driving ambition among others through peer pressure.

In the discussion that followed, a developing country participant stated that §23 and §24 were not meant to perpetuate ten-year cycles – instead, the mutually understood intention was to get all countries into a common cycle of five years from 2030 onwards. He said ten-year cycles could lock in low ambition over a longer period of time.

Müller responded that with one-at-a-time only (five-year) NDCs, the forward-looking potential of the global stocktake will be defeated, as there will be no future NDCs on the table to assess during the stocktake. The intention of the ten-year time horizon with an updated and a communicated follow-on five-year NDC is to create a rolling cycle with the clear expectation that the follow-on NDC will be looked at for updating five years before the end of its period of implementation.

A developing country participant said §24 includes a reference to updating because Parties with a 2025 NDC did not want to accept a 2030 NDC. He did not think the two could live together, and said convergence between the two tracks is necessary before 2020 – this was already on the agenda for the first Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA1) through Article 4.10 of the Paris Agreement, which calls for the consideration of common time frames. The danger, he said, is that all countries could move to a ten-year time frame instead of a five-year one.

Another developing country participant felt the "no backsliding" clause of the Paris Agreement could also ensure greater ambition in subsequent NDCs, saying the submission of an indicative five-year NDC would be counterproductive and difficult to implement.

"The discussions on sequencing contributions during the Fellowships and Seminar are the best example on how useful the meeting was, since reading the Paris Agreement gives an idea that does not necessarily reflect the positions and understanding of different Parties or groups of Parties. I feel better prepared to help developing a more realistic position for AILAC countries."

-Alejandra Lopez Carbajal, Head , AILAC Support Unit

In response, Müller said the option of relying only on the no-backsliding clause to encourage ambition was too weak. He emphasized the importance of providing a medium-term indication of where the process was going, for instance to allow the private sector to plan with greater certainty.

A participant from Europe said the intention of §23 and §24 is to ensure countries have an NDC in place at all times. The global stocktake will provide an opportunity for countries with both five- and ten-year NDCs to enhance their ambition. There is a negotiating item on the table to address the synchronization and harmonization of timetables, which can be discussed over time.

A developing country participant said the two paragraphs were included to give some countries the flexibility of keeping the ten-year intended NDCs they had already communicated, but all countries should abide by the same rules and move to 5-year cycles by 2030.

A participant from Europe also agreed common timeframes were necessary for the whole system to work together, but said a longer-term strategy was important, with shorter-term actions fitted in.

Another participant from Europe said §23 and §24 were just a second-best solution, and a common timeframe is essential after 2030, with the low-emission development strategies (LEDS) under Article 4.19 playing a role in providing a longer-term perspective.

A developing country participant said that without a five-year indicative NDC, there would be nothing to update after the global stocktake, and the process of the stocktake could end up "out of synch" with the NDCs.

A participant from Europe said ten-year NDCs are more beneficial because they give certainty of investment, and reduce the political burden of going back to leaders every five years for direction. The global stocktake will be the political moment to put pressure on others. Although the issue will be considered under Article 4.10, she said it is not likely to be resolved in five years, as it is complicated.

Another participant from Europe said the importance of common timeframes should not be over-emphasized, as it will not necessarily make it easier to compare numbers. The time periods could be five or ten years, but a meaningful conversation is necessary every five years, with data from the LEDS also feeding in. She said the idea of two NDCs at any given point is a non-starter, as the NDC system needs to be simple enough for politicians to understand, and it is probably easier to explain to them that there are different timeframes, where you can't compare ambition.

A developing country participant said the Paris Agreement offered flexibility, but this cannot be unlimited flexibility. He called for a discussion on common timeframes to be prioritised.

Müller said the chances of increasing ambition will be lower if countries submit NDCs at the last minute, as there won't be sufficient time neither for an assessment of their aggregate effect nor for national processes to reconsider them.

A participant from Europe said in 2020, the EU expects to update 2030 NDC, and present one for 2040.

A developing country participant said if the EU puts forward a 2040 target in 2030, all other countries will do the same, as they will have no reason to subject themselves to a five-year cycle when others choose a ten-year one. Supporting an indicative future NDC, he said otherwise countries will not be able to change their NDCs once they become legislation, effectively locking in low ambition for ten years. He said the European participant's indication that they would be submitting another ten-year NDC confirmed his worst fears.

> *"At the first reading, the Paris Agreement seemed very straightforward. However, it was amazing how many interpretations are possible on issues such as the global stocktake, length of NDCs, etc. This [Fellowship Colloquium and Seminar] provided an opportunity to understand these different interpretations ….All the presentations in the Fellowship component were very educational."*
>
> ***-Carlos Fuller, SBSTA Chair***

Another developing country participant said the fundamental question to consider under Article 4.10 is whether to retain the flexibility of the 2020-2030 period for countries to choose five- or ten-year NDCs. The current discussion, he said, was revolving around two options: all countries shifting to five-year NDCs after 2030, with LEDS providing the long-term view; or adopting a ten-year planning horizon, with confirmed NDCs for five years, and indicative ones for the next five-year period.

A developing country participant said that while the Paris Agreement gave some flexibility, there is an obligation on countries to collaborate to make global actions predictable to the maximum extent possible. He said since the entry into force obligation includes the submission of an NDC by converting an "intended" NDC or INDC to an NDC, the §23 obligation obviously refers to a new 2025-2030 NDC.

A participant from Europe noted that implementation schedules will have to be considered as well, including the time it takes to formulate policies, implement, and deliver.

Müller proposed thinking of common timetables instead of timeframes, and taking the global stocktake, the only element with a certain timetable, as the fixed point around which to design cycles of action. Without the opportunity to influence future NDCs, he said the stocktake will have limited value, as it cannot influence further ambition in the period in which it is taking place.

A participant from Europe responded that it will inform the future NDC – for instance, for the EU, the 2028 stocktake will inform the NDC starting in 2031.

Müller replied that what will not be possible, however, is to have an assessment of the aggregate effect of NDCs starting in 2031 if they are only communicated after the 2028 stocktake, which is key to assessing the adequacy of their overall ambition.

2. GLOBAL STOCKTAKE

This session started with a presentation by Xolisa Ngwadla, which covered five elements of the global stocktake: context; key concepts; basic structure; inputs; process and outputs; and key issues for Marrakech.

Noting that the Paris Agreement does not at all address the modalities of the stocktake, he said the objective of the stocktake is described in Article 14.1 as periodically taking stock of the implementation of this Agreement to assess the collective progress towards achieving the purpose of this Agreement and its long-term goals. Its purpose is described in Article 14.3, as informing Parties in updating and enhancing, in a nationally determined manner, action and support, and enhancing international cooperation for climate action.

The stocktake will assess adequacy and gaps, Ngwadla said, therefore mitigation progress will be assessed in relation to Articles 2.1(a) and 4.1; adaptation in relation to Articles 2.1(b) and 7.1; and finance in relation to Articles 2.1(c) and 9.

He noted that according to Article 14.1 the stocktake is expected to take place in "*a comprehensive and facilitative manner, considering mitigation, adaptation and the means of implementation and support, and in the light of equity and the best available science*".

