Regional Training Workshop

Anglophone Africa

5 & 6 June 2017
Dakar, Senegal

ecbi

European Capacity Building Initiative
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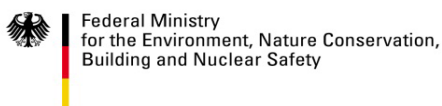
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TABLE OF CONTENTS

INTRODUCTION

The 2017 ecbi Regional Training Workshop for Anglophone Africa took place on 5 & 6 June 2017 in Dakar, Senegal. The workshop, organised in collaboration with ecbi's regional partner Energie Environnment Développement (ENDA), was attended by 24 negotiators from the region.

On behalf of the ENDA Executive Secretary and the Director of Environment, Emmanuel Seck opened the workshop, welcoming all participants and thanking them for their attendance. Seck noted the Paris Agreement commitment of limiting global average temperature increase to 2ºC or even to 1.5ºC; reiterated the need for decentralised efforts to tackle climate change, including civil society, communities and local authorities; and touched on the challenges of finance and institutional capacity in developing countries.

Participants were then invited to introduce themselves, state their role at home, their experience in the UNFCCC negotiations, which issues they follow, and what their expectations are from the training workshop.

Anju Sharma, head of the Publications and Policy Analysis unit of the ecbi, introduced participants to ecbi. She described the ecbi Fellowship Programme, which she said was for trust building among senior negotiators from developing countries and their European counterparts; and the Training and Support Programme (TSP), which is aimed at training new and junior negotiators from developing countries. She said ecbi aims to create a more level playing field in the UN negotiations. In closing, she invited detailed participant feedback to help develop and improve future training programmes.

BECOMING A UNFCCC DELEGATE

This session started with a presentation by Janna Tenzing, from the International Institute for Environment and Development (IIED). Tenzing described the process under the UN Framework Convention on Climate Change (UNFCCC); explained its governance structure; informed participants of what to expect from different meetings; and offered them practical tips.

She noted that climate change was a global problem, where the greenhouse gas (GHG) emissions of one country do not stay only within its borders, and all countries are affected by the impacts of the resulting climate change. International cooperation and a coordinated approach was therefore necessary to respond, with all countries involved in decision-making.

Tenzing listed the following climate change treaties that have been adopted so far:

- 1992 **United Nations Framework Convention on Climate Change** (UNFCCC): 197 Parties to the Convention which make up the Conference of the Parties (COP); entered into force in 1994.
- 1997 **Kyoto Protoco**l: 192 Parties to the Kyoto Protocol which make up the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP); entered into force in 2005.
- 2015 **Paris Agreement**: 147 Parties to the Paris Agreement (so far) which make up for Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA); entered into force in 2016.

She said the ultimate aim of the UNFCCC is to achieve stabilisation of GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. She described the

key principles of the UNFCCC including: common but differentiated responsibilities and respective capabilities (CBDR-RC); equity; precaution and prevention; and sustainable development.

The Kyoto Protocol, meanwhile, operationalises the UNFCCC by committing developed country Parties to reduce GHG emissions by an average of 5% below 1990 levels during the first commitment period (2008-2012), and further reductions in the second commitment period (2013-2020).

The Paris Agreement is a universal agreement, she said, unlike the Kyoto Protocol which was mainly for developed countries to reduce emissions. Here all Parties have a role to play. It is legally binding; comprehensive and balanced in that it is not just on mitigation but also on adaptation; introduces a system for bottom-up action; and includes a built-in ambition mechanism which means that countries must be able to demonstrate that their "Nationally Determined Contributions" (NDCs) are more and more progressive.

Participants asked how the legally binding nature of the Paris Agreement can be ensured. A resource person responded that in principle, the agreement creates formal legal obligations and rights, recognised in international law.

Tenzing then described the governance structure of the UNFCCC, explaining the role of the COP, CMP and CMA. These supreme decision-making bodies meet annually, to adopt decisions and further the implementation of each of these agreements. There are two permanent bodies supporting the COP, CMP and CMA, namely the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA). She also described the role of the Ad Hoc Working Group on the Paris Agreement (APA), a non-permanent body under the COP, taking up matters related to the Paris Agreement.

