

Oxford Seminar 2018



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ecbi

European Capacity Building Initiative

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INTRODUCTION

The European Capacity Building Initiative's 2018 Oxford Seminar took place from 15-17 August, in the Examination Schools of the University of Oxford. It was attended by 26 participants from developing countries (including two who participated via video link in the ecbi Fellowship Colloquium held from 13-15 August 2018 in Merton College), and 16 participants from Europe (see **Annex**).

The Seminar was attended by, among others: representatives of previous (France), current (Fiji), and incoming (Poland) Presidencies of the Conference of the Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC); the Chair of the Least Developed Countries (LDCs); the Chairs of the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA); the Co-Chair and members of the Green Climate Fund (GCF) Board; the Co-Chair of the Paris Capacity Building Committee (PCCB); members of the Standing Committee on Finance (SCF); the Co-Facilitator of the Local Communities and Indigenous Peoples Platform; several heads of delegation; and issue leads from key negotiating groups.

Discussions took place on: Paris rulebook expectations for Katowice; gender and climate change; linkages between Articles of the Paris Agreement; predictability of climate finance under the Paris Agreement (Article 9.5); the enhanced transparency framework; the collective quantified goal for climate finance (Decision 1/CP.21, §53); Talanoa Dialogue; non-market cooperative approaches (Article 6.8); common time frames (Article 4.10); and climate change and human rights.

The seminar was facilitated by Sara Swords. At its opening session on the afternoon of 15 August, ecbi Director Benito Müller introduced the ecbi Fellowship Programme, and emphasised that the Seminar is not a negotiation. While it may not be possible to entirely reconcile positions on issues, he said, a key outcome should be a greater understanding of each other's positions and concerns.

PARIS RULEBOOK EXPECTATIONS FOR KATOWICE

This session started with a **presentation** by Lavanya Rajamani, Centre for Policy Research, New Delhi. Rajamani noted that a key expectation from Katowice is reaching agreement on the Paris Agreement Work Programme (PAWP), and a series of overarching questions need to be addressed to deliver on this expectation. During the course of the discussion during the Colloquium, she noted, participants discussed some of these overarching questions, including: the structure of the overall package; the level of detail/precision in the rules; the extent of bindingness of particular rules; the application of differentiation in the rules; and the timing of adoption and application of the rules.

On the structure of the overall package, Rajamani said the Katowice outcome could take one of three possible forms:

- A **single comprehensive decision** of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA), with different sections addressing various parts of the Paris Agreement, and Annexes on particular issues (the model followed by the Cancun Agreements).
- An **overarching decision tying together individual decisions** for each part of the Paris Agreement (the model followed by the Marrakesh Accords).
- **Separate decisions for individual issues** within broader provisions (for instance, separate decisions on the features, information, and accounting of Nationally Determined Contributions).

She noted that in theory, the content of the package could remain the same irrespective of the structure. In practice, however, the structure could affect the durability of the decisions and rules, and the dynamism that they reflect. For instance, a single comprehensive decision has the advantage of making it easier to address linkages between the decisions in a more coherent fashion. An overarching decision tying together individual decisions for each part of the Paris Agreement has the advantage of perhaps making it easier to tailor each part of the rulebook to the desired levels of prescriptiveness, bindingness, and differentiation. It could be useful to go down this route if some areas are not mature enough for adoption at Katowice, she noted, as they could be adopted later. This would also make it easier to update rules later, without re-opening all decisions.

Addressing the level of prescriptiveness of the outcome, she said that more prescriptive rules will offer greater certainty, predictability, and consistency in application and international discipline. Less prescriptive rules will be easier, and take less time, to negotiate and will not be seen as undercutting the nationally determined nature of the Paris Agreement. Describing the range of options, she listed:

- Detailed substantive rules.
- Minimum substantive rules, allowing parties to nationally determine any additional rules.
- Procedural rather than substantive rules (for instance, elaborating on national rules and implementation).
- A combination of these (for instance, prescribe minimum substantive and complementary procedural rules).

On the level of bindingness of the outcome, she said individual elements of the Paris rulebook could vary in legal character. However, the CMA can only adopt binding rules where the Paris Agreement authorises it to do so. Even where the CMA authorises binding rules, for instance by using “*shall*” in the context of Article 4.8, 4.9 and 4.13, parties could calibrate the bindingness of the rules that are within the decision. For instance, the Paris Agreement refers to 1/CP.21, but the paragraph in relation to information, §27, uses the language of “*may*”. So even though it is mandatory to apply that decision, the decision could contain various elements that allow discretion to parties.

Describing ways to calibrate the bindingness of rules, Rajamani said the CMA could choose to calibrate a rule’s bindingness by:

- Making a rule legally binding, where authority exists (parties “*shall*”).
- Making a rule recommendatory (parties “*should*”).
- Identifying a rule but making it optional (parties “*may*”).
- Identifying a rule and generating expectations of parties (parties “*will*”).
- Using contextual and discretionary language (“*as appropriate*”, “*to the extent resources permit*”, etc.)

Rajamani said the outcome could include differentiation based on:

- The type of Nationally Determined Contributions (NDCs), with different rules, for economy-wide targets and policy and measures.
- Differences between parties, either based on their categories (developed and developing countries, least developed countries (LDCs), small island developing states (SIDS) etc.), on measures of capacity such as GDP per capita, or other criteria such as percentage of global emissions.
- Support provided.
- Timing.
- Self-determination (“*to the extent possible*”, “*as appropriate*” etc.), where parties elect to choose how they apply the rules.

Addressing the linkages between prescriptiveness, bindingness, and differentiation, Rajamani said the more prescriptive the rules are, the less likely parties will agree to render them binding, and the greater the pressure some parties will exert for differentiation. The fine balance that will need to be struck between the three will need to be calibrated to each rule or set of rules, she said, and the big picture will need to be taken into account while crafting particular rules.

With regard to timing, she noted a distinction between when decisions and rules are adopted, and when they apply. She said the rules could be adopted at different times, providing a way out to address issues that prove harder to negotiate at this point of time. They could also be set to apply at different times (for instance, for different categories of parties or based on different NDCs); be synchronised to apply at the same time (such as information on transparency and accounting feeding into the global stocktake); apply at different times in relation to some rules (such as the NDCs) and synchronised to apply at the same time in relation to others (such as fairness and ambition); or apply at different times in relation to some rules, synchronised to apply at the same time in relation to some others, and left up to national determination in relation to the rest. She noted that a host of permutations and combinations on timing could help get out of sticky areas with regard to the rules.

Rajamani finally listed the following key questions for discussion at the Seminar, based on the discussion during the Colloquium:

- Within the context of the mandates, should there be a minimal or maximal approach to the rules in Katowice?
- Which rules, and at what level of prescriptiveness, are critical, and must be adopted at Katowice? This could be:
 - in relation to the long-term goals of the Paris Agreement;
 - in relation to “gap filling” (ex-ante information, support, etc.) to make the Paris Agreement more robust; and/or
 - in relation to process, where processes are set up in Katowice to yield more substantive rules later on.
- Which rules can be left for subsequent evolution? Should this include rules on items where the discussion is not sufficiently mature, or where rules are not politically feasible, resulting in a focus on “common interest” issues only?
- Which rules, if overly prescriptive at this point in time, could exclude participation of certain key parties?

In the discussion that followed, participants first discussed what rules are critical for Katowice, and how to determine what is critical.

A developing country participant noted progress in different agenda items with different levels of detail and agreed that greater prescriptiveness will make it difficult to agree on bindingness. Broad and general guidance will not provide adequate detail to the technical teams who have to implement the rules, she said, while calling for a realistic allocation of time for each agenda item in the September Bangkok session, and a maximum common denominator for each element.

A developed country participant said that while some areas need more work than others, it will be difficult to choose between a minimal and maximal approach, and to pick and choose between items for prioritisation in Katowice. She called for a comprehensive approach according to the mandate of the Paris Agreement, saying the items listed for CMA1 in the Paris Agreement should be addressed first, while those mandated for CMA in general could be addressed later. On the structure of the outcome, she said interlinkages can be addressed even if the outcome is not a single overarching decision.

Rajamani clarified that the option of choosing priorities was proposed within the mandate of the Paris Agreement, and listed in recognition of the fact that the discussion on some elements is not sufficiently mature, and there is limited negotiating time left. She said at the end of two weeks in Katowice, some issues will bubble up as being mature enough for adoption, while others will need to mature more. While all issues are important, she said, it may prove difficult to come up with detailed rules for all elements. She also noted that in the discussion in the Colloquium, some participants felt that some critical processes like compliance and the global stocktake could be prioritised, while a process should be put in place for other elements which cannot be agreed upon, to provide certainty that they will be addressed.

Müller said the emphasis on adopting “packages” is a symptom of distrust in the process, where parties fear that unless their priorities are addressed as part of a package, they will not be addressed at all. To overcome this distrust, he said parties will need reassurance through a work programme or a defined process to address the elements in the future, to ensure that they will not fall by the wayside. He noted that not all elements will be ready in time for a comprehensive decision in Katowice (for instance, decisions on Article 6), and these should not hold back progress on the rest. The unequal progress on issues could be a deal breaker in Katowice, he said, particularly without adequate reassurances that issues will not be dropped in future.

A developing country participant agreed that: it will be important to rationalise the amount of work that can be done in Katowice; the level of prescriptiveness in the rulebook should be matched with the level of prescriptiveness in the Paris Agreement; and the prioritisation indicated in the Paris Agreement should be followed. Supported by another developing country participant, he said that in recognition of the time available and the political complexity of some issues, a rational and objective approach will be needed in Katowice to identify the prerequisites for implementation of the Paris Agreement from 2020.

A developed country participant said priorities could vary among parties. Recognising the challenges of timing, maturity, and political complexity, she said the Paris mandate should nevertheless be fulfilled, and clear guidance to deliver ambition provided in Katowice, including on accounting and transparency rules. The outcome should be as robust as possible while allowing for improvement over time, she said, noting that the 1.5°C report released by the Intergovernmental Panel on Climate Change (IPCC) in October will provide impetus for progress.

Müller agreed that elements necessary for parties to update their NDCs should be prioritised, such as clarity on dates and guidance for the NDCs, to provide certainty to those preparing the NDCs at the national level.

A developing country participant said COP24 has to deliver the rulebook to operationalise the Paris Agreement, and the political signals that will lead to low carbon strategies, peaking, decarbonisation, and implementation, under the existing time constraints. While being cognizant of this urgency, she said, negotiators will need to be pragmatic about how the Convention’s permanent bodies can help move forward elements that cannot be agreed at COP24, but need to be operationalised in the long term.

A developed country participant said a COP24 decision on the global stocktake may not be as detailed as one on transparency, but that should be fine as long as these differences are acknowledged. In terms of assurances in taking the process forward, some parties feel everything on transparency needs to be dealt with this year. Other parties feel as long as we agree on the guidelines, we can leave the common tabular formats for post-2018. Each of these will have to be solved in the room they are being discussed, she said, without necessarily creating a separate work programme.

Another developed country participant said a comprehensive and coherent set of rules of the Paris Agreement is necessary. The legal form is only the vehicle, she felt, and it is the intent and content that will make the difference. She urged maintaining urgency and seeking better time allocation methods for working on a substantial outcome, saying the IPCC 1.5°C report will create pressure for a comprehensive outcome in Katowice.

A developing country participant said while it is clear that some elements of the PAWP will not be finished, it is risky to open the door to more time. There is also the illusion, he felt, that spending more time on the rulebook will improve implementation of Paris Agreement domestically, whereas in fact there are diminishing returns in doing so. He felt not having a comprehensive outcome from COP24 is not an option, as countries need the rules to prepare the NDCs that they have to submit by 2020.

Müller said an outcome can be comprehensive but still incomplete, with more details needed later.

A developing country participant agreed there will elements that will need further finessing after COP24, saying these should be dealt with by the bodies under the Convention, not another ad hoc working group.

A developing country participant reminded participants that the Marrakesh COP/CMA could not agree on adopting rules that are ready along the way, and so it was agreed to have a two-year programme ending in Katowice. He felt it was not out of place to discuss the issue in advance, in order to be ready when the moment arrives, although he agreed that the focus should remain on pushing for a comprehensive outcome as far as possible.

A developed country participant said negotiators spend a lot of time and energy giving assurances to each other, but should be aware of how delays will be seen by the real world. She highlighted the importance of agreeing on a comprehensive rulebook to signal a strong commitment to a low carbon future to institutional investors.

Another developed country participant said the explanation from some participants, that an outcome can be comprehensive but incomplete, was reassuring. She agreed it may not be possible to complete everything at COP24, and a discussion on how to deal with those elements will help to build trust, although not necessarily through another “process”.

A developed country participant expressed concern that 80% of the current discussion was about process rather than content. He felt pressure was needed to agree an outcome in Katowice, and that sometimes package building could facilitate agreement. He further noted that sufficient prescriptiveness is needed to ensure environmental integrity, and the process could be improved over time.

Müller said while trade-offs as part of a package deal can be useful, a disadvantage is that a minority can hold the whole outcome to ransom.

A developing country participant said the package or outcome of COP24 could be a combination of substance and mandates. Paris was a huge political signal, he said, but left a lot to be worked on later – for example, only two items in the Paris outcome have specific dates (transparency and Article 9.7). He said there was strong agreement in the room that a pragmatic approach will be needed and felt Katowice should deliver substance on as many issues as possible, along with mandates that send a strong political signal on important issues. He described a discussion during the Colloquium that the Paris Agreement is a hybrid between top-down and bottom-up elements, with some gaps in the middle, and top-down elements like Article 6 are the most

challenging. The mandate and boundaries set by 1/CP.21 should be constantly revisited at the same time, he concurred.

A developed country participant, representing the future presidency, said the presidency has a clear list of what must be delivered at Katowice, and it may not be possible to deliver on some but not others. He noted the challenge of dealing with interlinkages and asked when they will be addressed. He concluded by saying that substantive work will be necessary in Bangkok to deliver an outcome in Katowice.

In her concluding remarks, Rajamani said it is heartening to see the commitment in the room to deliver a comprehensive outcome. She said parties may not be willing to have a discussion on future mandates now because it opens the door to more time and takes away from the urgency of the moment. However, she said, this conversation may arise on the last day of Katowice, and if it does, it will have more meat, with more clarity on where specific issues stand. While some issues may never attain a level of political maturity, others may need evolution in terms of improvement. She concluded by saying that dynamism is not a bad thing, as it leaves room for growth and improvement.

GENDER AND CLIMATE CHANGE








Introducing the session, Müller said a session on gender was only part of the Colloquium in the earlier years, of the ecbi Fellowships, but was shifted to the Seminar from 2017 because it was felt that a discussion on gender is relevant to all countries, not only developing countries.

Presenting on gender, Bridget Burns, Women's Environment and Development Organization (WEDO), addressed: the definition of gender; what negotiators should know about gender; the current state of play on gender, in particular in the Lima Work Programme on gender and the Gender Action Plan (GAP); and gender in the Paris rulebook.

Burns defined gender as a lens for an analysis for social roles, saying it is not about women alone. She presented the definition for gender equality agreed by the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD): “... *the equal enjoyment by women and men of socially valued goods, opportunities, resources, and rewards. The aim is not that women and men become the same, but that their opportunities and life chances become and remain equal*”. Burns said the consideration of gender through gender situational analyses and gender disaggregated data can lead to more effective climate change policies.

She then presented the following figures to illustrate how a gender lens and analysis could provide a contextualised and country/ region-specific knowledge base for effective policy making:

- 38% of the global population and almost 50% of the population in developing countries lacks access to clean energy. Women and children spend on average 1.4 hours a day collecting solid fuels.
- It is estimated that by 2050 there will be more plastics than fish in the oceans, and the risk for breast cancer for women working in the plastic industry will increase five times.
- Women own less than 20% of the world's land, yet more than 400 million of them farm and produce the majority of the world's food supply. Female farmers lack equal rights to own land in more than 90 countries.
- In Latin America and the Caribbean, over 50% of users of public transportation systems are women. However, the participation of women in the construction and operation of transport systems does not exceed 15% of the total labour in the sector, even though they represent 50% of the labour force.