Ngwadla said his reference to Review and Communication Periods (RCP) and NDCs were based on endpoints– so for instance, RCP 2025 referred to the period of 2020-2025, and NDC 2025 referred to the NDC ending in 2025. In his interpretation, each stocktake could consider four tracks – the previous RCP, the current RCP, the upcoming RCP, and the upcoming RCP+1. It could be backward looking (considering NDC actions that have already been implemented), and/or forward looking, considering upcoming action. So, for instance, the 2023 Stocktake could consider the Cancun pledges, RCP 2025, RCP 2030 and RCP 2035. The benchmarks for a backward-looking stocktake could include pledges in a previous RCP, while scientific information could serve as benchmarks for forward-looking stocktakes. Equity could serve as benchmark in the consideration of enhancements or updates of NDCs.

Ngwadla listed three possible kinds of inputs for the global stocktakes, including the outputs of the transparency framework and the compilations of this information; synthesis of other communicated undertakings by Parties, including for instance the Biennial Communications on Indicative Support (BCIS); and science and equity reports from the Intergovernmental Panel on Climate Change (IPCC) and other bodies such as the Standing Committee on Finance (SCF). Ngwadla noted the need to accommodate elements such as technology, capacity building and loss and damage, which do not currently have an explicit undertaking for Parties to communicate information that can be used in the stocktake. He said this will impact on the inputs available to stocktake on these issues and the basis on which progress can be assessed.

On the basic structure of a stocktake, he said it would consider inputs coming from different sources related to different elements such as mitigation, adaptation and finance and others, and to assess this information against benchmarks, to assess progress and provide an idea of the current status with regard to each element. The outcomes of the stocktake will help to identify and address gaps.

With regard to the inputs, Ngwadla listed the compilation reports of the transparency outputs for mitigation; compilation of the transparency outputs in respect of support and needs, National Communications listing vulnerability and priorities, and plans and actions for adaptation; the Biennial Reports (BRs), biennial update reports (BURs) and reports of the operating entities of the financial mechanism for finance; reports by the IPCC, including the Emissions Gap Report and Special Report on Climate Impacts; and the Special Report of the SCF; and an equity review looking at the clusters of metrics with similar outcomes, nationally chosen, self-applied, and reported as part of the NDC.

Ngwadla noted that there is little guidance on how the equity consideration in the enhancement and update of NDCs will be operationalised, or indeed what will trigger the enhancement of NDCs. He said most countries had already communicated the metric that they used to assess whether their own NDCs were fair and ambitious, and these could serve as basis for the equity consideration.

“To me the discussion on the global stocktake was particularly useful. I gained a deeper understanding of colleagues’ positions.”

-Nicole Wilke, EU Lead Negotiator and Head, Division of International Climate Policy, Germany

He noted that the success of the stocktake would rely on further guidance for the information countries have to provide in their NDCs and other communications on each element.

With regard to the process for the global stocktake, Ngwadla said the process for the 2013-2015 review under the UNFCCC (which is periodic and will have to continue taking place) was instructive, showing the need for a technical process resulting in a synthesis report; an opportunity for Parties to seek clarifications during a diplomatic process, perhaps through a web-based platform; followed by a political process at the national level, for the enhancement and updating of NDCs and the self-application of equity metrics. He said that if the synthesis reports from the technical process can be made available in January in the year of the stocktake, the web-based platforms can take place before June, workshops can be held in June during the meeting of the subsidiary bodies, and the period between June and the CMA at the end of the year can be used for the national processes to update NDCs in response.

Finally, he listed five key issues for Marrakech:

- Further elaboration on stocktake modalities for technology transfer and development, capacity building, cooperative initiatives, and loss and damage. For the last element, for example, he said inputs could be based on Article 8.4 activities; loss and damage needs assessments; and the report of the Warsaw International Mechanism on implementation and support.
- Further work on the character of, and information contained in, mitigation NDCs, adaptation NDCs and BCIS, building from §14, Articles 7.10 and 7.3, and decision 9/CP.21 for mitigation, adaptation, and finance respectively.
- Further guidance on sources/inputs for the global stocktake, including for instance: benchmark information from organisations such as the IPCC and SCF to facilitate the interpretation of progress in relation to the goals; information from the transparency framework, in order to be useful to the stocktake; and approaches and methodologies to synthesise communications for upcoming RCPs building from lessons learnt in the 2015 INDC Synthesis Report.
- Consideration of how the outputs of the stocktake will contribute to increasing ambition, for instance

through updating NDCs; consideration of equity metrics included in the NDCs; disaggregation of information, keeping in mind that collective information will be ineffective, while individual information will not be palatable; and resolution of the issue of common timeframes.

Ngwadla also highlighted elements that needed further clarity for consideration by the global stocktake, such as the international cooperation initiatives; and the length of the implementation period, with the five- and ten-year timeframes, and confusion around what should be communicated in 2020 (enhanced INDCs for the 2020-2025 period, or new NDCs for post-2025).

In the discussion that followed, a participant from Europe sought clarity on whether the presentation assumed that the global stocktake would be able to consider "NDCs+1" or NDCs for a future period of implementation.

Ngwadla said the assumption was that by 2020, NDCs would be available for the 2025-2030 period and would be considered in the 2023 global stocktake.

"The exchanges helped get a sense of where we are and what we all expect on the implementation of several key elements of the Paris agreement."

-Paul Watkinson, Chief Negotiator and Head of the Negotiating Team, France

In response to a question on the time taken by the 2013-2015 review, Ngwadla said the stocktake is likely to be more structured, and have a clearer mandate than the dialogue, with a lot more clarity on inputs and outputs.

In response to a question on benchmarks, he said the benchmarks for the "backward looking" elements of the stocktake could come from the information from the transparency framework, while the benchmarks for the "forward looking" element of the stocktake could include gap analysis on mitigation and adaptation, and on reports from the SCF on mitigation and adaptation support needs.

A participant from Europe asked what sources of information the SCF would have on finance, while noting that national stocktakes would also be powerful.

Ngwadla said he was unsure to what extent the international process could provide guidance to national processes. On finance inputs for the SCF, he noted that a clear format already existed under UNFCCC decision 9/CP.21 for inputs to the SCF. He noted that sufficient information, generated by intergovernmental processes, was not available on how much finance is needed for mitigation and adaptation, but the SCF could be tasked with working intersessionally to generate benchmarks for Article 2.1(c).

A participant from Europe said Article 2.1(c) is broader than decision 9/CP.21. Ngwadla agreed, but said it could serve as a starting point.

A developing country participant noted complexities in having anticipatory numbers for a future NDC, saying the 2023 stocktake should be a review of progress over 2020-2025, and inform future NDCs. He said he was troubled by the suggestion by European participants that there would be a 2030-2040 process, as his understanding of the discussions with the EU in Paris was that the provision for 10-year NDCs will only apply to the first period.

Another developing country participant agreed, saying the global stocktake is an exercise of assessing how the provisions of the Agreement are being fulfilled. For a forward looking analysis, all Parties would have to provide numbers for the future, he said, but this was not required under the provisions of the Agreement. The submission of future NDCs would therefore have to be voluntary, and the forward looking assessment will not work if only a fraction of the Parties submit them.

Müller said it makes no sense to look only at NDCs that have passed, as they cannot be improved any more. He noted that it will take at least two to three years for governments to develop policies to implement their NDCs, and they would themselves benefit from advance consideration of NDCs, allowing two to three years to develop policies, and then five years to implement them.

