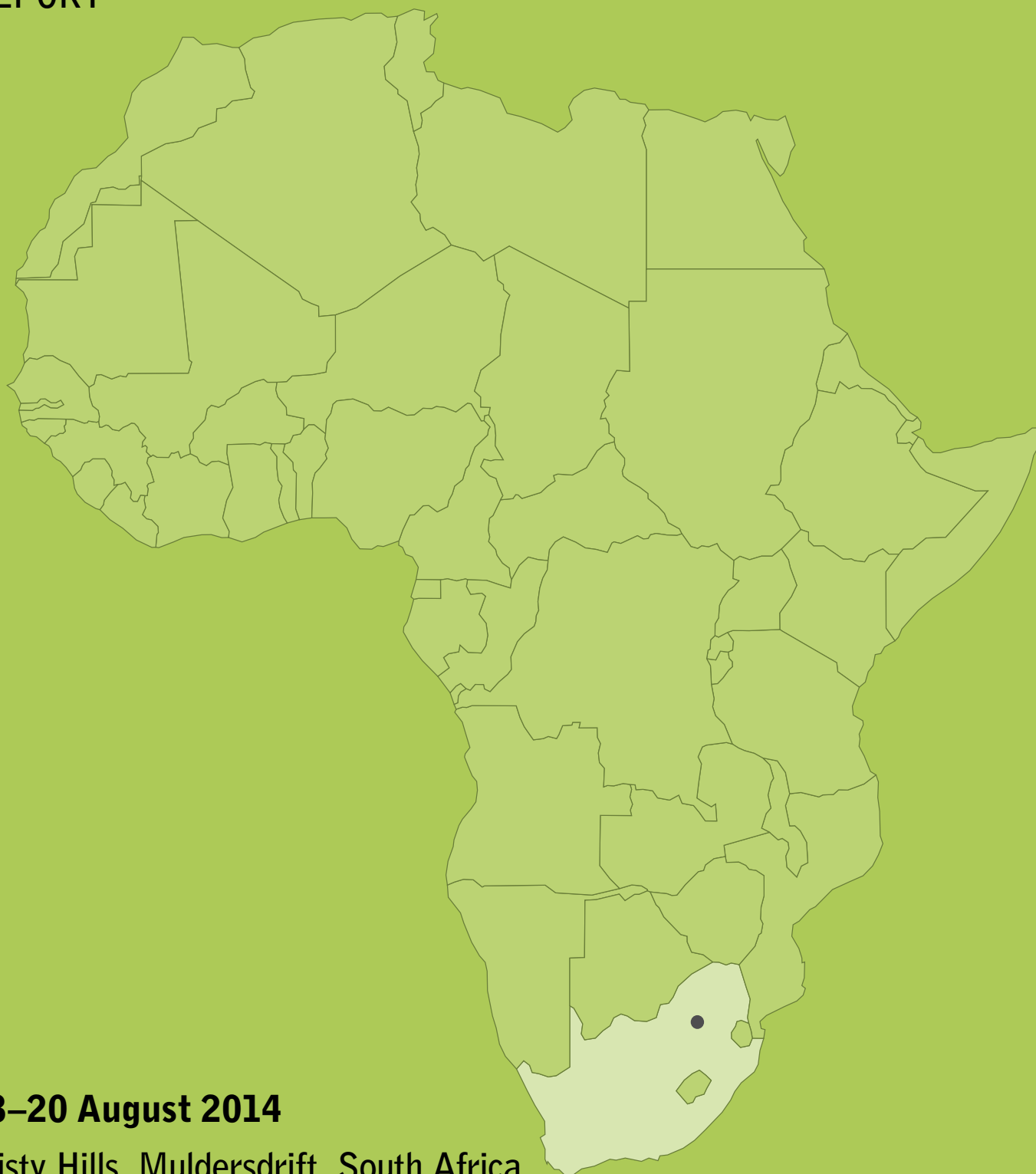


# African CSO Winter School on the 2015 Climate Agreement (ADP)

REPORT



**18–20 August 2014**

Misty Hills, Muldersdrift, South Africa

# Contents

Abbreviations	5
Summary	7
Introduction, Process Overview and Objective Definition	10
<b>1. The ADP: African analysis</b>	<b>12</b>
1.1. THE ADP: AFRICAN CSO EXPECTATIONS	12
1.2. ADP, AFRICAN CIVIL SOCIETY ANALYSIS AND EXPECTATIONS	14
1.2.1 How the ADP Process Started	14
1.2.2 Civil Society Expectations have Remained Constant	14
1.3. CONTEXT OF THE ADP NEGOTIATIONS: SCIENCE, HISTORY AND POLITICS	15
1.3.1 Science	15
1.3.2 History	15
1.3.3 Politics	15
1.3.4 African Position	16
1.4. AN ANALYSIS OF THE ADP DECISIONS FROM COP 17 TO PRESENT	17
1.4.1 Decision 1/CP.17	17
1.4.2 Decision 2/CP.18	17
1.4.3 Decision 1/CP.19	18
1.5. INTENDED NATIONALLY DETERMINED CONTRIBUTIONS (INDCs) UNDER THE UNFCCC IN THE ADP	18
1.5.1 Background to INDCs	18
1.5.2 Key Questions with Regard to Decision 1/CP.19 and INDCs	18
1.5.3 Perspectives in the Negotiations	18
1.5.4 Africa Group Perspectives	18
1.5.5 African Perspectives on INDC Information	19
1.5.6 Question for Discussion	19
1.6. THE 2015 AGREEMENT: LEGAL OPTIONS, LEGAL PRINCIPLES AND STRUCTURE	20
1.6.1. Definition of the Possible Legal Instruments under Decision 1/CP.17, Para 2	20
1.6.2. Implications for Parties: Factors to Consider	21
1.6.3. Elements of the 2015 Climate Agreement	22
1.7. EQUITY UNDER THE ADP: LEGAL AND TECHNICAL ASPECTS OF THE EQUITY REFERENCE FRAMEWORK	22
1.7.1. Equity in the UNFCCC Negotiations	22
1.7.2. Rationale of the Equity Reference Framework (ERF) for the New Agreement	22
1.7.3. Elements of a Principle-Based Reference Framework	22
1.7.4. The UNFCCC Context	22
1.7.5. As Part of an Objective Multilateral Consultative Process	22
1.7.6. Conclusions	23
1.7.7. Questions for Discussion	23
<b>2. Content of the ADP: African CSO perspective</b>	<b>24</b>
2.1. MITIGATION UNDER THE ADP	24
2.1.1. Rationale for Rapid and Deep Cuts in Emissions	24
2.1.2. Options for the Pre-2020 Ambition	24
2.1.3. Pre-2020 Mitigation Options	24

2.1.4.	Features of Decision 1/CP.19 (Warsaw)	24
2.1.5.	Initiatives Towards Closing the 2°C Gap and Enhancing Resilience	25
2.1.6.	Other initiatives: The Abu Dhabi Ascent	25
2.1.7.	Next steps: UN SG Climate Summit	25
2.2.	INTENDED NATIONALLY DETERMINED CONTRIBUTIONS (INDCs)	26
2.2.1.	Current Situation	26
2.2.2.	Requirements for INDCs for Mitigation	26
2.2.3.	Information to Facilitate Understanding, Review and Adequacy	26
2.2.4.	Mitigation Post-2020	26
2.3.	WHAT FUTURE? IDEAS OF CLIMATE JUSTICE	28
2.3.1.	Context	28
2.3.2.	A More Equitable Approach	28
2.3.3.	Methodologies	28
2.3.4.	Indicators	28
2.3.5.	Questions for Discussion	28
2.4.	AFRICA'S ADAPTATION CHALLENGE: KEY CONTRIBUTIONS OF IPCC WORKING GROUP II TO THE FIFTH ASSESSMENT REPORT (WGII AR5)	29
2.4.1	Vulnerability and Impacts	29
2.4.2.	Key Regional Risks	29
2.4.3.	Africa's Experience with Adaptation	29
2.4.4.	Five Common Principles for Adaptation and Building Adaptive Capacity	30
2.5	HOW SHOULD GENDER BE ADDRESSED IN THE ADP?	30
2.5.1.	Incorporating Gender in Multilateral Agreements	30
2.5.2.	Gender Approach to Climate Change	31
2.5.3.	Gender Equality in the 2015 Agreement	31
2.5.4.	Enabling Actions for Implementation	31
2.6.	ADAPTATION IN THE UNFCCC–ADP CONTEXT	32
2.6.1.	Adaptation in the UNFCCC	32
2.6.2.	Defining the Adaptation Gap	32
2.6.3.	Costs of Adaptation and Residual Damages (excluding from sea-level rise)	32
2.6.4.	Adaptation in the ADP	32
2.6.5.	Global Goal for Adaptation	32
2.6.6.	Questions for Discussion	33
2.7.	ADAPTATION IN THE UNFCCC–ADP CONTEXT	33
2.7.1.	Finance in the UNFCCC	33
2.7.2.	Current Challenges Related to Finance	33
2.7.3.	Specific Challenges Related to Finance in the ADP	33
2.7.4.	General Proposals for the ADP	33
2.7.5.	Specific Proposals in the AGN ADP Submission	34
2.7.6.	Questions for discussion	34
2.8.	INTEGRATION OF LOSS AND DAMAGE INTO THE ADP	35
2.8.1.	What is Loss and Damage (L&D)?	35
2.8.2.	Potential Climate Impacts in Africa	35
2.8.3.	Cost Estimates for Adaptation and Residual Damage	35
2.8.4.	Existing Arrangements to Address Risks	35
2.8.5.	Limitations of Existing Institutions and Arrangements	36
2.8.6.	L&D in UNFCCC Processes	36

2.9. THE GREEN CLIMATE FUND (GCF): ITS STATUS AND HOW IT RELATES TO A SUCCESSFUL ADP	37
2.9.1. Climate Finance Obligations under UNFCCC	37
2.9.2. Green Climate Fund	37
2.9.3. Link with Successful ADP	37
2.9.4. GCF Structure and Modalities	38
2.9.5. Stakeholder Input and Participation	38
<b>3. Groups (Breakout Sessions)</b>	<b>40</b>
3.1. GROUP: MITIGATION UNDER THE ADP	40
3.2. GROUP: GENDER, ADAPTATION AND THE ADP	40
3.3. GROUP: CSO PERSPECTIVES ON MITIGATION AND EQUITY	41
3.4. GROUP: FINANCE	41
3.5. GROUP: PROPOSED AFRICAN CSO STRATEGY FOR ADP ENGAGEMENT	42
<b>4 African Cso Strategy for ADP</b>	<b>44</b>
4.1. CONTEXT	44
4.2. WHAT DO WE WANT TO ACHIEVE?	44
4.3. SOME KEY FOCUS COUNTRIES	45
<b>5. Conclusion</b>	<b>46</b>
<b>Acknowledgements and Vote of Thanks</b>	<b>47</b>

# Abbreviations

ACCER	Annual African Climate Change and Environmental Reporting Awards
ACPC	African Climate Policy Centre
ADP	Ad Hoc Working Group on the Durban Platform for Enhanced Action
AGN	African Group of Negotiators
AMCEN	African Ministerial Conference on the Environment
AOSIS	Alliance of Small Island States
AU	African Union
AWG-KP	Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol
BRICS/BASIC	Brazil, Russia, South Africa, India and China/Brazil, South Africa, India, China
CAHOSOCC	Committee of African Heads of State and Government on Climate Change
CBDR(&RC)	Common But Differentiated Responsibilities (and Respective Capabilities)
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CMP	Meeting of the Parties to the Kyoto Protocol
COMESA	Common Market for Eastern and Southern Africa
COP	Conference of Parties
CSOs	Civil Society Organisations
CTCN	Climate Technology Centre and Network
DRR	Disaster Risk Reduction
EAC	East African Community
EE	Energy Efficiency
ERF	Equity Reference Framework
ECOWAS	Economic Community of West African States
FSF	Fast-Start Finance
GCF	Green Climate Fund
GDP	Gross Domestic Product
GEF	Global Environment Facility
GGCA	Global Gender and Climate Alliance
GHG	Greenhouse Gases
HBS	Heinrich Boell Foundation (Heinrich Böll Stiftung)
ICC	International Criminal Court
IEA	International Energy Agency
IFI	International Financial Institution
IKS	Indigenous Knowledge Systems
INDC	Intended Nationally Determined Contribution
IPCC	Intergovernmental Panel on Climate Change
IPCC AR4	IPCC Fourth Assessment Report
IPCC AR5	IPCC Fifth Assessment Report
IPR	Intellectual Property Rights
IPS	Inter Press Service
KP	Kyoto Protocol
L&D	Loss and Damage
LCA	Long-Term Cooperative Action
LDCF	Least Developed Countries Fund
LDC	Least Developed Country
LMDC	Like-Minded Developing Countries
MATCH	Metadata Access Tool for Climate and Health
MDB	Multilateral Development Bank
MOP	Meeting of the Parties
MRV	Monitoring, Reporting, and Verification
NAMA	Nationally Appropriate Mitigation Action
NAPA	National Adaptation Programme of Action
NIE	National Implementing Entity

ODA	Official Development Assistance
PACJA	Pan African Climate Justice Alliance
PAMACC	Pan African Media Alliance on Climate Change
PSAG	Private Sector Advisory Group
QELRC	Quantified Emissions Limitation and Reduction Commitment
RE	Renewable Energy
REDD+	Reducing Emissions from Deforestation and Forest Degradation
RIE	Regional Implementing Entity
SADC	Southern African Development Community
SBI	Subsidiary Body for Implementation
SBSTA	Subsidiary Body for Scientific and Technological Advice
SCF	Strategic Climate Fund
SED	Structured Expert Dialogue
SIDS	Small Island Developing State
TEM	Technical Expert Meeting
TNA	Technology Needs Assessment
UAE	United Arab Emirates
UN	United Nations
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNSG	United Nations Secretary General
WB	World Bank
WEDO	Women's Environment and Development Organisation
WGII	Working Group Two, IPCC
WIM	Warsaw International Mechanism
WS1/WS2	Workstreams 1 and 2 of the ADP

# Summary

Climate change is one of the greatest challenges facing humankind today. Because its impacts are multiple, cross-cutting, and potentially catastrophic, it is imperative to find solutions and take the necessary action. Of the many initiatives to address climate change at the global level, one of the most notable is the United Nations Framework Convention on Climate Change (UNFCCC).

A key outcome of the 17th Conference of the Parties (COP 17), held in Durban, South Africa in 2011, was the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), which was mandated to formulate a protocol for a new climate agreement by 2015. With the ADP negotiation process now at a crucial stage, the effective participation of civil society stakeholders is critical.

The Heinrich Boell Foundation convened a Winter School with civil society representatives from various African countries to deliberate and to develop a common understanding of what the ADP means for Africa and what it needs to deliver in order to respond to Africa's priorities and challenges in the context of climate change. The meeting also provided a platform for the CSOs to formulate strategy to support the African agenda in both the ADP and the 2015 agreement. The key highlights, experiences and lessons of the Winter School fall into the following categories: equity, mitigation, adaptation, finance, climate politics and CSO perspective.

The concepts of equity and climate justice should be central in addressing climate change. These concepts advance the polluter-pays principle and recognises differentiated abilities between countries and assigns responsibility accordingly, ensuring fairness in the whole system, particularly with respect to the distribution of resources. Without equity and climate justice considerations, the future costs of current activities will undermine overall development in Africa. In this regard, some countries and NGOs have proposed that an Equity Reference Framework (ERF) is necessary for a durable and stable agreement and should be an essential pillar of the ADP process.

The ERF can address several issues, including the need to reconcile science-based imperatives with national circumstances; to operationalise equity beyond the definition conundrum; to recognise that the perception of fairness is necessary for cooperative action; and to bring the notion of adaptation to the centre of global climate policy dialogue. The ERF design process could take several forms. An expert process may not garner political buy-in, a diplomatic process may not garner the necessary legitimacy, but a hybrid approach has great potential to achieve the objectives.

An equitable deal needs a changed agenda. It should emphasise a global warming target of 1.5°C above pre-industrial levels; more ambitious quantified emission cuts; that decisions around 2020 should be reviewed in 2025, includ-

ing all elements in the deal (adaptation support, loss and damage, finance, and appropriate technology); and that the Green Climate Fund (GCF) should be put into operation and capitalised with public funding, with the option of grants, and ensured direct access. In addition, the deal needs to cater for the development needs of Africa and other developing-country parties in a manner that complements adaptation needs and does not compromise equitable access to sustainable development. This requires the participation of diverse stakeholders. In particular, civil society should work closely with national governments, and South-South and South-North CSO partnerships should be developed.

It was stressed that, because climate change affects people's livelihoods, there are implications for the different roles, responsibilities and capabilities of men and women. Gender equality should be a guiding principle of the new climate agreement; it should be key and specific to mitigation and adaptation strategies, finance, technology development and transfer, and capacity-building. This will help to develop climate change solutions that respond to gender dynamics and are aligned with goals of sustainable development. Viewing climate policies through a gender lens helps to address the social and human rights dimensions of climate change, and to ensure equitable access to and control of resources and benefits. Gender experts should play an important role in the development of proposals for gender-responsive climate action in the 2015 agreement.