She listed the following key negotiation groups under the UNFCCC process:

- **Group of 77 and China** (G77 and China) with 134 members mainly from developing countries.
- **Africa Group of Negotiator**s (AGN), with 54 countries, is a geographical grouping.
- **Least Developed Countries** (LDCs) with 48 countries categorised as 'least developed' according to UN criteria.
- **Small Island Developing States** (SIDS), with 39 members, negotiate as the Alliance of Small Island States (AOSIS).
- **Alliance of Latin America and the Caribbean** (AILAC), with Chile, Colombia, Costa Rica, Guatemala, Panama, Paraguay and Peru.
- **Like-Minded Developing Countries** (LMDCs), with about 25 members.
- **European Union** (EU), with 27 members.
- **Umbrella Group**, with Australia, Canada, Japan, New Zealand, Norway, and the US.
- **Environmental Integrity Grou**p (EIG), with Mexico, Liechtenstein, Monaco, Republic of Korea and Switzerland,

Tenzing said country groupings are based on countries with similar national positions and similar circumstance, such as being in the same region or facing the same vulnerabilities. They very often overlap with one another.

She said the UNFCCC Secretariat ensures that meetings run smoothly and provide technical support; the COP, CMP and CMA President, SBI chair, SBSTA chair and APA co-chair collectively facilitate the negotiating bodies, and ensure that the negotiations are progressing; while observer organisations who are non-governmental, provide support at the meetings and play the role of watchdog.

The UNFCCC process has a variety of formal and informal meetings, Tenzing said. Formal meetings include the plenary and contact groups; while informal meetings include informal consultations, drafting groups, coordination meetings and bilateral meetings. Both formal and informal meetings are facilitated by co-chairs from both Annex 1 and non-Annex 1 Parties.

She then provided pointers in relation to taking the floor, saying reading out prepared statements is more common in plenary settings; interventions are better in negotiations; normally, groups will speak first, followed by individual Parties (if they wish to speak); and it is good to voice support with previous speakers if your position aligns with theirs. She noted that a point of order (for a procedural issue) may be raised by making a 'T' sign with your country placard.

Describing the drafting of text, Tenzing said preambular paragraphs (PPs) provide the context to a decision, in relation to decision texts; they usually start with adverbs ending in "-ing"; and are normally referred to as PP1, PP2 etc. Operative paragraphs are the heart of the decision text, and start with numbers. She explained common terminology, such as "agreed language", "bracketing", "*bis*", "*ter*" etc.

To conclude, Tenzing provided practical tips and links to useful resources.

Participants who had participated in the negotiations in the past then shared their experience saying, among other things, that: the SBI agenda is very useful, providing a background to common issues relating to negotiations; side events can be useful for learning; and instead of following everything, it is good to focus on one item at a time.

A participant asked how national stakeholders could arrive at a common position, saying this was sometimes difficult. In response, a resource person said national stakeholders often lack capacity to engage with their governments as well capacity, and it is important to engage then and help them build that capacity in a systematic way. She said an important role for negotiators was to report back to stakeholders following a negotiating session to keep them informed, and to encourage and enable them to be involved as much as possible in the international negotiations process.

LEGAL LANGUAGE AND TERMINOLOGY

This session started with a presentation by Subhi Barakat, IIED. He introduced international law; legal information on the governance of the international climate regime; essential legal aspects of the Paris agreement and its legal binding-ness; types of obligations; and legal language.

Barakat said public international law is a system of rules and principles that governs processes and agreements between states, and other intergovernmental organisations such as the UN. National laws, by-laws and regulations do not necessarily sit under international law, but they are a different kind of legal regime and in many ways international law informs national legal systems. States agree on obligations and rights, based on consent.

Briefly discussing international environmental principles, Barakat said the polluter pays principle is based on the notion that the country that pollutes should be responsible for covering the damages or paying for the aspects of the damages caused by its pollution or by the pollution of businesses or individuals under its jurisdiction. The principle of prevention recognises the sovereignty of states to exploit their own resources, but

ensures that activities within their jurisdictions do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

He said generally treaties have no hierarchy – for example, the UNFCCC and the Kyoto Protocol have the same status and create related but autonomous legal regimes. Treaty interpretation comes into play when developing treaties – the selection of words and phrases are important in relation to interpreting what the obligations are, and what the words and operational aspects of the agreement mean. There is an accepted practice in how this is done, based on the Vienna Convention on the Law of Treaties.

Under the UNFCCC, he said, the three treaties (UNFCCC, Kyoto Protocol and Paris Agreement) are considered binding at the international level since they create legal obligations on States; the COP on the other hand takes decisions that are generally not considered binding, though they can be binding in some cases and can create internal processes and precedents; while the SBI and SBSTA provide conclusions and recommendations that are not legally binding.

Barakat said the Paris Agreement is a skeleton agreement that provides a blue print for the post-2020 global climate regime and establishes the form, content and character of Parties' commitments. It leaves many details for implementing it to be worked out ¬– these are the modalities, procedures and guidelines (MPGs) for the various structures, processes and mechanisms under the Agreement.