Ngwadla noted that a forward looking element already existed, as the 2018 stocktake will inform the 2020-2025 NDC. Therefore, the 2023 stocktake should continue to consider at least the 2025-2030 NDC.

A developing country participant pointed out that the 2018 stocktake will have emissions data only for the 2012-2016 period, given the two-year time lag because of the time taken to generate emissions data. Similarly, the 2023 stocktake will use the 2022 BURs, which will be reporting up to 2020 – hence the 2023 stocktake will actually be assessing the 2012-2020 period. The second source of information would be the National Communications reporting on implementation, he said, but no implementation will have taken place by 2018. 2023 will be mid-way through the five-year implementation period, and the only data available then will be for two years earlier (2021), before the implementation of the NDC actually starts. The only information available at this time, he said, will be of what governments intend to do, and the stocktake can only say what will be achieved if governments deliver what they propose. The third set of data, reports from the IPCC and other bodies, will be scenario-based and probabilistic, assessing the gaps between what (as yet unimplemented) NDCs can achieve, and what science indicates will be needed. However, he said, if the proposal for countries to submit a future "indicative" NDC is implemented, the stocktake process could be more useful, providing a better indication of shortfalls of performance that could happen.

> *"Very useful exchange, in particular, on the global stocktake and the sequencing of contributions, which informs the important discussions we will have under the UNFCCC to fulfil the ambition of the Paris agreement."*
>
> ***-Anonymous***

A developing country participant agreed that the gap between the implementation and the availability of data should be taken into account, saying governments and the private sector will only have started implementation by the time the 2023 stocktake takes place, and any assessment of the 2020-2025 period will be difficult.

A developing country participant said stocktakes can only be taken of past actions, and said reliable sources of finance would provide more certainty that the NDCs are implemented. A participant from Europe said the purpose of the stocktakes is to look back to inform future action. He said the impact of not having synchronized timeframes for all NDCs on improving contributions should be considered.

Another participant from Europe said the stocktake should take stock of two things: implementation and progress towards achieving the long term goal. She said the outcome of the stocktake should not be a giant report that is not useful, but rather a couple of slides to provoke thinking, and can be used when the political moment to call for greater ambition arrives.

Ngwadla concluded that critical elements that need to be considered in Marrakech with regard to the global stocktakes include the transparency framework; consideration of the minimum information that countries need to communicate; and consideration of the reports that bodies like the IPCC and SCF need to generate to support the stocktakes. He noted that the “mock” stocktake in 2018 could help to understand what will be needed.

3. TRANSPARENCY OF ACTION AND SUPPORT

This session was initiated by a presentation from Achala Abeysinghe from the International Institute for Environment and Development, based on the discussion that took place among the developing country Fellows earlier during the week.

Abeysinghe said the transparency framework aims to build mutual trust and confidence and promote effective implementation, and covers action and support, while building in flexibility which takes into account the different capacities of countries. It will build on the collective experience of countries on transparency under the UNFCCC.

On the scope of the framework, she noted that both (mitigation and adaptation) action and (financial, technology, and capacity-building) support was covered. The framework covers individual Parties. Flexibility is provided to developing countries in light of their capacities, particularly LDCs and small island developing States (SIDS). The principles call for the framework to be facilitative; non-intrusive; non-punitive; and respectful of national sovereignty, and to avoid placing an undue burden on countries.

Among sources if input, she listed national reports, including inventories and information to track progress towards implementing and achieving NDCs under Article 4; information on impacts and adaptation under Article 7; and information on support provided.

On the institutional arrangements for the stocktake, she said there will be a review by technical experts, including potentially in-country reviews, as well as facilitative multilateral consideration of progress with respect to support and implementation and achievement of NDCs.

The outputs of the framework are linked to the global stocktake, she noted.

Among the key issues identified by the Fellows with regard to the transparency framework, she listed the scope of reporting, including the level of detail required and the frequency of reporting; the modalities of the review; how to ensure the sovereignty of Parties while avoiding an undue burden; reporting requirements for adaptation; transparency of support; and support for transparency.

On the scope of reporting, she said this could vary on the basis of the type of NDC a country has submitted, including the type of mitigation or adaptation elements included.

On the application of the flexibility provisions, she noted that a broad three-tier system may be possible, where developed countries have the highest level of reporting, followed by several layers for developing countries; followed by the least reporting requirements for LDCs and SIDS. A similar system exists with regard to the IPCC’s tiers specifying methodologies for greenhouse gas inventories, which require increasing level of detail for countries with greater capacity. She noted that the processes followed for BRs, BURs and National Communications could provide lessons, including on how the Consultative Group of Experts on National Communications provides support to non-Annex I Parties.

On the frequency of reporting, she said all Parties have to submit the information required by Articles 13.7-13.10 at least biennially, and therefore the flexibility provided does not mean that some Parties can report less frequently, although there is a provision stating that LDCs and SIDS can do so at their discretion. She noted that even LDCs and SIDS should be encouraged to report every five years, to provide information for the global stocktake.

"It was an opportunity to explain and explore each other's views and provide practical, amicable solutions without taking into account regional or specific Party concerns, but rather collective pragmatic views of negotiators."

-Anonymous

Abeysinghe noted that the scope of review can vary according to content of NDCs, depending on whether they are economy-wide, sectoral, or include adaptation and means of implementation components.

On the options for implementing flexibility in the review, she said that as part of the review process, information submitted by each Party will undergo a technical expert review, and in addition, each Party will participate in a facilitative, multilateral consideration of progress with respect to implementing and achieving its NDC. The provision for in-country reviews in §89 could be optional for developing countries, in particular LDCs and SIDS, she suggested with the possible option of "group reviews" for some countries.

On the frequency of review, Abeysinghe said the existing cycle of reviews every two years could be maintained, except for LDCs and SIDS – their reviews can be carried out as and when they submit reports, but at least once every five years.

To keep the reviews facilitative and non-intrusive without limiting their usefulness, she said the reviews should lead to identification of areas for improvement, and the Capacity Building Initiative for Transparency (CBIT) could then help Parties address those areas. The detail and comprehensiveness of information could be improved through specific guidelines, and the report resulting from the review could be an input into the mechanism under Article 15, on facilitating and promoting compliance.

The other factors that would have to be considered for the review that Abeysinghe listed include: time constrains; financial and human resources; the expertise of the existing roster of experts (focused on mitigation and inventories, with no expertise on adaptation and means of implementation); and sufficient support for the experts and the reviews. She said the negotiations for the guidelines of NDCs should be strongly linked to the negotiations on the transparency framework.

Abeysinghe said reporting for adaptation should be linked to the global goal for adaptation and the global stocktake. While reporting requirements on adaptation could be an undue burden especially for LDCs and SIDS, she noted that it could also be beneficial.

Moving on to the transparency of support elements, Abeysinghe said accounting modalities for support received should be developed, and said it was unclear whether the modalities for accounting of financial resources provided and mobilized that will be developed as part of §57 would also apply to support received. She said LDCs and SIDS should be provided support to report on financing received, to get a clearer picture of implementation and to avoid being left behind.