Another highlight was the discussion on adaptation. Africa is one of the continents most vulnerable to climate change. As developing countries are failing to meet adaptation needs at present carbon levels, there is already an "adaptation gap". This is likely to grow, together with associated costs, if mitigation efforts remain inadequate. The situation is made worse by the fact that the rate of warming for Africa will be roughly 1.5 times the global average. Thus, adaptation is central to the continent's response to climate change. While adaptation has been embedded in some planning processes, this has been done on a limited scale and there has been weak implementation. Mechanisms for insurance, rehabilitation and risk management have begun to be incorporated, although with a generally low uptake and limited sustainability due to constraints of funding and technical and scientific capacity.

Moreover, most mechanisms have not been designed for the changing dynamics of climate change and do not address permanent loss and damage (L&D) that cannot be adapted for. As L&D is already being experienced, a multi-window international mechanism is needed to address it, whose operationalisation and full capitalisation should be expedited. It was noted that L&D will affect both developed and developing countries. The incorporation of L&D in the negotiations has been slowly but steadily evolving, and

the establishment of the Warsaw International Mechanism (WIM) is a key achievement. As of July 2014, the African position on L&D is not very evident. Nonetheless, the submission of the Least Developed Countries (LDCs) group, which includes Africa, indicates that L&D should be part of the 2015 agreement, and that this should focus on investment needs for risk assessment, risk management, insurance and compensation, and overall costs and impacts of residual damage.

The discussion of mitigation centred on addressing the causes of climate change through controlling, limiting and reducing greenhouse gas (GHG) emissions. It was noted that emissions are on an upward trend, and that the likely temperature increase is unacceptable, especially for countries in Africa. A deep cut in emissions, now and in the future, is required. In the past, the ambition to reduce GHG/carbon emissions was mainly concerned with developed countries. However, from 2012, there has been a shift towards ambition for all, relative fair effort, and corrective and redistributive justice. Closing the emissions gap and enhancing resilience include initiatives in the following critical areas: energy (efficiency, demand-side management and renewables); short-lived climate pollutants; land use (forests and agriculture); cities; transport; adaptation; disaster risk reduction; climate finance; and economic drivers.

An important discussion on Intended Nationally Determined Contributions (INDCs) noted that there have been divergences in the scope, form and treatment of INDCs. In terms of *scope*, the divergence concerns whether they should have a narrow (mitigation), larger (mitigation and finance) or large (mitigation, adaptation, finance, technology and capacity building) scope. With regards to *form*, it is whether they should be binding or non-binding and conditional or non-conditional. In terms of *treatment*, it relates to clarity, transparency and understanding of the intended contributions. When negotiating commitments for the 2015 agreement, it is important to assure a significantly higher level of global ambition. This should cover a range of issues, including the types of mitigation commitments, equitable distribution of mitigation efforts, and a process to determine equitable contributions. CSOs also expressed concern over the change in terminology from mitigation “commitments” to mitigation “contributions”, which could have legal implications for the nature of the parties’ agreement.

Finance was a dominant and key aspect of the discussion. Finance challenges in the ADP relate to the huge difference in perspectives between the developing countries and the developed countries. For developing countries, key challenges include the notion that the bulk of climate finance should be publicly sourced and provided by developed countries; the failure or delay on the part of developed countries to fulfil previous financial obligations; the predictability and sustainability of funding; devising the right channels for finance flows from developed to developing countries to allow for direct access and disbursement without too much complexity; and how to ensure transparency in the alloca-

tion and disbursement of resources. For developed countries, key concerns relate to the prominent role of the private sector in mobilising climate finance; the demonstration of developing countries’ ability to effectively receive and utilise the resources; and ensuring full transparency in the way the resources are used.

One important aspect of finance is the roadmap to scale up climate finance to US\$100 billion per year by 2020, which has four dimensions: demand, support, delivery and transparency. The ADP’s general proposals include identifying procedures for the coordination, monitoring and transparency of finance; seeking pathways to scale up finance beyond the US\$100 billion target; and developing a system to ensure predictability and delivery of climate finance. Specific proposals in the African Group of Negotiators’ (AGN’s) ADP submission seek to ensure that finance provided to developing countries is fully in line with the Convention (UNFCCC) and other relevant agreements. The financial resources are to be based on quantified targets that are in line with the temperature goal. Funding should be adequate, predictable, sustainable, and ensure country ownership. Most importantly, it should be new and additional to current commitments of official development assistance (ODA), which is set at 0.7% of developed countries’ GDP. Furthermore, it should be balanced between adaptation and mitigation, ensuring that adaptation gets an equal level of resources. Another important aspect is the criteria for receiving funding: each continent should get its share according to the challenges it is facing. Fair allocation to Africa should be in line with its adaptation needs and mitigation potential.

The significance of the Green Climate Fund (GCF), which is supposed to become the main multilateral fund for climate finance, was also highlighted. The GCF’s objectives and guiding principles promote a paradigm shift towards low-emission and climate-resilient development pathways.

The GCF is set to operate initially through accredited national, regional and international implementing entities and intermediaries. There will also be international access through accredited international entities, including UN agencies, multilateral development banks (MDBs), international financial institutions (IFIs) and regional institutions; and balanced allocation between adaptation and mitigation “over time” and a goal of ring-fencing 50% of the adaptation allocation for “vulnerable countries” (i.e. LDCs, small island developing states (SIDs) and African states). In general, proper mechanisms for stakeholder input and participation and to promote input in the GCF are still weak or missing, although there has been participation of accredited observers at board meetings.

The successful and ambitious scale of the initial resource mobilisation for the GCF is seen as key for success at COP 20 in Lima and for advancing the 2015 agreement. The ADP negotiations link the mitigation gap and finance gap and raising the profile for adaptation and increasing adaptation finance to be 50/50 with mitigation in the new agreement. Most developing countries want the GCF to be strengthened



and to be the main channel for financing under the new agreement. Long-term capitalisation is thus linked to efforts to meet the 1.5–2°C global temperature goal.

The opportunity for civil society organisations not only to learn but also to contribute to the process was a key feature of the Winter School. They raised a number of concerns and expectations. Concerns included the threat to the principle of “common but differentiated responsibilities” (CBDR); that mitigation has displaced adaptation as the focus of action; that corporate interests grow more powerful than the voices of people and the space for civil society participation is shrinking at a tremendous speed; and the manipulations, carrot-dangling and intimidation of poor countries that have fragmented their efforts and their bargaining power.

CSOs want the following issues to be addressed: mitigation, adaptation, finance, technology transfer, transparency, implementation, compliance, capacity building, and differentiation amongst parties. There should be immediate and deep emission cuts and changes to the development pathway, and climate finance and technology transfer commitments must be honoured. Long-term negotiations must set a global emissions budget and share it

fairly. Most importantly, the needs of affected people should be prioritised and addressed.

The CSO strategy for ADP seeks an effectively coordinated civil society, through information sharing and joint strategising in international climate-change dialogue processes, to ensure a fair, equitable and ecologically just new climate change agreement. This will entail strengthening, networking and capacity building among regional, sub-regional and national civil society groups. One important component of the strategy is to ensure improved and positive media coverage of climate change issues. Another is to provide guidance in the formulation of climate-related policies at national and international levels. Pre-COP workshops, relationship building, and media engagement are needed at the national level. Stronger communications systems need to be developed at the national, regional and international levels to promote the sharing of knowledge, experiences and strategies. This includes building and strengthening South–South and South–North CSO collaborations. More people need to be involved in the processes. And, although African CSOs face many challenges in the global climate processes, they should continue to engage and walk the talk.

*Participants at the African CSO Winter School on the ADP*



# Introduction, Process Overview and Objective Definition

The CSO ADP Winter School was opened by a prayer. Ms Kulthoum Omari of the Heinrich Boell Foundation welcomed participants and outlined the process overview and objective definition. Holding the workshop in Muldersdrift was significant for many reasons, including its close proximity to the Cradle of Humankind, where some of the oldest human fossils have been found. This is highly relevant to the subject of climate change, which has anthropogenic causes.

The Winter School is an important component of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) process, which was initiated as a key outcome of the 17th Conference of the Parties (COP 17) in Durban, South Africa. With the ADP negotiation process at a crucial stage, the Winter School aimed to ensure that civil society would be able to participate effectively. With support from the Heinrich Boell Foundation, representatives of civil society organisations (CSOs) from various African countries gathered to discuss, deliberate and develop a common understanding of the ADP process and what it means for Africa. It is imperative that Africa's needs and priorities are included and mainstreamed as climate change strategies are being formulated. A necessary aspect of the Winter School was to put aside ideological differences and work together to find common and tangible solutions.

The workshop hoped to achieve the following objectives:

- to deliberate on the main elements of the ADP and identify the priority areas for Africa that should be reflected in the 2015 agreement
- to develop a common understanding and common agenda for the ADP to deliver a scientifically appropriate outcome
- for African CSOs to network and identify potential areas of collaboration for common advocacy.

The Winter School provided a platform for significant learning and knowledge sharing amongst the participants. It used three main knowledge-sharing approaches. The first

approach involved an individual presenter presenting to all participants on a specific topic, followed by questions and comments from participants. The second offered breakout sessions for groups to brainstorm and explore particular topics as determined by the group facilitators. The third approach embraced social media – tweeting and posting highlights from the presentations and discussions during sessions.

Table 1 shows the topics addressed by individual presenters over the three days. (see overleaf)

The breakout sessions (groups) used the interactive “carousel” format: participants moved from group to group discussing particular topics, and then the rapporteur from each group would present to all participants and receive feedback and comments. The topics discussed were:

- Mitigation under the ADP
- Gender, adaptation and the ADP
- CSO perspectives on mitigation and equity
- Finance
- The Proposed African CSO strategy for ADP engagement.

The Winter School had other important activities and side events. A dinner dialogue, held on the second day, focused on “Enhancing African CSO engagement in international climate negotiations”. Dr Carola Betzold gave a perspective from academia in her presentation, “Non-state actors in international climate change negotiations”. Mr Maesela Kekana from the South African department of environmental affairs gave a perspective from the government. The facilitator of the dinner dialogue, Mr Farayi Madziwa of the Heinrich Boell Foundation, then reflected on 20 years of CSO engagement at the UNFCCC COPs.

Another beneficial side event was a session for the CSO representatives on strategic engagement and advocacy at various international meetings, including the upcoming African Ministerial Conference on the Environment (AMCEN) to be held in Egypt in September 2014.

Table 1: Individual presentations by topic and presenter

	Topic	Presenter
<b>Day 1</b>	The ADP: African CSO analysis and expectations	Augustine Njamnshi ( <i>via Skype</i> )
	The ADP: African CSO analysis and expectations	Mithika Mwenda
	Context of the ADP negotiations: Science, history and politics	Matthew Stilwell
	An analysis of the ADP decision from COP 17 to present	Edward Wabwoto
	The ADP agreement: legal options, legal principles and structure	Edward Wabwoto
	Intended nationally determined contributions (INDCs)	Xolisa Ngwadla
	Equity under the ADP. The Equity Reference Framework: Legal and technical perspectives	Xolisa Ngwadla
<b>Day 2</b>	Mitigation under the ADP	Seyni Nafo
	INDCs	Seyni Nafo
	What future? Ideas of climate justice	Matthew Stilwell
	How should gender be addressed in the ADP?	Dora Marema, presented by Matshepiso Makhabane
	What is Africa's adaptation challenge? Key findings of the contributions of Working Group II to the IPCC 5th Assessment Report	Sandra Freitas, presented by Dora Marema
	Adaptation in the UNFCCC: ADP context	Xolisa Ngwadla
<b>Day 3</b>	Finance in the ADP: How will this be addressed in terms of sustainability, adequacy, predictability and additionality?	Seyni Nafo
	Integration of Loss and Damage (L&D) into the ADP	Johnson Nkem
	The Green Climate Fund (GCF): Its status and how it relates to a successful ADP	Liane Schalatek ( <i>via Skype</i> )
	African CSO strategy for ADP	Mithika Mwenda

# 1. The ADP: African analysis

## 1.1. THE ADP: AFRICAN CSO EXPECTATIONS

*Augustine B Njamnshi*

### 1.1.1. Foundations for CSO Participation in Climate Change Decision-making

International instruments that form the basis CSO participation include: Principle 10 of the Rio Declaration and its Bali Guidelines; the Aarhus Convention and its Almaty Guidelines; and Articles 4 and 6 of the UNFCCC.

The assessment of Africa's needs for adaptation and building resilience to climate change indicates that the continent needs about US\$25 billion per year from 2010 to 2015, and up to \$30–\$60 billion annually by 2030. By the year 2020, developed country parties should provide scaled-up financial support based on an assessed scale of contributions that constitutes at least 1.5% of the GDP of Annex I parties, in order to meet the needs of non-Annex I parties to tackle climate change and its adverse effects.

In order to prevent catastrophic climate change and keep Africa and the world safe, it is necessary to exert pressure on developed countries and ensure that they sign legally binding commitments to reduce emissions and limit global warming to well below 1.5°C. In this context, there is need to share the effort of curbing climate change fairly, to demand domestic emission reductions by developed countries that are commensurate with science and equity, and enable a just transition in all countries. This ensures that polluters pay and not the poor. Developed countries must honour their obligations to help the poor adapt and develop cleanly and sustainably. These demands are derived from various processes, including the African science-based position under the AGN, the African Ministerial Conference on the Environment (AMCEN) and the Committee of African Heads of State and Government on Climate Change (CAHO-SOCC). All agreed on the position of “one Africa, one voice, one position”.

The four Bali Roadmap pillars for negotiation are mitigation, adaptation, technology transfer and finance. The question is: did Durban “kill” the gains that Africa and poor countries won under the Bali Roadmap? The question is asked because the principles of equity and CBDR are longer guaranteed under the proposed ADP.

### 1.1.2. African CSO Expectations for a 2015 Paris Treaty

COP 17 agreed “to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties, through a subsidiary body under the Convention hereby established and to be known as the Ad Hoc Working Group on the Durban Plat-

form for Enhanced Action” (Decision 1/CP.17, emphasis added).

African CSOs support the development of an international treaty because it will:

- support legal certainty and the rule of law amongst nations
- be subject to more thorough negotiation and preparation processes
- likely create more “political buy-in”, resulting in better implementation and compliance
- enable civil society to hold developed country governments accountable for their legally binding obligations.

However, a treaty is no guarantee of success. While its objective should be to implement the Convention, it should use recognised legal principles to make sure that developed countries accept full liability for previous anthropogenic GHG emission. From 2020, all parties may need to avoid, minimise and control emissions.

### 1.1.3. Key Issues to be Addressed

The issues that need to be addressed by the Protocol are mitigation, adaptation, finance, technology transfer, transparency, implementation, compliance, capacity building, and differentiation amongst parties.

- *Mitigation.* The total allowed global emissions are determined by the Intergovernmental Panel on Climate Change (IPCC) to meet the 1.5°C target. The developed countries should accept full liability for previous anthropogenic GHG emissions and compensate developing countries accordingly. But from 2020, when the new agreement enters into force, the remaining available atmospheric space is allocated per capita and all Parties need to avoid, minimise and control emissions. The Kyoto Protocol rules and subsequent decisions by the COP/MOP on measuring, reporting, verification, etc. apply. They will be reviewed at first meeting of Parties to the new Protocol. Parties need to report on emissions since 2015 (but because the Protocol enters into force in 2020 it does not address pre-2020 ambition).
- *Adaptation* should build on the adaptation framework established under the Convention. It should outline the mandate of the Adaptation Committee and identify adaptation priorities. This requires the Adaptation Committee to reach further agreements on rules and regulations, such as funding mechanisms.
- *Loss and damage.* Developed countries are liable in accordance with their respective contributions to GHG emissions since industrialisation. An L&D compensation fund should be established and integrated into the



institutional L&D arrangements. The MOP will adopt rules and regulations on the type, scope and criteria for compensation claims. Developing countries will ensure that equal access to prompt and adequate compensation is available to the victims of climate change.

- **Finance.** Developed countries will be legally obliged to fund mitigation and adaptation actions in developing countries. They will annually contribute a fixed amount (e.g. jointly US\$100 billion) or a percentage of their GDP (e.g. 1.5%) to the Green Climate Fund (GCF). Other parties are encouraged to make additional contributions to the GCF. The GCF and UNFCCC secretariat will annually report on payments due and received.
- **Technology transfer and capacity.** The Climate Technology Centre and Network (CTCN) will manage the transfer of climate-related technology and expertise to developing countries. The necessary financial resources will be made available by the Green Climate Fund. Parties shall take the necessary legislative and administrative measure to transfer and share intellectual property rights with the CTCN. In case of conflict

between different legal obligations, the provisions of the new Protocol shall prevail.