An international agreement usually includes:

- title and definitions;
- a preamble, which provides context, but normally doesn't include obligations or operative provisions; and
- the operative part that includes the specifics of the obligations.

Barakat then provided examples of texts from COP decisions and international agreements, and engaged participants in a word game that provided interactive examples.

He went on to discuss different types of obligations under treaties and agreements, and how to word commitments. He said the legal bindingness of a treaty is not always a binary consideration and depends on the form, content and nature of obligations, which can be obligations of conduct or of results; individual or collective; mandatory or permissive; and stringent or general. Examples were provided.

He then described several criteria for legal bindingness, including legal form (an international agreement or policy declaration) and content (depending on what it is in, it will have higher or lower legal binding character). When looking at the content, he reminded participants to consider the specificity of the language. It could be mandatory language (such as '*shall*' or '*must*' as opposed to '*should*' or '*aim*'); specify who the subjects of the obligations are (each Party/all Parties/Parties); or use a passive voice with no subject – for instance, '*support shall be provided to developing country Parties for the implementation of this Article*'). The potential enforceability of obligations – whether the obligation can be measured or enforced, and whether the treaty contains compliance procedures, mechanisms, or even sanctions – is also important, he said.

Barakat noted that the UNFCCC rules of procedure, which are still in draft form, are the set of rules and procedures for how to conduct proceedings under the COP, the CMA the CMP and all the subsidiary bodies underneath them. These rules of procedure have never been officially adopted, because the rules around voting were not acceptable to all Parties. Technically, this means that the rules of procedure are only "applied", except for the rules on voting, and the current practice is that all decisions will be taken by consensus.

Barakat concluded the presentation by listing the following useful resources:

- [Climate negotiations terminology: The Pocket Guide](#)
- [Definitions of verbs used in COP decisions](#)

He also encouraged participants to visit the [LRI legal database](#) or contact LRI at enquiries@ legalresponseinitiative.org for more information.

THEMATIC AREAS OF THE NEGOTIATIONS

The thematic areas of negotiation under the UNFCCC were presented by El Hadji Mbaye Diagne, Director General of Afrique - Energie - Environnment; Anju Sharma; and Pa Ousman Jarju from The Gambia.

Mitigation

Diagne described mitigation as a human intervention to reduce the sources of GHGs, or enhance GHG sinks. The UNFCCC's ultimate objective is the stabilisation of GHG concentrations in the atmosphere. He described the roles of key institutions working towards this objective:

- COP: National Communications (NC); Biannual Report (BR), Biannual Update Report (BUR); International Consultation and Analysis (ICA); International Assessment and Review (IAR).
- CMP: Kyoto Protocol, ratification of the Doha Amendment.
- APA: Further guidance in relation to the mitigation on (a) features of NDCs, (b) information to facilitate clarity, transparency and understanding of NDCs, (c) accounting for Parties' NDCs.
- SBI: Reporting, GHG inventories, Public registry for NDCs.
- SBSTA: Science and review; methodological issues (GHG data interface, emissions from fuel used for international aviation and maritime transport); LULUCF, REDD+, market- and non-market approaches (Kyoto Protocol and Paris Agreement).
- Joint SBI-SBSTA: Technical Expert Meetings; pre-2020 ambition.

Listing the key elements that still need to be resolved, Diagne urged all countries to ratify the Doha Amendment. He said negotiations are still underway to implement Article 6 of the Paris Agreement, which deals with mitigation. He described the facilitative dialogue that is meant to take place in 2018 as part of a review mechanism, followed by the global stocktake negotiations to ensure progressively more ambition NDCs. Diagne also described ongoing discussions on ensuring the transparency of mitigation action, facilitating implementation, and promoting compliance.

Adaptation

Ousman said adaptation refers to adjustments in ecological, social, or economic systems in response to actual or expected climatic stimuli and their effects or impacts. It refers to changes in processes, practices, and structures to moderate potential damages or to benefit from opportunities associated with climate change.

He described the role of the following institutions that are involved in the negotiations on adaptation:

- APA: Further guidance in relation to adaptation communications
- SBI: Public registry, and matters related to LDCs and National Adaptation Plans (NAPs)
- SBSTA: Nairobi Work Programme, and issues relating to agriculture
- Adaptation Committee: Oversight on adaptation

Ousman said adaptation is also part of the LDC Expert Group (LEG) workplan (2018-2020), and the Nairobi Work Programme. He noted that funding is available through the GCF for countries to formulate and implement NAPs, and for adaptation planning. Parties' adaptation communications will be recorded in a public registry. He highlighted the importance of addressing smart agriculture under SBI and inside the adaptation window to approach it from the food security angle.