Abeysinghe also noted that a specific mandate for work on how to report non-financial support provided and received will be needed, including reporting on the actions taken to transfer technologies and build capacity in developing countries. A specific mandate will also be needed to consider how developing countries can report on the use, impact and estimated results of the support received. This could inform improvements in climate funding in future, and the likelihood of continuing and increasing funding levels.

Finally, Abeysinghe addressed support for transparency, saying that support for transparency should not only be limited to CBIT, or only to mitigation, or to transparency of action. The funding base for the transparency framework will need to be strengthened and made sustainable, and support will need to be provided to developing countries to report on support received as well, as it is a biennial requirement (except for LDCs and SIDS).

Listing priorities for COP 22, Abeysinghe said further discussion will be needed on: how to operationalise the built-in flexibility provided to developing countries on the basis of capacity; how the transparency framework can build on the existing reporting and review system; how to operationalise transparency of support (including support received); and the modalities for review and multilateral considerations.

> *"I think [the Seminar] is a good opportunity to have a quick understanding of all the main issues under discussion with very well chosen and high quality Fellows... the current format is very good."*
>
> ***-Jose Miguez, Director of Policies on Climate Change, Brazil***

Linkages with other ongoing processes will also have to be considered, she said, including for instance with the discussion on accounting modalities for financial resources provided and mobilised under the Subsidiary body for Implementation; guidelines on NDCs; global stocktake; and the compliance mechanism under Article 15. COP 22 should also consider updates from the Global Environment Facility (GEF) on progress on CBIT, and discuss and agree a plan up to 2018.

In the discussion that followed, a participant from Europe said the differentiation could rely on the different starting points of countries. He said projections are necessary to look at where we are and where we are going, but while developed countries currently produce projections, developing countries do not.

A participant said in terms of the support areas of transparency there is need for more downward accountability – effectiveness of allocation decisions and of action could be improved making downward accountability the primary objective.

On the issue of support for CBIT, a participant from Europe said GEF is setting up a special trust fund of US$50 million until 30 June 2018, and COP 22 will be an opportunity to provide the GEF guidance for its next replenishment process, which is starting in 2018. The SCF is already preparing the guidance, he said.

A developing country participant asked the European participants to elaborate their expectations from the transparency framework, and whether they thought it possible to elaborate the framework by 2018.

A participant from Europe said that a rigid tier system for differentiation would risk locking countries in categories, and instead a step-by-step process was desirable, whereby all countries end up at the same level eventually. She asked if there were any suggestions for how such categories could be determined.

Abeysinghe noted the deliberate use of the word "distinguish" instead of "differentiate" in her presentation, saying the methodology used for the greenhouse gas inventories was a possible model. She noted that it was mainly the middle group of countries that would need further categorization, which could be based on the type of NDC.

A developing country participant said the type of NDC has nothing to do with the categories, and proposed respective capabilities as a criterion. He noted the need for LDCs and SIDS to submit information at least once in five years, in order to make the global stocktake work.

Müller highligted the challenges of negotiating categories under the UNFCCC, and said it would be better to offer options and tiers, and let countries determine which tier they should be in. He said it was unlikely countries would free-ride if they are provided support to carry out the work.

Another developing country participant noted the principle of "no backsliding" would also ensure progress up the tiers.

A participant from Europe supported self-determination by countries, saying there can be self-graduation as well if incentives are provided – including the incentive of better systems for measurement and clarity on targets, which could drive more effective policies.

Müller agreed that the debate on graduation should be re-formulated to create a system where graduation is desirable.

A developing country participant also agreed that the graduation debate should not be reopened in this context. However, he said, all countries with an absolute target cannot be expected to be in the same category in terms of the level of detail of reporting, timing etc., especially without support, which will have to be provided on an be ongoing basis. Noting rumours that GEF is planning with the expectation that CBIT will finish by 2020, he said this will not be possible.

"The Seminar was an opportunity for some creative approaches to build stronger collaboration on identifying propositions."

-Anonymous

A participant from Europe responded that CBIT will be incorporated in GEF 7, until up to 2022, and will then have to be discussed during the eighth replenishment.

Another participant from Europe noted that the question of categorization was practical, not ideological, and before addressing it the practical requirements should be clearly unpacked and discussed.

A participant from Europe noted the added benefits of gathering information related to the transparency framework, for instance on national policy making, and tracking progress. He agreed that resources will be important, including the training of national experts. He said while the in-country reviews may be viewed as a burden, they provide an opportunity for people who may not be part of negotiations to engage with, and learn from, international experts.

A developing country participant said information will be hard to come by for some sectors even in countries with a comparatively higher capability, especially sectors that are not connected to markets, like the waste sector in India and fuel wood in Brazil, where there is no market system to track data. He also noted that a straightforward categorization of SIDS could present some challenges, as some have high capability.

A participant from Europe said each country should decide its own level, and then strive over time to get better and include more sectors, with more specific information. She supported the use of capacity as a criterion, and also highlighted the national benefits of in-country reviews, saying they provide an opportunity for learning and dialogue with international experts.

Another participant from Europe said countries should at the very least have to report on their main source of emissions, saying this obligation already exists – what is changing is the frequency. He also supported in-country capacity building instead of the use of outside consultants.

A developing country participant said one disadvantage of improving reporting is that emissions are likely to go up, because reporting is better. He asked European participants whether it would be acceptable to change the name of the BURs and International Consultation and Analysis (ICA) to biennial reports and National Communications, while keeping the rules exactly the same.

A participant from Europe responded that it is not just a question of changing names, as reporting requirements for the ICA and International Assessment and Review (IAR) systems are different. She noted that better reporting can also result in emissions going down where they have been overestimated, and said data from one report should not be duplicated in subsequent reports, and it should be consistent over time.

In terms of expectations, she said agreement was necessary in how to address the work programme. She highlighted the need to spend time first on reporting, and on the question of what is required for different NDCs. While noting the 2018 deadline, she said there is no need to rush the process beyond what is feasible.

4. FINANCE

This session was initiated with a presentation by Müller, who compared the finance outcomes of the Paris and Cancun COPs and addressed the way forward with regard to collective quantified goals, public sector finance, and enhancing the coherence and complementarity of institutional arrangements for global climate finance.

Comparing the outcomes on a collective goal for finance, he said while Paris only called on developed countries to "biennially communicate" projected levels of public financial resources, Cancun had resulted in a collective commitment by developed countries to provide new and additional resources, approaching US$ 30 billion, for the period 2010-2012.

With regard to the collective quantified goal, he said while Cancun had a commitment from developed countries to jointly mobilise US$ 100 billion annually by 2020, in Paris it was only agreed that developed countries will continue the existing collective mobilization goal through 2025, and a new goal will be set by the CMA before 2025, with US$ 100 billion as the floor.

On institutional arrangements, he said whereas Cancun had decided to establish the GCF, in Paris it was only agreed that the financial mechanism of the UNFCCC, including its operating entities, will continue to serve as the financial mechanism of the Agreement.

Müller then addressed possible ways forward for each of these three issues.

On the collective goal, he said the current narrative of a collective goal is divisive without mutually agreed methods to count and measure it, and provided a recipe for "mutually assured unhappiness". He said the global community should move away from setting targets without first agreeing on how to measure them.