- **Compliance.** In terms of mitigation, the Kyoto compliance system continues to apply (with necessary modifications) and decisions will be legally binding. In terms of finance, a Party which is in arrears in the payment of its contributions by more than a year shall have no right to participate in the MOP to the Protocol and the flexible mechanisms defined by the Kyoto Protocol. Other areas, such as adaptation and technology transfer, will be dealt with by a consultative process established under the Protocol. Overall, Parties should recognise the jurisdiction of the International Court of Justice (ICJ).

#### 1.1.4. Way Forward

Though there are many challenges facing African CSOs in the global climate processes, as civil society we should not fold our arms but we should continue to engage.

#### Questions and Comments from Participants

Question	Response
We all remember that, in the Agenda 21, developed countries once promised 0.7% of GDP for ODA. You have indicated that developed countries should provide 1.5% of their GDP. How is that possible?	Yes, financial pledges are always made. We have to understand why people make commitments in meetings. The other challenge is that sometimes what these countries say has come to Africa is questionable: how much was provided? How was it provided? At times it is difficult to trace the funds. Thus the need for transparency in the processes.
How did you come to the figure of 1.5% GDP of developed countries?	We got it from the African common position, and we believe 1.5 % should be a minimum. We have to express our needs. Whether it can be provided is another issue.
Is there a target for adaptation? A lot of adaptation goes into development work. How do you separate between adaptation and mitigation?	For Africa, adaptation is currently the key priority, while mitigation is not – though in future we will have to do mitigation. The funds that are made available should prioritise adaptation over mitigation.
There have been initiatives, for example, to introduce mitigation into agriculture –what has been termed “smart agriculture” – or feed-in tariffs in energy. What do these initiatives mean in terms of livelihoods and for civil society?	The challenge is how we embrace initiatives that come to us. An important point is that anything that compromises food sovereignty should not be accepted. Some of the solutions can effectively address the causes of climate change. However, it is important to assess and determine how they impact on our livelihoods and other socio-economic aspects. We need appropriate technologies to enhance our situation.
Following the weak mobilisation of climate finance, what opportunities are there for local-level action fronted by CSOs to push for a carbon tax on multi-national companies?	Yes, that is another potential way: to interrogate the various investments on the continent and what they are causing in the context of climate change.

Question	Response
What would be the strategies to ensure compliance? In the past, some countries pulled out of their commitments.	We have seen parties refuse to comply and get away with it. In international politics and treaties, a country is free to choose to whether to be part or not part of the process. If a country decides not to be part of the treaty, it should not be allowed to benefit from the concessions. In addition, the International Criminal Court (ICC) should play an important role. If the world comes together as one, we can take action even against the biggest non-co-operators.

## 1.2. ADP, AFRICAN CIVIL SOCIETY ANALYSIS AND EXPECTATIONS

*Mithika Mwenda*

The Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) is a subsidiary body that was established by Decision 1/CP.17 of UNFCCC during the Durban Climate Change Conference (UNFCCC-COP 17) in December 2011. Its mandate is to develop “a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties”. This should be completed no later than 2015, and is supposed to be adopted during the Paris Climate Change Conference (COP21). It should come into effect and be implemented from 2020.

The most curious aspect is that it is a workplan for enhancing mitigation ambition. The ADP is to identify and to explore options for a range of actions that can close the ambition gap with a view to ensuring the highest possible mitigation efforts by all parties. The key challenge for us is that mitigation became the priority pillar among the parties while adaptation is the priority pillar for Africa. Thus, commitments (of money, emission reduction) changed into actions to be taken by all parties – irrespective of their responsibility and capability. This means that rich countries bought their way out of mitigation commitments.

### 1.2.1 How the ADP Process Started

- The ADP succeeded the extended Bali Action Plan, which ended acrimoniously in Copenhagen (COP 15), resulting in the non-binding, face-saving Copenhagen Accord (graduating into the Cancun Agreement).
- All this dragged on until COP 18, due to disagreements and obstruction by industrialised countries.
- The Bali Roadmap was to lead the global community to the “penultimate land of milk and honey” if they remained committed to the four key pillars of negotiation leading to COP 15: adaptation, mitigation, technology transfer and finance.
- Buoyed by IPCC AR4 (2007), the momentum of the countdown to COP 15 had built a global consensus (or so we believed) to cap global emissions to acceptable levels; to enable people in developing countries to have a future; to get an equitable, all-inclusive, universally

accepted climate change agreement; and to avoid a situation where rich countries could leave poor people and developing countries to bear the burden of their actions.

- The period of hope ended here!
- The ADP negotiations have wiped away the people-centred gains made over years of negotiations:
  - the principle of common but differentiated responsibilities and capabilities faces the biggest threat
  - mitigation has won out over adaptation (which is now tokenism rather than obligation)
  - corporate interests are gaining a stronger voice than the people
  - the space for civil society is shrinking at a tremendous speed
  - manipulations, carrot dangling and intimidation of poor countries have fragmented their effort and thus their bargaining power.

### 1.2.2 Civil Society Expectations have Remained Constant

Civil society is still calling for the same global interventions in terms of climate change.

- *Immediate and deep emission cuts, and changes to the development pathway.* For 2020, developed countries must increase their pledges to 40–50% below 1990 levels. Increasing these pledges is an equally important legal outcome of ADP. Finance to support the just transition in the South – for example, through a globally funded feed-in tariff – must be drastically and rapidly scaled up. The global transformation of the energy sector should begin, leading to a ban on new fossil fuel projects and subsidies to fossil fuel producer corporations, and the investment in community controlled renewable energy for all.
- *Climate finance and technology transfer commitments must be honoured.* The climate finance commitments from developed countries must be scaled up to meet the need. A roadmap for finance must be agreed to ensure that financing is predictable. Attempts to allow private finance to count toward finance obligations must be rejected. Moreover, financial allocation must be balanced between mitigation and adaptation activities.

- *Long-term negotiations must set a global emissions budget and share it fairly.* The post-2020 negotiations must work toward agreeing a global emissions budget that gives humanity a reasonable chance of limiting warming well below 1.5°C (i.e. less than 605Gt CO<sub>2</sub> more emissions). Negotiations should focus on how to share this budget fairly, based on each country's historical responsibility and capacities. Strict compliance measures must be put in place to ensure developed countries do not renege on their commitments. The failed carbon-trading offsetting mechanisms, which are inconsistent with a strict emissions budget, should be excluded.
- *Addressing the needs of impacted people.* There should be a loss and damage (L&D) mechanism to help vulnerable communities manage new risks from an already changed climate. The mechanism should facilitate the access to resources and support from developed countries, as reparations for the harm caused by climate impacts exacerbated by their historical emissions.

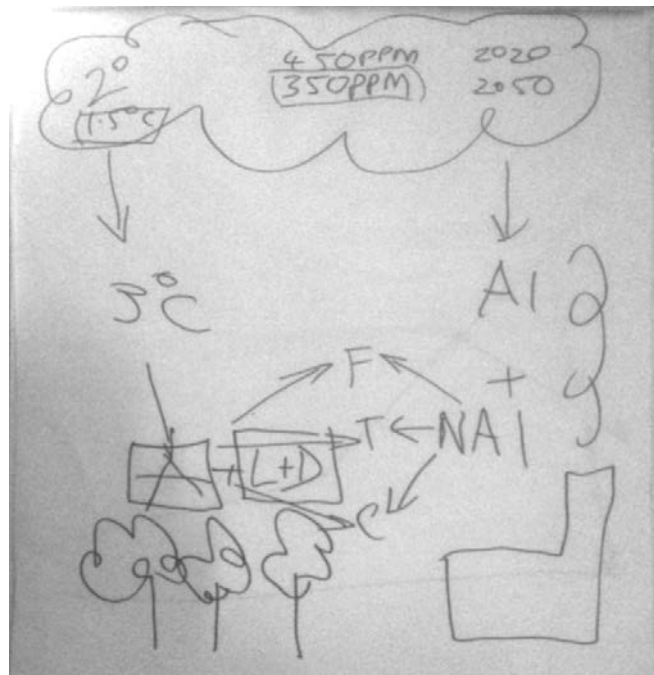


Figure 1: Matthew Stilwell explaining the science of emissions and climate change

### 1.3. CONTEXT OF THE ADP NEGOTIATIONS: SCIENCE, HISTORY AND POLITICS

Matthew Stilwell

#### 1.3.1 Science

Since participants have different levels of knowledge of the science linking high emissions and climate change, it is important to have a common understanding of it. According to the IPCC, Africa is one of the most vulnerable continents to climate change. All of Africa is very likely to warm during this century. The warming is also very likely to be larger than the global annual mean throughout the continent and in all seasons (IPCC AR4).

The emissions problem can be thought of as a blanket that causing warming. The temperature limit was set at less than 2°C (global average). If the average for Africa will be roughly 1.5 times the global average (IPCC AR4), this translates to about 3°C. The current level of emissions has set us on a path to upwards of 6°C.

The current pledges would take us to between 2.5–5°C (UNEP), and there are indications that the carbon budget for 2°C may be locked in as soon as 2017 (IEA). The adverse implications for various sectors and systems (agriculture, food, ecosystems, economy, etc.) require strategies for adaptation, with loss and damage factored in.

As the civil society positions are calibrated for 2020, we have to understand the climate change projections. The safe upper limit for the amount of carbon in the atmosphere is about 350 parts per million (PPM), but we have already exceeded that level in some places. It would be desirable if the period of reviewing emission level is set over a 5-year period.

#### 1.3.2 History

The climate change negotiations have taken place over two decades now:

- UN Framework Convention on Climate Change (1992)
- Kyoto Protocol (1997)
- Negotiations for a second period of commitments under Kyoto Protocol (2005)
- Bali Roadmap (2007), including two tracks: the continuation of negotiations to implement the Kyoto Protocol and the new negotiations to enhance implementation of the Convention (Bali Action Plan)
- Copenhagen Climate Change Conference (2009): mired by many challenges, including protests and walkouts, and not inclusive enough, with many countries being excluded
- Cancun Climate Change Conference (2010)
- Durban Climate Change Conference (2011): some countries (e.g. Canada, Japan, Australia, New Zealand) said they would not be committed, although they remained in the process. In addition, some countries that remained set targets that were too low
- Qatar Climate Change Conference (2012)
- Warsaw Climate Change Conference (2013)

We now have the beginning of a level playing field between developed and developing countries. As we think of the ADP, the key issue is: how can we enhance our position?

#### 1.3.3 Politics

Parties agreed to implement the Convention and its Kyoto Protocol through the two tracks of the Bali Roadmap: the Ad Hoc Working Group on Further Commitments for Annex I Parties

under the Kyoto Protocol (AWG–KP) and the Ad Hoc Working Group on Long-term Cooperative Action (AWG–LCA).

A second commitment period for the Annex I (developed and transition economy) countries commenced in 2013, through the AWG–KP. The US (which is not a KP party) agreed to undertake “comparable efforts under the Convention” in the LCA track of negotiations. Also in the LCA track, Non-Annex I (developing) countries adopted nationally appropriate mitigation actions (NAMAs), enabled by technology, finance, capacity. There was also agreement to pursue a “top-down” or “principled” approach to Annex I mitigation commitment in aggregate. A number of Annex I Parties declined a second commitment period, favouring a “bottom up” or “pledge-based” approach, building on the Copenhagen Accord, which departs from the Convention, Kyoto Protocol and Bali Roadmap. The Warsaw Conference marked this shift from “commitments” and “actions” to “contributions” by all Parties.

In general, developing countries had constructive engagement and made concessions. They made new commitments in the NAMAs, monitoring, reporting, and verification (MRV) and international consultation and analysis (ICA) processes, and also pledged significant emission reductions (over 5Gt by 2020). Developed countries have failed to honour existing agreements and pledged emission reductions of less than 4Gt by 2020, although there is a risk of “no net contribution” (0Gt by 2020) due to loopholes and offsetting. They made commitments to short-term and long-term finance, and to “transition” from the Kyoto Protocol to a single new global treaty.

As we discuss the ADP, there are challenges to do with

finance, and the new funding has to be genuinely new. In addition, the proposed sharing has not been equitable, with insufficient emissions reduction by developed countries, with some countries not willing to reduce. Given this scenario between Annex 1 and non-Annex 1 countries, how do we share the action? What levels do we need to require for a liveable Africa, a liveable planet? These key issues necessitate a principled approach that is based on science, equity and rule of law.

### 1.3.4 African Position

- *Temperature*: a global target of well below 1.5°C (demanded by over 100 countries)
- *Global reductions*: must be “very likely” to keep warming below 1.5oC. Global warming of as little as 1°C could reduce agricultural production by 20% in certain crops and areas (Stanford, ACPC)
- *Annex I mitigation*: 40% by 2017 and 45% by 2020, which translates to about 7–9Gt. The UNEP shows that around 12Gt abatement is required by 2020 for 2°C, which implies more abatement for a 1.5°C target.
- *Means for implementation*: the financial resources required are equivalent to at least 1.5% of the GNP of Annex I countries (US\$600 billion). Some studies find that approximately US\$500 billion is needed for mitigation (UNDESA) and another US\$500 billion for adaptation (Imperial College/IIED). To put that in perspective, around US\$25 trillion worth of assets in port cities are threatened by sea-level rise by 2050 (Allianz/WWF).

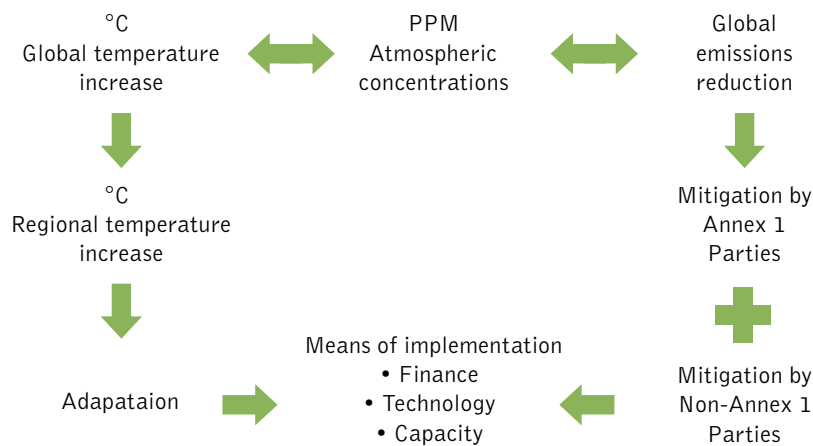


Figure 2: Towards a science-based and equitable approach



Question	Response
What is your opinion on the 2°C temperature goal, which was agreed in Copenhagen but is not part of the position taken by many CSOs and governments?	That is actually is too high and it is a dangerous goal.
If, for Africa, the goal is 1.5°C, then in what context was the 2°C global target was agreed?	The mitigation required uses a rough estimate of 2°C. However, emissions have gone up substantially and are continuing to grow, with projections pointing to 3°C warming. Climate change will impact negatively on livelihoods. In this context, every development project has to be carbon neutral. The challenge is to find ways to take emissions down. Thus, we have to ensure that civil society plays an important role in demanding a target that saves Africa.
Where are the pledges from?	The pledges were mainly made in the Cancun and Copenhagen commitments.
Some proposals related to carbon capture and storage should not been accepted.	Yes, I agree. Some of those projects are not viable. Even geo-engineering measures have been suggested, which can be more dangerous.
Is there a global mechanism to ensure compliance?	Under the Convention, there was a mechanism to address disputes. The countries that withdrew were those less likely to comply.

## 1.4. AN ANALYSIS OF THE ADP DECISIONS FROM COP 17 TO PRESENT

*Edward Wabwoto*

### 1.4.1 Decision 1/CP.17

The ADP process holds a delicate balance in driving the process forward. Under the Durban Decision (Decision 1/CP.17), COP 17 Parties launched the ADP to develop a legal agreement under the Convention applicable to all Parties through a subsidiary body. The ADP is to complete its work as early as possible, but no later than 2015, in order to adopt “a protocol, another legal instrument or an agreed outcome with legal force” at COP 21. The work is divided between two workstreams derived from the Decision. Workstream 1 (WS1) deals with the 2015 legal agreement and Workstream 2 (WS2) looks at enhancing mitigation ambition pre-2020.

WS1 is focused on the “shared vision for long-term cooperative action”. It is concerned with the scope, structure and design of new agreement, which should be informed by science, based on equity, flexible and effective. This implies that the level of mitigation commitments made should ensure that the sum of actions by all Parties meets the scientifically determined requirement to stay below 2°C, with the chance to hold warming to below 1.5°C above pre-industrial levels by the end of the century. The new agreement should be flexible and sensitive to national circumstances. Moreover, it should enable broader and deeper participation, with contribution from all parties in accordance with the

principles of common but differentiated responsibility and respective capability.

WS2 focuses on enhancing mitigation ambition in order to close the ambition gap. The process shall raise the level of ambition, through a work plan to identify and to explore options for a range of actions that can close the ambition gap, and be informed by, among others: the IPCC AR5, 2013–2015 review, and the work of the subsidiary bodies. So far, all developed countries have submitted pledges for reducing national emissions, but some are expressed as ranges and are subject to conditions. Of the developing countries, 57 – about 35% – have submitted NAMAs.