GENDER GAPS AROUND THE WORLD		CLIMATE CHANGE IMPACTS	IMPACTS EXACERBATE GENDER INEQUITIES
POVERTY	OVER 50% OF THE 1.5 BILLION PEOPLE LIVING ON \$1 A DAY OR LESS ARE WOMEN (SOURCE: UNFPA)	CROP FAILURE 	Women experience increased agricultural work and overall household food production burden
WATER	ON AVERAGE WOMEN AND CHILDREN SPEND 8 OR MORE HOURS PER DAY COLLECTING WATER (SOURCE: UN WOMEN)	FUEL SHORTAGE 	Many women in developing countries can spend between 2-9 hours a day collecting fuel and fodder, and performing cooking chores
GOVERNANCE	GLOBALLY, WOMEN ARE 16.7% OF GOVERNMENT MINISTERS; 19.5% OF PARLIAMENTARIANS; AND 9% HEADS OF STATE (SOURCE: IPU)	WATER SCARCITY 	Increased burden on women walking further distances to access safe water, impacts the education and economic stability
FOOD	WOMEN PRODUCE OVER 60% OF FOOD IN SOME COUNTRIES (SOURCE: FAO)	NATURAL DISASTER 	Women have a higher incidence of mortality in natural disasters; women can suffer from an increased threat of sexual violence
LITERACY	TWO THIRDS OF THE 774 MILLION ILLITERATE ADULTS WORLDWIDE ARE WOMEN (SOURCE: UNSTATS)	DISEASE 	As caregivers women often experience an increased burden for caring for young, sick and elderly as well as lack of access to health care facilities
LAND	WOMEN OWN JUST 2% OF THE WORLD'S LAND (SOURCE: UN WOMEN)	DISPLACEMENT 	Forced migration could exacerbate women's vulnerability
		CONFLICT 	While men are more likely to be killed or injured in fighting, women suffer greatly from other consequences of conflict, such as rape, violence, anxiety and depression

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Burns then described the climate impacts that will exacerbate existing inequalities around the world, summarised in the Table below. She referred participants to the *ecbi Pocket Guide to Gender Equality under the UNFCCC* for a snapshot of several key moments and decisions under the UNFCCC; and to a *Gender Climate Tracker App* developed by WEDO to help negotiators to understand mandates.

Briefly describing starting points for gender mainstreaming at the national level, Burns listed the following questions:

- What are the key considerations for undertaking gender assessments? What kind of information will be required? The objective is to ensure that the different needs of women and men, and boys and girls are equitably addressed.
- What are national policies on gender? Is there a template for conducting a gender-situational analysis?

She highlighted that gender is not a stand-alone issue at the national or global level, and coherence and synergies are necessary with other areas. It is therefore critical for negotiators working in all areas of the UNFCCC negotiations to know how gender has been integrated previously in the areas of their focus. Burns summarised the following key decisions taken under the UNFCCC on gender:

- › **COP7** in 2001: Decision 36/CP.7 & Gender in National Adaptation Programmes of Action (NAPAs)
- › **COP16** in 2010: Gender in Cancun Agreements
- › **COP17** in 2011: Gender in GCF Operational Guidelines
- › **COP18** in 2012: Decision 23/CP.8
- › **COP20** in 2014: Lima Work Programme on Gender (Decision 18/CP.20)
- › **COP21** in 2015: Gender in Paris Agreement
- › **COP22** in 2016: Decision 21/CP.22
- › **COP23** in 2017: Gender Action Plan (2017-2019)

She noted that the three-year Lima Work Programme on Gender (renewed in Marrakesh) and the Gender Action Plan (GAP) will be reviewed in 2019, though there is no formal process or terms of reference for the

review. The Lima Work Programme is focused on strengthening women's participation, she said, and contains specific elements like nominating gender focal points, gender trainings, and reporting from all the UNFCCC's constituted bodies on their work on integrating gender to encourage coherence. The GAP calls for a dialogue among the constituted bodies, which was held at the 48th session of the UNFCCC's Subsidiary Bodies. Trainings of the constituted bodies will start in October 2018 until early 2019, on how to integrate gender in reporting requirements and how to share information. In addition, she listed other processes in place, including to: understand how different parties are acting on the GAP; track progress on the gender focal points; conduct workshops on the collection and use of gender disaggregated data; and call for a dialogue in the SCF to improve access to finance for women.

Burns listed the following activities that are taking place under the GAP:

- Countries are supporting implementation via direct support for training and enhancing women's participation.
- Countries are transposing or linking their own national strategies on gender and climate change to the activities of the GAP (for instance, in Sudan).
- Countries are developing tools to integrate gender in NDCs.
- Countries are appointing national gender and climate change focal points and national taskforces.
- Organisations, local governments, etc. are creating their own self-assessments of the GAP (i.e. what activities are being implemented, or what activities they would like to see implemented).

She described a **Women Delegates Fund** managed by WEDO to support participants from LDCs and SIDS, and for regional trainings; and efforts to create and generate a knowledge base within the UNFCCC to inform other parts of the process.

Burns listed the countries that have appointed gender focal points, noting that the process creates a dialogue between ministries and sectors on where the focal point should be based, and how to integrate gender concerns. She noted that while there is no defined role for the focal points, potential roles could include:

- Awareness-raising and capacity-building within delegations and at the national level on gender and climate change.
- Point-of-contact within delegations for questions on thematic issues such as climate finance and gender.
- Coordination of the delegation's positions on gender within the gender and climate change agenda item and other thematic areas.
- Coordination at the national level for climate planning, for instance, between ministries on climate change and those dealing with gender, and to better connect the UNFCCC process to national processes.
- Participation in networking and capacity-building events organised by other entities in support of the UNFCCC process, such as WEDO, UN Women, IUCN etc.
- Point-of-contact for the secretariat (and others) to communicate about relevant events, information, training, etc.
- Raising awareness and tracking progress on gender-responsive climate plans and communication (NDCs, NAPs, national communications etc.).
- Tracking progress on delegations' goals on gender balance at UNFCCC and other meetings.
- Advocating for gender balance in nominations to constituted bodies and bureaux by countries or groups.

Burns then went on to describe the current state of play on gender in the negotiations for the Paris rulebook.

On **mitigation**, she noted that some parties list gender-related considerations under their substantive elements for information, and this is captured in the guidance from the Co-Chairs.

On the **adaptation communications**, the gender-responsive nature of all adaptation policies and planning has been vocalised by parties and is captured in the Co-Chairs' tool.

On modalities, procedures and guidelines (MPGs) for **transparency**, the Co-Chair's tool includes elements on:

- principles of MPGs, calling for them to be flexible, country-driven, nationally determined, consistent with national circumstances, participatory, and gender responsive; and to consider vulnerable groups, communities, and ecosystems;
- adaptation policies and strategies, calling for them to include and be evaluated on how participation, best available science, gender perspective, as well as indigenous, traditional, and local knowledge are integrated into adaptation; and
- making the MPGs gender-responsive.

She further listed the following specific entry points for the transparency framework:

- Ensuring that any reference to stakeholder participation explicitly refers to women's participation and to participation of women's groups and organisations.
- Information on adaptation actions that result in mitigation co-benefits should refer to the role of women in adaptation actions, and be based on data disaggregated by sex, age, and other factors, and include gender analysis.
- Sustainable management of natural resources should refer to the role of women and analyse the impact on gender equality and women's empowerment.
- Information related to loss and damage should be provided using sex-disaggregated data and gender analysis.
- Assessments and indicators of how adaptation increased resilience and reduced impacts should use data disaggregated by sex, age, and other factors, and include gender analysis.
- Information on how support programmes are meeting specific vulnerability and adaptation needs and concerns should address the role, situation, needs, and rights of women and girls, and the impact of such programmes on gender equality and the empowerment of women and girls.

Burns listed the following entry points for the consideration of gender elements in the **global stocktake**:

- During the preparatory phase, women's organisations and national gender machineries could be included as sources of inputs.
- During the technical phase, explicitly reference should be made to the participation of women, and women's groups and organisations.
- UN Women has recommended the following sources of input for the global stocktake: information related to equitable access to sustainable development; historical responsibilities; development gaps between North and South; sustainable development including the Sustainable Development Goals (SDGs), poverty eradication, food security, job creation, and social justice in developing countries; explicitly request information on climate refugees and displaced people to be disaggregated on the basis of sex, age, and other factors; address "leave no one behind" principles; and elaborate on how actions contribute to the realisation of gender equality and the empowerment of women and girls, and on co-benefits, including gender equality and women's empowerment.

In conclusion, Burns directed participants to additional slides in her **presentation** for additional reference material.

During the discussion that followed, a developed country participant said a gender focal point has been appointed for Europe, and it is helpful to have a person committed to the task. He said the focal point engaged

to ensure the inclusion of references to gender in the EU's energy regulation. On the reference to gender in the preamble of the Paris Agreement, he said it is a small snowball that needs to start rolling. He also mentioned the potential dilemma between having gender as a stand-alone agenda item for global and national policy making, and integrating it across sectors. For instance, should gender be the concern of one ministry, or of all ministries at the national level?

A developing country participant said the lack of specific indicators to track gender in the context of climate change in the SDGs is a missed opportunity, and there will be a subsequent gap in information and policy making. She asked if there are any capacity building opportunities to help countries collect this kind of data.

A developed country participant said gender is a big priority for development assistance in her country. However, the Ministry of Social Affairs deals with gender, not the environment ministry (which deals with climate change). The social affairs ministry scrutinises draft legislation through “gender glasses”, but gender has become a bit of a non-issue for the environment ministry, she said, highlighting that further efforts are needed on gender both in developed and developing countries.

Burns said a training workshop for parliamentarians on gender mainstreaming in Trinidad and Tobago highlighted how important it is to have the right kind of data, and parties to the UNFCCC should agree a mandate to provide resources for gender-disaggregated data collection, so that the process is systematic rather than ad hoc. She highlighted the role of institutions and partnerships in data collection efforts, while emphasising that the conversation should go beyond simply increasing women's participation. However, even the rate of participation is going down rather than up in some cases she said, and there is a consistent trend of women's participation in processes of less power – for instance, during intersessional meetings rather than COPs. She asked participants whether they have a specific policy or goal for gender balance in delegations, and activities for training and mentorship.

A developed country participant and PCCB Co-Chair informed participants that one of the PCCB's four working groups is focused on cross-cutting issues including as gender, and a side event will be organised in Katowice.

A developing country participant highlighted the importance of mainstreaming of gender in country programming, saying this process is sometimes hindered by social, cultural, and regional factors. He emphasised, in particular, the need for gender balance during the implementation of resilience programmes for agriculture; and the promotion of entrepreneurship for women in the area of renewable energy through the provision of training and loans. As a Board Member of the GCF, he said the Fund is focused not only on gender sensitivity, but also gender responsiveness.

A developed country participant said while gender is a core principle in development cooperation for her country, there is a debate on whether this is an opportunity to mainstream gender in climate change, or climate change in gender. She said having a gender focal point is only part of the solution, and noted that gender and climate security issues are being linked by the UN Security Council.

Another developed country participant said her country has been working for many years to integrate gender in all areas of development cooperation, and has strong gender laws in place. She noted, however, that even developed countries like hers face considerable challenges in implementation, for instance in convening a meeting between ministries on gender and climate issues, or for considering gender and climate change in the labour sector. She attributed this to compartmentalisation, and low awareness levels. She also noted national-level challenges in collecting information to inform policy in her country – for instance, to map how women

and men are differently affected by the national transportation policy, or consider how women are affected by higher electricity tariffs.

Stella Gama, ecbi Gender Advisor, said the climate focal points come from various ministries in developing countries. In the case of Uganda, she said, there are three focal points from three different ministries: the main focal point is from Parliament, and there are two alternates from the environment and gender ministries. She noted that countries like Malawi, the Netherlands, Korea, and Uganda have male focal points to reaffirm that gender is not only about women. She called for coherence across the thematic areas and the constituent bodies of the UNFCCC, Kyoto Protocol, and Paris Agreement while noting that some bodies, like the LDC Expert Group, are faring better in addressing gender concerns than others.

A developed country participant noted that most of the progress made on gender and climate change relates to the negotiations, and the future focus should be on implementation and integration.

Another developed country participant thanked ecbi for incorporating the gender session into the Seminar, saying there were lessons and take-aways for both developed and developing countries in the session. He said gender balance on his team fluctuates, but they don't have a gender balance goal. He highlighted the impact of education for girls as a key intervention, and his country's support for the "no girl left behind" campaign. He also noted efforts to champion the issue in the UN General Assembly and asked how it could be incorporated in the UN Secretary-General's Climate Summit.

A developing country participant asked if information is available on integrating concerns of the LGBTQ community.

Another developing country participant remarked that although gender awareness levels are high in his country, the presentation highlighted many obvious things that could be done to improve implementation – like having a gender equality goal for delegations. He shared his experience with a process to incorporate gender concerns in the national offset mechanism, saying it highlighted the importance of having access to disaggregated data, and of designing indicators and data-gathering processes well.

Another developing country participant and Chair of the SBI, said clearly there is still a gap in mainstreaming gender issues in the UNFCCC processes even though the agenda item is making progress under the SBI.

In conclusion, Burns agreed that focal points cannot solve everything, although they can initiate a process of discussion between ministries and sectors and launch institutional processes. She noted that gender is still considered a binary issue in the gender a climate process, and the conversation had not matured yet to include LGBTQ communities.

PREDICTABILITY OF CLIMATE FINANCE UNDER THE PARIS AGREEMENT (ARTICLE 9.5)

This session started with a [presentation](#) by Orlando Rey Santos, Cuba, followed by Müller.

Santos noted comments by the UNFCCC Executive Secretary Patricia Espinosa reported in the media, that finance is the lifeblood of the Convention, and that the conditional elements of the NDCs of developing countries will cost US\$ 4.3 trillion to be achieved. Remarking that this number is likely to be inaccurate, he

said nevertheless predictability of finance is a critical element to implement the conditional elements of NDCs mentioned by Espinosa, and achieving the ambition of the Paris Agreement.

While acknowledging the role of domestic sources in implementing NDCs, he said it will be important to know how much finance will be available for implementing NDCs, and the lack of ex ante information on finance could impact the predictability of the NDCs and the intention of enhancing ambition. Article 2.1.(c) of the Paris Agreement explicitly states that finance flows have to be made consistent with the global climate goal, he further noted.

Santos said Article 9.5 of the Paris Agreement emphasised the need for a robust system for finance by calling on developed country parties to biennially communicate indicative quantitative and qualitative information on climate finance, as applicable, including, as available, projected levels of public financial resources. Other parties providing resources are also encouraged to communicate such information biennially, on a voluntary basis.

He said the discussion on the new collective goal for finance, called for in the Paris Agreement, is a matter of ensuring predictability and adequacy. This new goal is to be set collectively, following a process to assess the needs and priorities of developing countries. The ambition of the Paris Agreement, to limit global temperatures to well below 2°C and if possible to 1.5°C, means that the scale of finance needed will be much higher. Declaring a number alone will not be enough, he emphasised – a clear roadmap to achieve the goal will also be necessary.

Santos said the extension of the US\$ 100 billion goal to 2025 is already a flexibility from the developing countries in the Paris Agreement, which should be honoured with an early engagement in the definition of the new collective goal. Based on the experience with the previous goal which took several years to translate from a pledge in Cancun in 2010 to a roadmap in Marrakesh in 2016, he said discussions should begin on the new collective goal as soon as possible. A decision to start the conversation on this goal in Katowice is a way of generating goodwill, Santos, said, while noting that language calling for consideration of the technical work with regard to the goal to be undertaken is already in the Co-Chair's summary. Reluctance to consider a proper framework for ex ante information and to start the consideration of a new goal, on the other hand, could be interpreted as a lack of commitment to climate finance itself, he said, which could compromise a balanced outcome at COP24.

Santos further emphasised that predictability of finance includes certainty on timing, scale, reliability, and direction. He recognised the problems faced by developed countries in providing ex ante information, given legal constraints in national budgetary processes, but said a starting point could be to consider how much information is provided now, and what further improvements are possible in the future. He also noted that some of the national budgetary limitations have been overcome in the past, for instance in the case of multi-year commitments to the Global Environment Facility (GEF) and the GCF. This suggests that it is possible to provide indicative information several years into the future, he said, or at least to clarify contributions within defined replenishment cycles. He noted consideration of this issue in a [ecbi think piece](#).