On public sector finance, Müller said while conventional sources would continue to be the bedrock, only incremental increases in the existing flows could be expected, and it was becoming urgent to consider other "unconventional" sources as well. He described a forthcoming ecbi policy brief, which consideres two such unconventional options for public sector finance: shares of proceeds from sub-national emissions trading schemes; and crowdfunding.

On shares of proceeds from sub-national emissions trading schemes, he said as a result of efforts by ecbi, Quebec had announced a contribution CA$ 6 million for the Least Developed Countries Fund (LDCF). Discussions we ongoing with Quebec to make the contribution more regular, and other schemes in New York and California had also been approached.

On crowdfunding, he noted that the Adaptation Fund website has a "donate" button that had been operationalised through the UN Foundation, but it was currently not attracting many donations. One way to make contributions more regular would be to reach out to travellers, particularly business travellers, who voluntarily offset their air travel, asking them to contribute a small amount to the Adaptation Fund. Business travellers could count their offset as part of Corporate Social Responsibility (CSR) efforts. Müller estimated that even if 1% of travellers sign on for this, it could generate US$ 80-100 million annually. 1% of corporate passengers could yield US$ 125 million annually. While this amount would be small for the GCF, he said, it would be substantial for the Adaptation Fund. He described a CSR Air Travel Adaptation Crowdfunding (CSR ATAC) scheme launched by ecbi just before the Fellowships, where airlines were contacted to contribute their offsets to the Adaptation Fund. He highlighted the voluntary nature of the contributions instead of taxes, which he said had not yet succeeded.

"The presentation on finance opened my mind on the issues and will help me in Marrakesh in November 2016.... I enjoyed so much the sharing with the Fellows."

-Anonymous

On institutional arrangements for finance, Müller highlighted the need to enhance coherence and complementarity among the existing operating entities.

He described an ecbi proposal to establish a joint replenishment for all the entities at the same time, which he said had not been agreed at Paris, but some elements were still worth saving. Under stage one of this proposal, it was envisaged that each operating entity would undergo an independent performance review, to feed into a review of the Financial Mechanism. If there was a synchronized replenishment cycle, principle guidance could have been provided for the whole period, followed by ad hoc guidance as needed.

Stage 2 of the proposal involved the determination of a replenishment envelope, like with the GEF. The SCF could convene a process to discuss costed scenarios from each of the entities, and consider their complimentary and coherence. While the governing bodies of the operating entities would still be in charge, their efforts could be coordinated in this manner.

Of these two stages, Müller said it will still be worth salvaging the idea of providing principal guidance to ensure coherence and complementarity – to prepare this guidance, an overview of the overall architecture of the financial mechanism will be necessary, along with a common vision.

Müller noted the distinct roles of the operating entities, with the GCF serving as a "wholesale organisation" through-putting funds mainly through the EDA modality instead of engaging in micro projects and becoming a bottleneck. The others could serve as smaller, specialised boutique funds. He described the EDA modality and the pilot programme launched by the GCF for EDA, saying the emphasis was to shift decision-making to the local level, using in-country mechanisms to disseminate funding and mobilise scale.

The smaller funds could then focus on their specialities. For instance, he said, ecbi had engaged with the LDC Group to consider the future role of the LDCF, and proposed a business model under which its main focus is to build the capacity of LDCs to access funds at scale and on an equal level from the other operating entities, enhancing their ability to compete equally with other countries with greater capacity to generate proposals and access funds.

Finally, Müller listed the following key elements for discussion in COP 22 with regard to finance:

- Giving guidance to the operating entities to ensure coherence.
- Considering a COP decision with respect to the provision of primary guidance.
- Guidance from the Conference of Parties serving as the Meeting of Parties to the Kyoto Protocol (CMP) with reference to GCF accreditation.
- Consideration of "non-conventional" sources of public finance.
- A mandate for the SCF, in its 'resource mobilization' function, to develop a Work Plan on Alternative and Innovative Sources of Finance (similar to the existing Work Plan on MRV of Support), to be implemented through the Long Term Finance work Programme under the aegis of the SCF, with the aim of producing regular (biennial) reports to feed, inter alia, into the biennial ministerial roundtable on climate finance.

In the discussion that followed, a developing country participant said that while he agreed that the LDCF needs a niche function, this should not take away from what the Fund has already been mandated to do – for instance, to provide funds for National Adaptation Plans (NAPs) – and its replenishment should continue. He also agreed that the Adaptation Fund has a good track record with regard to adaptation projects, and should therefore continue to serve this function, while the GCF has not yet achieved much with regard to adaptation.

A participant from Europe said the Paris outcomes on finance were not insignificant, as there were a number of pledges made, and there was a strong signal in Article 2.1(c) with regard to financial flows. Moreover, she said, the Agreement has served as a strong signal to the financial sector, the commitment to the US$ 100 billion was reiterated, and stronger provisions on MRV of finance were agreed, while all existing climate finance institutions were brought under the Agreement.

"The whole programme was very useful, in particular due to the presentation of papers and the new ideas they contained. Discussions were rich and informal. Particular topics of my particular interest: markets and finance."

-Julio Cordano, Head of Department, Climate Change, Chile

A developing country participant asked what should happen to the Special Climate Change Fund, and said while he liked the idea of EDA, he was concerned about the ability of some countries to access funds.

While agreeing with both the wholesale approach and the principle of subsidiarity, a participant from Europe said he saw many challenges that still had to be overcome by the GCF. He said it will be difficult to give principal guidance until it is clear how the GCF works. He noted the SCF was already working on principal guidance to the GEF in the context of its next replenishment in 2017, not in terms of the amount of funding needed but more in the context of strategies and priorities. He said quite a bit of work had been done on innovative sources, and cautioned against asking the SCF to do more work on this at this time, pointing out that COP 22 was due to take a decision on the review of the SCF, to consider what it does best or needs to improve. He said the body should not be given additional tasks without considering its mandate.

A developing country participant agreed that coherence, complementary and sources of funding were key concerns. He said the modalities developed by the Adaptation Fund are far superior to those of the GCF, but the GCF has to improve. He listed the GCF's business model among its key problems, saying it was similar to that of the World Bank. He said countries had been asked to choose National Implementing Entitles (NIEs), and were doing that, but these NIEs should not be allowed to proliferate at the expense of national sovereignty. He asked how the GCF could be improved and EDA encouraged, and whether a COP decision was necessary in this regard. On long term finance, he said an important first step is to establish a clear road map on how to get to US$ 100 billion annually by 2020.

Müller agreed the countries should not be denied access until they have the provisions in place for EDA, saying it should be an ultimate goal. He said the GCF Board should be encouraged to consider coherence with the GEF cycle to the extent possible. He asked whether the CMP has to provide a mandate to the Adaptation Fund to seek accreditation with the GCF, or the Board can take that decision on its own accord. Finally, he said resource mobilization was already part of the SCF's mandate but it has not been able to address it as yet.

"The overall informal setting of the meeting was conducive to frank and open conversations. The visits, dinners, and functions created a positive mood and allowed people to discuss informally and agree to consider positions that go beyond the usual red lines…. Seamless arrangements, great organisation…. Excellent initiative. It should continue."

-Anonymous

A developing country participant said the Paris Agreement provided a new context and the operating entities have to consider how they can deliver "transformational change".