Proposed initiatives to enhance ambition include:

- phasing out hydro-fluorocarbons (HFCs)
- implementing renewable energy and energy efficiency measures
- the elimination of fossil fuel subsidies
- reducing emissions from international aviation and shipping
- reducing emissions from land use (agriculture and forestry).

### 1.4.2 Decision 2/CP 18

Cop 18 advanced the ADP work. Parties agreed to speedily work towards a universal climate change agreement, covering all countries from 2020, to be adopted by 2015; and to find ways to scale up efforts to curb emissions before 2020 beyond the existing pledges, so that the world can stay below the agreed maximum 2°C temperature rise. The ADP decision included the following issues in its timetable:

- a significant number of meetings and workshops to be held in 2013 to prepare the new agreement and to explore further ways to raise ambition
- parties agreed to submit to the UN Climate Change Secretariat, by 1 March 2013, information, views and proposals on actions, initiatives and options to enhance ambition
- elements of a negotiating text to be available no later than the end of 2014, so that a draft negotiating text is available before May 2015
- UN Climate Change Summit in September 2014 to mobilise the political will to help ensure that the 2015 deadline is met.

### 1.4.3 Decision 1/CP 19

It was decided that countries would initiate or intensify domestic preparation for their intended national contributions towards that agreement, which will come into force from 2020. Parties that are ready to do this will submit clear and transparent plans well in advance of COP 21 in Paris. Developed countries will provide support to enable developing countries undertake the required domestic preparation processes. It was agreed that ADP would undertake intense work in 2014, with three additional sessions planned before COP 20 in Lima, Peru. Focused workshops and high level ministerial sessions will also be convened in June 2014 to resolve some key political issues.

#### Questions and Comments from Participants

Question	Response
Do you think we can look at other multilateral agreements and treaties for direction?	We have several treaties and protocols. Some have been very successful, so there is learning in the process.
On the legal instruments, one option is "amendment". Which document is up for amendment?	If there are to be amendments, it has to be specifically for a particular instrument, and it has to be a substantive amendment.

## 1.5. INTENDED NATIONALLY DETERMINED CONTRIBUTIONS (INDCs) UNDER THE UNFCCC IN THE ADP

*Xolisa Ngwadla*

### 1.5.1 Background to INDCs

One of the divergences in global climate governance is the underlying approach to addressing climate imperatives, primarily the appropriateness of a top-down approach (Kyoto) compared to a bottom-up approach (Copenhagen) regime. Another is the question of how to deal with differentiation, which finds expression in the type, form, and magnitude of international obligations for different countries, such as strict interpretation of the Convention compared to a dynamic interpretation. Decision 1/CP19 is a clear reflection of the perceived dichotomy in these two aspects, in anticipation of the 2015 agreement, and it has led to a shift in the balance of the competing paradigms. The questions facing African countries are: what is responsive to Africa's interests, and what is feasible?

### 1.5.2 Key Questions with Regard to Decision 1/CP19 and INDCs

- Is the decision to launch national processes a separate track from the elements of the negotiating text?
- Is the choice of the word "contribution", compared to Convention language of "commitment", meaningful?
- What is the implication of the use of the word "intended"?

- Do international definitions of information (transparency) and "nationally determined" prejudice a certain outcome?

### 1.5.3 Perspectives in the Negotiations

- There is a view that a decision on INDCs should be separate from elements of the agreement. Some see it as an integral part of the elements of the agreement: 1/CP.16 speaks of mitigation actions "to be implemented by Parties... *as communicated by them*".
- Contributions are not explicitly premised on Article 4 of the Convention, hence the scope of application is not clear, leading to uncertainty on differentiation, whether they cover adaptation, mitigation, finance, technology, and what that means in terms of uniform vs. universal application.
- There are different views on what translates "intended contributions" into "contributions", and hence what information parties must provide when communicating them, its assessment and/or consultation, and whether the information is the basis for common counting and accounting.
- How do contributions fit into the global architecture, and what is their legal form?

### 1.5.4 Africa Group Perspectives

The AGN position is

- partial to a quasi top-down approach, which can be effected through a principle-based reference framework, but is cautious about uniform application without differentiation

- supports adherence to the Convention: the outcome of the ADP should be consistent with its principles, provisions and Annexes
- committed to an agreement that puts adaptation in the centre, and proposed a goal for adaptation which is reflected in the submission on what information should be provided
- supports a single decision on INDCs and the elements of a negotiating text, with provisions for an ex-ante assessment of contributions for fairness and adequacy, followed by consultation.

### 1.5.5 African Perspectives on INDC Information

- *Mitigation* should be differentiated in the form of commitment, counting rules, accounting rules, assessment against required effort, compliance (deviation vs. quantified reduction, facilitative vs. consultative compliance).

- *Adaptation* should be differentiated in terms of responsibility to adapt and recognition of own investment in adaptation vs. provision of support for adaptation (impacts, planning, programmes and projects, international cooperation).
- *Finance*. It is important to set the type and source of finance; quantified targets in line with required effort and burden sharing; processes for the monitoring, reporting, and verification (MRV) of finance; review of disbursed finance; and facilitative framework.
- *Technology*. It is important to know the types of commitments, and MRV is critical to increase access to technologies.

### 1.5.6 Question for Discussion

Since INDCs will pre-judge the Paris outcome, the question is: how do we achieve African interests in light of positions taken by various negotiating groupings?

#### Questions and Comments from Participants

Question	Response
There are a lot of nuances, in terms of INDCs: you decide what you want to contribute. Can we standardise our methodologies, reporting?	Some countries want to go that route, but it does not work for us as Africans. That is the reality. The change from "commitments" to "contributions" is actually a challenge. The use of the word was a clear indication of the balance of power, where it lies.
Is 2015 a realistic deadline, since there is a lot of work that needs to be done?	Yes, the deadline is going to be the most contentious. It seems the complete agreement will not be completed by that date. There is not sufficient time.
We have had challenges with South Africa deviating from the African position. Will we go as individual countries or as a collective together, as Africans?	South Africa has taken a balanced position on both adaptation and mitigation. It is incorrect to say we have a twin perception in negotiations. In Africa, various countries are members in various groups and there are valid reasons for South Africa to be in the BRICS. However, this does not undermine our participation and position. We have invested a lot in the process, and our position is "Africa first, and the rest later".
There have been many processes that have come up with various documents – NAPAS, national communications, NAMAS – and still more are coming. Africans always join the bandwagon. When will we stop the documenting?	When the climate change negotiations started, there were a lot of things missing, e.g. finance, mitigation, etc. These documents are important and they contain important additions.
You did not show us that, as African negotiators, you failed – but I can figure out that we lost in the process. Can you clarify what is left for us?	We need to see progress and there has been much progress. Whenever you ask for something, you give up something – that is the negotiating process. We have taken up a lot of burden. However, what is more important is how we keep finding sufficient traction to strengthen our position.
Is the African Group in a strong position now, compared with Copenhagen (COP 15)?	It is difficult to judge Africa Group's strength. It is clear is that it has been making more pronouncements. There have been periods of strength and weakness. Over the last decade, developed countries have held on to their positions while developing countries have shifted. What might be more important is to find how it can be strengthened. Leadership, effective coordination among the negotiators, partnerships, and coalitions with like-minded groups are also important.

## 1.6. THE 2015 AGREEMENT: LEGAL OPTIONS, LEGAL PRINCIPLES AND STRUCTURE

*Edward Wabwoto*

The ADC was created as to “launch a process to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties”.

This presentation surveys the possible legal instruments that Parties might use to form the 2015 agreement and some key factors for considering which to adopt. Firstly, the meaning of the options provided in the decision is explored. Secondly, the important terms used in the process of treaty negotiation and their application are defined. Finally, some factors that should be considered in making the choice among the options are outlined.

### 1.6.1. Definition of the Possible Legal Instruments under Decision 1/CP.17, Para 2

The terms used to refer to a particular legal instrument might indicate the desired objective of the legal instrument, the degree of cooperation ordinarily aimed for in such instruments, or the accepted limitations of action of the parties to the arrangement. Some terms might indicate that the parties sought to regulate only technical matters, or the relationship of the legal instrument with a previously or subsequently concluded agreement.

**“Protocol”:** an instrument subsidiary to an agreement (or previously established legal instrument) and drawn up by the same parties. It deals with ancillary matters such as the interpretation of particular clauses of the agreement, formal clauses not inserted in the agreement or the regulation/ implementation of technical matters. As a supplementary arrangement, a protocol contains supplementary provisions to a previous treaty. It has specific substantive obligations to implement the general objectives of the previous framework or umbrella convention. Protocols ensure a more simplified and accelerated treaty-making process and have been used particularly in the field of international environmental law. One example is the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, which was adopted on the basis of Arts. 2 and 8 of the 1985 Vienna Convention for the Protection of the Ozone Layer, or the Cartagena Protocol to the Convention on Biodiversity.

“Another legal instrument” refers to various instruments in international law for the creation of new rules. These are binding upon the parties to them and must be performed in good faith.

The following instruments are relevant under decision CP1/17:

1. *Amendment:* a formal change in the provision of a previously agreed international legal instrument. Every state that is entitled to become a party to the agreement shall also be entitled to become a party to the agreement as amended. If consensus cannot be

reached, an amendment must win three-quarters of the votes of all parties present and casting ballots.

2. *Charter:* a formal and solemn instrument, such as the constituent agreement of an international organisation. A well-known example is the 1945 Charter of the United Nations. A charter can also serve as a political and legal document to support policies, programmes and actions, e.g. the African Youth Charter.
3. *Convention:* a formal multilateral agreement with a broad number of parties, usually negotiated under the auspices of an international organisation. A convention can have legal binding provisions for some parties and provisions of consideration for others.
4. *Declaration:* used in different international agreements, but not always legally binding. Examples include the 1992 Rio Declaration and the Marrakesh Ministerial Declaration of COP 7. Declarations can, however, also be agreements in the generic sense, intended to be binding in international law. They can have a binding effect when the parties intended to create binding obligations. Their provisions may reflect customary international law or may have gained binding character as customary law at a later stage. Such was the case with the 1948 Universal Declaration of Human Rights.
5. *Decisions:* legally binding agreements, such as this one enacted by COP 17. Decisions can also recognise or acknowledge aspects of agreement without having any legal implication. Through a decision, parties can adopt an agreement as binding on a certain element that is important to them.
6. *Resolutions:* directives that guide the work of a body of parties (e.g. COP), rather than permanent legal acts. They can also be negotiated to have a legally binding effect.
7. *Treaty:* “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation” (Vienna Convention 1969). A treaty has to be a binding instrument, which means that the contracting parties intended to create legal rights and duties. It must be concluded by states with treaty-making power, and it has to be governed by international law.

**“An agreed outcome with a legal force”.** Agreement is a term employed especially for instruments of a technical or administrative character, which are signed by the representatives of government departments, and are not subject to ratification. Typical agreements deal with matters of economic, cultural, scientific and technical cooperation. “Agreement” can be used either generically or specifically. For example, the 1969 Vienna Convention defines treaties as “international agreements” with certain characteristics, but it also used the term for instruments that are not legally

binding. Particular “agreements” are usually less formal and deal with a narrower range of subject matter than “treaties”. There is a general tendency to apply the term “agreement” to bilateral or restricted multilateral treaties.

The following instruments of agreement are relevant under decision CP1/17:

1. *Modus vivendi*: records an international agreement of temporary or provisional nature intended to be replaced by an arrangement of a more permanent and detailed character. It is usually made in an informal way, and never requires ratification.
2. *Memorandum of understanding*: not legally binding, but may be of legal consequence. Informal non-treaty instruments are intended to be non-binding and are thus flexible, confidential and relatively speedy in comparison with treaties.

### 1.6.2. Implications for Parties: Factors to Consider

There are several factors and implications to bear in mind when choosing a legal instrument.

1. *The legal nature of the agreement*. A formal treaty is likely to be stricter in the legal obligations (e.g. provisions, entry into force, ratification, amendments), which will inform the decision on using that form. The level of political backing behind the international agreement can also have a bearing on the decision. For example, a government with opposing domestic attitudes towards the substance of an agreement may

opt for a less obligatory form of agreement, such as a declaration.

2. *Time considerations*. The urgency of the matter under consideration may also significantly impact the decision to follow a certain legal instrument. As agreements with strict requirements and legalistic language are difficult to achieve, states may decide to go for a less legally binding form of agreement. Time consideration has also implications for commitments and delivery.
3. *Institutional issues*. Enforcement is important for any endeavour in international law. The existence of an already functional and strong organisation may sway the decision towards a protocol within the existing system rather than a completely new agreement that may take some time to get off the ground.
4. *Effectiveness*. The chosen instrument should be effective for achieving its purpose (action plan, implementation, enforcement). The gravity and nature of the issue under consideration is another important consideration.
5. *Changes in circumstance*. If there is a fundamental change in the process (e.g. a new scientific finding), it will make more sense for the new agreement *not* to be a protocol. Additionally, parties that prefer to agree on new negotiated terms rather than an existing agreement can be better accommodated by a new treaty.

### Various Positions on Nature of the New 2015 Agreement

LDCs	Commitments in accordance with the principles of the Convention, taking into account inter-generational and intra-generational equity.
USA	New agreement that will have legal force with respect to all Parties. Emphasis that Parties should determine their own contributions for mitigation.
India	Open to exploring and combining “any and all options”. Differentiated structure is based on Annex I and non-Annex I categories. There should be no re-categorisation.
China	An outcome under the Convention, in accordance with equity and CBDR, no re-negotiating the Convention. Differentiated structure is based on Annex I and non-Annex I. There should be no re-categorisation.
African Group	Commitments to be formulated in accordance with Convention principles.
AOSIS	The 2015 agreement should continue to build on the foundations of the Convention, including its principles and provisions.
EU	Commitments to be formulated in accordance with Convention principles. Including common but differentiated responsibilities and respective capabilities, recognising that responsibilities and capabilities evolve over time.

### 1.6.3. Elements of the 2015 Climate Agreement

The new agreement will include:

- a preamble, with definitions
- obligations on mitigation, adaptation, finance, technology transfer, capacity building
- differentiation amongst parties
- transparency, implementation, compliance
- provisions on the institutional and operational framework
- procedural rules on its adoption, amendment and entry into force
- annexes.

## 1.7. EQUITY UNDER THE ADP: LEGAL AND TECHNICAL ASPECTS OF THE EQUITY REFERENCE FRAMEWORK

*Xolisa Ngwadla* (presentation based on a paper by L Rajamani and X Ngwadla, 2014)

### 1.7.1. Equity in the UNFCCC Negotiations

Equity is a principle in Article 3 of the Convention, by which we should pursue the protection of the climate system, alongside the principles of CBDR&RC and developed countries taking lead. Other than the Metadata Access Tool for Climate and Health (MATCH) process – which sought to operationalise equity – attempts at equity have rather been philosophical and antithetical, and there is currently an array of metric- and non-metric-based proposals. However, there is consensus that the perception of equity is necessary for a durable and stable agreement. Equity can be expressed in the form, type and magnitude of responsibilities and obligations for each Party. It also requires a common understanding of the magnitude of the problem and a process that is deemed fair.

### 1.7.2. Rationale of the Equity Reference Framework (ERF) for the New Agreement

- Reconciles scientific imperatives with national circumstances, recognising the inadequacy of an approach driven purely by science or national circumstances.
- Operationalises equity beyond the definition conundrum, recognising the importance of a perception of fairness for cooperative action, as well as convergence around its importance.
- Brings adaptation to the centre of global climate policy dialogue, recognising that inadequate global mitigation efforts increase adaptation needs and costs.
- Focuses the differentiation discourse on ambition rather than structure, recognising that the Convention structure provides for differentiation of Parties' commitments.

### 1.7.3. Elements of a Principle-Based Reference Framework

- Determination of the required global effort to meet the long-term goal agreed in paragraph 4 of Decision 1/CP.16, comprised of mitigation and adaptation efforts, including the associated finance and technology needs.
- Determination of “relative fair efforts” by Parties, based on their historical responsibility, current capability and development needs, through an ensemble of metrics for each dimension of contribution, culminating in a range of relative contribution by each Party towards the global effort.
- An *ex ante* process (1/CP.19), in which intended nationally determined contributions (INDCs) are assessed for their adequacy against the required global effort (science imperative), and fairness (equity imperatives).

### 1.7.4. The UNFCCC Context

The Warsaw Decision (1/CP.19) provides adequate flexibility for the inclusion of an ERF in the 2015 agreement, based on the following:

- the use of the word “intended” suggests that the intended contribution may not be the eventual contribution inscribed in the 2015 agreement
- the term “nationally-determined” endorses a bottom-up or facilitative approach, leaving the framing of contributions, at least in the first instance, solely to nations
- the term “contributions” leaves their nature open. Whether commitments or actions or commitments for some and actions for others, the text leaves the legal form of the contributions unresolved
- the term “contributions” is not qualified by “mitigation”: contributions could be in relation to adaptation, finance, technology transfer or capacity building.