Describing solutions to deal with the issue of predictability in the second half of the presentation, Müller agreed that predictability is a difficult topic. He said he would talk about predictability through a replenishment process for the climate funds, as countries can bind themselves if there is a contract with an entity. Other ways of enhancing predictability, for instance through innovative sources of finance, also exist.

He quoted a ecbi [brief](#): *In the final days of the Conference the LDC Group, supported by the Alliance of Small Island States (AOSIS), put forward the idea of a Paris Replenishment Cycle three times for inclusion in the Presidency's text, but to no avail. Initially, they asked for the establishment of such a joint replenishment cycle as complementing to the decision in the draft text that 'a significant share of new multilateral funding for climate change actions should flow through the Financial Mechanism of the Convention and the funds serving the Agreement' [para. 54 in draft decision V2] – which incidentally also did not make it into the final outcome. The last attempt, at 1 a.m. on Saturday morning, the LDCs' request was merely for a COP decision to consider the idea at COP 22 in Marrakesh, but that was also rejected.*

Müller said the idea of a joint replenishment for all the climate funds was introduced in October 2015, but negotiators were not ready for it in Paris. The GCF will have a replenishment process anyway, and adding to this amount for the other funds should not be difficult. He noted that the Adaptation Fund is in trouble currently because it does not have a replenishment process. Although a process is underway to consider its accreditation to the GCF, it could also be replenished directly through this proposed joint replenishment process and specialise in funding micro adaptation projects.

Müller quoted Raffaele Mauro Petriccione, Deputy Director-General for Climate Action of the European Commission, at an informal meeting of the EU's Environment Council on 11 April 2018: *"The Commission would suggest that Member States should seriously consider the replenishment of the climate funds under the climate Convention, the Global Environment Facility, and the Green Climate Fund. Our position on this issue will be very important for the negotiating dynamics at COP24 and actions on these issues will have a positive impact which will be disproportionate to the relatively small funds that would be needed."*

Agreeing with Petriccione, Müller said this would be a solution to the problems of the Adaptation Fund and predictability, and allow the GCF to become a "wholesale" fund, allowing the smaller funds to become retail funds.

Müller concluded by describing another idea to promote predictability supported by ecbi: seeking contributions (shares of proceeds) from sub-national emissions trading schemes, like the Western Climate Initiative. He informed participants that ecbi is organising a side event at the Global Climate Summit in San Francisco on 14 September on sub-national finance, not only from sub-national emissions trading schemes, but also other sub-national sources such as a "people's fund" in the US, and income tax refunds in the state of Massachusetts.

Johanna Lissinger Peitz responded to the presentation, agreeing that predictability is important issue, and the discussion under the SBI agenda has had a good start. However, she said, Article 9.5 is only one component of predictability – other action on the multilateral level, for instance with the multilateral development banks (MDBs), is also part of the solution. She said greater transparency on existing flows will also contribute to predictability, providing an indication of what has flowed in the past, and hence what can be expected in the future.

Peitz said other guiding questions include what is useful ex ante information, and what is feasible. She said duplication of reporting should be avoided, for instance reporting on development cooperation; and the process should build on existing structures and learn from what has been done on strategies and approaches, for example. She highlighted the importance of a flexible approach to reporting, given that different contributors will have different processes, abilities, and constraints. This issue relates to the discussion on prescriptiveness in the first session, she said, on how greater prescriptiveness could make it less acceptable to parties. She felt that the more things are divided into what is qualitative and what is quantitative, the less

complete the picture will be. From her perspective, she said, the rules should not separate what should be reported on a quantitative and qualitative basis – this choice should be left to parties.

Peitz noted that Article 9.5 also talks about contributions from other countries on a voluntary basis as well, and it will be important to take into account South-South cooperation for a complete picture. She said progress on Article 9.5 can also help with providing information on making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development, mentioned in Article 2.1(c) of the Paris Agreement. She agreed that trust is important, saying the progress made in small settings such as the ecbi Seminar should be captured to promote trust in the UNFCCC process. She concluded with a question, saying that on the one hand she has heard that more information is needed for planning at the national level, while on the other hand it was mentioned that predictability was needed only on collective global trends. She asked if one was being discussed, or both. On Müller's intervention, she said elements that were not included in the Paris Agreement should not be raised now, although there are elements in the proposal that merit consideration.

A brief session for questions of clarification followed. Müller clarified that he was told by a reliable source that the text on a joint replenishment was taken out of the Paris Agreement draft not because there was opposition, but because the text was too long.

A developing country participant said the country he represents is trying to finalise its 2050 strategy, but this is challenging without an indication of the finance that will be available. Since 80% of the country's GDP relies on foreign sources, the NDC is entirely dependent on what sort of finance will be available from the global level. While Article 9.5 is critical to understand what global resources will be available, this will not help national governments to decide NDC targets, he felt, and the question of how much finance will be available at the national level should also be addressed.

A developing country participant said Article 9.7 should also be kept in mind, as it calls on developed country parties to provide transparent and consistent information biennially on support provided and mobilised for developing country parties through public interventions.

Further discussions on this issue took place in a small group.

A developing country participant asked for further clarity on what kind of quantitative or qualitative information should be provided on finance. On the issue of global or national trends for climate finance information, he felt greater detail is possible on global trends on climate finance, with some indication of the qualitative and quantitative finance that will be available at the country level.

A developed country participant clarified that some think there should be separate lists of qualitative and quantitative information, while she felt that there should only be a list of the type of information that can be submitted, and each country can decide what they can submit, to get a more complete picture. On the issue of global collective trends or national level for ex ante information on finance, she said she had heard both views expressed by developing countries and was looking for clarity, and perhaps the answer would be a bit of both.

A developing country participant agreed that there is a need for a collective and national-level information on support.

Another developing country participant said in his understanding, transparency is for ex post information, while ex ante information is being discussed in the context of predictability of climate finance. He noted that

ex ante information on finance is obligatory for developed countries and voluntary for developing countries, and this information could be provided by developing countries through the transparency framework on an ex post basis. On the challenges on providing ex ante information on finance by developed countries, he reminded participants of a proposal by Gordon Brown in June 2015 to put in place domestic legislation to improve predictability. He expressed pessimism on the Katowice outcome given the lack of political commitment to provide adequate information on finance.

Santos felt there was some common ground and asked how a way forward could be found on the issue of predictability.

A developed country participant said countries would have to work together to achieve the objective of the Paris Agreement, with some action done by developing countries at the national level, perhaps with no or low costs – for instance through policy tools. He mentioned enabling environments, and reciprocal predictability from the other side to do what is possible at the national level. He said providing predictability on climate finance is not difficult because of unwillingness, but because it is not possible to predict fluctuations in the economy. On technical work on the collective global goal, he said the SCF will complete a biennial assessment in 2022, which will be a useful input into the discussion on the long-term goal, along with the existing four reports and other inputs, and hence the discussion should take place after that assessment.

Müller clarified that the overall amount of funds needed to deal with climate change is a question of overall adequacy, which would be discussed later, and should not be confused with the current discussion on predictability. On fluctuating economic circumstances, he said developed countries could make a pledge pegged to a percentage of GDP, hence taking future fluctuations into account.

A developing country participant said developing countries are not looking at finance as a conditional element for mitigation action but are doing as much as they can already on the ground. They have the potential to do more, but are hampered by the lack of finance. On enabling environments, he said that discussion on ensuring adequate capability could take place at the project level, once the specific environment that the project is going to take place is better known.

A developed country participant reiterated that previous information on a country's financial contributions can play a role in future predictability, as the situation will not change dramatically overnight. On the differentiated approach to reporting for developed and developing countries in Article 9.5, she said developed countries are asked to provide the information as applicable and as available, and therefore also have some discretion. On the way forward, she said agreement on the type of information that should be provided by developed countries is not a difficult issue to resolve, but a distortion of the discussions on Article 9.5 in Bonn had left some parties with a bad taste. Once the type of information is discussed, she said it could lead on to the discussion on how it should be submitted, and to timing issues such as when it is submitted for the first time, and for what time period. She felt the time period for which the information should be submitted should be nationally determined, as countries have different budget cycles. On what will happen with the information once it is submitted, she noted there were submissions calling for synthesis reports or assessments that made the conversation more difficult, and asked how synthesis reports will help with determining how much finance will be available at the country level.

On the question of previous information providing an indication of the future, Müller said baselines and trajectories are an important basis, for instance for emissions trading. There are two ways of generating trajectories – scenarios or econometrics. He said the proposal for an econometric projection instead of a

scenario-based option taking into account, for instance political and economic scenarios, could also be used – and could be done internally by developed countries.

A developed country participant explained the planning system for aid in her country, saying the priorities for funding, and the priority countries to receive the funding, are decided nationally, and cannot be driven externally. However, climate is an important priority. She said a strategies and priorities report for her country will be released in fall, but it will not be possible to have more information beyond a certain level of programming.

Another developed country participant said there is more predictability for bilateral aid in his country, because they are determined for a five-year period. On climate finance, he said a general projection can be generated for three years, and it is usually a progression, but it is indicative. A longer project is impossible, he said.

A developing country participant said he was provoked by the use of the word “impossible”, which is usually a political statement. He noted that the conversation in the room indicates that it has been done already, for instance in the case of replenishment cycles and overseas development assistance (ODA). On the usefulness of backward-looking information for future projections, he said for countries like his, which are being dropped by contributors for one reason or the other, previous trends do not offer any predictability. He emphasised that predictability is even more important for adaptation and loss and damage, where there will be limited private sector investments.

A developed country participant said Article 9.5 has already had an impact by making contributors more precise in their reporting, and emphasised the commitment of developed countries to advance discussions. She said countries are nervous with the suggestion that there will be a synthesis report on the projected figures, followed by questions later, as this is not an exercise to match needs, but merely a projection that cannot be too prescriptive. She once again highlighted the importance of providing direction but leaving the process to be country-driven. Since the Chairs of the Subsidiary Bodies were present at the meeting, she felt it would be useful to use the opportunity to come to a common understanding on the future process.

A developing country participant said Article 9.5 is more about quantitative and qualitative ex ante information, while Article 9.7 is about methodologies and procedures of looking at existing financial flows. He noted a tendency to mix the two and said they should be kept separate in discussions.

Müller invited participants to discuss the proposal for a replenishment cycle for the climate funds. He said it does not matter whether it is a common replenishment cycle or a separate one for each fund, although the former is probably more efficient. The smaller funds have an important role in dealing with micro-projects, he said, while the GCF could deal with larger programmes. He noted that the Adaptation Fund is a voluntary fund, relying entirely on voluntary contributions, which is not sustainable in the long term.

A developed country participant asked if the discussion on the replenishment process is linked to the Katowice outcome, or a broader academic question. She was unclear on how having a replenishment cycle would change the incentive for countries to contribute to the different funds, saying the discussion is linked to the new collective goal, and should take place later, closer to the 2025 deadline.

Müller said the GCF is more attractive to most contributors, with the possibility that the other funds may be left high and dry.

A developed country participant said after the damage done by the last GCF Board meeting, he was not sure the GCF would be a favoured fund for contributors, and the GCF has major policy issues to deal with before it can expect a replenishment. He felt a replenishment process for a voluntary fund is a contradiction in terms, and the idea is not practicable because the different funds have different replenishment cycles. However, guidance should be provided on the role of each of the funds to create a more coherent financial mechanism, like the two-year framework of programme priorities given by the Convention on Biological Diversity (CBD) to the GEF. He agreed that the GCF could be a “fund of funds”, providing funds, for instance, to the Adaptation Fund.

Müller noted that the LDC Fund and Special Climate Change Fund cannot currently be accredited to the GCF, because they are under the GEF, which is not an independent legal entity. This can be changed by parties, however. Unless the financial mechanism is rationalised, he felt, the GCF will become a bottleneck like the Executive Board of the Clean Development Mechanism (CDM) in its early days.

A developing country participant narrated his experience on the CDM Executive Board, saying the Board tried to assess proposals by itself in the early days, when the Kyoto Protocol was not operational and funds were not available. This became problematic because the CDM dealt with over 80,000 projects. Under his chairmanship in 2006, more funds became available, and he tasked the secretariat to assess projects. In addition, technical experts were asked to assess the projects. If the secretariat and the technical experts agreed on the sustainability of a project, it was passed without coming to the Board. If they disagreed in their assessment, the Board would step in. He felt the current model of the GCF, where Board members play a key role in passing projects, is unsustainable and said they were repeating mistakes that had already been made in the past rather than learning from them.

A developed country participant agreed that it is important to differentiate between the political and academic part of the discussion, saying it is not on the mandate for COP24. She felt the timing is wrong to discuss the idea, and said there are many questions to be answered, such as the differences in replenishment processes/cycles for the funds and the role of other financial institutions such as MDBs.

In conclusion, Müller urged a “can do” attitude, saying these problems will have to be addressed for the viability of the GCF and the financial mechanism of the UNFCCC.

LINKAGES BETWEEN ARTICLES OF THE PARIS AGREEMENT

This session started with a [presentation](#) by Manjeet Dhakal, based on a draft ecbi policy brief by Ian Fry and Dhakal, exploring the links between major elements of the Paris Agreement and identifying missing links.

Dhakal noted the Paris Agreement is a complex set of linking elements, with the linkages varying based on their nature and context. Such linkages could be direct, inferred, conceptual, institutional, or at a group level. Noting that he would explore only some of the linkages in more detail in his presentation, Dhakal listed the following **direct linkages**:

- NDCs
- Market and non-market mechanisms
- Adaptation action and communication
- Finance
- Technology development and transfer
- Capacity building

- Transparency framework
- Global stocktake
- Compliance mechanism

He listed the following **conceptual linkages**:

- Temperature goal
- Gender equality
- Common but differentiated responsibilities & respective capabilities
- Human rights
- Integrity of all ecosystems

The following **inferred linkages** were listed:

- Sinks and reservoirs, including forests
- Loss and damage

The following **institutional linkages** were highlighted:

- UNFCCC
- Kyoto Protocol
- UN institutions and specialised agencies, such as UN agencies working on displacement mentioned in Article 8.
- IPCC

Collective group linkages include:

- Developing country parties, especially those that are particularly vulnerable
- LDCs and SIDS
- Local communities and Indigenous Peoples

Dhakal pointed to the conceptual link of the temperature goal in the first instance, saying it is a point of reference for the entire Agreement, and a clear pivotal point for the development of NDCs and the need to reach a global peaking of greenhouse gases. He said the goal creates a basis for the Talanoa Dialogue for the reconsideration of NDCs prior to 2020, and is a reference point for the adaptation goal established in Article 7. Moreover, Article 14 on the global stocktake states that its purpose is to take stock of the implementation of the Agreement and to assess the collective progress towards achieving the purpose of the Agreement and its long-term goals.

Moving on to discuss the direct linkage of the NDCs, he said Article 4 focuses on mitigation efforts linked with the global temperature goal. He noted ambiguity on what is meant by NDCs, and on whether an absolute emission reduction target includes removals, though there are no explicit linkages to forests (Article 5). He said the NDCs explain the roles of developed and developing countries; and include a complicated concept relating to mitigation co-benefits resulting from adaptation actions.

On market and non-market mechanisms in Article 6, Dhakal noted clear links between two institutional arrangements in Article 6.2 and Article 6.4 and to mitigation outcomes within NDCs; while he said the framework for non-market approaches (Article 6.8) makes reference to mitigation and adaptation ambition, and to enhanced public and private sector participation in the implementation of NDCs. However, despite

these links, there is no reference to Article 6 institutional arrangements in the transparency framework, although the indirect linkage to NDCs could be said to create this link.

Dhakal said Article 13 on transparency is the most connected Article and relates to reporting and reviewing. There are links to: the overall goal in Article 2; clarity and tracking of NDCs and adaptation actions; clarity on support provided and received in relation to Articles 4 (NDCs), 7 (adaptation), 9 (finance), 10 (technology) and 11 (capacity building); information to track progress of NDCs; information on climate change impacts and adaptation; MPGs for transparency of action and support; “transparency-related capacity” of developing country parties; and information for the global stocktake. In addition, there are direct and indirect links to institutional arrangements in other Articles of the Agreement, including the technical expert review (TER) and facilitative, multilateral consideration of progress (FMCP).