Another developing country participant said he was surprised that the agenda for the Ad hoc Working Group on the Paris Agreement (APA) does not include important elements of finance that should have been included, such as the guidelines for BCIS. He said existing provisions, such as those under Article 9.5 do provide a basis for discussing replenishments, and should form part of the APA agenda. He cautioned that the omission of finance elements in the agenda could derail COP 22.

A participant from Europe agreed with the need for the GCF to play a "wholesale" role, and the effectiveness of the Adaptation Fund, asking whether the replenishment cycle should also apply to the latter. He said this could compromise the character of the Adaptation Fund, which could have a potential source of income from the share of proceeds agreed under Article 6 of the Paris Agreement.

A participant from Europe said he didn't have a problem with the smaller funds continuing, if there is a way of securing finance for them. He highlighted the importance of engaging the private sector in this regard, and also the potential role of the SCF in doing a lot more than it already does.

Müller responded that raising multilateral from the private sector is challenging, and the idea of seeking voluntary offsets from business travellers was one way of doing so.

A participant from Europe agreed that the GCF should take on a wholesale role, the Adaptation Fund should be linked to the GCF, and the LDCF should take on a capacitator role. On the GCF itself, she said the business model was not what we would like to see, and it will be a challenge to get it to change direction and not become another multilateral bank. However, unless something is done soon, it may become even more difficult to change the character of the Fund later. With regard to long-term finance, she said several discussions have taken place but no solutions have been found – a more constructive approach was needed to activate unconventional sources.

Another participant from Europe invited LDC representatives to think about the LDCF's role as a capacitor fund and provide guidance. He said the main issue was the unpredictably of funding for the LDCF – access was not so much of an issue, as the governing body has ensured that all LDCs are equally served.

5. MARKET-BASED APPROACHES

This session was initiated with a presentation by José Miguez on behalf of the Fellows.

Miguez said the initial drafts of the Paris Agreement had separate Articles on the three mechanisms. However, they were mixed up in the final version, resulting in complications. The three mechanisms include: the use of internationally transferred mitigation outcomes (ITMOs) towards NDCs; the sustainable development mechanism (SDM); and non-market mechanisms (NMM).

With regard to ITMOs, Miguez noted that mitigation outcomes cannot be transferred – only units can. Moreover, units cannot be double counted, as they can only be used once. Participation in this mechanism is voluntary, and must be authorized through a letter of approval by participating Parties, he said.

He noted that SDM has been viewed as the new version of the Clean Development Mechanism (CDM) by some and called "CDM+". He described it as a mechanism to incentivise public participation by public and private entities, promote sustainable development, and noted the provision of "share of proceeds" to cover administrative expenses and assist developing country Parties. He said the mechanism is expected to contribute to the reduction of emission levels in the host Party which will benefit from mitigation activities resulting in emission reductions that can also be used by another Party to fulfil its NDC – however, the reductions cannot be used in the host party's NDC if they are used by another Party.

He further said the NMMs are included but there is no mention of how they will be implemented. They are expected to promote mitigation and adaptation ambition; enhance public and private sector participation; and provide opportunities for coordination across instruments and relevant institutional arrangements.

Miguez noted the mixing up of the concepts of emission reductions, emissions levels and units in the Paris Agreement. He said emissions reductions cannot be measured – they are "counterfactual" and not attributable to any policy, measure or project activity.

Among his recommendations, he said the following would need to be considered: rules for how to establish assigned units; how to treat sub-national emissions trading schemes; how to deal with hot air; how to set up an International Transaction Log; and whether the share of proceeds provision can also be applied to ITMOs. He said the experience with CDM and track 2 of Joint Implementation could inform the solutions to these questions.

On NMMs, he said the Fellows had suggested several elements that could fit in, including for instance regulatory measures like efficiency of engines; standards for cars; pricing like Tobin tax; fiscal instruments like Green Quantitative Easing; international cooperation measures, for instance on regional biofuels or markets for renewables; forest conservation initiatives; phasing out of hydrofluorocarbons; and efforts to address black carbon (although this is not a greenhouse gas).

In the discussion that followed, a participant from Europe said most of the major economies that are expected to buy credits are going to engage in the first stage. Some will engage early, like Japan, New Zealand, Switzerland, and Norway. Markets are already developing, mainly at the national level, and capacity building is ongoing, with Parties considering scenarios of carbon pricing and how they can contribute to meeting the NDCs. He noted that rules that are currently being established by the International Civil Aviation Organization could have a significant impact. He further noted that the EU had supported the inclusion of market mechanisms because they feared that if there was nothing in the Agreement on markets, it could be a free for all. However, the mechanisms will operate in a completely new context and will neither be a "Return of the JI" or "CDM – A New Hope". The NMMs, meanwhile, he said, could explore the promotion of synergies.

> *"The thematic broad element approach combined with introductory presentations to frame the dialogue works well … Perfect!"*
>
> ***-Anonymous***

Another participant from Europe highlighted the need to ensure the mechanisms are environmentally reliable, and queried what Miguez meant by his reference to existing rules for Articles 6.2 (ITMOs) and 6.4 (SDM), and also hot air.

A developing country participant noted that several developing countries were left out of the Kyoto mechanisms, and asked if this situation had been addressed. He said many countries in the Caribbean and Africa had taken on loans under the CDM loan scheme to develop projects just before the market collapsed, which they were now expected to pay back. He asked if this could be taken into consideration while designing the new mechanisms, and also cautioned that with regional and national schemes surging ahead, the UNFCCC could become irrelevant unless timely decisions are taken.

A developing country participant said the existing trading systems could provide a model for tracking trading and ensuring integrity, especially in the new "bottom-up" world of NDCs. He said his understanding was also that SDM would be a mix between CDM and JI, and highlighted the concern that countries could game the system by setting up low-ambition NDCs, over achieving, and then selling the excess in the markets.

Responding to comments, Miguez noted the challenges of ensuring that activities under the trading mechanism are in fact additional, and would not have taken place otherwise. He said this could also happen if countries miscalculate their growth rates, and hence overestimate their BAU emissions. He said hot air is everywhere in the NDC system, and allowances will have to be established. He opposed the inclusion of sub-national entities in the international trading mechanisms, saying they were hard to track. He further said the SDM would be destroyed if entities outside government are not allowed to participate.

A participant from Europe agreed that robust tracking was necessary but said the Assigned Amount Units system of the Kyoto Protocol would not work because the nature of targets is different. While in the old system developing countries were passive partners, under the new system they also have NDCs and the incentive to preserve reduction for their own national goals, he said. While the old rules would not be abandoned altogether, the system would have to be looked at anew.

A developing country participant agreed that sub-national systems should not be allowed to participate in the international mechanisms. He said he was concerned with the possibility of "fictional NDCs", saying each NDC will have to be translated a specific trajectory, which could be used as a reference for trading. For the fulfilment of the NDCs, he said, verification should take place under the transparency framework, not through Article 6.

Another developing country participant noted the potential of NMMs in protecting oceans as carbon sinks.

A developing country participant reiterated the concern that countries that are carrying out emission reduction activities currently could use them as units to indicate compliance with their NDCs. He also said a way will have to be found to identify those emission reduction and adaption outcomes that would not be achieved without international cooperative approaches.

A developing country participant said the principle of additionality cannot be applied sectorally. He asked how activities under NMMs can be recognized, accounted for and supported.