### 1.7.5 As Part of an Objective Multilateral Consultative Process

The process to anchor the ERF could take several forms. An *expert process* – e.g. an IPCC workshop whose outcomes are presented to SBI/SBSTA, or further into ADP through the SED – may not garner political buy-in. A *diplomatic process* – multilateral consultation on (INDCs), with no structured expert input – may not garner the necessary legitimacy.

However, there is promise in a *hybrid approach*, comprising

- an *expert phase*, convened by the IPCC, SBSTA or the ADP, to identify and synthesise outputs from metrics gleaned from Party submissions, computing an envelope of responsibility against which contributions are assessed; combined with
- a *diplomatic phase*, in which a multilateral consultation would emerge from the expert phase and provide a platform for Parties to justify their contributions against benchmarks, based on the principles of science, equity and national circumstances.



### Architectural Options for an ERF in the 2015 Agreement

Architectural options	Description
As an integral element of the agreement	Stand-alone provision of the agreement defining its role and the two-phase consultative process; accepted <i>in toto</i> , could provide language for discretionary application.
As an optional element of the agreement	Stand-alone provision of the agreement and the two-phase consultative process; applicable to parties who consent through opt-in and opt-out provisions; severable from the "core deal".
As a technical process informing the agreement	Agreement provide for a technical process where the COP/CMP can request an IPCC workshop/report to be presented to SBI/SBSTA; or could be a SBSTA/SBI item; part of the SED that informs the ADP; an independent technical process outside the ADP, yet informing its work.
As an external process	External process established through a declaration or a resolution by a subset of Parties at head-of-state or ministerial level, with institutional and financial arrangements to support the ERF process; declaration could establish a process hosted by representative civil society and academia to put pressure on the system.

#### 1.7.6. Conclusions

- The process to date has enough space for the integration of an assessment for adequacy and fairness framework into the 2015 agreement, building on Decision 1/CP.19.
- The ERF is highly adaptable – on substantive assessment inputs, legal form and architectural options – and it may thus prove to be an invaluable framework in a highly contested environment.

#### 1.7.7. Questions for Discussion

- What would constitute optimal and minimum contributions – per contribution type, by Parties, in line with their treaty obligations – that would be likely to approximate the required global effort?
- How can the ERF interface with the existing institutional architecture of the Convention without duplication, whilst at the same time bringing coherence to the regime?

#### Questions and comments from participants

Question	Response
How do you assess contributions by countries, since you are using different baselines? How do you include what parties are already doing?	You do not necessarily need a common baseline. Because you are calculating relative fair effort and not absolute fair effort, any party may suggest any measure.

## 2. Content of the ADP: African CSO perspective

### 2.1. MITIGATION UNDER THE ADP

*Seyni Nafu*

#### 2.1.1. Rationale for Rapid and Deep Cuts in Emissions

Both mitigation and adaptation are key responses to the challenge of climate change. Adaptation is a response to the consequences (impacts and adverse effects), while mitigation addresses the causes and seeks to control, limit and reduce GHG emissions. It has been noted that emissions trends are moving in wrong direction and there has been failure to curb emissions despite more than 20 years of climate policies (IPCC AR5). GHG emissions are rising faster than ever: now equivalent to 49 billion tonnes of carbon dioxide (CO<sub>2</sub>) per annum (49 GtCO<sub>2</sub>eq/year). The CO<sub>2</sub> emissions from fossil fuel combustion and industrial processes contributed about 78% of the total GHG emission increase from 1970 to 2010. The carbon content of energy production has also increased in the past 10 years, reversing a declining trend since 1970. Without additional efforts to reduce it, emissions growth is expected to persist, driven by growth in global population and economic activities. Thus, warming of 3.7–4.8°C by 2100 is expected (IPCC WGI AR5). This rise in temperature levels is unacceptable, especially for countries in Africa. A deep cut is needed now, up to and beyond 2020.

#### 2.1.2. Options for the Pre-2020 Ambition

The Cancun Agreement (2010) decided to hold the increase in global average temperature below 2°C above pre-industrial levels by the end of century and to undertake a periodic review for the consideration of the adequacy of this goal and for a potential revision to 1.5°C. Early actions are needed if the world is to stay on track for this goal. The gap that needs to be closed is estimated at 8–13 Gt by 2020 (UNEP). In 2011, the ambition was mainly for developed countries, as emissions would rise to meet developmental needs in developing countries. In 2012, there was a shift towards “ambition for all”, relative fair effort, corrective and redistributive justice.

#### 2.1.3. Pre-2020 Mitigation Options

Several decisions provide for emission reductions pre-2020:

- under Decision 1/CP.16, more than ninety Parties made conditional and unconditional pledges under the Cancun Agreements
- Decision 1/CP.17 established the workplan for enhanced mitigation actions in the ADP Workstream 2 (WS2):
  - “Decides to launch a workplan on enhancing mitigation ambition to identify and to explore options for a range of actions that can close the ambition gap with a view to ensuring the highest possible mitigation efforts by all Parties;

- “Requests Parties and observer organisations to submit by 28 February 2012 their views on options and ways for further increasing the level of ambition and ... for increasing ambition and possible further actions.” (Paragraphs 7,8)

- Decision 1/CMP.8 pledges (by developed countries assuming the second commitments of the KP) encompassed quantified emission limitation or reduction commitments pursuant to the Doha Amendment to the KP.

#### 2.1.4. Features of Decision 1/CP.19 (Warsaw)

The Warsaw Decision, as it relates to ADP WS2, has a series of actions to enhance the pre-2020 ambition through the listing of activities; the acceleration of activities under WS2; and high level engagement.

The *listing of activities* includes:

- urging Parties who have not yet done so to communicate a target or NAMA
- urging developed countries to implement their target under Convention and Kyoto Parties to implement their Quantified Emission Limitation and Reduction Commitment (QELRC) under KP2
- urging developed countries to revisit their target both under the Convention and under the KP as stated in 1/CMP.8, paragraphs 7–11
- urging developed countries to periodically evaluate any conditions associated with their target so as to adjust, resolve and remove them
- urging developed countries to increase technology, finance and capacity building support for developing countries
- urging developing countries to implement their NAMAs and to consider further action where appropriate.

The *acceleration of activities* under WS2 includes

- intensifying technical examination of opportunities for actions with high mitigation potential
- facilitating the sharing of experiences and best practices of cities and sub-national authorities
- inviting Parties to promote the voluntary cancellation of certified emission reductions to help close the gap
- considering further activities to be undertaken under the workstream at COP 20.

The *high level engagement* focuses on

- the UN secretary-general's (UNSG's) Climate Summit on 23 September 2014, which aims to mobilise ambition and action
- calling Parties to intensify high-level engagement on the Durban Platform through in-session high-level



ministerial dialogues, to be held in conjunction with the 40th meeting of the Subsidiary Body for Implementation (SBI 40) in June 2014

- another dialogue to be held at COP 20.

A brief analysis of the Decision highlights the following. First, the decision does little to catalyse 2014 as the year of increasing mitigation action and does not set out a clear roadmap or any timeline for actions during 2014. Second, the weak outcome under WS2 increases the risk of delaying the negotiations – not only under WS2, but also under WS1 for the adoption of the 2015 agreement. Third, there is a clear indication of the lack of progress in this workstream, which is falling short in delivering a way to concretely ramp up ambition in 2014. Fourth, it uses weak language by simply “urging” Parties to ramp up ambition through the list of activities. Fifth, the paragraph on the technical examination of options with high mitigation potential has been weakened, as it states this is only “with a view to promoting ... voluntary cooperation”.

In terms of progress under WS2 in 2014, Technical Expert Meetings: Renewable Energy (TEM-REs) were held to identify options with high mitigation potential, and to unlock these potentials in areas such as renewable energy, energy efficiency, land, etc. Information provided at the TEMs and in submissions has been compiled to prepare the technical paper on the mitigation benefits of actions, initiatives and options to enhance mitigation ambition (three iterations).

The outcome of the TEM-RE (1/2) includes the recognition of the need for deeper collaboration among national, sub-national and international entities. Key policy options explored were: renewable energy targets, economic instruments, feed-in tariffs and guaranteed access to the power grid, smart grids and smart metering, direct subsidies and tax credits, removal of fossil fuel subsidies, and strengthening institutional, legal and regulatory frameworks. The challenges that were identified include: lack of affordable up-front finance, high costs of technology and high operational and maintenance costs, challenges related to grids, imbalance of supply and demand, lack of tailored research and development, lack of capacity to implement stable policy options, lack of access to information, and high transaction costs of small-scale renewable energy systems.

The outcome of TEM-RE (2/2) recognised the importance of the means and availability of support for the effective implementation of mitigation action on the ground; the need for a comprehensive approach to the provision of finance, technology and capacity-building support; and the need for a policy dialogue between governments and support institutions on enhancing the enabling environment needed for the promotion of renewable energy (RE) and energy efficiency (EE). It also emphasised the ease of access of information concerning support options, channels and forms through the UNFCCC website, thus allowing Parties to direct their inquiries to the relevant support and technical organisations.

Opportunities to further strengthen the work of WS2 include: contact group meetings and informal consultations; high-level ministerial dialogues on the ADP; ADP TEMs; the Subsidiary Body for Scientific and Technological Advice (SBSTA) agenda on quantified economy-wide emission reduction targets by developed countries; the SBSTA agenda on non-market based approaches and Reducing Emissions from Deforestation and Forest Degradation (REDD+); the SBI agenda on the NAMA work programme; the SBI joint agenda with the Structured Expert Dialogue (SED) on the 2013–2015 Review.

### **2.1.5. Initiatives Towards Closing the 2°C Gap and Enhancing Resilience**

Initiatives are taking place in these critical areas:

- energy (efficiency and renewables) – 9 initiatives
- short-lived climate pollutants – 3 initiatives
- land use (forests (1) and agriculture(1)) – 2 initiatives
- cities – 5 initiatives
- transport – 3 initiatives
- adaptation, resilience and disaster risk reduction – 4 initiatives
- climate finance - 4 initiatives
- economic drivers – 1 initiative

### **2.1.6. Other initiatives: The Abu Dhabi Ascent**

The Abu Dhabi Ascent was a special two-day high-level meeting that was held on 4–5 May 2014 in Abu Dhabi, United Arab Emirates, co-hosted by the UNSG and the UAE Government. Its purpose was to generate momentum and encourage world leaders to announce concrete actions and ambition at the Climate Summit in New York on 23 September. Its objective was to inform all governments about the Climate Summit, and how to bring bold announcements and actions. It was attended by about 1 000 people, including more than one hundred ministers and business and civil society leaders.

### **2.1.7. Next steps: UN SG Climate Summit**

The purpose of the Summit is to catalyse and mobilise ambitious action by governments, business, finance, industry and civil society to reduce GHG emissions and build climate resilient communities. It also seeks to mobilise political momentum for an ambitious, global legal agreement by 2015 that limits the world to a less-than-2°C rise in global temperature. It aims to be a solutions-focused Summit, and not a negotiating forum. It is complementary to, but not a substitute for, the UNFCCC process. The programme will have various formats, including plenaries (for heads of state and governments to announce their bold national climate ambition and action at the domestic level); action platforms (for high profile announcements by governments, finance, business and civil society – and also multi-lateral initiatives – on their concrete and deliverable actions); thematic sessions (to share innovative climate-related ideas, practice and policy); and outreach and engagement platforms (using communications and networking tools to bring the world to

the Summit and ensure that it is not only a UN event). The expected outcomes are bold pledges, innovative scaled-up cooperation, and concrete actions that will contribute to closing the emission gap and being on track for an ambitious legal agreement within the UNFCCC.

## 2.2. INTENDED NATIONALLY DETERMINED CONTRIBUTIONS (INDCs)

*Seyni Nafu*

### 2.2.1. Current Situation

The discussion in ADP after Warsaw centred on INDCs. What are the INDCs? What do they contain? What should be their main requirements? It is yet to be decided what kind of action the nationally determined contributions will contain and what format they will have. A draft text by the ADP co-chairs – “Intended nationally determined contributions of Parties in the context of the 2015 agreement” – will be considered in October.

Some outstanding issues need to be resolved to further understand the concept. In 2014 discussions, key divergences appeared on the scope, form, treatment of the INDCs. In terms of *scope*, it was whether they should have a narrow (mitigation), larger (mitigation and finance), or large range (including 5 of the 6 elements of the Durban Decision: mitigation, adaptation, finance, technology and capacity building). With regards to *form*, there was divergence about whether they should be binding or non-binding, and whether they should be conditional or non-conditional. In terms of *treatment*, differences related to clarity, transparency and understanding of the intended contributions, without prejudice to the legal nature of the contributions.

### 2.2.2. Requirements for INDCs for Mitigation

The requirements include ex-ante preparation and up-front information, which are essential for ensuring that a new climate agreement will be sufficient to meet the 2°C target, and that contributions are designed in an adequate way. The format of the contributions needs to be worked out and specified in advance. In addition, mitigation contributions should be presented in such a way that they can be quantified, compared and aggregated to a global scale in order to judge their adequacy regarding the emissions pathways for limiting warming to below 2°C. Moreover, they must also meet the current MRV standards for accounting rules under the UNFCCC.

### 2.2.3. Information to Facilitate Understanding, Review and Adequacy

The information to be submitted must be measurable and facilitate understanding and review of the adequacy of contributions. In order to ensure the environmental integrity of a new agreement, aggregated contributions must be compatible with the 2°C target in a long-term perspective. It

is essential for these assessments (irrespective of the format of the mitigation target) that they can be translated into an estimate number for the country's total emissions by the end of the agreed commitment period.

The targets can be economy-wide or non-economy-wide. Economy-wide targets imply that contributions should be made in a comparable format, preferably in the format of absolute economy-wide mitigation targets. The submission of a relative economy-wide mitigation target compared to business-as-usual (BAU) baselines would require the simultaneous submission of a BAU scenario that is: 1) fixed over the commitment period and BAU for all countries proposing such targets; and 2) assessed by a 3rd party and accepted by the other parties within the new agreement. Other economy-wide relative targets are carbon intensity and energy intensity targets. Non-economy-wide targets are concerned with partial targets such as sectoral targets that would require an analysis of both the affected and the residual sectors in the respective country to predict the final effect on the country's total emissions.

### 2.2.4. Mitigation Post-2020

This is a crucial issue in the ADP. Key aspects are the context of negotiating commitments for the 2015 agreement, applied in particular to mitigation commitments; the importance of assuring a significantly higher level of global ambition for the new agreement; and that it should cover a range of issues (types of mitigation commitments, equitable distribution of mitigation efforts, and the process to reach equitable commitments).

Two key categories of mitigation commitments are result-based commitments, which focus on different target dimensions, and activity-based commitments. The *result-based commitments* include GHG emission reduction targets (absolute economy-wide emission targets; relative economy-wide emission targets; absolute sectoral targets; relative sectoral targets), and other quantifiable targets (e.g. energy intensity and renewable energy, area to be afforested, and other technology-related targets). *Activity-based commitments* include commitments to implement policies; emission price commitments (putting a price on carbon); technology-oriented agreements; and commitments to implement particular actions, strategies, policies, programmes and projects.

In addition to the commitments, there are other parameters. Thus, independently of the scope and nature of the commitments, countries may choose to make them completely or partially dependent on other factors, such as activities (commitments or actions) of other Parties and international support (ex Article 4.7 of the UNFCCC). There can be conditional commitments that decrease the risk for individual countries that face potential disadvantages from going first or from implementing activities alone, when their combined efforts could lead to important synergies. However, countries usually remain at their unconditionally pledged level, raising the risk of them remaining at an ambition level that is below their potential.

### Some of the Parties' Positions

Negotiating Party	Position
USA	A flexible approach, proposing that each country can define the nature of its targets itself, consistent with national circumstances.
LDCs	Depending on the development of the countries, some of them should adopt absolute emission reductions targets, while others are allowed to choose more flexible commitments.
South Africa	The future agreement should contain binding absolute emission reduction targets for developed countries, and relative emission reduction targets for developing countries, e.g. improvements in emissions intensity. Also suggests that developed countries should establish zero-carbon development plans.
Canada	It is essential to acknowledge that the world of today is very different from that of 1992, when the Convention was first established.
Ethiopia	Revising Annexes in five-year periods according to countries' GDP and per capita GDP.
Like Minded Developing Countries (LMDC)	Strictly against renegotiating Annexes, arguing that those reflect historic responsibility and thus indicate respective obligations of Parties.
EU, the Independent Alliance of Latin America and the Caribbean (AILAC) and Belarus	Call for a more flexible handling of the current Annexes

### Questions and Comments from Participants

Question	Response
What would be the legal basis for developing countries to raise their ambitions?	It is there in the Convention: both developing countries and developed countries should participate. We all have to contribute.
While renewable energy (such as solar, wind) seems to be suited for household consumption, will it be able to match the huge demand from the industry?	In the sustainable development field, it is a challenge. Thus, renewable energy has to be efficient or else there will be mismatch between demand and supply.
What are the trade-offs of having adaptation commitments in the INDCs?	There should be a process of recognising investment in adaptation rather than just mitigation. However, the challenge is how is it going to be treated. Those adaptation commitments have to be fulfilled without support, thus the issue of finance arises.
Would you clarify the issues relating to adaptation commitments?	Various countries' position is: "Will this type of agreement be fair? Who are the winners in this system?" It is difficult to achieve a fair and equitable agreement, but the challenge is that there might be an agreement that is fair to everyone, but not good to Mother Earth. Thus the need to have processes and space for further improvements.