Among the issues that still need to be resolved, he listed: what to report on in adaptation communication; and linking adaptation planning and implementation with the Sustainable Development Goals and the Sendai Framework on Disaster Risk Reduction.

Loss and Damage

Ousman said there is no clear definition on loss and damage at present, but a simplified definition is "the adverse effects of climate change and climate variability against which no adjustment of natural and human systems or adaptation is possible".

The following institutions are involved in the loss and damage negotiations:

- Executive Committee of the Warsaw International Mechanism (WIM)
- Paris Committee on Capacity Building (PCCB)
- SBI and SBSTA
- Adaptation Committee
- APA

Among future challenges, he listed: the inclusion of a strategic workstream, in the WIM's five-year rolling workplan, on enhancing action and support, including finance, technology and capacity-building, to address loss and damage; the incorporation of the consideration of extreme events and slow onset events, non-economic losses, displacement, migration and human mobility, and comprehensive risk management into relevant planning and action; and the establishment of a loss and damage contact point in each country.

He said Parties had been called upon to submit their views on possible activities under each strategic workstream of the WIM by 28 February 2017. Another review of the WIM will be held in 2019.

Finance

Sharma said the issue of finance is at the very heart of climate change negotiations. She explained the significant difference between development finance and climate finance, but noted that there was currently no agreed definition of climate finance. This was posing a grave threat to trust between countries in the negotiations. Non-Annex I countries felt that Annex I countries were counting official development assistance as climate finance, but the latter should be "additional" to the former. It was also not clear which elements of private sector investments can/should be counted as climate finance.

Sharma listed the following three key issues with climate finance:

- Definition and accounting
- Governance and access
- Sources (public, private, innovative)

On the accounting of climate finance, Sharma noted that processes were underway, under the Standing Committee on Finance and also the Paris Agreement's transparency framework, to agree on a definition and set up systems for reporting, counting and use of climate finance.

On the governance of climate finance, she described the Financial Mechanism of the UNFCCC, and the funds under it, including the Global Environment Facility (which also governs the LDC Fund and the Special Climate Change Fund), and the newer Green Climate Fund (GCF). She described the governance structure of each, explaining that the GCF was governed by a Board that had equal representation from developed and developing countries.

The Adaptation Fund, meanwhile, was created under the Kyoto Protocol, and was initially funded by a 2% levy on the Clean Development Mechanism, an emissions trading mechanism under the Kyoto Protocol. However, this source of funding had dried up as the CDM was not doing so well anymore, and the Fund was now heavily dependent on bilateral sources.

On sources, Sharma described the different targets agreed under the UNFCCC, including the US $100 billion by 2020 target agreed in Copenhagen. She said this was expected to come from a variety of sources, including public and private.

Sharma said that big target figures have proved to have limited value in the negotiations, eroding rather than enhancing trust. She underlined the importance of identifying innovative sources of finance for climate change in the future.

Among future challenges, she listed the rationalisation of the structure of the financial mechanism; finding additional sources for climate finance; and ensuring ease of access to climate finance, particularly by LDCs and other vulnerable countries.

Capacity Building

Like climate finance, Sharma said there is currently no consensus on what capacity building/development means and entails. It was generally agreed, however, that it must include individuals, institutions and systems that collectively enable effective sustainable development.

Among the three key issues related to capacity building, Sharma listed its donor driven nature; fragmentation of efforts; and the lack of long-term sustainability, beyond the lifetime of a project or programme.

She called for a more systematic and sustainable approach to capacity building through the newly established Paris Committee on Capacity Building (PCCB) under the Paris Agreement, to ensure coherence and coordination, avoid duplication, and foster mutual accountability and transparency. Highlighting the need for national-level organisations and networks to coordinate capacity building efforts, she called for better metrics to measure and assess capacity building efforts.

She directed participants to an ecbi background paper on capacity building under the Paris Agreement, and a recent Guide produced by ecbi.

Technology Transfer

Diagne said technology transfer includes a broad set of processes covering the flows of know-how, experience, and equipment for mitigating and adapting to climate change amongst different stakeholders. "Transfer" is

the process of learning to understand, utilise, and replicate technology, including the capacity to choose it and adapt it to local conditions and to integrate it with indigenous technologies.

Under the UNFCCC, the COP is involved in overall governance of the issue; and a "Technology Mechanism" includes a Technology Executive Committee and a Climate Technology Centre and Network – the former is a policy of the Mechanism (CTCN), while the latter is the implementation arm.

Among key issues, he listed improving the Technology Mechanism; funding implementation of technology projects; and designing the new Technology Framework agreed under the Paris Agreement.