Miguez concluded the session by noting that Article 6 is the only international aspect of the Paris Agreement – everything else is nationally determined.

6. ENTRY INTO FORCE

The final session, on entry into force of the Paris Agreement, was initiated with a presentation by Kishan Kumarsingh. He said the Agreement looked set to enter into force much earlier than anticipated, over the next year if not before COP 22, and this had resulted in some complications, as the work of the APA would not be completed in time. In this case, he said CMA would have to convene when it would not be in a position to fulfil its mandate with respect to various Articles.

Kumarsingh listed four options if the Agreement enters into force before the work of the APA is complete:

1. APA is discontinued and CMA undertakes preparatory work.
2. CMA is suspended and APA continues on its work program.
3. CMA continues work with the support of APA or Subsidiary Bodies.
4. CMA is suspended and COP continues work with support of APA or Subsidiary Bodies.

Kumarsingh said the Fellows considered options 2 and 4 as practical, as they would give all Parties a chance to participate even if they have not yet ratified the Agreement due to national processes, and would maintain the integrity of CMA1 and COP. However, he said, the suspension of CMA1 should be limited to two one-year periods with specific progress objectives and deliverables; be based on fairness, inclusiveness and the principle of "no free-riding"; and not provide perverse incentives for late ratification.

He said priority should then be given to developing the NDC cycles to facilitate confidence and mitigation planning by Parties, along with relevant Articles (such as those on transparency, finance and compliance). Adaptation elements under Article 7 should also be addressed for balance, along with any other legally binding provisions.

In the discussion that followed, a participant from Europe said that if a specific time frame is set up for suspension of CMA1, there is a danger that CMA1 will convene before preparations are complete for it to take the decisions that it is meant to take.

Another participant from Europe agreed that the suspension of CMA made the most sense, but asked what the difference was between suspending CMA while APA continues its work, and suspending CMA while the COP continues work with support of the APA or SBs.

Kumarsingh responded that while both involve the suspension of CMA, there was some debate on whether APA will have to be wrapped up before CMA convenes.

The participant from Europe agreed that option 4 is consistent with what was agreed in Paris, as COP would have to agree to intervene. Another participant from Europe said consultations on this issue were held in Bonn by France and Marrakech, and an aide-memoire on these consultations was available on the UNFCCC website. Those consultations also highlighted similar concerns, including inclusivity and clear timeframes. On the question was on which issues should be addressed urgently, he said the whole rulebook will be needed, and it will not be possible to pick and choose priorities.

A developing country participant said one option would be for the CMA to meet at each session, address elements that it can address, and then be suspended until the next session. As long as CMA1 does not conclude, he said, the Paris Agreement mandate will be met. On the other hand, it should not be suspended forever.

Another developing country participant said if CMA convenes, then only Parties to the Agreement will be able to engage with the discussions unless there is agreement otherwise, which he was not comfortable with. He agreed all issues should be covered, including capacity building, loss and damage, and technology development and transfer. He expressed his disappointment with the EU's "stonewalling" on loss and damage issues. He said the issue will not go away, and has to be addressed properly, and brought into the transparency framework and global stocktake. He expressed the hope that more progressive members of the EU would take the lead on this issue.

"A number of issues were clarified. The format of allowing Fellows to meet first and then have exchange with EU was effective."

-Ian Fry, Ambassador for Climate Change and Environment, Tuvalu

A developing country participant said there are some countries who say they need more clarity on the rules before they can confirm their NDCs, so there should be a 2018 deadline to agree on the rules. CMA should resume in 2018, and take over the rule making process if it is not finished. He asked the EU what their estimated time frame was for ratification. A participant from Europe responded that national considerations were still ongoing within EU member States, with two already having ratified the Agreement.

A developing country participant asked what Brexit means for the EU ratification process. A European participant said there were many uncertainties and there was currently no clarity on the issue. However, he said, while Brexit will be a distraction, it will not be a barrier.

Kumarsingh concluded the session by highlighting the importance of bilateral discussions on how to move forward.

ANNEX 1: PARTICIPANTS IN THE 2016 SEMINAR

2016 Fellows					
	Fellows	Country	Affiliation	Other positions	Group
1	Ms. Alejandra Lopez Carbajal	AILAC	Head, AILAC Support Unit	Negotiator as part of the Mexican Delegation (2004-2012), focusing mainly on measurement, reporting and verification; markets; mitigation; adaptation; finance and sectoral approaches. Member of the Strategy Team of the Mexican Presidency to COP16, focusing on markets and sectoral approaches	AILAC
2	Md Ziaul Haque	Bangladesh	Director, Department of Environment, Ministry of Environment and Forests	Member of Consultative Group of Experts (CGE) (2016-) LDC Coordinator on Pre-2020 climate action (Workstream 2) (2014-2015) LDC Coordinator on SBI (SBI.34) (2006)	LDC, CVF
3	Mr. Carlos Fuller	Belize	International and Regional Liaison Officer, Office of the Executive Director, Caribbean Community Climate Change Center	Chair SBSTA (2016) Member of the JISC (2008-2016) Member of CGE (2004-2005) G77 Coordinator on RSO (2004-2008) AOSIS Coordinator on Technology (2008-2015)	AOSIS
4	Mr. Felipe Rodrigues Gomes Ferreira	Brazil	Head of Climate Change Division, Ministry of Foreign Affairs	Lead Negotiator REDD+ (2013-2015) Lead Negotiator Mitigation (2014-2015)	BASIC
5	Mr. Jose Domingos Gonzalez Miguez	Brazil	Director of Policies on Climate Change, Secretary of Climate Change and Forests, Ministry of Environment	Member of Brazilian Delegation (1994-) Member of CDM EB of the Kyoto Protocol (2003-) Coordinating G77 and China for Common Metrics (2013-)	BASIC
6	Mr. Julio Cordano	Chile	Head of Department, Climate Change - Sustainable Development, Ministry of Foreign Affairs	UN Focal Point (2014-) Deputy Lead Negotiator (2014-) President of AILAC (2015)	AILAC
7	Ms. Adriana Murillo Ruin	Costa Rica	Chief Negotiator UNFCCC, Ministry of Foreign Affairs	AILAC Coordinator for Compliance (2016) AILAC Presidency (2016) Minister Counsellor, Permanent Mission of Costa Rica to the UN (2010-2015) Coordinator of the Security Council team, Ministry of Foreign Affairs (2008-2009)	AILAC
8	Mr. Nsiala Tosi Bibanda Mpanu Mpanu	Democratic Republic of the Congo	Deputy Coordinator of the National Designated Authority for the Green Climate Fund	Chair of LDC Group (2016) Alternate member of GCF Board (2012-2016) Member of GCF Board (2016) ADP Co-facilitator for Capacity Building and Technology Transfer (2015) Co-facilitator of Long-Term Finance negotiations (2014) Chair of African Group (2010-2011)	AGN, LDC
9	Mr. R.R. Rashmi	India	Special Secretary, Ministry of Environment, Forest and Climate Change	Lead Negotiator (2010-2013; 2016-) Member, COP Bureau (2016-2017)	BASIC, LMDC
10	Mr. Amjad Abdulla	Maldives	Director General, Climate Change and Energy Department, Ministry of Environment and Energy	Chief Negotiator AOSIS (2015-2016)	AOSIS, LDC