## 2.3. WHAT FUTURE? IDEAS OF CLIMATE JUSTICE

Matthew Stilwell

### 2.3.1. Context

We need to be careful about ideas we use, because they are powerful. They shape what we say. It is important to note that most of those ideas have been framed by developed countries. For example, the “emission gap” has been framed by developed countries’ institutions and is based on the 2°C goal. We have to understand the assumptions behind such narratives. There are additional gaps: the leadership gap, the finance gap.

How can the impacts of climate change in Africa be determined, in terms of loss and damage? Equity has to inform every aspect and the burden has to be shared fairly. It is difficult to frame an equitable discourse without an equitable platform. The Equity Reference Framework (ERF) is one proposed methodology. An equitable approach is based on three principles: responsibility, capability, and sustainable development.

### 2.3.2. A More Equitable Approach

*Responsibility.* Emissions went up rapidly up to the 1950s. Roughly three-quarters of this can be attributed to developed countries and one quarter to developing countries. The cumulative emissions, on a per capita basis, in developed countries continue to grow rapidly, as does their historical responsibility. Emissions should be reduced substantially, using various measures, including lifestyle change. CSOs refer to this issue as “climate debt”, which includes emissions debt and adaptation debt. Climate debts have ecological, social and economic components.

*Capability.* “The Parties should protect the climate system ... in accordance with their common but differentiated responsibilities and respective capabilities” (UNFCCC). The challenge is to determine who has the capability. Income can be used as a proxy, a relative measure. In general, the developed countries have high income and capability, while both are low in developing countries. However, income in general can give a wrong measure of capability. For example, there are very rich people in developing countries like India, but, because of skewed distribution, they are not as rich as the developed countries. It is also important to note that income and capability change: in Singapore, for example, both grew substantially. Technology ownership is another important aspect of capability. About 80% of clean technologies are owned in six OECD countries and this has implications for global access

to these technologies. Another important relationship is between responsibility and capability.

*Sustainable development* refers to “meeting the needs of the present without compromising the ability of future generations to meet their own needs” (Rio Declaration). It is an important principle for an equitable approach. Current data suggest that developing countries will be required to cap their emissions at a much lower level than countries in the developed world. Thus, it is necessary to make a distinction between emissions for luxury production and for survival. A progressive taxation approach can be applied in this context: those who use more are taxed more.

### 2.3.3. Methodologies

- Contraction and convergence
- Multi-stage approaches
- Historical responsibility (for emissions, and for warming)
- Historical responsibility, capability and sustainable development
- Non-equity based approaches

The formula for calculating effort is:

$$\text{Effort} = \frac{\text{Responsibility} + \text{Capability}}{2}$$

### 2.3.4. Indicators

The indicators cover the three principles:

- responsibility
  - emissions
  - warming
  - consumption
- capability
  - wealth
  - income
  - technology
  - a bundle of abilities
- sustainable development
  - basic emissions
  - basic income
  - thresholds and progressive approaches.

### 2.3.5. Questions for Discussion

- Various countries have made pledges, but there is an emissions gap. How can this gap be closed?
- Since some of the capability indicators are favourable to developed countries, the choice of indicators is very important. For example, indicators like “mitigation potential” shift the burden to the South.

## 2.4. AFRICA'S ADAPTATION CHALLENGE: KEY CONTRIBUTIONS OF IPCC WORKING GROUP II TO THE FIFTH ASSESSMENT REPORT (WGII AR5)

*Sandra Freitas, presented by Dora Marema*

Adaptation is defined as “changes in processes, practices, and structures to moderate potential damages or to benefit from opportunities associated with climate change” (UNFCCC). “In human systems, adaptation seeks to moderate or avoid harm or to exploit beneficial opportunities. In some natural systems, human intervention may facilitate adjustments to expected climate and its effect” (IPCC, WGII AR5).

The observed climate change and future projections in Africa, in terms of temperature, show evidence of warming. Decadal analyses of temperature across Africa, consistent with anthropogenic climate change, strongly point to an increase in warming trends across the continent over the last 50 to 100 years. The mean annual temperature rise relative to the late 20th century is likely to exceed 2°C by the end of this century, under a medium scenario; under a high scenario, exceedence could occur by mid-century across much of Africa and reach 3– 6°C by the end of the century.

In terms of precipitation, a reduction is likely to occur over northern Africa and the south-western parts of South Africa by the end of the 21st century. However, projected rainfall change over sub-Saharan Africa is uncertain in the mid- and late- 21st century. In regions of high or complex topography (e.g. Ethiopian Highland), downscaled projections indicate a likely increase in rainfall and extreme rainfall by the end of the century.

### 2.4.1 Vulnerability and Impacts

Socio-economic and environmental contexts influence vulnerability and adaptive capacity. There are significant impacts of climate change across different sectors. Ecosystems are already affected and future impacts are expected to be substantial. There is emerging evidence of shifting ranges of some species and ecosystems due to elevated CO<sub>2</sub> levels and climate change, beyond the effects of land use and other non-climate stressors. In particular, ocean ecosystems (e.g. coral reefs) will be affected by ocean acidification, warming, and changes in ocean upwelling, with negative effects on the fisheries sector. Climate change will amplify existing stress on water availability. In addition, climate change will interact with non-climate drivers and stressors to exacerbate the vulnerability of agricultural systems, particularly in semi-arid areas. In this context, current progress on managing risks to food production from current- and near-term climate change will not be sufficient to address long-term impacts of climate change. Climate change is also a multiplier of existing health vulnerabilities: including insufficient

access to safe water and improved sanitation, food insecurity, and limited access to health care and education.

### 2.4.2. Key Regional Risks

Of the nine climate-related key regional risks identified for Africa, eight pose medium or higher risk, even with highly adapted systems. Only one key risk can be potentially reduced with high adaptation to below a medium-risk level. Africa's existing adaptation deficit is reflected in the risks assessed as either medium or high for the present under current adaptation: shifts in biome distribution, loss of coral reefs, reduced crop productivity, adverse effects on livestock, vector diseases, water-borne diseases, under-nutrition, and migration. The assessment of significant residual impacts indicate that there could be very high levels of risk for Africa at the end of the 21st century in a 2°C world, even under high levels of adaptation. At a global mean temperature increase of 4°C, risks for Africa's food security are assessed as “very high”, with limited potential for risk reduction through adaptation.

### 2.4.3. Africa's Experience with Adaptation

Africa's experience shows that:

- adaptation is becoming embedded in some planning processes with more limited implementation of responses
- regarding national governance systems for adaptation and response to climate change, the evolving institutional framework cannot yet effectively co-ordinate the range of adaptation initiatives being implemented
- conservation agriculture has been found to provide a viable means for strengthening resilience in agro-ecosystems and livelihoods while also advancing adaptation goals. However, there is need to address constraints relating to the broader adoption of conservation practices, such as land tenure, usufruct stability, access to peer-to-peer learning, gender-oriented extension and credit and markets. The identification of perverse policy incentives would help enable larger scale transformation of agriculture
- strengthened linkages between adaptation and development pathways, and a focus on building resilience, would help to counter the current adaptation deficit and reduce future maladaptation risks. A growing understanding of the multiple interlinked constraints on increasing adaptive capacity is beginning to indicate potential limits to adaptation in Africa
- significant financial resources, technological support, and investment in institutional and capacity development are needed to address climate risk, build adaptive capacity and implement robust adaptation strategies
- climate change and climate variability can exacerbate or multiply existing threats of food, health and economic insecurity, all being of particular concern for Africa



- a wide range of data and research gaps constrain decision-making in processes to reduce vulnerability, build resilience and plan and implement adaptation strategies at different levels in Africa
- despite implementation limitations, there are valuable lessons for enhancing and scaling up the adaptation response, including principles for good practice and integrated approaches to adaptation.

**2.4.4. Five Common Principles for Adaptation and Building Adaptive Capacity**

- Support autonomous adaptation through policy that recognises the multiple stressor nature of vulnerable livelihoods.
- Increase attention to the cultural, ethical and rights considerations of adaptation through the participation of women, youth, and poor and vulnerable people in adaptation policy and implementation.

- When developing adaptation strategies, combine “soft path” options and flexible and iterative learning approaches with technological and infrastructural approaches, and blend scientific, local and indigenous knowledge.
- In the face of future climate and socio-economic uncertainties, focus on building resilience and implementing low-regrets adaptation with development synergies.
- Build adaptive management and social and institutional learning into adaptation processes at all levels.

Ecosystem-based approaches and pro-poor integrated adaptation-mitigation initiatives hold promise for a more sustainable and system-oriented approach to adaptation, as does the promotion of equity goals – which is key for future resilience – through emphasising gender aspects and highly vulnerable groups, such as children.

*Questions and Comments from Participants*

Question	Response
In what cases does maladaptation occur?	Maladaptation can result from the use of inappropriate technologies or adaptation measures that can negatively affect the overall livelihood system, and can actually increase their vulnerability.
In what context does climate change bring opportunities? What does that mean?	In some areas, activities that were not possible before (e.g. growing certain crops due the prevailing temperature or rainfall) can become possible as a result of climate change, thus bringing in new livelihoods opportunities.

**2.5 HOW SHOULD GENDER BE ADDRESSED IN THE ADP?**

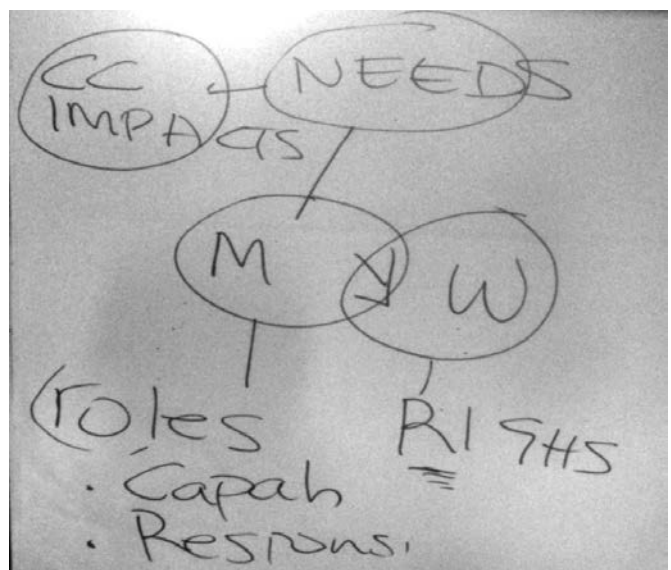
*Dora Marema, presented by Matshepiso Makhabane*

**2.5.1. Incorporating Gender in Multilateral Agreements**

Gender relates to the roles and responsibilities of men and women. Both men and women have rights. In life, there are basic needs, which include shelter, food, clothing, water and security. Climate change is a crosscutting challenge which affects and has impacts on people’s livelihoods. This has implications for the different roles of men and women, hence their capabilities.

The 2015 legal agreement should build on the progress already achieved under the Convention. Gender equality has been incorporated into key decisions in the Cancun Agreement, the Durban Outcomes, the Doha Gateway and the Warsaw Outcomes. Gender decisions in the UNFCCC are coherent with several crucial normative frameworks on gender equality and women’s human rights that governments have already agreed to (such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Hyogo Framework for Action, Rio+20, Agenda21, Beijing Platform for Action) and multilateral environmental

agreements that have incorporated the gender dimension of environmental issues (such as the Convention of Biological Diversity and United Nations Convention to Combat Desertification).



*Figure 3: Matshepiso Makhabane presents the linkages of climate change and gender*

### 2.5.2. Gender Approach to Climate Change

- Current practice and research has shown that gender-sensitive approaches to climate action are crucial to ensuring the effectiveness of emission reduction initiatives that is needed to achieve the Convention's goals.
- A gender-sensitive approach will align climate change solutions with the sustainable development agenda that takes into account the needs, preferences and contributions of women and men. Truly ambitious climate solutions should promote social equality, environmental integrity and secure the livelihoods of women and men.
- Climate policies which fail to recognise and respond to the social and gender dimensions of people's lives have been shown to fail and further exacerbate inequalities.
- Viewing climate policy through a gender lens allows the social and human rights dimensions to be properly addressed.
- Parties should promote decisions and catalyse actions that are crucial to the success of the climate change solutions, such as access to and control of resources and sustainable development benefits, particularly poverty eradication, health and governance.

### 2.5.3. Gender Equality in the 2015 Agreement

Gender equality should be incorporated as a guiding principle of the new climate agreement. All actions proposed for mitigation, adaptation, and means of implementation (finance, technology and capacity building) should follow a gender sensitive approach. Incorporating gender equality in the core elements of the 2015 agreement calls for:

- *a specific approach to mitigation.* Parties to favour ambitious contributions that support safe, equitable, environmentally sound, low-carbon development pathways that respect gender considerations. Mitigation actions should respect gender equality while supporting economic activities and providing solutions towards poverty alleviation, with a particular focus on gender-equitable access to clean energy resources and clean energy transportation
- *a specific approach to adaptation.* Adaptation planning and implementation should respect gender considerations. This should encourage the inclusion of a gender-sensitive community-based approach to adaptation. It is important to ensure that information on climate change impacts, vulnerability and adaptation

measures undergo gender analysis.

- *a specific approach to finance.* Long-term finance should include gender equality as criterion for funding allocation. There is need to ensure that the finance mechanism of the UNFCCC acknowledges and supports a gender-sensitive approach in its two operating entities, the Green Climate Fund (GCF) and the Global Environment Facility (GEF).
- *a specific approach to technology development and transfer.* Technology initiatives under the new agreement should address gender-differentiated needs and impacts, and include actions to develop capacities of all stakeholders, particularly women. Technology development and transfer should emphasise its social and economic benefits, including the creation of skilled jobs in a gender-responsive manner. Technology disseminated under the new agreement should be gender responsive, culturally viable and appropriate to the national context.
- *a specific approach to capacity building.* Capacity-building decisions should recognise and promote the utilisation of existing gender-sensitive tools and approaches. Future capacity-building actions should strengthen the institutional capacity of decision-makers and practitioners at the international, national and local levels on the development and implementation of gender-sensitive climate policies. Building upon progress in Decision 1/CP.16 (paragraph 130), Parties should consider including a gender analysis when reporting on capacity building.

### 2.5.4. Enabling Actions for Implementation

- Maximise the effective and equitable implementation of adaptation and mitigation actions by ensuring a gender-sensitive approach.
- Mainstream the collection of sex-disaggregated data in all information and reporting systems.
- Ensure significant initial capitalisation of the GCF by COP20, largely through grants, to allow for a gender-sensitive approach to all GCF financing for mitigation and adaptation, in line with the mandate of its governing instrument.
- Create more direct-access opportunities to UNFCCC climate financing for non-governmental actors, including women and gender groups, for gender-specific projects, through up-scaling, improvements and replication of small grants.

Question	Response
How is this incorporated in the climate change negotiations and all other aspects of adaptation and mitigation?	As both men and women understand that gender roles have a socially constructed aspect, it is more to do with understanding these issues and applying them. I personally see women playing an important role in the different aspects of climate change adaptation. They make the world go round. They have power, motivation, and are already doing a lot of work. That should be recognised.
Some of the processes (e.g. the GEF) already incorporate gender issues. The important question is of operationalisation. How can gender equity be enhanced in the national and international processes?	There is need to mainstream gender issues at both policy and implementation process. There has been a lot of work in this regard. However, gender issues are also polarised and at times are incorporated just to meet a compliance requirement. This necessitates an understanding what gender mainstreaming is and how to apply it. A lot needs to be done in our countries, especially in inducing political will and support.

## 2.6. ADAPTATION IN THE UNFCCC–ADP CONTEXT

*Xolisa Ngwadla*

### 2.6.1. Adaptation in the UNFCCC

Article 2 of the Convention provides for mitigation and adaptation through a definition of “stabilisation levels” and “dangerous anthropogenic interference”. In the first twenty years of the Convention, climate action has focussed on “stabilisation levels”, with adaptation dealt with on a philanthropic basis, rather than as a global obligation. The Convention, in Article 4.4 and 4.5, provides for Annex II Parties to support developing countries in meeting adaptation costs, and the transfer of technology to support developing countries in implementing their obligations under the UNFCCC. Adaptation is, however, multi-dimensional and site specific, hence a quantitative base is needed for obligations, as well as institutions, mechanisms and processes for implementation, e.g. national adaptation plans (NAPS), national adaptation programmes of action (NAPAs) and technology needs assessments (TNAs).