He then described links within Article 4, 6, and 13 that need to be further clarified, listing:

- How to ensure “double counting” is avoided on the basis of a corresponding adjustment by parties for both anthropogenic emissions by sources and removals by sinks covered by their NDCs?
- How to ensure accounting guidance facilitates clarity and transparency of tracking progress made by individual countries in implementing and achieving NDCs, taking into account provisions in Article 4 and 13, including review of information related to Article 6 activities?
- How to sequence the timing of 4 NDCs submitted as ex-ante information, with Article 13 tracking of progress, and countries engaging in implementing Article 6 provisions? How will the accounting balance be covered?

On adaptation action and communications, he noted links between adaptation and mitigation through the concept that more mitigation action will make less adaptation necessary. The global adaptation goal is linked to the overall goal of the Agreement, and there is an option for adaptation communications to be incorporated with an NDC, although there is no reference to how frequently the adaptation communication will be communicated if they are not part of the NDCs. In addition, links to finance, technology transfer, and capacity building are defined within the context of “*continuous and enhanced international support*”. There is a continuation of existing obligations for developed countries under the Convention to provide financial resources (Article 9.1), and the transparency framework and global stocktake are back referenced. The transparency framework, while not referred to directly in Article 7, back references to adaptation actions under Article 7, including good practices, priorities, needs and gaps, which then is intended to inform the global stocktake. It also back references adaptation actions with respect to providing clarity on support provided and received. What is not linked, however, is how backward-looking information on adaptation reporting relates with the adaptation communications (forward looking); and how it relates to the transparency framework and inputs to the global stocktake. The transparency framework also requires reporting on impacts and adaptation. This tends to imply that adaptation communications should have both a backward-looking and forward-looking component.

On finance, Dhakal said the overall goal of the Agreement is obliquely referred to in the finance Article. While there are processes to review support provided and mobilised (Article 9.7) and information on support needed and received (Article 13.10), he said, there doesn’t appear to be a process whereby these two sets of information can be matched up. The information on support needed and received is not part of the technical expert review (TER), so it is not clear how these two will be linked. He noted a disjointed reference to developed country parties being required to biennially communicate indicative quantitative and qualitative information relating to support in Article 9.5; and a direct reference to other sections of the Agreement, stipulated with respect to the need for the global stocktake to take into account the relevant information by developed country parties and/or Agreement bodies on efforts related to climate finance. Finally, the overall

goal of the Agreement is obliquely referred to in the finance chapter with respect to a “global effort” by developed country parties to take the lead in mobilising climate finance.

Dhakal summarised the following gaps in linkages related to climate finance:

- How the information provided on support provided and mobilised by developed countries (Article 9.7) is linked/matched up to information on support needed and received by developing countries (Article 13.10)?
- How to manage the disjointed reference to the provision for developed country parties to biennially communicate indicative quantitative and qualitative information relating to support (Article 9.5)?
- How should the finance-related information processed under the transparency framework feed into global stocktake (Article 14)?

Moving on to linkages related to loss and damage, Dhakal said Article 8 was agreed during the final hours in Paris, and therefore there was no time left to develop linkages with other elements of the Agreement. However, there are linkages in other Articles – for instance, the reference to action and support with respect to loss and damage in Article 8.3 creates an inferred link with other Articles. There is overlapping language in both Article 7 and Article 8 referring to “early warning systems”. He asked how the provisions of Article 8 can be operationalised, building on linkages with the global stocktake (Article 14) and the transparency framework (Article 13).

Finally, Dhakal discussed the global stocktake, saying it is a collective assessment of the whole Agreement. While Article 14 on the stocktake does not make specific linkages to other Articles of the Agreement, there are back references and many links revolve around the stocktake. For instance:

- NDCs are to be communicated every five years and these need to be informed by the outcomes of the global stocktake.
- The global stocktake is required to recognise adaptation efforts of developing country parties and enhance the implementation of adaptation action.

The global stocktake has to take into account relevant information provided by developed country parties and/or Agreement bodies on efforts related to climate finance. The link between the global stocktake and Agreement bodies includes all the institutions established under the Convention and subsequently linked to the Agreement. This is evidenced by the wording calling on parties to “*take stock of the implementation of this Agreement to assess collective progress towards achieving the purpose of this Agreement and its long-term goals...*”.

In conclusion, Dhakal said many of the linkages in the Paris Agreement revolve around the transparency framework, which then feeds into the global stocktake, to serve as a means of encouraging and cajoling more concrete action. Proposing ways to address the interlinkages, he said:

- The overall structure of the COP24 outcome could be an opportunity to address interlinkages without losing sight of elements that are directly linked (for instance, through a single comprehensive decision or overarching decision discussed earlier).
- Linkages can be taken as an opportunity to bring together various elements and have a centralised discussion, which can then feedback to respective elements. For instance, a joint session on agenda items 4 and 5 of the Ad hoc Working Group on the Paris Agreement (APA) took place in the previous session.
- Parties could agree to advance discussions in one place for elements that have multiple linkages, with an understanding to appropriately place the outcome of the discussion. This could also help to use

available time efficiently. For instance, modalities for the accounting of financial resources provided and mobilised is being discussed by SBSTA and under APA agenda item 5. It has been proposed that the item could be discussed in SBSTA, and the outcome fed into the APA discussion.

Dhakal concluded by saying that linkages should not delay decision-making, but serve as catalyst for progress.

Providing a response, Ana Cristina da Silva Carreiras said first and foremost, the mandate of the Paris Agreement should be followed. She felt linkages can be addressed through consistency checks by parties themselves, facilitators, presiding officers, COP presidencies and the secretariat. She emphasised the need to avoid procedural debates on how to address the linkages, while noting that a workshop on interlinkages is already planned on 3 September in Bangkok, although it is likely that will be high-level discussion that will not go into every detail. Urging pragmatism, she said substantive linkages are being dealt with in the rooms, and further discussion or contact groups are not needed. She acknowledged some procedural linkages that need to be discussed further, for instance between transparency and Article 15 on compliance, and between adaptation and transparency. There is no clear decision on whether adaptation communications should be part of NDCs, she said. If countries decide to include them in NDCs as a voluntary choice, then they should report on the basis of what they presented – this is country-specific and cannot be dealt with through a single formula. She urged using opportunities like the September workshop, communicating better with presiding officers, and moving forward while avoiding complexity and procedural debates.

In a brief session on questions for clarity, a developed country participant said that in a dynamic agreement like the Paris Agreement, there are several pieces that will interact over time, and take on a life of their own in five or ten years. Secondly, there are a number of policy choices that parties will need to make, to make the different pieces work together. And third, there are purely procedural decisions to be made on where and how we take decisions, while making sure we use time efficiently. He said there is very little time in Bangkok and Katowice, and pragmatic ways will be needed to handle the linkages, while avoiding delays in decision-making.

A developing country participant pointed to the “grand overarching linkage” of sustainable development and poverty eradication, and equity in all elements.

Another developing country participant advised caution on oversimplifying linkages, for instance by implying that more mitigation will mean less adaptation, as this may not always be the case. Linkages like these could create challenges in advancing work, he felt.

During a small group discussion chaired by ecbi Co-Chair Tosi Mpanu-Mpanu, participants continued to discuss ways to address linkages. A developing country participant said addressing linkages merely by moving the conversation from one room to the other may not always work. For instance, she said, while the negotiators working on compliance have flagged a link between compliance and transparency, no one cares in the transparency room.

A developing country participant agreed that the discussion on linkages is not another area of negotiation, but about overall clarity on the PAWP outcome. Some of the linkages like the one between the transparency framework and global stocktake are obvious, he said, but others, like those between adaptation and transparency for instance, need substantive discussion.

Another developing country participant said during the Kyoto Protocol negotiations, when linkages were observed between items, the groups met informally to solve the problem. He felt it is important to prioritise key linkages and know where they will be resolved, perhaps through a discussion between the co-facilitators.

A developed country participant said the linkages between transparency and compliance illustrate that they need to be dealt with under each and every item, and urged for effective use of time in Bangkok, including use of informal spaces.

A developing country participant said the mitigation and adaptation registries, mentioned in Articles 4.12 and 7.12 respectively, are separate and distinct and should not be linked – one comes down to carbon tonnes and the other is about vulnerability and resilience.

In this context, Mpanu-Mpanu asked whether, given the overall call for balance, it will be possible to advance on one registry and not the other. A developing country participant said progress will be needed on both and agreed that they should be kept separate.

A developing country participant said prioritising the linkages may not be an option at this late stage, as that discussion could turn political and lead to delays. He felt it would be best to be led by the co-facilitators in dealing with linkages.

A developed country participant felt joint sessions may not result in tangible results and also favoured asking the co-facilitators to meet and resolve linkages in a transparent manner. She urged keeping things simple on issues like the linkages between the transparency framework and global stocktake, saying the information from the transparency framework will simply need to be compiled by someone, usually the secretariat, and fed into the global stocktake. She said linkages should not take on a life of their own.

A developing country participant said that while the links between the transparency framework and global stocktake may be simpler to address, others like the implications of the common timeframes on accounting and Article 6 are more complex but need to be addressed. He asked what expectations are from the September workshop on interlinkages, and how it could be made more useful.

Another developing country participant said one approach may not fit all the linkages. He asked the SBSTA Chair how the interlinkages workshop will be structured, and also asked if it will be possible to have a discussion in Bangkok on the final structure of the outcome.

A developing country participant recommended prioritising linkages on the basis of what will be essential for implementation. She urged progress on issues such as finance needed and received, which could hold up the outcome; and said some linkages can be addressed through sequencing – for instance, the information to facilitate clarity, transparency and understanding (ICTU) and transparency guidelines on NDCs. Other linkages, like the links between the TER and Article 15 on compliance could be discussed later, she said, as long as the link is acknowledged.

A developing country participant agreed that identifying overlaps would be a good start. He said some of these overlaps can be objectively addressed, while others, like the links between Article 13 and 15, may be political. He agreed that a sequencing exercise is needed for a reasonable result.

A developing country participant urged efforts to make the workshop on interlinkages effective to avoid a general outcome, including through a clear role for the co-facilitators to highlight linkages that need to be addressed to move things forward.

A developed country participant agreed that joint sessions are unlikely to resolve linkages, and ways should be sought to make the interlinkages workshop effective rather than an abstract discussion. She also felt that

some of the negotiation groups were very protective of their negotiation and losing sight of the full picture. On adaptation, she said the intention was not to create an additional burden but provide flexibility.

A developing country participant felt is naïve to think the negotiations on all items will be completed on time, and it is time to think about what outcomes are possible at COP24, and what can be dealt with later, along with a reassurance that they will be addressed in the future.

A developed country participant noted four categories of linkages: those that can be solved by editing by presiding officers; those solved by presiding officers and others informing progress in other rooms; those solved by the mandate of the Paris outcome; and those that need joint conversations. He noted the focus of the discussion on linkages between adaptation and transparency, and transparency and compliance.

A developing country participant said a useful outcome of the workshop will be the identification of linkages that need to be resolved at the strategic level.

A developed country participant said the format and structure of the workshop have not yet been finalised. He highlighted the shortage of time left for the negotiations, warning that a prioritisation exercise could lead to a never-ending debate.

In conclusion, Dhakal agreed that it would be useful if the linkages workshop could agree a list of linkages that should be addressed.

TRANSPARENCY

This session started with a **presentation** by Tshewang Dorji, also on behalf of Xian Gao.

Dorji presented an overview of transparency. He noted that the mandate for negotiation, in §91 of the Paris outcome, requests the APA to “*develop recommendations for modalities, procedures and guidelines*”, and to “*define the year of their first and subsequent review and update, as appropriate, at regular intervals*” for consideration by COP24, with a view to forwarding them to CMA1 for consideration and adoption.

He said the transparency framework under the Paris outcome has two different sets of requirements for developed and developing countries. Developing countries have a different starting point, and flexibility to work towards the ideal transparency framework. One way to operationalise this flexibility and reduce the burden for developing countries would be to allow developing countries to report on the basis of their capacity, and to submit the biennial update reports (BURs) and national communications in conjunction. For developed countries, the technical expert review (TER) process could be conducted at the same time.

Dorji highlighted three questions with regard to operationalising flexibility for developing country: what elements of the framework are flexible, and what type of flexibility is offered; who can take advantage of flexibility; and when (for how long the flexibility should apply). He noted that these three elements will need to be balanced.

He also called on participants to consider how to “*build on*” existing requirements for measuring, reporting and verification (MRV) under the UNFCCC and Kyoto Protocol, as called for in the Paris Agreement. In this context, he listed the following specific questions:

- What does “build on” mean?

- What are the existing bifurcated MRV arrangements?
- Do those rationales for bifurcation still stand in the post-2020 era?
- Is it necessary to continue with a bifurcated system under the transparency framework?

Finally, he called on participants to consider the timing for reporting to begin under the Paris Agreement, and the sunset clause for previous MRV arrangements written into §98 of Decision 1/CP.21.

Providing a response, Carreiras said the Paris Agreement agrees a common set of guidelines applicable to all parties, and although flexibilities are offered for developing countries, it is in the interest of all parties to eventually move towards common guidelines. She noted that it was agreed that parties will keep at least their existing level of reporting, but some parties that have the capacity should do more. The flexibilities will come in on an element-by-element basis, she said, and as stated in the Paris outcome, they will be based on scope, frequency, and level of detail. It will be up to an individual party, in the first instance, to determine if it needs flexibility, based on its capacities. If a party seeks flexibility, it should be able to describe why this was not possible. The information will go through a TER, she said, which is itself a capacity building exercise, as the technical team can help the party to determine its capacity needs. Gradually, the efforts of parties will progress towards convergence to standard report in the long term. The system will continuously improve itself, while taking into account the capacities of parties. At the same time, she concluded, it will be important to consider the capacity building needs of parties, and how they can be addressed to reduce the need for flexibility over time.

In a brief session of questions for clarity, a developing country participant said the sunset clause is very clear about what decision will be superseded by the transparency framework, and his country would not like to see backsliding of commitments under the Convention.

Another developing country participant said the reporting requirements are not altogether new and developing countries have been reporting from the beginning of the Convention through national communications and inventories, with the process improving progressively. The BURs also encompass the concept of stating the reasons for flexibility. He urged that the discussion go forward with trust and good will, and the recognition that technical teams do the best they can.

Müller said one outcome on the discussion on flexibility and differentiation during the Colloquium earlier in the week was that there are common elements of reporting that all parties have to do, and others that need flexibility and capacity building. Instead of defining categories and annexes for each and every flexibility, he said, one could recognise that parties participate in good faith. If parties cannot deliver on a non-essential reporting item, they say why, and how it can be addressed in future.

In a small group discussion chaired by Mpanu-Mpanu, participants discussed the option of all countries aspiring to achieve the “gold standard”, but with some flexibility for those who lack the capacity to build it over time, without any fixed annexes or lists for differentiation.

A developing country participant said countries should continue what they are doing, and attempt to do better with regard to elements like frequency and detail of reporting, with no backsliding, and with at least a minimum core of information required for all countries.

A developed country participant said the transparency section starts with a reference to trust building, and recognition that all countries are engaging in good faith. He said his understanding was also that all countries should provide information to the best of their capacities, there should be no backsliding, and countries should

progress over time towards a common framework, without trying to lock in differentiation. He noted that currently there are some countries with sufficient capacity providing reports with insufficient detail, while others with low capacity were providing more detailed reports. He felt an honest conversation, like in the Talanoa Dialogue, may be useful, where countries could explain what problems they face in reporting, so these can be addressed.

Another developed country participant said the EU would like a common system applicable to all parties, but it was agreed in the Paris Agreement that flexibility should be provided to parties who need it, and all parties should achieve convergence over time. She said flexibilities could be on an element-by-element basis, and on scope, frequency, and level of detail. The gaps and needs could be addressed through the TERs so there is improvement the next time round. She agreed that it would be in the interest of everyone, including the party, to know where they stand and improve over time.

Mpanu-Mpanu asked for more clarity on “over time”. The developed country participant said different countries will have different speeds, but it is difficult to put a number on the years.

A developing country participant narrated her recent experience at a transparency workshop, where national experts on reporting for both the National Communications and the BURs were invited. She said the experts were very committed to understanding how they can achieve the gold standard, even if the technology and other requirements to fulfil all requirements was not yet available. There was eyebrow raising for some elements of adaptation, loss and damage and even mitigation, because while we would like to report on those, not enough information is available. She felt the transparency framework should be seen as providing trust, confidence, and capacity building as an iterative process to help countries overcome current gaps in reporting.