11	Mr. Nafo "Seyni" Hussen Alfa	Mali	Special Adviser and Ambassador for Climate Change, Environment and Sustainable Development Agency	Chair of African Group of Negotiators Co-Chair of the Standing Committee on Finance (2015)	AGN, LDC, LMDC
12	Mr. Ayman Bel Hassan Cherkaoui	Morocco	COP22 Advisor to the Minister of Environment, Ministry for the Environment		AGN
13	Mr. Xolisa Ngwadla	South Africa	Competence Area Manager, Global Change, Council for Scientific and Industrial Research	Chief Director, International Relations & Negotiations (2011-2013) African Group Lead Negotiator, Paris Agreement (2012-2016) Advisor to Minister of Environment (2009-2013)	AGN, BASIC
14	Mr. Alfred James Wills	South Africa	Deputy Director General, Environmental Advisory Services, Department of Environmental Affairs	Chief Negotiator Co-Chair Kyoto Protocol Art 3.9 (2005-2007) G77 Coordinator Bali Action Plan (2008-2009) COP Presidency Coordinator (2011) Co-Chair Loss & Damage (2012-2013)	AGN, BASIC
15	Mr. Kishan Kumarsingh	Trinidad & Tobago	Head, Multilateral Environmental Agreements Unit, Environmental Planning and Policy Division, Ministry of Planning and Development	Vice-Chair/Chair Expert Group on Technology Transfer (2004-2005) Chair SBSTA (2006-2007) Co-Chair ADP (2013-2014) Lead Negotiator (1998-) Chair/Co-Chair/Facilitator of Contact Groups on various issues (2000-)	AOSIS
16	Mr. Ian Fry	Tuvalu	Ambassador for Climate Change and Environment	Chief Negotiator for Tuvalu (1997-) Spokesperson for the LDCs on the Paris Agreement Former Co-Chair of the Facilitative Branch of the Compliance Committee	AOSIS, LDC
17	Ms. Edith Kateme-Kasajja	Uganda	Head, Department of Production and Trade Planning, National Planning Authority	Country Negotiator - Finance (2009-) Member of the Standing Committee on Finance (2011-)	AGN, LDC

European Participants				
	Participant	**Country**	**Affiliation**	**Other positions**
1	Mr. Jozef Buys	Belgium	Attaché, Directorate General for Development Cooperation, Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation	EU Negotiator for Convention's financial issues (2000-2002; 2006-) Member of the Standing Committee on Finance (2012) Alternate member on the GCF Board (2012-2015) GCF Board Advisor (2016-) Council Member GEF (every 2 years for 2 years, 1996)
2	Mr. Geert Fremout	Belgium	International Cooperation Team, Climate Change Section, DG Environment	Cluster Coordinator/Issue leader (2008-2016) Negotiator (2009-2015)
3	Mr. Jake Werksman	EC	Principal Adviser, Directorate-General Climate Action of the European Commission	Legal Advisor & Negotiator, AOSIS (1991-2001) Advisor to Danish COP Presidency Advisor to Belgian EU Presidency European Commission EU Lead Negotiator (2012-2016) Alternate Member, Enforcement Branch, KP Compliance Committee (2014-2016)
4	Mr. Adalbert Jahnz	EC	Policy Officer, Directorate-General Climate Action of the European Commission	EU APA Coordinator (2016-)
5	Mr. Martin Hession	EC		Issue Lead Markets UK (2002-2012) Chair and Member COM EB (2007-2012) Issue Lead & Negotiator EU Markets (2012-) Issue Lead & Negotiator EU (2012-2016)
6	Mr. Paul Watkinson	France	Chief Negotiator and Head of the Negotiating Team, Department of European and International Affairs, Ministry of Ecology, Sustainable Development and Energy	Member of COP21 Team, responsible for coordinating the negotiation of Paris Agreement (2015) EU Lead Negotiators (2009 - 2013) Chair of EU's working party on international climate (2008)
7	Ms. Delphine Eyraud	France	Senior Policy Adviser, International Climate Negotiations, Ministry of Ecology, Sustainable Development and Energy	Advisor to French GCF Board Member Co-Chair of the REDD+ Partnership (2010) Co-Chair of iCAP (2008)
8	Ms. Nicole Wilke	Germany	Head, Division of International Climate Policy, Ministry of the Environment	EU Lead Negotiator (2010-) UNFCCC Bureau Member (2013-2014)
9	Mr. Pieter Terpstra	Netherlands	Climate Policy Coordinator, Ministry of Foreign Affairs	Deputy Head of Delegation (2016-) GEF Board Advisor (2015-2016)
10	Ms. Marianne Karlsen	Norway	Climate department/Section for climate and energy, Ministry of Climate and Environment	Coordinator - Mitigation (2007 -) Member of LEG (2013-2014)
11	Mr. Georg Borsting	Norway	Policy Director, Ministry of Foreign Affairs	Lead Negotiator, Kyoto Mechanisms. (1998-2001) Member/Chair CDM Executive Board (2001-2005) Member/Chair JISC (2005-2008) Chair Capacity Building (2007-2009) Chair Finance/LCA (2011-2012) Co-Chair Climate Finance Work Programme (2012) Member, Standing Committee on Finance (2012-) Chair ADP Finance (2015) Vice-President UNFCCC Bureau (2015-) Member, GCF Board (2015)
12	Mr. Przemyslaw Sobanski	Poland	Deputy Director of Air and Climate Protection, Ministry of Environment	
13	Ms. Ana Cristina da Silva Carreiras	Portugal	Policy Officer, Portuguese Environment Agency, Ministry for Environment, Spatial Planning and Energy	Issue Coordinator/Negotiator Technology (2010-2011) Issue Coordinator/Negotiator Mitigation (2012-2015) Issue Coordinator/Negotiator Global Stocktake (2016)

14	Ms. Johanna Lissinger Peitz	Sweden	Deputy Director, Ministry of Environment and Energy	
15	Mr. Stefan Ruchti	Switzerland	Head, Environment and Sustainable Development, Federal Department of Foreign Affairs	
16	Mr. Archie Young	UK		Council Member GEF

Table 3: ecbi/ Experts			
1	Mr. Jan Cedergren	Ambassador	Member of GCF (2011 - 2016)
2	Mr. Benito Müller	Managing Director, Oxford Climate Policy; Convener International Climate Policy Research, ECI, University of Oxford	Head, ecbi Fellowship Programme
	Ms. Anju Sharma	Director, Oxford Climate Policy	Head, ecbi Policy Analysis and Publications Unit
4	Ms. Achala Abeysinghe	Senior Researcher, Climate Change Group; Team Leader, Global Climate Change Governance, International Institute for Environment and Development	Legal Advisor to the Chairs of the LDC Group (2000-) Head of ecbi Training and Support Programme (2000-)
5	Ms. Virginie Lemassson	Research Fellow, Social Development, Risk and Resilience, Overseas Development Institute	
6	Ms. Clare Shakya	Director, Climate Change, International Institute for Environment and Development	Africa Climate Change Lead, UK Department for International Development (DfID) (2012-2016) DfID Asia Climate Change Lead (2017-2012)
7	Ms. Sara Swords	Seminar Moderator	