He said at the November 2017 COP23 meeting in Bonn, SBSTA was asked to elaborate the Technology Framework. The joint annual report of the TEC and the CTCN, and the Poznan strategic programme on technology transfer were discussed. The Technology Executive Committee meets independently of the UNFCCC sessions – the next meeting will be held 12-15 September 2017.

Gender and Climate

Diagne said women and men experience climate change in distinct ways. They face different risks and opportunities due to gender-based division of labour and sociocultural barriers; and different options and safety nets for coping with climate change due to gender-based differences in access to physical, social and financial resources. They have differences in knowledge and skills to prepare for, or cope with, climate change; and levels of representation, participation and leadership in decision-making processes on climate change, at all levels.

Yet, gender issues were absent for a long time under the UNFCCC. Only at COP18 in Doha in 2012 did gender start being considered more regularly as a cross-cutting issue, as well as a standalone item in the agenda of the COP.

Most UNFCCC mandates and decisions on gender have focused on promoting gender balance, capacity building for women delegates and raising awareness and capacity building on gender issues and gender-responsive climate policy for all.

At COP-22 in November 2016, Parties agreed to develop a gender action plan (GAP) to ensure progress in the implementation of UNFCCC mandates and decisions on gender. They will negotiate and adopt the gender action plan at COP23.

He said this important agenda item and negotiations are normally quite smooth. Points of divergence usually arise only on terminology (i.e. gender equality, equity, human rights, gender-sensitive, gender-responsive, etc).

A list of references and useful websites for all the thematic issues was provided for participants at the end of the presentation.

Discussion

In the discussions that followed the presentation of thematic issues, participants discussed why the Doha Amendment was proving difficult to ratify; and whether bilateral or multilateral sources were a better option for countries to try to access climate finance.

MOCK NEGOTIATIONS – PART 1

During this session of mock negotiations, participants were asked to select a nation state to represent, and negotiate a mock draft text. The exercise was aimed at allowing participants to understand the negotiating process, practice "negotiating etiquette", follow the rules of procedure, and understand subtle differences. Pa Ousman Jarju chaired and facilitated the session.

GROUP POSITION SCENARIO

During the session, Brianna Craft, IIED, facilitated a game with the aim of getting the participants to form a group position on the following scenario:

> *Following diplomatic pushback for the withdrawal of the United States from the Paris Agreement, Donald Trump is making good on his promise to renegotiate. He has invited a handful of leaders to Washington D.C. to negotiate a new deal. He has also invited the countries who chair the negotiating groups including the President of Ethiopia, the current chair of the LDC.*

Following discussions, with views mostly converging, the group decided that it would reject Trump's invitation and oppose renegotiations.

LINKING GLOBAL TO NATIONAL

During this session, participants provided a two-minute presentation to cover what they do at national level to translate international decisions (from the UNFCCC or other multilateral agreements) into national level policies and practices (e.g. NAPs, Technology Needs Assessments, etc.), and how international decisions have influenced national strategies and policies (e.g. NDCs, low-carbon resilient development strategies, etc.).

A participant from South Africa noted that international pressure has encouraged a lot of work to be done. South Africa has started work on a legislative policy framework, and a climate change act which is being modelled on the Kenyan Act.

The participants from Kenya said the national Climate Change Action Plan was developed between 2013-2017. The first NAP has been developed and was reviewed early this year. The Kenyan Climate Change Act was passed in 2016, and two important bodies were created under it: the Climate Change Council, chaired by the nation's President; and the Climate Change Directorate, responsible for all climate change activities in the country. The country is in the process of developing its climate change framework policy, hoping for it to be approved by Parliament by the end of 2017. Kenya has submitted its first National Communication, and the Intended Nationally Determined Contribution (INDC) was submitted in 2015 – it will be reviewed in 2021. The NDC focuses on the agriculture, forestry, energy, transport and electricity.

A participant from Malawi said the government has created a ministry to oversee environment and climate change, and has received support from the government to develop the legal framework and institutional capacity. Through several instruments, it has developed a national climate change communications strategy and a national policy on climate change. In 2016, the national climate change monitoring framework was developed. The Environment Management Act was approved in 2017. Two national funds are being put in place: a Environment Fund and a Climate Management Fund.

The participants from Ethiopia said the country has drafted and implemented a 20-year Climate Resilient Green Economy Plan, aimed at reducing GHG emissions by 64%. It will be implemented under four pillars: intensification of technology on livestock and agricultural development; increasing economic benefits from forestry through reducing deforestation and forest degradation, with support via REDD+; increasing renewable energy sources; and building on transport and industrial sectors. Ethiopia is currently trying to access GCF funding for projects to implement the plan. It has already drafted a NAP and TNA.