A developing country participant noted a high level of convergence between developing countries and the EU on this topic, saying the reference to a “common system” in the Paris Agreement was supported by developing countries in their own self-interest, because they would all like to improve their systems. In the past, he said, there were no incentives or support for developing countries to improve their systems – the onus was entirely on them. Once the Capacity Building Initiative on Transparency (CBIT) was agreed, developing countries saw the possibility to achieve the capacity they would like to achieve in their own interest. He noted that there were already “common” elements in the current system, and in the new system, there would be one set of guidelines for all parties with flexibilities to improve over time. He said there is no attempt to “lock in differentiation” by the developing countries – this issue was solved in Paris – but just to operationalise the flexibility that was agreed.

Another developing country participant agreed that only the language already agreed in the Article should be used. If everyone agrees that there should be flexibility for all countries to evolve, without backsliding, to the gold standard, he said he is not sure what the disagreement is about. He asked for clarity on whether the disagreement is on what the gold standard should be; or a fear that all developing countries will self-select low ambition.

A developed country participant said transparency serves a purpose, helping countries track progress nationally. She asked if the problem is a failure to articulate that it is in the interest of all to make sure that they have better tools for tracking.

A developing country participant said the reference to a “gold standard” made him nervous. First, he said, it is not only an issue of greenhouse gas inventories – transparency also includes reporting on policy solutions implemented at the national level, and countries do not want to be questioned on their domestic choices.

Second, he said, the focus of a country's reporting would depend on their priorities and actions identified in their NDCs. Third, he felt it would be a mistake to assume that the "gold standard" is in developed countries and that is what all developing country parties should aspire to. While in some cases reporting from a developing country such as his is more detailed than reporting from a developed country, there is also the issue of reporting on finance, on which developed countries will have to improve over time. He felt it is not only improvements on reporting by the developing countries that will set the tone for the evolution of the system – the whole system will have to evolve over time on all three elements of transparency (mitigation, finance, and adaptation). Finally, he said, flexibility for reporting adaptation should not be a concern since parties can choose whether they would like to include adaptation for scrutiny by the transparency framework or not.

Another developing country participant agreed, saying the ideal scenario is the most complete, up-to-date data for policy making, but that is continually changing, and so the system needs to continue to evolve. He said it is in the interest of everyone to have continually better data – for instance, it will be impossible for countries to participate in markets if their data is not reliable. He highlighted the importance of a good TERs for all countries, saying the process has been inadequate in the past for the BURs for developing countries; and the use of software to automate a lot of the work.

A developing country participant, agreeing with the previous two interventions, said while there is agreement on countries self-selecting elements of flexibility, more clarity is needed on what that means in terms of flexibility of scope, frequency, and level of detail. Also, she said there is no clear language to capture those areas of agreement. Finally, she asked for clarity on the link between the transparency system and the capacity building system, saying there are many issues that are not being spoken about in the transparency room – such as the scarcity of Expert Review Teams (ERTs), and the fact that they are not permanent. She said it is impossible to get the same team together the second time to understand the reports prepared under the guidance of an earlier team. She sought clarity on the issue of how these shortcomings will be addressed in the new system. Once a party's capacity needs are identified by a review team, she asked, how would it move into a capacity building process? Will there be a link with Article 15 on compliance? Although a capacity building mechanism is in place, it is not clear how this move will take place. Once a country makes that move, how will the capacity building process be monitored?

A developed country participant said the key point that needs to be resolved is how to operationalise flexibility. This includes whether the flexibility available to SIDS and LDCs, specially referenced in the Article, is the same as that offered to all developing countries, or more? What is the value of the reference if there is no additional flexibility? Is there flexibility in the review process, and if so what does it look like? How do we monitor progress? How much information should a country provide on its capacity gap when seeking flexibility?

A developed country participant said on the link with capacity building, one idea could be to draw up an improvement plan when the ERTs are working with national teams. The CBIT could then track progress. A tricky part however, she noted, will be to decide when the activities under Article 13 are exhausted and have to be picked up under the Article 15 compliance mechanism. She proposed that this could be if a party has the ability to address its capacity building needs but does not do so in the next cycle of reporting.

A developing country participant said creative ways need to be found, without creating a system that is like a headmaster dealing with school children.

COLLECTIVE QUANTIFIED GOAL FOR CLIMATE FINANCE

This session started with a **presentation** by Müller. He said in §53 of Decision 1/CP.21 it was decided that: “...in accordance with Article 9.3, developed countries intend to continue their existing collective mobilization goal through 2025 in the context of meaningful mitigation actions and transparency on implementation; prior to 2025 the CMA shall set a new collective quantified goal from a floor of USD 100 billion per year, taking into account the needs and priorities of developing countries”.

However, he felt that a vague collective quantified goal, without agreement on what it will include, is a recipe for “mutually assured unhappiness”.

To illustrate his point, Müller presented the history of the goal to provide US\$ 100 billion annually by 2020. He said Hillary Clinton, then US Secretary of State, is often credited with having introduced the US\$ 100 billion figure during the negotiations in Copenhagen, on 17 December 2009, announcing that “*this funding will come from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources of finance*”. However, Müller said, the origin of the US\$ 100 billion figure was a speech by former UK Prime Minister Gordon Brown in London Zoo on 26 June 2009, on the roadmap to Copenhagen. Brown proposed a new international partnership on public finance for climate change governed by four principles: equity of contribution and allocation; additionality; predictability; and shared governance.

Müller said Brown defined equity of contribution and allocation in the following terms in his speech:

- Leading developing countries “*can also make a contribution to the actions taken by the least developed*”.
- *Finance for adaptation should go to the poorest and most vulnerable countries, while monies for mitigation should go to countries on the basis of cost-effective emissions reductions.*

He defined additionality as referring to a ceiling on ODA:

- “*In the UK we will limit such expenditure to up to 10% of our official development assistance. And we will work towards this limit being agreed internationally.*”

Brown defined shared governance in the following terms:

- “*We must move from a project focus to one which helps developing countries transform their economies and societies as a whole.*”
- “*Critically, such institutional reform needs to shift the balance of power in current governance structures. Developing countries need a stronger voice. And we need a country-led approach where finance is delivered in support of nationally-determined plans.*”

Predictability was defined in the following terms:

- “*Tackling climate change requires long-term investment, whether in mitigation or adaptation. Developing countries need to be able to plan and implement their low carbon and climate resilient development programmes in the knowledge that there will be finance for them. That requires predictable and adequate long-term financial flows.*”
- “*So the British government would be willing to support an international mechanism for the setting aside and auctioning of a small percentage of national emissions allowances, as Norway has proposed. Where countries do not feel able to participate in such a scheme, we would want to see comparable domestic legislation to provide predictable and adequate finance.*”
- “*And I believe we should also explore other potential means of raising finance internationally. For example,*

it is important that aviation and maritime emissions are brought into the Copenhagen agreement, and the mechanisms for reducing emissions in these sectors could also potentially yield revenues for climate financing.”

Müller said Brown believed the mechanisms he set out, based on a combination of the carbon market, new and additional sources of predictable finance and a limited amount of development aid, were capable of raising at least the US\$ 100 billion, and this was a credible number against which countries to develop their plans. Müller then analysed how Brown came up with the US\$ 100 billion figure.

He said the Norwegian proposal called for withholding and auctioning, at the international level, a small portion from national quota allocations. According to Müller’s calculations, 2% of the 1990 Annex 1 emissions, at the 2008 carbon price could yield US\$ 14 billion. 2% of 2020 Annex I emissions, at 30% of the carbon price of US\$ 100/tonne, could yield US\$ 23.2 billion.

Moving on to other “*new and additional sources of predictable finance*”, Müller considered the International Air Passenger Adaptation Levy (IAPAL) proposed by LDCs in 2008, and the International Maritime Emission Reduction Scheme (IMERS) proposed around the same time. He said on an average levy of €/ \$ 5 per ticket, the IAPAL would generate around €/ \$ 10 billion per annum. A 2% levy, assuming an average ticket price of €/ \$ 200/500, would generate €/ \$ 7.6/19 billion annually. IMERS was estimated to generate US\$ 4 billion per annum.

Based on figures from OECD-DAC, “*a limited amount of development aid*” or around 10% of the US\$114 billion ODA in 2008, would generate US\$ 11 billion.

Adding these figures, Müller arrived at a total of US\$ 36 billion. Along with the US\$ 41 billion estimated to flow through bilateral and other sources in 2013-2014, he said, the total could have come close to the US\$ 100 billion promised, without counting private sector contributions.

Müller then proposed that in future, any collective quantified goal should focus only on what can be measured. He noted challenges in defining which parts of private sector finance should count as climate finance, in particular, but also public-sector loan elements. To avoid a situation in the future where a collective goal is agreed without a clear metric on how to measure progress, he said these uncertain elements should not be counted toward the goal.

Providing a response, Peitz said the informal discussion was helpful in understanding that a discussion on the goal was not being proposed as part of the PAWP outcome, but as an enabler in the process. She said it is important to think of the goal in the context the global effort, and in general terms any discussion on the future needs to be in the context of capacities and involvement of non-traditional donors and contributors. She further said that the goal needs to be seen in the context of transformational financial flows; and the more information is available, the more relevant the discussion can be. She noted that the discussion gives rise to issue of principles on a number of issues including channels, scale, process, contributors, and sources, among others. She referred to the Petersburg Climate Dialogue in May 2017, saying the messages from the Dialogue represented consensus from many ministers, including on private finance. She said a priority is to ensure access, including by improving the governance of MDBs, and the discussion on the quantified goal will be an opportunity to look at, and change, the bigger picture.

In the group discussion that followed, Müller said some issues are important even if they are not priorities for Bangkok or Katowice. He reiterated the problems caused by mixing public and private sector flows, and the need for a public sector “sub-target”.

A developing country participant said assurance is necessary on the goal, and it was not reassuring to simply hear that the goal is already referred to in a paragraph of the Paris decision. He emphasised the lack of experience in setting such a goal, and said it could be a highly complicated process that takes time. He said the information to take a decision is not yet available, and a technical process could be created to collect that information, to ensure a better climate finance landscape in future.

Müller emphasised that Brown did not simply refer to “a variety of sources” but included concrete examples. He said the discussion is not only about a figure, but also on how to raise finance over and above budgetary contributions.

A developing country participant said it is unacceptable not to have any progress on this area, especially since the expectation was not agreement on a number but only a positive signal that the issue will be addressed in a comprehensive manner, avoiding the mistakes made with the blurry US\$ 100 billion figure. He noted the importance of this information for developing countries to set their ambition on addressing the mitigation and adaptation goals, saying this will not be possible without an indication on the finance that will be available.

Reflecting on his experience with other multilateral agreements, a developed country participant said two needs assessments were carried out for the CBD, and they were huge exercises with lots of uncertainty and margins of error. The first assessment pegged needs at US\$ 6.5 billion, and the second at US\$ 4 billion. By contrast, the entire replenishment agreed for the GEF in April 2018 was US\$ 4.1 billion, with US\$ 1.3 million for biodiversity. For the Stockholm Convention on Persistent Organic Pollutants, he said, a similar assessment was done on the basis of National Implementation Plans, and the result was four to five times what the GEF could spend. In the Montreal Protocol, meanwhile the Technology and Economic Assessment Panel produces a report every three years proposing the replenishment for the Multilateral Fund. The number they propose is followed by a negotiation, and every time, there is money left over at the end. He asked what technical process was needed for climate finance, saying it is not rocket science, but just data gathering and screening for precision. Starting this assessment too soon would mean that it is not accurate when the time comes, he felt, so the process should not start now, but perhaps in two years, as it would take a maximum of one to two years to complete.

Müller said a needs assessment alone will not suffice for climate change, as adequate funds are unlikely to be available from the international level. He said while the actual figure may not be needed before 2024, the process has to be acceptable and clear to all, and is likely to be much more complicated than the process for the Montreal Protocol, as getting the measurement tools right will take time.

The developed country participant added that information from the transparency measures will be available later to feed into the assessment.

Müller responded that a transparency system cannot work without knowing what to measure.

The developed country participant said if that includes what an NDC is and what are the limitations for it, then he agreed, but this wouldn't be associated with the long-term goal.

Müller said a needs assessment will be followed by a hefty political discussion, and as all needs will not be met by international finance, a methodology will be needed to determine the share that will be covered. This will have to be a meaningful goal, that can be measured properly. A discussion will then be needed on increments. Meanwhile, he said, figuring out the needs of the financial mechanism will need a different, easier process,

determined through programming scenarios. A discussion based on the needs of the funds is more easily incorporated into the discussion at this stage, he felt.

Peitz said there won't be much time in Bangkok to spend on this discussion. She noted differences in what assurances were being sought, saying some participants want a start date, some want a process, and others want reassurance that it will be in the COP decision. She said she was not clear on what process was needed, and felt it would not be helpful for implementation of the NDCs to only discuss public sector finance.

Müller said there could be a mixed goal for private and public sector, with a sub-target for a public sector goal. He said a body like the SCF could have a programme to work on this, so the issue would not have to stay at the negotiating level.

A developing country participant noted that the Inter-American Development Bank had done a national needs assessment for his country for climate change and come up with a figure of US\$ 900 billion. Others could do similar studies for other countries, developing a common methodology.

A developed country participant said that, based on her experience, such a methodology for mitigation and adaptation cannot be light-touch, and cannot be done for financial needs alone, but has to be done in the context of impacts, sustainable development options, and opportunities for investments.

A developed country participant said it will be impossible to deliver Article 2.1(c) without including the private sector.

A developing country participant said the public sector has to get things right to be taken seriously by the private sector, and the two are not exclusive.

A developed country participant said it is in the interest of all countries to have a better target. He felt it would be a good time to get more clarity on assessing needs, and on the collective target we want to define by 2025. This target may not be enough to cover all needs, so a transformation of private sector flows will be necessary.

Another developed country participant said it is unrealistic to expect that there will be finance for all the needs put forward, and prioritisation will be necessary, along with a consideration of the portion of the needs that will be paid for, which in some cases may be 100%.

A developed country participant said both immediate needs to implement NDCs, and national needs assessments will be needed, along with a strategy on how to meet the costs.

Müller said another parameter that will have to be considered to make the architecture work at scale is what the throughput of the GCF should be per annum, if it works at scale.

A developed country participant said the GCF has to deal with many challenges, including accredited entities presenting business as usual projects, and it will be tricky to reshape their approach.

A developed country participant said public sector finance can have a tremendous leveraging effect.

A developed country participant said the new quantified goal could also be a fresh opportunity to do things better and more efficiently, including in the subsidiary bodies, to avoid an overloaded agenda.

A developing country participant said the public and private sector are two sides of the coin, with profit as the main driver for the private sector. In the Montreal Protocol, the public provided incentives for private sector by creating income generation activities.

Müller said careful consideration will also be needed of what it means to “mobilise” private sector funding.

TALANOA DIALOGUE

This session started with a **presentation** by Achala Abeysinghe, International Institute for Environment and Development (IIED), focused on COP24 outputs from the Talanoa Dialogue, and links to the global stocktake.

Abeysinghe noted that this important element of the Paris Agreement’s ambition mechanism aims to take stock of collective efforts towards the long-term goal in Article 4.1 and inform new/updated NDCs. The Dialogue is an important precursor to the global stocktakes, she said, and can be reasonably expected to inform future global stocktakes, although its main focus is on mitigation while future global stocktakes will have a broader focus. The form and content of the outcomes of the Dialogue will be critical in providing guidance and precedent to the global stocktakes. Given the bottom-up nature of NDCs, Abeysinghe said the outcomes of the Dialogue are critically important.

Describing the Talanoa Dialogue process, she noted the three questions that the Dialogue is aimed to address: where are we now; where do we need to be; and how do we get there. The preparatory phase of the Dialogue, which is taking place through 2018 until the political phase begins at COP24, includes:

- submissions by parties and non-party stakeholders;
- a dialogue during the May 2018 session of the Subsidiary Bodies, including a summary by the COP Presidency.
- the IPCC 1.5°C special report, due in October 2018;
- a Technical Examination Process; and
- local, national, regional and global discussions.