### 2.6.2. Defining the Adaptation Gap

The adaptation gap is defined as the difference between the resources (including funding and capacity) that are required to adapt to the impacts of climate change and those that are available. If the mitigation is inadequate to stay below 2°C, impacts will rapidly grow larger, adaptation costs rise higher and the adaptation gap between required and available resources will grow.

### 2.6.3. Costs of Adaptation and Residual Damages (excluding from sea-level rise)

In a 2°C warming scenario, annual adaptation costs plus residual damages reach 1% of Africa’s GDP in 2100. With inadequate mitigation and warming to 3.5–4°C by 2100, these costs rise to 4% of GDP in 2100. If adaptation is com-

pletely absent, damage costs reach 7% of GDP. Sea-level rise adds a further 1–1.5%.

### 2.6.4. Adaptation in the ADP

- The climate change regime has built a number of institutions and mechanisms to support adaptation, such as the Nairobi Work Programme on Impacts, Vulnerability and Adaptation, the Adaptation Committee, the finance and technology mechanism.
- Still outstanding: the underlying commitments (finance and technology support) from Annex II Parties, and further guidance on NAPAs and NAPAs in the ADP.
- The ADP should therefore define an adaptation INDC, with commitments for adaptation support and recognition of adaptation investments by developing countries, while also providing an assessment of adaptation support relative to a realisable temperature scenario.
- The Africa Group has proposed an adaptation goal which would include information relevant for INDCs.

### 2.6.5. Global Goal for Adaptation

A comprehensive definition of the “global effort” on climate change is premised on the objective of the Convention, Article 2, which covers both adaptation and mitigation. Global effort is an important step in a principle-based reference framework. Article 2 provides space for normative guidance of what constitutes “dangerous anthropogenic interference with the climate system”.

Associated with any temperature objective is a reduction in GHG concentration by the end of the century, and a subjective definition of a pathway; associated with any temperature scenario is an adaptation need that follows a probabilistic pathway. Adaptation action is defined as a cost. As such, the changes in realisable temperature scenarios based on GHG stabilisation levels have an associated probability of impacts, or costs. A temperature goal was defined in Cancun, and anything above 2°C is not acceptable. Using a model that evaluated five extreme climate scenarios



(including temperature, flooding, heat waves), the results show that a rise to 3°C will be accompanied with significant changes and associated higher costs.

### 2.6.6. Questions for Discussion

- If there are no commitments for adaptation in the 2015

agreement, what would be in that agreement for the continent?

- What options do we have for communicating and effecting that message as civil society?

#### Questions and Comments from Participants

Question	Response
How are the losses due to flood risk accounted for, such as the losses experienced by people living in shacks?	This is related to the costing approach of valuing losses. There are top-down costing approaches and also bottom-up approaches, which are based on the people’s account of events. Some of these methodologies give an objective cost, while others evaluate based on the costs of preventing such things happening.
How do we take into account events happening simultaneously? How do we take care of linearity?	The interaction of multiple events is acknowledged. However, the cost functions used provide information based on historical events. The model is not perfect but can provide important information for planning purposes.

## 2.7. FINANCE IN THE ADP: SUSTAINABILITY, ADEQUACY, PREDICTABILITY AND ADDITIONALITY

*Seyni Nafo*

### 4.1.1. Finance in the UNFCCC

Understanding and assessing the financial needs of developing countries is essential to enabling those countries to undertake activities to address climate change. An important aspect of finance in the ADP is the roadmap presented by the ADP co-chairs, which builds on existing commitments and institutions of the financial mechanism across four dimensions: demand, support, delivery and transparency.

*Demand* is concerned with the provision of special support for developing countries: the need for clear provision of new, additional, predictable support; the adequacy of financial flows; concrete annual levels of public funding targets vs. no quantified commitments for post-2020; funding for GCF, support to the REDD+ implementation mechanism; and operationalisation of Warsaw Mechanism for Loss and Damage. The *support* dimension is concerned with how this agreement will be legally binding, and clarity on the sources for adaptation funding and the role of public funding. The *delivery* dimension focuses on clarity about allocations and access to funding; creating an enabling environment; and the prioritisation of vulnerable countries. The *transparency* dimension is concerned with the monitoring, reporting, and verification (MRV) of support.

### 4.1.2. Current Challenges Related to Finance

There have been various discussions on both pre-2020 and post-2020 finance. A Standing Committee on Finance was

created to assist the COP with its finance obligations. These include: improving linkages and promoting the coordination of finance: MRV of support; effectiveness in the delivery of climate finance; mobilisation of climate finance; and biennial assessments of climate finance. There is also the Work Programme on Long-term Finance, which looks for ways to increase climate finance to US\$100 billion per year by 2020. In addition, the Green Climate Finance (GCF) was established, as an operating entity of the financial mechanism, to become the main delivery channel for climate finance. The GCF will support projects, programmes, policies and other activities in developing country Parties.

### 4.1.3. Specific Challenges Related to Finance in the ADP

There are huge divergences in perspectives between developing countries and the developed countries. The key challenges for developing countries include the lack of and delay in fulfilment of previous engagement, specifically the finance for 2012–2020 period. Other challenges relate to the assurance of predictability and sustainability of funding; having appropriate channels for disbursements that will allow direct use of resources without too much complexity; and how to ensure transparency in the allocation and disbursements of resources provided. For developed countries, the key concerns relate to the prominent role of the private sector; the demonstration of developing countries’ ability to effectively receive and utilise the resources; and ensuring full transparency in the way the resources are used.

### 4.1.4. General Proposals for the ADP

The general proposals in the ADP regarding finance build on the commitments contained in Article 4, and make full use of the financial mechanism (article 11), the operating entities and the technical committees. This involves iden-

tifying procedures for the coordination, monitoring and transparency of finance; addressing the scale of finance and pathways for scaling up beyond the US\$100 billion targets; and developing a system to ensure predictability and delivery of climate finance. There are also proposals to agree on a range of global policies and/or regulations governing the generation of climate finance, including addressing issues of incidence; and for an architecture to be built on the premise of, and to be responsive to, country ownership.

#### 4.1.5. Specific Proposals in the AGN ADP Submission

Specific proposals in the African Group of Negotiators (AGN) ADP submission seek to ensure that finance provided to developing countries is fully in line with the Convention and the relevant decisions. Financial resources are to be provided based on quantified targets that are in line with the 2/1.5°C goal and build on the estimates made by the World Bank and other studies. The funding should be predictable, meaning that sources are clear and burden-sharing between Annex II Parties would be implemented. In addition, it should be sustainable: at least 5-year commitments by Annex II should be clarified by scale and timeline. It should be adequate, and ensure country ownership. That is, it should be based on the needs identified by the developing countries according to their priorities. It should be new and additional, thus additional to current ODA commitments of 0.7% of developed countries' GDP. It should be balanced between adaptation and mitigation, ensuring that adaptation gets an adequate level of resources. How the funding criteria is set up is an important aspect, so that each continent gets its share in line with the challenges it is facing. In this regard, fair allocation

to Africa should be ensured in line with its adaptation needs and mitigation potential.

Sources of funding should be included in the ADP. Thus, the GCF, the Adaptation Fund, the Strategic Climate Fund (SCF), the Least Developed Countries Fund (LDCF) and the Global Environment Facility (GEF) should be mentioned in the ADP as mechanisms to provide funding, and that they are part of the financial mechanism under Article 11. The level of action by developing countries should be linked to the level of support provided by Annex II, in line with article 4.4.

Mitigation by developing countries should be balanced by a commitment on finance and technology transfer by developed countries. This balance should be reflected in terms of scale, transparency and MRV, sources, and a review mechanism. In addition, there are proposals for an equity framework for means of implementation, to review what is committed or pledged by Annex II Parties in line with the temperature goal and the needs of developing countries, as well as a review and assessment to raise their level of commitment with regards to means of implementation

#### 4.1.6. Questions for discussion

- US\$100 billion: how to ensure this level of funding is effectively and transparently mobilised annually by 2020?
- How to ensure adequate levels of adaptation finance by 2020?
- GCF: what are CSO expectations?
- What are the key principles for effectiveness climate finance?
- Who should contribute to the post-2020 finance?

#### Questions and comments from participants

Question	Response
What should be the ratio of funding for mitigation and adaptation?	It might not necessarily be 50/50, but there should be adequacy. The GCF prioritised the most vulnerable in terms of adaptation, but prioritised mitigation where the potential is highest. In reality, the allocation is generally about 80% mitigation and 20% adaptation.
How will these funds reach the vulnerable rather than being captured by elites?	There have been great efforts made to ensure enhanced direct access, and that all stakeholders are involved. In this context, it is critical for CSO to play a key role in ensuring transparency.
Can you clarify why certain words, which are not clear (e.g. we "shall provide" funding can become we "will look for sources for"), end up in the agreements?	The process is highly complicated, with various iterations. The original wording is transformed to meet the consensus of all participating parties.
What role can carbon tax play in raising funds?	Yes, we support the carbon tax and it is highlighted in the African Ministerial Conference on the Environment (AMCEM).
How is the process of accrediting National Implementing Entities (NIEs) harmonised?	Accreditation is going to be a rigorous and difficult process.

Question	Response
<p>What is the strategy to change the game, when the money is not even available? Pledges have always been made but they do not come through. What is new in ADP that will be done differently?</p>	<p>This will be enhanced by ensuring adequacy, disaggregation, sources and transparency. In terms of adequacy, the fundamental change being brought by current African negotiators is to ensure that processes and mechanism will lead to a quantifiable number. The ERF can be applied to finance and to address adequacy. Disaggregation is also an important issue. The US\$100 billion is difficult to track, but one option is to disaggregate it, working the transparency regime, and putting milestones into the process. The challenge is that currently there is no common reporting format on the use of funds. It is necessary to assess the source of funding, to make sure it is not recycling old commitments. Transparency is also important.</p>

## 2.8 INTEGRATION OF LOSS AND DAMAGE INTO THE ADP

*Johnson Nkem*

### 2.8.1. What is Loss and Damage (L&D)?

The increasing vulnerability and exposure to increasingly severe and frequent climate events – both extreme and slow onset – increases disaster risk. The key challenges relate to predictability and preparedness for adequate response. Adaptation and mitigation measures are not enough: a multi-window mechanism is needed to address L&D in an integrated manner. Its components should include insurance, rehabilitation and compensation, and risk management.

### 2.8.2. Potential Climate Impacts in Africa

The potential climate impacts implied by emissions/mitigation scenarios in Africa are significant. Adaptation will not prevent all impacts. Even a 2°C warming pathway will have a large damage component – and damages are much larger at 4°C.

These impacts will be across various sectors. In a warming pathway of 4°C by 2100 scenario, aridity will likely increase by 40% in much of North Africa, and up to 30% in southern Africa and the south coast of West Africa, while in East Africa it is likely to decrease by 30%. The total area of Africa that is classified as arid or hyper-arid is projected to increase by 4%, at the expense of sub-humid areas and areas without long-term moisture deficits, both declining in surface area by 5%. The impact on terrestrial ecosystems will likely result in biodiversity loss. Coral reefs are at risk of severe bleaching by the 2050s. The likely impacts on aquatic ecosystem include the decline in fishery yields in rivers, lakes and oceans, particularly off the coasts of West and North Africa and in the Red Sea. The agricultural sector will be significantly affected. In the 2°C warming scenario, crop production is projected to decrease overall by around 15–20% across all crops and regions. At warming exceeding 3°C, virtually all of the present maize, millet and sorghum cropping areas across the continent would become unviable for current cultivars. Furthermore, livestock production is

expected to be affected by changes in feed quality and availability, water availability, and increased rates of disease and heat stress.

In terms of human health, the likely climate-change impacts include increased rates of undernourishment, child stunting, vector-borne diseases (e.g. malaria) and water-borne diseases (e.g. cholera). Extreme weather events such as flooding and drought can also cause morbidity and mortality. The tourism sector will be affected by extreme summer temperatures, loss of biodiversity and natural attractions, and damage to infrastructure as a result of extreme weather events. The energy sector will be affected by changes in river runoff while increased temperatures affect hydroelectric dams and the cooling systems of thermoelectric power plants. Some urban areas will be affected by sea-level rise, storm surges and extreme heat events. The most vulnerable include informal settlements which are likely to be vulnerable to flooding, while the poor urban populations will be affected by higher food prices as a result of disruptions to agricultural production. At 1.5°C, extreme heat will likely impact 25% of African land. At 2°C it will impact about 45%, and at 4°C about 85%.

### 2.8.3. Cost Estimates for Adaptation and Residual Damage

Adaptation costs rise rapidly in the high-emission scenarios. The over-4°C scenario shows that adaptation costs (excluding sea-level rise) are estimated at over 0.5% of Africa's GDP by 2050, and projected to rise to roughly 2.5% by 2100. On a pathway that keeps warming below 2°C, adaptation costs stay below about 0.1%. In general, the residual damages for Africa are likely to be large, and much higher in high emission scenarios. A large part of total adaptation costs will be spent on sectors affected by sea-level rise, although the difference between emission scenarios is relatively small.

### 2.8.4. Existing Arrangements to Address Risks

Different types of mechanisms are currently employed to address risks in Africa. These include the social safety-nets programmes, micro-insurance/policy insurance schemes, and regional risk-pooling. However, these mechanisms face

a number of challenges. Social safety-net programmes lack funding (mostly relying on inadequate government budgets) and the technical/scientific capacity to implement them. Micro-insurance faces limited use in cases of systemic or covariant shocks, lack of funding, limited sustainability when pay-outs become too high, lack of scientific/technical capacity, and low uptake in developing countries.

### **2.8.5. Limitations of Existing Institutions and Arrangements**

The existing institutions and arrangements are affected by broad limitations. Firstly, most arrangements and institutions were developed in the context of disaster risk reduction (DRR), and were not designed for the changing dynamics of climate change. Secondly, they do not address the full range of events related to climate change, e.g. slow onset events like rising sea-levels, increasing ocean acidification, and the retreat of glaciers. Their main focus was the impacts of extreme weather events, including high wind, drought and floods. Thirdly, the majority of the institutions focus on minimising loss through risk reduction, with limited arrangements for recovery and rehabilitation, and none that address permanent loss. Fourthly, no developing country has arrangements to address the full range of identified needs, i.e. to minimise loss, assist in recovery and rehabilitation, and compensate for permanent loss.

Current international community support for DRR is voluntary, inconsistent, inadequate, unreliable, and lacks overall focus and coordination. There are gaps in data collection and national capacities. Overall, current approaches are insufficient to address identified needs. Therefore efforts to address L&D should go beyond current DRR efforts. A new paradigm that will be responsive and appropriate for identified gaps and needs is needed.

### **2.8.6. L&D in UNFCCC Processes**

Vulnerable developing countries seek an international mechanism under the UNFCCC to address loss and damage, based on principles of international law and on the Convention text, including that states have responsibility for transboundary harm (Rio Principle 2). States have agreed to cooperate to further develop international law regarding liability and compensation for transboundary environmental damage (Rio Principle 13). The Convention provides for mandatory financial and technical support to developing countries for adaptation; and to particularly vulnerable Parties to meet the costs of adaptation (4.3, 4.4).

In the absence of sufficient mitigation, adaptation and targeted support, residual damage is accruing from unaverted and unavoidable impacts. The need for an international mechanism to address loss and damage has been slowly but steadily evolving in the negotiations process from COP 13 (as part of the Bali Action Plan) to COP 19 in Warsaw.

The key achievement on L&D has been the establishment of the Warsaw International Mechanism (WIM) (Decision 2/CP.19). This is to address loss and damage associated with impacts of climate change, including extreme events and slow onset events, under the Cancun Adaptation Framework. The WIM is a new body established under the COP. It has an expert component to provide technical support at the request of Parties or the Board, and a financial component that relates to the financial mechanism of the Convention. Parties have various roles, which include assessing the risks including slow onset impacts; identifying options and designing and implementing country-driven strategies; systematic observations and data collection; implementing comprehensive climate risk management approaches; promoting enabling environments; engaging multiple stakeholders (CSOs, private sectors, communities etc.), and enhancing access to sharing and use of data.

However, there are issues that need to be resolved. The WIM's status is still to be decided in COP21 in Paris and the executive committee is still an interim measure. Currently, there is no commitment of support by Annex 1 Parties. In addition, it is not yet aligned to any financial instruments under the UNFCCC, e.g. funds for adaptation such as GCF, Adaptation Fund, LDCE, etc. Moreover, it is not currently targeted or covered by technology-transfer or capacity-building activities support under the UNFCCC for mitigation and adaptation.

The African position on L&D is not very evident within submissions made as of July 2014. The LDC submission, encompassing Africa, indicates "loss and damage associated with the adverse effects of climate change should be part of 2015 agreement, which should include investment needs for risk assessments, risk management, insurance and compensation, and overall costs and impacts of the residual damages." The contentious issues are that compensation or liability for such loss and damage scares Annex 1 countries, and also that L&D will affect both developed and developing countries.