The participants from Mozambique said the country has submitted its first National Communication and is in the process of developing its second. The TNA will be completed this year. Mozambique has more than 50 local adaptation plans. The country has submitted an INDC, which is currently being revised. A national strategy on climate change has been agreed, and a NAP is being prepared.

A participant from Liberia said the country is currently focused on ratifying the Paris Agreement. An INDC was submitted in 2015. A national policy has been agreed. Liberia has a tax on the domestic private sector to feed a national climate change fund.

The participants from Sierra Leone said the country has submitted their first National Communication, and is in the process of developing the second. The INDC, which has been submitted, is currently being reviewed, and the national climate change policy is being revised. The national climate change secretariat is the primary national government agency for climate change and responses. A climate fund has been established. Sierra Leone is trying to mainstream climate change activities with its national plans, to receive funds from the government.

A participant from Somalia said the country has submitted its NDC; established a Council of Ministries to deal with environmental issues; and is developing renewable energy projects on the ground. The country is still to approve its NAP.

The participants from Lesotho said the country is currently developing its national climate change policy. The INDC was submitted in 2015, and it is the process of being converted into an NDC. A nationally-funded climate change awareness programme is one of many projects being implemented. The country hopes to submit its NAP by the end of the year, and is presently applying for GCF funding.

A participant from South Sudan said a national climate change steering committee has been formed to develop policies and a legal framework for adaptation. It will collaborate with development partners and other stakeholders to develop response strategies and mechanisms, and carry out capacity building and awareness raising. South Sudan developed its NAPA in 2015, and has submitted its NDC. The country is yet to develop a NAP.

The participants from Angola said the country has developed a NAP. The country's climate change position is driven by the National Development Plan, which has been developed until 2025. The country's focus is on food production, energy, water, and transport. A National Strategy for Renewable Energy has been developed, and a national strategy for climate change is being developed – the latter will include the NAP. Angola has submitted its NDC, which is focused on afforestation and energy conservation.

The participants from The Gambia said working groups have been established to discuss different climate change issues. A National Climate Change Committee, Agriculture Working Group and a Climate Change Directorate have been established. The Ministry of Finance is now a designated entity for the GCF. A NAPA, NAMA and NAP have been drafted, and implementation is already in progress. The first and second National

Communication have been submitted, and the third is being drafted. The country is in the process of submitting a TNA. A National Climate Change Policy has been drafted and submitted to Parliament.

A participant from Sudan said a Climate Change Act is part of the country's environmental protection law enacted in 2001. Sudan is presently engaged in a range of projects that support sustainable development. The country has updated its National Climate Change Policy in 2014. The first and second National Communications have been submitted, and Sudan is currently working on the third. An INDC has also been submitted.

Concluding the session, Diagne said while a lot of work has been done at the national level, countries still face acute capacity issues, and need support of external consultants. Some of the national plans are prepared without local consultations, and will face problems during implementation. He also highlighted the issues of integration into national policies and institution building at the national level.

MOCK NEGOTIATIONS – PART 2

The session began with the participants watching footage from the first session of mock negotiations, and discussion on areas for improvement, followed by a second round of mock negotiations.

PARIS AGREEMENT RULEBOOK

In this session, Barakat described the process for developing the Paris Agreement's rulebook; the work programme for developing the rulebook across thematic areas; progress from COP22 and SB46; and key issues for COP23.

He said the Paris agreement is a treaty, it is comprehensive, it is legally binding and provides a blueprint for the post-2020 global climate regime, it provides the structures and operates on the basis of Parties' nationally determined contributions. However, it leaves out a lot of the details on how those processes and mechanisms will work; how different Parties will deliver their obligations; and how their commitments will feed into the system. The modalities, procedures and guidelines (MPGs), the various structures, processes and mechanisms under the Paris Agreement, are commonly referred to as the 'rulebook'.

He said it is important to bear in mind that though the Paris Agreement is new, Parties are not starting from scratch. The Agreement sits within the UNFCCC regime and many of the mechanisms and procedures under the UNFCCC and Kyoto Protocol will guide process. For example, the enhanced transparency framework for action and support will build on the existing arrangements under the UNFCCC. However, there are aspects that are brand new which need to be creatively designed – for example, the process and modalities for the global stocktake.

Barakat said the Paris Agreement was adopted as part of a decision (Decision 1/CP.21) in Paris. In this decision, Parties decided on a work programme of tasks and activities for the full implementation of the Paris agreement. The work started in 2016 and is due to be completed by COP24, in November 2018. The COP will oversee the implementation of the work programme, but a lot of the preparatory work will be carried out by the APA and other subsidiary bodies. Parties will adopt the rulebook as a set of formal decisions by the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA).