She said a synthesis report of the preparatory phase will be produced by the Presidencies of COP23 and 24, to serve as the main input for the political phase.

Describing the Talanoa Dialogue sessions during the meeting of the Subsidiary Bodies in May 2018 in Bonn, Abeysinghe said almost 500 stories were narrated by participants, in addition to 220 written inputs provided online. She summarised the inputs, saying in response to the question of “where we are”, participants noted that carbon dioxide levels have surpassed 400 ppm. In the current scenario, global average temperatures will rise by 3-3.2°C by 2100, and climate impacts are already intensifying, particularly for most vulnerable communities. On a more positive note, she said, progress is visible on renewable technologies, and actions are increasing on the sub-national level.

On the question of “where do we want to go”, the outcomes confirmed the 1.5°C temperature goal and emphasised pre-2020 action, Abeysinghe said. Stories painted a vision for moving in solidarity towards a sustainable and prosperous future.

On “how do we get there”, Abeysinghe said contributors to the Dialogue call for: urgently increasing the scale and pace of climate action and support; greater cooperation, particularly financial, between countries and between stakeholders within countries; and more action and ambition, right now.

Abeyasinghe said an important next step for preparatory phase will be full consideration of the IPCC 1.5°C special report, and reflections on the final outcome. The political phase will take place at COP24, with ministers, and will include roundtables to ensure a more focused and interactive discussion. The COP23 and 24 Presidencies will provide a summary of the key messages resulting from the roundtables. The Dialogue will take place at the beginning of the high-level event at COP24 and will allow parties to consider ways to reflect the main topics of the high-level discussions in the final outcomes.

Abeyasinghe said the discussion will have to be very focused at COP24, considering the limited time available. The Dialogue could reflect on:

- The main challenges and opportunities to address the mitigation gap and associated impacts related to the under-achievement of the 2/1.5°C goal under the Paris Agreement.
- The role of long-term low emission and resilient development strategies (LERDS) in the context of achieving the long term goals under the Paris Agreement.
- Guidance necessary for countries to create favourable domestic legislative and policy frameworks to facilitate LERDS.
- Mobilisation and provision of means of implementation to unlock the mitigation potential identified by developing country Parties in the conditional component of communicated NDCs.
- Effectively integrating this potential into the updating of NDCs by 2020.

Abeyasinghe then addressed the form of the Talanoa Dialogue's outcome, listing a political declaration and COP decision as possibilities, and saying the guidance provided to the national-level preparation of NDCs by the outcome of the Dialogue will be critical.

Supporting a COP decision in addition to a political declaration, Abeyasinghe said the Dialogue is a good opportunity to address and to take stock of the collective efforts of parties towards the achievement of Article 4.1 at a high-level. A COP decision would:

- ensure the Dialogue produces a clear mandate for implementation for national policy makers;
- provide certainty and rigour to a year-long process involving parties;
- signal continuity beyond COP24;
- provide concrete guidance on next steps in preparing NDCs and enhancing ambition;
- provide responsibility and accountability that may not be achievable through a political declaration alone; and
- deliver a strong political message to strengthen the global response to the threat of climate change.

Abeyasinghe listed the following possible elements for a COP decision:

- Welcome the completion of the mandate contained in §20 of Decision 1/CP.21 to “*take stock of the collective efforts of Parties in relation to progress towards the long-term goal referred to in Article 4, paragraph 1, of the Agreement and to inform the preparation of nationally determined contributions pursuant to Article 4, paragraph 8, of the Agreement*”.
- Welcome the IPCC special report on 1.5°C.
- Reaffirm the need to fulfil the request in §23 and §24 to communicate/update, by 2020, current/new NDCs; and the invitation in §35, in accordance with Article 4.19, to formulate mid-century, long-term low greenhouse gas emissions development strategies, taking into account common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.
- Underline the importance of such participatory dialogues with non-state actors, including the private sector.
- Reaffirm that the Paris Agreement is a balanced instrument that needs all its provisions to be

implemented in order to be successful. From this perspective, mitigation action needs to be accompanied by an adequate implementation of Articles 8, 9, 10 and 11 as well as take into consideration the current needs for adaptation of parties, which need to be in balance with mitigation.

- The decision could also call for operational guidelines to be developed, based on the high-level discussions.

Finally, Abeysinghe listed the following points for discussion:

- The mandate of the global stocktake is broader than that of the Talanoa Dialogue, but there are lessons to be learned for future stocktakes from the Dialogue process.
- The Dialogue plays an important role in informing the NDCs, long term strategies ,and the submission of those by 2020.
- A ministerial declaration which can inform an operational decision will be useful.
- Talanoa outcomes will not create any new obligations.

Representing the Fijian COP23 Presidency which played a key role in the Talanoa Dialogue process, Ambassador Deo Saran said the submissions made after the May session will be processed, and a synthesis report prepared. He said the Presidencies are keen to get a brief on the substance and form of the final outcome of the Dialogue, saying it should be linked to the NDCs to ensure that there is an impact beyond simply sharing experiences.

Providing a response, Archie Young said the Dialogue in Bonn was inspiring and riveting, and he would like ministers to come away from COP24 with the same buzz. He hoped the Dialogue would hold potential lessons for the global stocktake, including how to engage ministers and make sure they listen. Young said the Dialogue is crucial to the credibility of Paris – if the ratchet mechanism doesn’t work the first time, then it won’t give credibility for the cycles to come. While the form of the outcome needs consideration, he felt what comes afterwards is even more important, as even a brilliant Dialogue process could result in not raising ambition and providing political momentum. Given that higher ambition will have to come from all levels, he said all actors will need to continue to be involved in some way in the outcome that follows. He ended with a quote from the EU Talanoa Dialogue: *A meaningful political outcome of the Talanoa discussions – and the only logical response – is a commitment by all governments to reflect on their domestic efforts and level of ambition in light of both (i) the Talanoa and (ii) the findings of the IPCC special report on 1.5 degrees. Future policy work, including the mid-century strategies due by 2020, should factor in the latest scientific evidence and the knowledge of the available solutions.*

In the brief session on questions for clarity that followed, a developing country participant said the Dialogue has gradually become as important as the PAWP, and time will have to be found for both at COP24. He supported Abeysinghe’s call for a COP decision, for countries to act in the aftermath of the Dialogue. He also agreed with Young that the regime will not survive unless there is a rise in ambition after the Dialogue.

A developed country participant narrated her country’s experience with repeating the format of the Talanoa Dialogue nationally, saying it helped participants to engage better. While she expressed openness to a decision, she said previous experience showed how difficult it is to get even basic decisions on paper, and the result should not be the least common denominator.

Abeysinghe agreed the outcome of the Dialogue should have equal footing as the PAWP for the COP24 outcome, and flagged the importance of linking the outcome to the 2019 UN Secretary-General’s Climate Summit to encourage parties to come back with higher ambition. She said it will be regretful if parties cannot agree even on the basic language proposed.

Chairing a small group discussion, Mpanu-Mpanu asked how a COP decision can be arrived at if there is no process to negotiate; and how the high-level engagement at COP24 could be constructive.

A developing country participant said the proposed text for a draft decision is a collection of what has already been agreed to, so it is possible to reach a decision on it without a long negotiation. The pre-COP could be used to lay down the groundwork for it, he said, reiterating that a declaration would not be sufficient to trigger a serious domestic process to increase the ambition of NDCs. He noted that the roundtable setting of the high-level events was a direct outcome of the discussion at the 2017 ecbi Seminar, and asked whether the second suggestion from that meeting could be taken aboard, that the ministerial speeches are pre-recorded and played, so ministers can use their time more efficiently and engage in a genuine Talanoa discussion. He also emphasised the role of negotiators in emphasising to their political masters that ambition has to be been ramped up, and the Talanoa Dialogue cannot end in a conclusion that the ambition is locked in until 2030.

Another developing country participant said the Talanoa Dialogue is a great opportunity to hear from other stakeholders and find best practices and new approaches. However, he did not think that there would be all-round support for a COP decision, and time will be needed for negotiating a decision. He pointed to practical realities of when, where, and by who the decision will be negotiated, saying it could lead to a Copenhagen-like mess if it is negotiated by ministers; or if some ministers have not arrived and are therefore not involved in the negotiating process. He was also concerned if a further mandate was being sought for the Dialogue.

A developed country participant agreed with many of the questions and concerns. She said the outcome has two parts: what the parties have to do next after the Dialogue, which may need a “short and sweet” COP decision; and the experience of the year-long Dialogue at the global and national levels, which may need another format. She endorsed taking the process forward in the UN Secretary-General’s Climate Summit and in other processes like the High-Level Political Forum and the UN Environment Assembly. She asked how the IPCC 1.5°C report will be taken on board by the Presidency.

A representative of the COP24 Presidency said they are working with the Fijian Presidency to get a good Dialogue at COP24 and welcome suggestions on how to make it more interactive and efficient. On the inclusion of the IPCC report, he said it will be considered as part of the process and presented during SBSTA. On the high-level segments, he said the President of Poland had invited his counterparts during the start of the COP on 3 & 4 December 2018, and there are almost 30 confirmations from Heads of State from mostly Europe and Africa. The Heads of State will participate in a dialogue on a just transition at the beginning of the COP. The traditional high-level segment for ministers during the second week will also take place. He noted the intention of the Presidencies to work on a draft declaration for the Dialogue and hold consultations, including during the Bangkok session.

A developing country participant said that meant that ministers could be present at COP24 for three weeks, as they will also accompany the Heads of State. If they engage with the negotiations, he said, this will change the dynamic of the room, with potentially lesser participation by some countries. He reiterated the suggestions made during the 2017 ecbi Seminar on using the time of ministers effectively, perhaps by recording ministerial declarations, to make more time for the PAWP, the Talanoa Dialogue, and the pre-2020 Dialogue.

A developed country participant said she is open on the format of the Dialogue outcome, and while not everyone may agree on the elements of a COP decision, perhaps the outcome could include both a decision and declaration. Addressing practicalities, she said somebody would have to start working on it very soon, though, and the submissions due on October 29 could also propose elements for the outcome.

Abeysinghe said questions could be sent to the ministers in advance, to allow them to prepare answers. She reiterated that technicians working at the national level will take a COP decision more seriously than a political declaration, and the decision does not need to raise a new mandate, as the mandate calling on parties to revisit the NDCs already exists.

A developing country participant said the LDCs would like to see a process to create peer pressure for parties to raise ambition; and a platform to help those who want to increase their ambition to do so. He supported having a declaration and a COP decision, saying this does not necessarily mean a prolonged negotiation.

Another developing country participant said the COP decision could include key messages from the IPCC 1.5°C report, and some thought should be given to how the IPCC report will be integrated into the Talanoa outcome, as this could be a learning experience for the 2023 global stocktake. He said the NDC Partnership could also benefit from a clear COP decision calling on parties to update their NDCs.

A developing country participant asked how the Global Action Summit in California in September 2018 can help to feed into the ministerial level at the COP.

Mpanu-Mpanu agreed, saying this also applies to the One Planet Summit on 26 September 2018 in New York.

Another developing country participant said the goal of trying to promote further ambition within the timeframes dictated by science should be kept in mind. In this context, countries should be encouraged to submit updated NDCs and long-term LERDS. As several countries put their INDCs together in a hurry, there is always room for improvement and clarity, he felt, while supporting both a COP decision and declaration from the Talanoa process.

Mpanu-Mpanu agreed, saying many countries have a very binary view of the Talanoa Dialogue, and don't necessarily link it to raising ambition.

A developing country participant highlighted the need for a broader process to capture the good suggestions put forward during this valuable discussion, and to take them forward, including a discussion on whether resources will be made available to countries to improve their NDCs before 2020.

A developed country participant agreed that the Talanoa Dialogue should be a very important part of COP24, and perhaps the most important and meaningful element for ministers. She said it should highlight the urgency of the situation and the need for greater ambition, and at the same time be a political moment that is captured by the media, focusing on the willingness to do more on, among other things, international cooperation. She said it should also continue to engage and bring on board key stakeholders.

A developing country participant supported what was said but expressed concern that the outcome of good discussions such as these are not always translated into concrete decisions. He asked how these elements could be brought to the negotiating table. He felt a COP decision would not help, and only open a new negotiation that would not serve any purpose. He called on the participants to constantly feed these elements into the discussions they have at the national and regional levels, to introduce them into the process.

COMMON TIME FRAMES

The session started with a **presentation** by Müller focussing on how a synchronisation of certain procedural time frames ('common time tables') can enhance the overall ambition of the regime defined in the Paris Agreement. He noted that the topic has been discussed often in previous ecbi seminars, because it is an important issue for negotiators as they are actually in the driving seat when it comes to defining the process. It is therefore up to them to design it to ensure maximum ambition is squeezed out of the Paris Agreement.

Müller said initial submissions by parties indicate the lack of a common understanding on the meaning of "time frames" in this debate. Some parties use the phrase to refer to timetables for submitting/communicating NDCs, while others view it as periods of implementation or target periods.

While the communication frequency of NDCs is specified in Article 4.9 as once every five years, Müller said, NDCs can involve different target and implementation periods. He illustrated this through **Figure 1**, saying an NDC with a 10-year period of implementation (POI) can have a ten-year, five-year, or even a one-year target period (all ending at the same time as the POI). Moreover, he highlighted that POIs can overlap: implementation of an NDC can begin even if the previous NDC is not yet fully implemented (although overlapping *target* periods are not ideal from an Article 6 stand point).

Turning from these "material" interpretations of time frames as periods of time to the 'procedural' interpretation of time frames as NDC communicating/updating timetables, he recalled that §23 of Decision 1/CP.21 calls on parties with a time frame up to 2025 to communicate a new NDC by 2020, and do so every five years thereafter. Meanwhile, §24 calls on parties with an INDC time frame up to 2030 to either *communicate or update*, by 2020, these contributions and to do so every five years thereafter.

While these paragraphs refer to time frames as time periods, their operative content is procedural, Müller said: they specify what two different types of parties periodically have to do, but fail to specify a common timetable, even for parties with the same time frame. He presented **Figure 2** to illustrate how two different ways in which a §24-party can operationalise that paragraph.