Barakat pointed participants to a [progress tracker](#) on the UNFCCC website, which lists the different elements of the work programme. It includes links on status, next steps and key documents.

Barakat said the work on the Paris Agreement rulebook by the APA is covered under APA agenda items 3-8:

- **Agenda item 3**: Guidance on mitigation (including features of NDCs, supporting information, and accounting of NDCs).
- **Agenda item 4**: Guidance on adaptation communications.
- **Agenda item 5**: MPGs for the transparency framework.
- **Agenda item 6**: On the global stocktake (including identifying sources of input and developing modalities).
- **Agenda item 7**: Modalities and procedures for the committee under Article 15 (facilitating implementation and promoting compliance).
- **Agenda item 8**: Further matters related to implementation of the PA (including preparing for CMA1 and taking stock of progress made by other bodies).

He then described areas of work on each of these thematic areas.

On **mitigation**, he said work is being done under agenda item 3 of the APA and the subsidiary bodies. The APA will elaborate accounting guidance for Parties' NDCs; develop further guidance on the features of the NDCs; and develop further guidance to improve clarity, transparency and understanding of information to be provided in NDCs. SBSTA will develop modalities and procedures for a public registry to record NDCs, while both SBSTA and SBI will recommend modalities for the forum on the impact of the implementation of response measures.

On **cooperative approaches**, SBSTA will develop and recommend robust accounting guidance to ensure double counting is avoided; undertake work programme under framework for non-market approaches to sustainable development; develop and recommend rules, modalities and procedures for a mechanism to contribute to the mitigation of GHG emissions and support sustainable development; and recommend a draft decision on the work programme under the framework for non-market approaches to sustainable development.

On **adaptation**, APA will develop further guidance on adaptation communications, including as a component of NDCs. The SBI will develop modalities and procedures for a public registry. The Adaptation Committee and Least Developed Countries Expert Group will develop modalities to recognise the adaptation efforts of developing countries. The Adaptation Committee, Least Developed Countries Expert Group and Standing Committee on Finance will develop methodologies and recommendations for mobilization of adaption support in developing countries. The Adaptation Committee will consider methodologies for assessing adaptation needs, and it will also review adaptation-related institutional arrangements. The GCF has been asked to expedite support for LDCs and developing countries to formulate and implement NAPs.

On **loss and damage**, it was decided WIM would continue following its review at COP 22. The focus is on a clearinghouse for risk transfer; and a task force for climate change induced displacement.

On **finance**, SBSTA will develop modalities for accounting of finance provided and mobilized. COP 22 was asked to initiate a process to identify information developed country Parties will provide on projected levels of public finance; and request the APA to undertake preparatory work on how the Adaptation Fund may serve the Agreement.

On **technology**, SBSTA will initiate work to elaborate the Technology Framework; SBI will elaborate the scope of and modalities for the periodic assessment of the Technology Mechanism; and COP25 will consider and adopt the modalities for the periodic assessment of the Technology Mechanism.

On **capacity building**, the SBI will develop and adopt the terms of reference for the PCCB. The PCCB will launch capacity building work plan through 2020; and prepare annual technical progress reports on its work. COP25 will review progress and consider extension of PCCB (COP 25).

On **transparency**, APA will develop recommendations for modalities procedures and guidelines on transparency of action and support, and report on the progress of work on the modalities, procedures and guidelines for transparency. A Capacity Building Initiative on Transparency (CBIT) will be established, supported by the GEF. COP24 will MPGs for transparency of action and support.

On the **global stocktake**, APA will identify sources of input for the global stocktake and report to the COP; and develop modalities for the global stocktake. SBSTA will help the APA on how the next assessment of the Intergovernmental Panel on Climate Change (IPCC) can inform the global stocktake. The COP will convene a facilitative dialogue to take account of collective efforts towards achieving the long-term goal of the Agreement.

On **implementation and compliance**, APA will develop modalities and procedures for the operation of the committee.

Barakat them provided an overview of developments at COP22 and progress at the 46th meeting of the Subsidiary Bodies, earlier this year.

At COP22, Barakat said the Paris Agreement entered into force. 148 Parties had ratified the Agreement as of 6 June 2017. It was agreed that the work programme would be completed by 2018.

It was also agreed that the Adaptation Fund "should" serve the Paris Agreement at COP22. Nearly 30 submissions were made on various elements of the rulebook before SB46. Inter-sessional workshop on transparency and pre-sessional roundtables on mitigation and adaptation communications took place.

At SB46, Barakat informed participants of the following developments:

- On **mitigation**, a non-paper was prepared, capturing convergence, divergence and options, where appropriate, based on Parties' views expressed in their submissions. This will be discussed at an in-session workshop on the first day of COP23.
- On **adaptation**, a technical paper synthesized adaptation-related information included in nationally determined contributions, national adaptation plans and recent national communications. A pre-sessional roundtable took into consideration the informal note.
- On **transparency**, two pre-sessional roundtables on consecutive days focused on issues covered in Parties' submissions. A roundtable took place on transparency of support provided and received; technical expert review, and facilitative, multilateral consideration of progress, both including a focus on transparency of support. A roundtable on transparency of action in relation to mitigation and transparency of action in relation to adaptation took place.
- On the **global stocktake**, a pre-sessional roundtable took into consideration Parties' submissions on the possible elements of textual outline for the identification of the sources of input to, and development of, the modalities for the global stocktake.
- On **facilitating implementation and promoting compliance**, an in-session workshop on the first

day of COP23 will take into consideration Parties' submissions.

- On **further matters related to implementation of the Paris Agreement**, the APA requested the Secretariat to prepare a list of all previous decisions that have been taken on the Adaptation Fund that touch on governance and institutional arrangements, safeguards and operating modalities. The APA will continue consideration of remaining additional matters (e.g. initial guidance by the CMA to the LDCF and SCCF, guidance on adjustment of existing NDCs and setting a new collective quantified goal on finance). It was also decided that the procedural aspect of the forum on response measures will be considered in Subsidiary Bodies going forward; and the procedural aspect of modalities for recognising adaptation efforts will take place at COP23.

In the discussion that followed, participants discussed the future role of the Adaptation Fund. Barakat said the decision on whether it should serve the Paris Agreement lies with the CMP, and the CMA.

On the process, Barakat said each agenda item was assigned two co-facilitators, one from a developed country and another from a developing country. The idea is that these two co-facilitators would hold informal consultations on an ongoing basis to get ideas from Parties, through submissions and discussions, so that their ideas could incorporated for the next session.

A resource person then asked about the implications of the US President's announcement on withdrawing from the Paris Agreement. Barakat said under the provisions of the Paris Agreement, a Party can begin a withdrawal process only three years after the Agreement comes into force for that Party. The agreement came into force in the US at the end of 2016, so the end of 2019 would be the earliest when the US could submit its instrument for withdrawal to the UN Secretary General. It will then take one year to take effect. It could therefore be 2020 before the US can leave the Paris Agreement. In legal terms, they remain a Party until that time, and still have obligations and commitments to honour in good faith.

In practical terms, Barakat said, if the NDC submitted by the US is formally a part of the Paris Agreement system, they are expected to implement it. The US may decide to not change their NDC or do anything formal, but find ways domestically to either not implement it fully, or implement it in a way that drastically reduces its ambitions. Another possibility is the US might revise and submit a new NDC. This is more uncertain as there is currently no guidance on how Parties can revise them. Barakat also mentioned the role of sub-nationals in trying to make up for the US' withdrawal.

On whether the US will continue to participate in the negotiations on the Paris rulebook even if they have announced their withdrawal from the Agreement, Barakat said some Parties have expressed the view that an immediate withdrawal from the Agreement would be preferable, because by remaining a Party they still have a seat at the table, and in negotiating the rulebook. There is a possibility that they could obstruct or block progress or development at the negotiations in a way that would be advantageous to them.

Barakat also said that the financial implications of US withdrawal would be bigger than the negative impact on negotiations.

THEMATIC GROUP WORK

Participants were divided into thematic groups based on the issues they intend to follow or are responsible for implementing at home. The discussion groups covered: mitigation; adaptation; capacity building; gender and climate. Groups were to feedback main points discussed and strategies for how they would support each other.

While reporting back, the gender and climate group discussed the possibility of representing their countries at the regional level even if they do not have the opportunity to do so at the international level; and of continuing to network with each other.

The mitigation group discussed ways to develop ways of information sharing, including informal face-to-face meetings; online communication; and information exchange through email groups, WhatsApp and Skype etc. They also discussed the possibility of developing a designated emergency committee that could provide support for countries outside of meetings.

The adaptation group discussed developments and progress on adaptation at the national level. They agreed that agriculture is the key priority for African countries.

The capacity building group discussed the possibility of establishing regional teams of negotiators; and creating regional networks for information exchange.

NEXT STEPS AND FEEDBACK

During the final feedback session, participants asked for the mock negotiations to be more intense; and extending the workshops to three days. They appreciated having a mixed group of participants, with some more experienced negotiators alongside new negotiators.

Participants were presented certificates to mark their participation in the training workshop. Seck concluded the workshop by noting that it provided an opportunity for networking, and calling for stronger alliances between Anglophone and Francophone Africa.