Figure 1. Various timeframes for different time periods

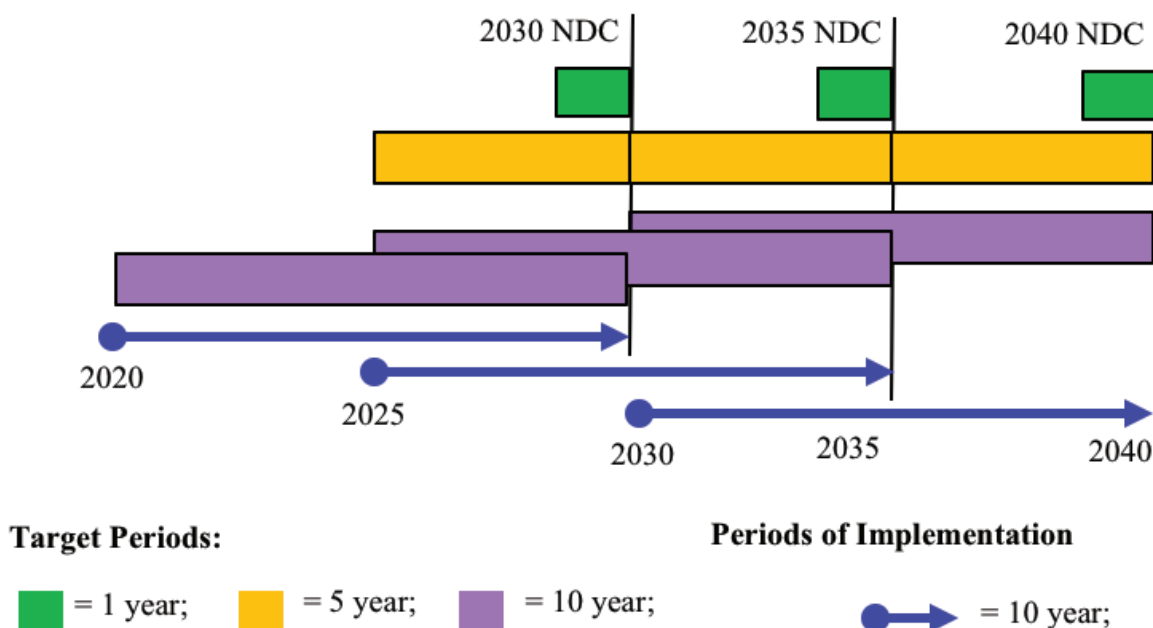
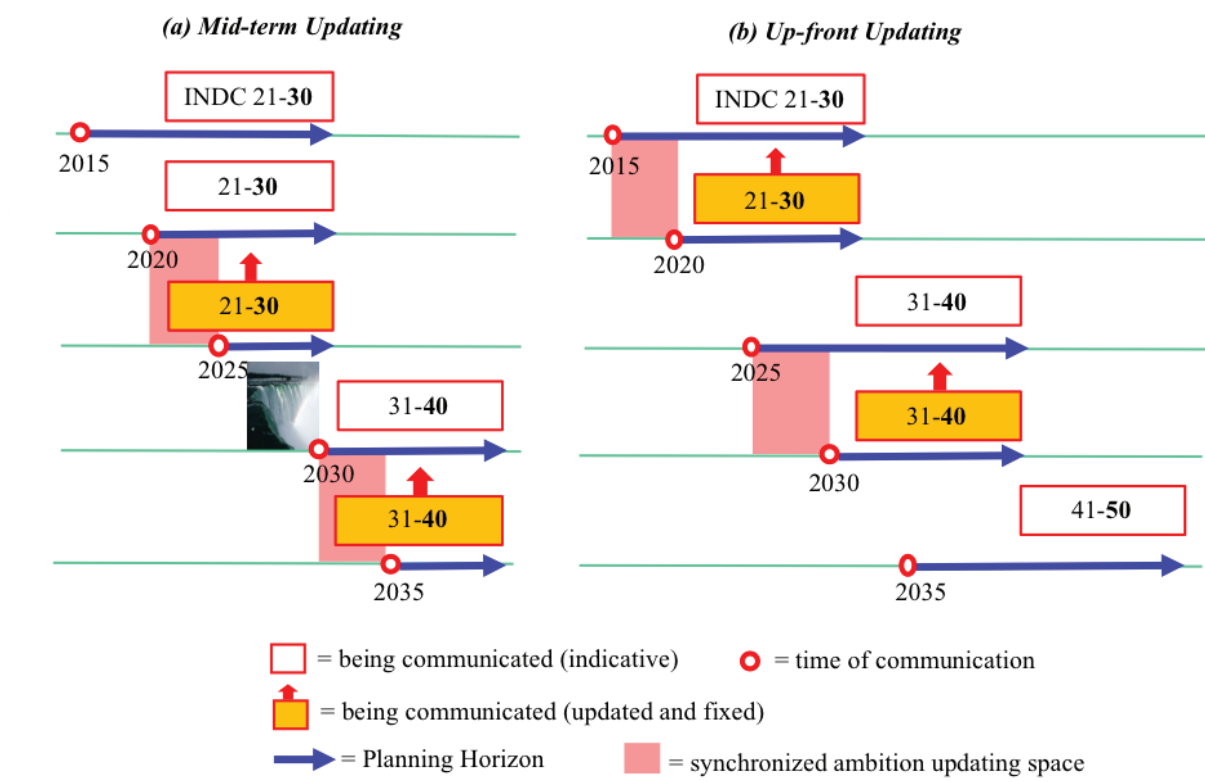


Figure 2. §24 Communication & Updating Cycles



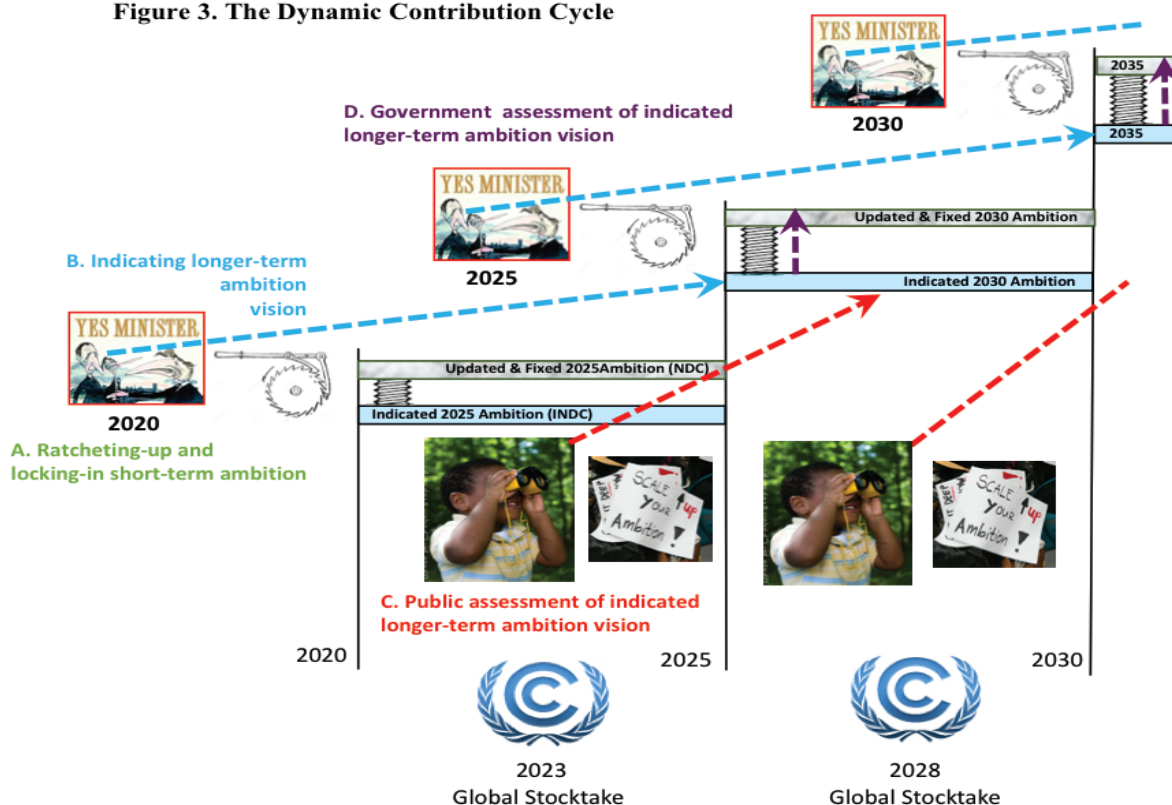
Presenting the **up-front updating model**, he said the 2030 INDC is updated “up-front” before being communicated in 2020 (as fixed). In 2025, a new (indicative) 2040 NDC is communicated, and the cycle starts again in 2030 with an up-front updating of this indicative 2040 NDC. From the point of view of enhancing ambition, Müller said, this operationalisation of §24 is superior to the ‘mid-term updating’ model because it manages to avoid cliff-edge situations, while still allowing for synchronised ambition updates every alternate period.

However, Müller said there is room for even more improvement in terms of squeezing ambition out of the system, by creating a cycle of communicating and updating NDCs in a way that creates a synchronised ambition updating spaces every five years. He presented this as the **“Dynamic Contribution Cycle”** (DCC) developed during the 2014 ecbi Colloquium and Seminar.

Illustrating the DCC through **Figure 3**, Müller said all parties would update their (indicated) 2030 NDCs in 2025, and at the same time present an indicative 2035 NDC. This indicative NDC can be updated, if the country wishes, before it is communicated finally in 2030. In the intervening five years (2025-2030), parties and non-party stakeholders have the opportunity to evaluate the overall picture, and consider if their own indicative NDC for the 2030-2035 period is adequate and fair. In this context, Müller noted that while fairness and justice are not prescribed, consideration of these elements will help countries to justify greater ambition to domestic constituencies. Moreover, the option to update NDCs every five years will enable them to take into account new technological developments, and opportunities for collaboration, that could enable greater ambition.

Müller summarised the DCC as a way to establish a common (5-year) cyclical timetable providing sufficient time for all stakeholders to analyse indicated ambition levels, and for parties to consider updating them at the same time, while avoiding cliff-edge situations.

Figure 3. The Dynamic Contribution Cycle



To operationalise the DCC, Müller proposed the following paragraphs for a decision:

- Urges those Parties whose INDC contains a time frame up to 2025 to **communicate by 2020 an indicative 2030 NDC**.
- Invites **all Parties in 2025 to update their 2030 NDC, and communicate an indicative 2035 NDC**, and to do so every five years thereafter.

Finally, Müller noted that the DCC has gained traction not only among thinktanks such as the [World Resources Institute](#) and [Oxford Climate Policy](#), but also in formal party submissions such as the one submitted by [Ethiopia](#) on behalf of the LDC Group, and supported by AILAC and Belize and Trinidad and Tobago in formal submissions.

Providing a response, Marianne Karlsen said the substantive issue in the contact group discussions under the UNFCCC is what facilitates ambition. The Paris Agreement already anchors a five-year ambition cycle, which all parties have signed up for. However, targets put forward prior to the Agreement reflect that many parties have considered different timeframes to be most conducive for national ambition. For example, 78 parties have a ten-year target. As a result, although the five-year cycle has been agreed internationally, there are still countries that are following ten-year (or other) timeframes domestically.

Karlsen noted that the Paris Agreement calls on all parties to prepare, communicate, and **maintain** an NDC for as long as they are part of the Agreement, communicate it every five years, and enhance ambition each time. §23 and §24 aim to synchronise communication and reporting. The fact that parties have different timeframes for their current NDCs does not change their obligations under the Agreement.

Karlsen said a concern is that if parties have a longer timeframe than the Paris Agreement cycle, it will be difficult to make changes mid-way, and some parties are concerned that this will lock in low ambition for a longer period. On the other hand, some parties have also argued that some policies need a longer time to implement – for instance, carbon taxes or transformative policies in the transport sector. Karlsen said while quick fix emissions reduction in transport could be carried out by increasing the mix of biofuels in existing vehicles, the transformation towards non-fossil transport will require a far longer time horizon, considering the infrastructure requirements and replacement rate of vehicles.

One of the key concerns brought forward in the debate about common time frames, Karlsen said, is that different time frames may create an imbalance: parties with a five-year horizon will have the pressure of communicating every five years following a global stocktake, while those with a ten-year horizon will not feel the same pressure. In addition, technical challenges may also arise from different timeframes related to comparability, accounting and corresponding adjustments, and environmental integrity. Parties may report at the same time, she said, but this is not the same as accounting, which will be done at the end of the target year. Hence the timing of accounting will not be synchronised if parties have different timeframes. This poses challenges and may not be good for the global stocktake.

Considering the suggestions on the table to overcome these difficulties, she noted that one possibility is to move to a common time frame, for which there are three options on the table: five years; five plus five years; and five plus five dynamic. Other options include keeping the time frame flexible, or having different domestic timeframes co-existing with a common international five-year timeframe to comply with the Paris Agreement. The latter option raises the issue of how the five-year international rhythm will be synchronised with domestic institutional cycles. Karlsen noted that while parties have different views on best to solve common timeframes, there is agreement among many on the timing of applicability, although this has not been put down on paper yet, and also there is a general agreement on the importance of §23 and §24.

During a small group discussion, Müller presented further details of the four options that have been put forward in party submissions:

- 10-year “upfront updating”, with a 2040 NDC communicated at the end of the year in 2025.
- 5-year “one step at a time”, where a 2030 NDC is submitted and communicated in 2025. This leads to a cliff-hanger in 2030. This option will result in cliff-edges before each NDC is communicated, a single year planning horizon, and a long-term NDC that will not have to be changed even in the face of changed circumstances.
- Simple 5+5, where in the beginning of 2025, parties communicate an NDC with a ten-year horizon.
- The dynamic contribution cycle, with a current NDC communicated along with an indicative one for the next five-year period, providing adequate time to present an indicative NDC, and then consider both domestic implementation and global ambition in the light of the global stocktake and indicative NDCs from other countries.

A developed country participant said although her country has a ten-year implementation period, the government will submit an NDC in 2025 because the Paris Agreement calls for a communication for 2030 in 2025.

Müller said countries will have different views on whether the 2025 submission should be an update or a new NDC. He felt that if countries are not bound to synchronised deadlines, there is no domestic momentum for enhancing and updating existing NDCs.

A developing country participant said it will be strange if countries communicate an NDC for 2040 in 2025, based on the stocktake of 2023.

The developed country participant who spoke earlier said this has been addressed in domestic legislation in 2017, where 2030 and 2050 targets are anchored, along with a process to update in light of the global stocktake. It is not yet decided whether the 2030 NDC will be for ten years, she said, as this will depend on the outcome of the global discussion on common timeframes. A developing country participant asked if the long-term targets are indicative or can be updated. The developed country participant replied that the 2030 target of a 40% reduction compared to 1990 levels is anchored in law, but the next paragraph calls for its reconsideration in the context of the global stocktake.

Another developed country participant noted that according to EU legislation, there will be a five-year review in light of the global stocktake even if countries have a ten-year policy horizon.

A developing country participant said the DCC also allows time for sorting out domestic implementation issues.

A developing country participant highlighted the importance of coming up with language that is precise on the issue of updating, to signal clearly to domestic policy makers.

Another developing country participant highlighted the need for more regular updates on the basis of most recent scientific trends and technologies.

In response to a question on the global stocktake, Müller said under the DCC a country would take into account the global stocktake that took place two years ago, to update the NDC communicated last time and to submit a new one. Karlsen said the link between the global stocktake and NDCs is already agreed and established in the Paris Agreement, which calls for NDCs to be informed by the global stocktake.

A developed country participant called for greater focus on the operational elements that need to be agreed in Katowice, beyond a philosophical debate on ideal cycles, given that there is already language calling on all parties to communicate NDCs every five years, and to take the global stocktake into account.

Another developed country participant said although the language of the Agreement appears to be clear, it is sub-optimal. He highlighted the need to avoid asymmetries in the process where some parties feel under more pressure than others, saying it is important to clarify what the timeframes should look like in Katowice.

A developing country participant expressed concern that countries with a ten-year cycle could, in principle, present a 2045 NDC in 2030, and be completely out of synch with the global stocktake.

Another developing country participant said his country has a ten-year implementation cycle but would consider doing a new NDC closer to 2030, not seven years in advance.

A developing country participant said his country has a ten-year implementation cycle and will assess progress in 2023-2024. The 2025 update will then help to recalibrate national implementation. Presenting an indicative new NDC every five years will not be possible for his country, he said, although they will communicate every five years, as required in the Paris Agreement. When in the middle of ten-year period, this communication will only update the current implementing cycle. In response to a query, he said his country will submit a new NDC for 2031-2040, after the second global stocktake, which will be communicated in 2030, not in 2025.

Müller said this will result in a cliff-edge every two rounds, with a very small planning horizon even for people in the country, and this will not be ideal at the national or global level.

The developing country participant responded that his country does not want to be tied to quantitative numbers so much in advance. With regard to the cliff-edge, he said, a long-term strategy is being developed to address this.

Müller responded that a long-term strategy may provide an indication, but it has much less certainty than an NDC. The NDCs have a value over and above long-term strategies, he said, and one does not replace the other.

Another developing country participant agreed, saying the NDCs are the core of the Paris Agreement and hence more binding than long-term strategies.

A developed country participant said a merit of the DCC is that it tries to combine and address the difference between countries with a five- and ten-year period.

ARTICLE 6.8

This session started with a **presentation** by Kishan Kumarsingh.

Kumarsingh reminded participants that Article 6 focuses on voluntary, bottom-up cooperation in implementing the NDCs to allow for higher ambition in mitigation and adaptation actions, and to promote sustainable development and environmental integrity.

Within this broader context of Article 6, he said, Article 6.8 specifically refers to non-market approaches. The intent is to pursue voluntary cooperative approaches/action among parties. The Article calls for integrated, holistic and balanced non-market approaches available to parties to assist in the implementation of their NDCs in the context of sustainable development and poverty eradication, in a coordinated and effective manner, including through, *inter alia*, mitigation, adaptation, finance, technology transfer, and capacity building, as appropriate.

These approaches shall aim to: promote mitigation and adaptation ambition; enhance public and private sector participation in the implementation of NDCs; and enable opportunities for coordination across instruments and relevant institutional arrangements. Article 6.8 calls for the establishment of a framework to achieve the aims.

However, Kumarsingh said, non-market approaches in themselves are not well understood, and called for a discussion to seek clarity. He noted that the Article makes no reference to a “governance or supervising body” as it does for Article 6.4, and it is not clear if institutional arrangements should lie within or outside the Convention.

The Article does not prescribe any approaches he said, asking if the approaches could include policies and measures as an example, and whether the focus is on creating synergy and coordination among thematic areas.

Kumarsingh noted that Decision 1/CP.21 requests SBSTA to undertake a work programme under the framework for non-market approaches, and recommend a draft decision on this work programme at the CMA's first session.

In light of the ambiguity and nebulousness surrounding Article 6.8, Kumarsingh proposed the following questions for discussion:

- Should the approaches include domestic policies and measures, or information exchange, for instance on best practices and demonstration projects/ programmes?
- How can such approaches be facilitated? Should they be top-down or bottom up, negotiated between parties?
- Can Article 6.8 facilitate significant domestic action to facilitate ambition and promote more ambitious NDCs?
- What can the framework be constituted of?
- What is the value added of this Article? How can such approaches help parties implement NDCs, bring out transformational change?
- Would a programme be useful under SBSTA to clarify some of the questions?
- What can be useful elements of a draft decision?

Providing a response, Outi Honkatukia agreed that there is very little understanding of non-market approaches, but despite that parties agreed to frame a work programme. She noted that it is easier to say what the work programme will not be: it will not look like market mechanism; and should not involve the creation and transfer of mitigation outcomes. She noted that most of the activities under the UNFCCC fit this description, and this could perhaps be a space to map current efforts and improve further opportunities. Key questions, however, were how this should be done and by whom.

A developed country participant said parties will have to consider the added value of non-market approaches and consider: whether they want to define what non-market approaches are; how the work programme is run and organised in the future; and elements of the work programme.

Müller said during the discussion in the Colloquium, no one was able to come up with an example of what a non-market approach is. He said the biggest added value could be to find a way to collect examples of how people can collaborate on a non-market basis.

A developing country participant agreed non-market mechanisms could focus on sharing of experiences between countries, for instance on communication to increase engagement from the public and private sector.

A developed country participant called for a focus on the bare minimum that can be done in Katowice, saying there is not much time available to go very far, and it would be a pity to allocate what little time exists to an Article that no one understands. On governance, she asked if an existing body could deal with the issue.

A developing country participant said the mandate was to develop a work programme, and the best way would be to initiate a simple time-bound process to identify some modalities of thinking about the proposed framework. The framework could explore how countries can cooperate. She noted that to advance in other elements of Article 6, progress will be needed on Article 6.8 as well.

A developed country participant agreed that a time bound process is a possibility, which could be expanded if it yields results.

Müller pointed to the Global Fund for HIV/AIDs as a possible example of non-market cooperation between countries, saying there may be interesting examples. He also supported the earlier suggestion for “social marketing”, including marketing techniques to change consumer behaviour. He gave the example of the UJALA programme in India, which was designed to lower the process of LED lighting and make it desirable for

consumers. In response to a question on the added value of such activities, Müller responded that it would be to promote ideas, and serve not as a market place, but as a showcase on how parties could collaborate.

INCORPORATING HUMAN RIGHTS IN CLIMATE ACTION

This session started with a **presentation** by Sébastien Duyck, Center for International Environmental Law, on the opportunities to address linkages to human rights at COP24.

Addressing the importance of human rights in climate policies, Duyck said public participation and collective design of climate policies can ensure that the policies are more effective and strengthened by local support. Calling for the empowerment of men and women to contribute to climate action, he said climate education enables children to act as agents of change and to fully understand ongoing and future impacts of climate change.

Duyck said considering the right to development and social and economic rights is key to a just transition and to leaving “no one behind” through the decarbonisation of the economy. Through a human rights lens, governments can guarantee that adaptation policies contribute to promoting and fulfilling the right to livelihood, food, access to water, and housing.

Addressing climate-related displacement through right-based frameworks and placing people at the core of disaster risk reduction, he said, contributes to more effective adaptation. Recognising and protecting the forest and land rights of indigenous peoples and local communities helps prevent deforestation; and establishing adequate social and environmental safeguards guarantees that projects implemented in the name of climate action benefits local communities and contribute to sustainable development. In this context, Duyck pointed to research focusing on the relationship between land tenure and forest rights for indigenous peoples and local communities in 14 forests-rich countries. It was found that:

- When Indigenous Peoples and local communities have no or weak legal rights, their forests tend to be vulnerable to deforestation and thus become the source of carbon dioxide emissions.
- Legal forest rights for communities and government protection of their rights tend to lower carbon dioxide emissions and deforestation.
- Indigenous Peoples and local communities with legal forest rights maintain or improve their forests’ carbon storage.

Duyck then described the following links between human rights and ambitious climate action:

- Ambition and equity are required to guarantee the ability of all states to protect the rights of their people.
- Land tenure rights are key to carbon sequestration.
- Public participation and traditional knowledge strengthens design of policies.
- Empowerment of communities increases engagement and support.

He said 49 countries have made explicit references to human rights in their National Communications and National Adaptation Programmes of Action. Of these references, 13% referred to substantive rights (1% from developed and 12% from developing countries); and 20% of the references were to procedural rights (10% developed and 10% developing). 24 countries referred to human rights in their INDC.

Duyck listed the following references to human rights under the UNFCCC:

- In 2010, the Cancun Agreements called on parties to respect human rights in all climate-related action and introduced REDD+ safeguards.
- In 2015, the Paris Agreement called on parties to respect, promote and consider their respective obligations on human rights when taking action to address climate change.
- In 2016, human rights were referred to in the mandate for the PCCB, and the Gender Action Plan was agreed.
- 2017 saw the operationalisation of the Local Communities and Indigenous Peoples Platform.

He said the implementation guidelines for the Paris Agreement, to be adopted in 2018, could establish “virtuous learning cycles” to safeguard human rights if:

- Parties are asked to include information on participatory processes and the integration of human rights in planning for NDCs.
- The transparency framework allows parties to share information of national experiences related to human rights aspects of climate policies.
- The global stocktake conducts a collective assessment of progress and lessons learned related to the incorporation of human rights in climate action.

Duyck also emphasised the need to ensure that the Article 6 mechanisms have adequate safeguards in place, to guarantee their social integrity. Incorporating these human rights considerations in the implementation of the Paris Agreement would, he said:

- Strengthen effectiveness of climate action and empower communities to contribute to policies.
- Promote policy coherence and synergies between climate action and the promotion.
- Enhance public support for climate policies.

He emphasised that the inclusion of human rights would not: create new obligations beyond those already provided in the human rights framework; impose human rights frameworks that States have chosen not to recognise them; or lead to any comprehensive review by UNFCCC bodies of human rights compliance.

Finally, he called for support for implementation beyond Katowice, in particular for:

- the PCCB;
- strengthening the institutional capacity of the UNFCCC secretariat so that it can support parties’ implementation; and
- synergies with existing workstreams, including the GAP, Koronivia Joint Work on Agriculture, Local Communities and Indigenous Peoples Platform, and Warsaw International Mechanism.

In the discussion that followed, a developing country participant said 75% of the emissions of his country are from deforestation, driven mainly by agriculture, energy, and governance issues, including land ownership. He agreed that a human rights approach is essential, particularly in the context of REDD+.

A developed country participant recalled the experience with CDM projects that supported large dam construction and led to human displacement, saying prevention is better than having to address consequences, and supporting the consideration of human rights in a holistic manner in the Paris rulebook.

A developed country participant said embedding human rights in climate policy is key for his country, and CDM projects were screened for their impacts on human rights when purchasing credits. He supported a Norwegian proposal to include a soft invitation to parties to voluntarily include what they are doing on human rights in the context of the Paris rulebook.

Responding to questions, Duyck said unless human rights concerns and social safeguards are integrated in the multilateral rulebook, countries could implement bilateral measures as witnessed in the CDM context. On how the Warsaw International Mechanism could address human rights, he said there are several ways, but one specific example is the task force on human mobility which is considering, for instance, how displacement can be considered from a rights-based perspective. On the role of the secretariat, he said this could be to identify areas for further work to push the human rights agenda. Duyck emphasised that this was not an issue for developing countries alone, but for all parties.

A developing country participant narrated her experience during the negotiations on the Lima Work Programme on Gender, saying some parties opposed a reference to “gender equality”. In the end, the programme considered only women’s empowerment, participation of women, and gender responsive policies. She highlighted the importance of awareness building to ensure all parties understand the importance of recognising rights. Duyck responded that the Paris Agreement did help countries understand the added value of including human rights, and he hoped that the PCCB could further contribute to strengthened awareness.

Another developing country participant asked what compromise should be struck when high ambition in an NDC clashes with human rights, for instance in the context of building a dam and displacing people. Duyck responded that human rights are not absolute – there are also other rights, such as rights for development, livelihood, energy etc. that need to be considered. However, he said, there are specific mechanisms to address conflicts in the human rights framework and to try to achieve a balance, although this is not always easy. He also said human rights should not be an impediment to effective climate action – both should go together.

Responding to a question from a developing country participant on the integration of local communities in the new Platform though they are not formally represented under the UN, Duyck said his organisation is working on a technical analysis that will be ready by the end of September.

On the case of CDM and displacement, Duyck said there were a few projects that were seen as problematic from the human rights perspective, and the Board was not equipped to deal with them. This affected the credibility of, and public support for, the CDM. He said situations like this should be avoided in future. The developing country participant responded that these were only a handful of projects among thousands, and it cannot be said that the credibility of the entire mechanism was called to question because of them.

Responding to a question on whether references to human rights should be overarching or specific to each section in the rulebook, Duyck said references in the preamble alone do not influence implementation. He supported their inclusion in specific areas of the guidelines.

A developed country participant said the inclusion of human rights will be necessary for some areas of SBSTA’s work, in addition to specific references in the Paris rulebook. He noted that challenges include the lack of capacity, and public participation to ensure that people support ambition.

Another developed country participant asked if other multilateral agreements that had successfully integrated a human rights perspective. Duyck said there were very few, although there are a couple of regional agreements, like the Aarhus Convention, that promote public participation in environmental decision-making. Otherwise, Duyck said, the UN has been building silos that are not very useful for policy coherence. He noted that other Conventions could learn as much from the UNFCCC as the UNFCCC could learn from them, though they are specific areas where they may be more advanced – for instance, the CBD is more advanced in the incorporation of Indigenous Peoples rights.

ANNEX: PARTICIPANTS IN THE 2018 SEMINAR

2018 Fellows				
	Name	Country	Affiliation	Other positions
1	Irene Suarez	AILAC / Costa Rica	Climate Change legislative initiative member	AILAC Team Leader
2	Carlos Fuller	Belize	Advisor	Facilitator on Technology and Indigenous Peoples Platform SBSTA Agenda items
3	Tshewang Dorji	Bhutan	Chief Officer	Lead Coordinator, Transparency, LDC Group
4	Jose Domingos Gonzalez Miguez	Brazil	Deputy Head of Delegation, Brazil, Director on Climate Change Policies, Ministry of Environment of Brazil	Member, CDM Executive Board
5	Luiz de Andrade Filho	Brazil	Third Secretary, Climate Change	Negotiator Art G/ ICAO/ IMO
6	Laura Juliana Arciniegas Rojas	Colombia	Environmental Affairs Coordinator, Ministry of Foreign Affairs	Lead Negotiator Colombia, Presidency of AILAC
7	Felipe de Leon	Costa Rica	Advisor, Ministry of Environment and Energy	AILAC Coordinator
8	Orlando Rey Santos	Cuba	Advisor, Environment Department, Ministry of Science, Technology and Environment	
9	Nsiala Tosi Bibanda Mpanu Mpanu	DRC	Advisor to Environment Minister, in charge of Sustainable Development, Climate Change, International Cooperation	GCF Board Member, Lead Negotiator for the DRC
10	Gebru Jember Endalew	Ethiopia	Programme Coordinator , Global Green Growth Institute	LDC Chair
11	Selamawit Desta	Ethiopia	National Climate Change Negotiator under UNFCCC, Climate Change Negotiation Coordination Directorate, Ministry of Environment, Forest and Climate Change	
12	Ambassador Deo Saran	Fiji	Ambassador of Fiji to Brussels, Head of Mission to the EU	Climate Ambassador – COP23 Presidency
13	Ajay Raghava	India	Deputy Director, Climate Change Ministry of Environment, Forest and Climate Change	Member of CGE, Transparency coordinator for India
14	M Rahul	India	Deputy Director, Climate Change Finance Unit in Ministry of Finance, Government of India	
15	Stella Gama	Malawi	Negotiator, Gender	Lead Gender Negotiator, LDC Group; Member, Technology Executive Committee
16	Kaveh Guilanpour	Marshall Islands	Principal Advisor, Ministry of Foreign Affairs	Lead Negotiator
17	Manjeet Dhakal	Nepal	Member Environment Trust Fund, Faculty Pokhara University Nepal	Advisor to the Chair of the LDC Group
18	Rueanna la Toya Tonia Haynes	Saint Kitts and Nevis	Delegate	AOSIS Coordinator, Compliance
19	Maesela John Kekana	South Africa	Chief Director, International Climate Change Relations and Negotiations	Chief Negotiator
20	Simon Cardy	South Africa	Director, Climate Change Environment, Science and Technology Department	
21	Emmanuel Dumisani Dlamini	Swaziland	Principal Secretary, Ministry of Tourism & Environmental Affairs	SBI Chair

22	Kishan Kumarsingh	Trinidad & Tobago	Lead Negotiator	
23	Guo Xiaofeng	China	First Secretary, Ministry of Foreign Affairs	
24	Achala Abeyasinghe		Head, ecbi Training and Support Programme	Advisor to the Chair of the LDC Group
25	Xiang Gao (Virtual participant)	China	Executive Director, Energy Research Institute, National Development and Reform Commission	Co-Facilitator of Transparency negotiations
26	Mohamed Nasr (Virtual participant)	Egypt	Minister Plenipotentiary, Ministry of Foreign Affairs	Chair of the African Group of Negotiators

European Participants				
	Name	Country	Affiliation	Other positions
1	Jose Gabriel Delgado Jimenez	Austria	Senior Climate Policy Advisor	GCF (Alternate Board Member)
2	Geert Fremout	Belgium	Head of Climate, International Cooperation, Federal Ministry of Environment	EU Negotiations, Local Communities and Indigenous Peoples Platform
3	Jozef Buys	Belgium	Attaché, Ministry of Foreign Affairs	EU negotiator on the Financial Mechanism
4	Ana Cristina da Silva Carreiras	EC	Policy Advisor, EU	APA Coordination, EU
5	Annela Anger-Kraavi	Estonia	Advisor on International Climate Change Policy and Negotiations to the Minister of the Environment	SBSTA Vice-Chair, Co-Facilitator of the Local Communities and Indigenous Peoples Platform
6	Outi Honkatukia	Finland	Chief Negotiator for Climate Change, Ministry for the Environment	SCF member, APA6 Co-Chair
7	Paul Watkinson	France	Counsellor, Ministry for an Ecological and Solidary Transition	SBSTA Chair
8	Brigitte Collet	France	Ambassador for Climate Change	Head of French delegation to UNFCCC
9	Kerstin Wortmann	Germany	Deputy Head of Division, International Climate Policy, BMU	
10	Marianne Karlsen	Norway	Senior Advisor, Deputy Head of Delegation, Ministry of Climate and Environment	Deputy Chief Negotiator
11	Adam Guibourge-Czetwertyński	Poland	Chief Negotiator, COP24 Presidency	
12	Marzena Chodor	Poland	Senior Climate Policy Expert, Institute for Environmental Protection, Warsaw	Co-Chair, PCCB
13	Lennart Båge	Sweden	Ambassador, Ministry for Foreign Affairs	GCF Co-Chair
14	Johanna Lissinger Peitz	Sweden	Senior Advisor, Energy and Environment; and Chief Negotiator	Chief Negotiator for the EU on Climate Finance
15	Archie Young	UK	Head of International Climate Negotiations	Head of UK Delegation to UNFCCC, Lead Negotiator
16	Catherine Bremner	UK	Director of International Climate and Energy, Department for Business, Energy and Industrial Strategy	Head of Green Finance