African CSOs can play an important role by advocating for: a conclusive decision on WIM; the full mandate for the executive committee of WIM; a funding stream for L&D with its own modalities for access; and technical and capacity support for LDCs. The technical and capacity support should include establishing national baselines and databases for L&D, establishing guidelines and mechanisms for monitoring, reporting, and verification (MRV) for L&D, and setting up pilot projects in countries to enhance their abilities to fulfil their roles and responsibilities under WIM. Therefore, the CSOs should prioritise these key areas of intervention consistently using their competitive edge. They should use multiple entry points in shaping the African position, including enhanced partnership and networking.

## 2.9. THE GREEN CLIMATE FUND (GCF): ITS STATUS AND HOW IT RELATES TO A SUCCESSFUL ADP

*Liane Schalatek*

### 2.9.1. Climate Finance Obligations under UNFCCC

The UNFCCC (under Article 4) indicate that developed countries shall provide financial resources, including for the transfer of technology, needed by the developing country Parties to meet climate costs that are over and above a business-as-usual approach. These resources are required for implementing measures to reduce emissions; management and conservation of carbon sinks; preparing for adaptation; integrating climate change into other national policies; promoting cooperative research, exchange of information and education and awareness-raising; developing inventories, and reporting on emissions and sinks.

Under the Copenhagen Accord (2009), developed countries pledged new and additional resources up to US\$30 billion between 2010 and 2012 – the Fast Start Financing (FSF). The FSF period ended and the amount was reached. Questions remain about whether it was really “new and additional”. In addition, the post-2012 levels have been stagnant. There have been efforts to jointly mobilise long-term finance from a variety of public, private, bilateral, multilateral and “alternative” sources, which should amount to about US\$100 billion per year by 2020. The work programme on long-term finance (LTF) identified long-term financial needs as US\$600–1500 billion per year. But there is no pathway for scaling up and raising these funds.

### 2.9.2. Green Climate Fund

A new fund, called the Copenhagen Green Climate Fund (GCF), was established to channel a significant share of new multilateral funding for adaptation. The rationale for this fund is the need for urgency in addressing climate change as reported by scientific studies, such as the Intergovernmental Panel on Climate Change (IPCC) reports. More financial resources are needed to keep under 2°C warming goal. The idea of a green fund had been pushed by Mexico and others in the UNFCCC context since early 2000s. Developing countries sought a counterpart to existing bilateral climate financing instruments (World Bank, GEF). The GCF was set up by the COP 16 decision in Cancun in 2010, and the GCF Governing Instrument was approved by COP 17 in Durban in 2011. Since 2012, the GCF has reported to COP annually to receive guidance. The GCF brings complementarity and coherence to the “rationalisation” of the global climate-finance architecture and is supposed to become the main multilateral fund for climate finance.

The GCF’s objectives and guiding principles promote a paradigm shift towards low-emission and climate-resilient development pathways, and playing a key role to chan-

nel new, additional, adequate and predictable financial resources to developing countries, using a country-driven approach. Moreover, it should be scalable and flexible, and will seek to balance funding between adaptation and mitigation, while promoting environmental, social, economic and development co-benefits and taking a gender-sensitive approach.

The GCF Board has 24 members (12 each from developed and developing countries), with 24 alternate members. It started work in August 2012, and there have been seven board meetings (BMs) so far, with one more expected in 2014 (in October in Barbados). It has several specialised committees and panels.

Its independent secretariat was established in Songdo, South Korea in 2013. It has juridical personality and legal capacity as an international organisation, derived via national parliamentary acts and through host country agreement. The executive director of the secretariat is Hela Cheikhrouhou (formerly of the African Development Bank), who was selected in June 2013. The World Bank acts as an interim trustee of the Fund until spring 2015. In terms of administrative budget and some readiness/preparatory support activities for the GCF Trust Fund, US\$56 million was pledged and US\$36 million has been received, leading to fear that it might remain an “empty shell”.

There are eight essential operational policy requirements (Decision Paris BM, October 2013) to be fulfilled for the GCF to receive, manage and disburse funding. These include: structure of the Fund; modalities for the operation of the Fund’s windows and private sector facility; results management framework; proposal approval process; accreditation process, including fiduciary standards and social and environmental safeguards; financial risk management and investment frameworks; allocation framework; and terms of reference for accountability mechanisms, including an independent evaluation unit and independent redress mechanism.

The initial resource mobilisation started with the first meeting of interested contributors in Oslo. There were 24 countries represented, with private sector and civil society observers (PSO/CSO) and board representation. However, only technical issues were discussed. The financing goal was not set – that is, no indication of scale or ambition. There were calls for an initial minimum capitalisation of US\$10–15 billion by the end of the process. The next contributor meeting will be held on 8–9 September in Bonn, and the final meeting is scheduled for mid-November (although the US and Japan did not want to see it as formal end of the initial resource mobilisation process).

### 2.9.3. Link with Successful ADP

The GCF is very important to the ADP process. The successful ambitious scale of initial GCF resource mobilisation is seen to be key for advancing the 2015 agreement in ADP and for success at COP 20 in Lima. The ADP negotiations link the mitigation gap and finance gap (means of implementa-

tion) and raise the ambition for adaptation and adaptation finance (50/50) in the new agreement. Most developing countries want a strengthened GCF to be the main channel for financing under the new agreement. This long-term capitalisation is thus linked to efforts to meet the 1.5–2°C global goal. The starting point for scaling-up climate finance post-2020 is US\$100 billion per year.

The key issues dividing developed and developing countries include: mandatory/assessed finance commitment vs. voluntary/unpredictable contributions; who contributes to GCF (Annex II countries or any Party with “respective capability”); and the primacy of public funding vs. using limited public funds to leverage private finance.

#### **2.9.4. GCF Structure and Modalities**

The GCF has an independent secretariat. It is starting out with thematic funding windows for mitigation and adaptation. The GCF has resources for readiness and preparatory activities and technical assistance, including in-country institutional strengthening to meet GCF fiduciary standards and environmental and social safeguards. The GCF established a private sector facility to enable direct and indirect support for private sector activities – which is controversial. The GCF’s discourse uses a “business model framework” and the new Private Sector Advisory Group (PSAG) has been given a prominent role to influence and shape Board decisions.

In terms of funding eligibility, all developing country Parties to the UNFCCC are eligible for “agreed full and agreed incremental costs” for mitigation, adaptation, technology development and transfer, capacity building and the preparation of national reports (such as NAMAs, NAPAs, NAPs). In terms of financial inputs, developed country Parties to the UNFCCC, including other public, private, and alternative sources will use the form of contributor grants and concessional loans. Financial instruments will start out as grants and concessional lending. The developed countries are pushing for guarantees, structured finance, bonds, and equity investments, with a focus on “de-risking” private sector involvement.

The GCF is set to operate initially through accredited national, regional and international implementing entities and intermediaries. This includes direct access, in which countries will nominate subnational, national or regional implementing entities for accreditation to receive funding. There will also be international access through accredited international entities, including UN agencies, multilateral

development banks (MDBs), international financial institutions (IFIs) and regional institutions. It was agreed that allocation between adaptation and mitigation be balanced “over time”, with a goal of ring-fencing 50% of adaptation allocation for “vulnerable countries” (LDCs, SIDS and African states); no country cap; “geographical balance” is meant to address concentration risk; private sector facility to receive “significant allocation”, with second tier allocation via competitively applied (and possibly weighted – to be determined) investment criteria (Bali, BM6)

In terms of accreditation, there is fear by LDCs, SIDS and Africa that the process is too complex for registering national and regional implementing entities, which requires readiness/capacity-building support. The International Finance Corporation performance standards have been agreed as the interim GCF environmental and social safeguards, and the GCF will develop its own standards within 3 years. However, their application via implementing entities, financial intermediaries, and private sector will be the challenge. In addition, the detailed basic and specialised fiduciary standards are biased in favour of large private and multilateral financial entities.

The GCF’s guiding principle of “country-driven approach” is not yet fully operationalised. Board members from developing countries are concerned that this key principle is undermined by “donor preferences and conditionalities”, such as the results-based financing and allocation. There are still outstanding decisions on country ownership, including the no-objection procedure for funding proposals; establishment and composition of national designated authorities (NDAs)/focal points; and options for country coordination and multi-stakeholder engagement.

#### **2.9.5. Stakeholder Input and Participation**

In terms of observer input, accredited observers participate at board meetings. The call for accreditation of PSOs, CSOs and international organisations is opened after every board meeting. There are active observers, two each from CSOs and PSOs, who participate in board meetings and also coordinate observer input. Proper mechanisms to promote stakeholder input and participation are still missing, and so far the decisions on stakeholder participation in the proposal approval process and country ownership have been weak. The development of gender policy, a gender action plan, and the integration of gender in operational policies for “gender-sensitive approach” are emphasised in the Bali Decision (BM6).

### Questions and Comments from Participants

Question	Response
Why was the World Bank chosen as a trustee? What are its major roles and responsibilities?	There was need for a reputable organisation to manage the funds. Its roles are purely administrative. It does not determine who gets the money. It is not involved in the decision-making process, only disbursement. The board will have to start looking for a permanent trustee, since the World Bank's term is going expire soon. However, it is likely to retain it.
How is the GCF performing towards delivering (as it has been going on and on)? What are the indicators?	The GCF has made substantial progress. It depends on how the substantial pledges translate into real money. In 2015, the GCF is likely to release some money, although it might not be much. This is going to be a sign of how developed countries translate their promises into actions.
What are the critical issues for CSOs in relation to the GCF?	Critical issues for CSOs include the redefinition of country ownership, engagement and stakeholder participation, and CSO accountability. In addition, engaging other CSOs, especially from the South, is very important, though there are challenges related to travel constraints, like visas.



# 3. Groups (Breakout Sessions)

## 3.1. GROUP: MITIGATION UNDER THE ADP

- Options for increasing pre-2020 ambition
  - It is important to motivate those who have not yet made mitigation pledges to make them. Cooperating countries have to mitigate first while encouraging “defiant” states to participate.
  - The equity framework has to be applied and implemented now. Equity should be defined and ensured in the process.
  - There is lack of good leadership in these processes; most of them are mere representatives and participants. This calls for the need to improve leadership, and CSOs have to play an important role in ensuring that leaders are accountable to the people.
  - Participation is very important and necessary and CSOs should continue to increase the pressure at all levels (community, national, continental and international). Governments will never seek to increase the participation of stakeholders. Therefore, CSOs need to be proactive and use innovative approaches to influence the process.
  - Africa Group Negotiators must be vigilant to ensure that they do not retreat from their agreed positions and also to avoid accepting unfavourable agreements.
  - The development, transfer and adoption of environmental and climate relevant technology should be promoted (considering the intellectual property rights (IPR) regimes).
  - Innovative ideas are needed for finance, especially with multilateral organisations. Some fund-raising options, like holding a world climate lottery, can be explored.
  -
- Options for increasing post-2020 ambition
  - It is important to agree on the equity framework and ensure that it is implemented – to fight for its success.
  - Markets should not be promoted at the expense of the vulnerable.
  - Capture taxes from companies (especially multinationals) at source.
  - Developing countries can take ambitious actions as a way to motivate the bigger polluters. Frameworks and policies that are produced should be implemented. What is important is have plans in place; seek financial resources later.
  - The successes and challenges of the ozone campaign and protocols such as the Montreal Protocol provide

important lessons for the climate change agreement.

- CSOs in developing countries should increase their efforts to work very closely with CSOs in the developed countries to put pressure on their governments to comply. The South–North coalitions are very important and effective.
- The biggest challenge is funding. The developed countries have no incentives to provide tangible funding to LDCs. Mechanisms are needed to raise the substantial financial resources that are required.

## 3.2. GROUP: GENDER, ADAPTATION AND THE ADP

- How should gender be reflected in the 2015 agreement?
  - The 2015 agreement should create space under the element of “capacity building”, in line with paragraph 5 (CP17), to mainstream gender issues in the various mechanisms (themes) of the agreement.
- How should adaptation be reflected in the 2015 agreement?
  - Adaptation costs should be clearly defined and quantified.
  - Adaptation finance should be new and additional. Climate change poses additional challenges to development initiatives, thereby reducing the rate of development. Therefore, adaptation activity is both new and additional and should be funded accordingly.
  - Developing countries should be obliged to develop and report adaptation plans, while developed countries should be obliged to support/finance and report such plans, in line with Article 4.4 of the Convention.
- What advocacy strategy should be adopted to achieve these proposals?
  - Engage gender experts to develop concrete proposals on gender mainstreaming in the 2015 agreement.
  - Identify parties/actors that are sympathetic to the gender and adaptation proposals at the national and regional levels.
  - Ensure that gender does not become a conditionality for disbursement of funds; rather, use funds to promote gender mainstreaming objectives (to be defined by indicators).
  - Effectively engage groups that are sympathetic towards adaptation goals, e.g. LDCs, AOSIS.



### 3.3. GROUP: CSO PERSPECTIVES ON MITIGATION AND EQUITY

#### ■ Why does equity matter?

- It advances the polluter-pays principle.
- It recognises differentiated abilities, and assigns responsibility in accordance with level of capability.
- It ensures fairness in the whole system, with respect to distribution of resources.
- Equity anchors the provisions of the UNFCCC, and becomes the yardstick for divergences that would degrade the Convention.
- Without equity considerations, future costs and impacts of current activities will be higher, which will undermine overall development.
- As the foundation/gateway for elements of the Convention, equity strengthens the UNFCCC system.
- It broadens climate change discussions, moving beyond anthropogenic considerations towards a more holistic approach that includes regard for the environment, and equity between countries and different groupings.

#### ■ What is required for an equitable deal in practice?

- Change the narrative.
  - Below 1.5°C; more ambitious quantified cuts/targets; decisions around 2020 be reviewed in 2025; synchronise and speed up the IPCC; cover all elements in the deal (adaptation support; loss and damage; finance; and appropriate technology)
- Operationalise GCF and capitalise with public funding, the option of grants, and ensure direct access.

#### ■ What can we do about it together?

- Work closely with national governments to push up the agenda; change the narrative from the national level.
- Link up with people, movements, governments.
- Hold our governments to account over their engagement in the UNFCCC processes.
- Work with the media, including alternative media, to increase the visibility of the changed narrative.
- Target advocacy campaigns to northern governments and delegations.
- Oppose/disinvest in the “Carbon Majors”.
- Invest in and utilise more fundamental analysis to define the real drivers (governments, corporations, organisations, individuals, think tanks) of climate change.
- Advocate open source technologies and access to knowledge over intellectual property rights.

### 3.4. GROUP: FINANCE

#### ■ Group reflections of critical areas

- Sources and resource mobilisation; availability of resources; balance allocation criteria; fill adaptation gap; GCF capitalisation; legally binding finance. commitment; readiness activities and absorption capacity; finance for adaptation; using climate finance; and development finance versus climate finance.

#### ■ Source of finance

- All climate finance should be public finance.
- Countries should count their budget as either ODA or as climate finance: there should be no double counting.

#### ■ Mobilisation of finance

- Encourage voluntary contributions in addition to existing commitments for financial support in accordance with Article 4.
- Innovative finance including financial transaction tax and social discount rate (SDR).

#### ■ Climate finance

- Reduce GHG.
- Climate resilience.
- Development co-benefits.

#### ■ Scale and adequacy

- US\$100 billion will serve as a flow.
- What we will need eventually is in the order of US\$1–3 trillion.
- Mobilising this money requires a change in the world financial system.
- The space for this discussion is beyond the UNFCCC, G20, G7, etc.

#### ■ Who should contribute?

- Countries in a position to contribute should do so.
- Annex 2 countries should have legally binding commitments.

#### ■ What developed countries want

- Developed countries want the new agreement to focus on mitigation (for all countries); markets (they want to buy your credits); and MRV (they want to know that you are doing it).
- They want to address climate change, but without changing anything in their countries and without bearing the costs. They want

- to support their markets and open developing country economies; to change the rules; to kill the Kyoto Protocol; to kill the provisions in the Convention that oblige them to act; to sell technology (against Article 4.5); to not fund adaptation, i.e. that developing countries should pay for their own adaptation; and to replace Kyoto Protocol and Convention with a new instrument through a new set of obligations.

#### ■ What we should do?

- We have to put a stop to movement in this direction.
- Tell developed countries we need their mitigation, finance, technology and capacity.
- Watch for efforts to divide developing countries.
- Have an equity framework, but also equity demands for mitigation.
- We need textual proposals: where are they?
- We have to work on different fronts.
- At national level, we should:
  - set expectations for government ministers before the conference starts, not just talk to them at the conference
  - when they come back, check whether they lived up to those expectations
  - ensure there are clear deadlines.
- We should craft this story in a manner can be heard at home. As civil society, we should talk to our people so that they can raise their voices to politicians.
- Work with civil society institutions of the North.
- Confront those corporations that are not supporting, or are working against, the climate deal.

### 3.5 GROUP: PROPOSED AFRICAN CSO STRATEGY FOR ADP ENGAGEMENT

#### ■ General

- Maintain the Africa position on 1.5°C.
- Consolidate research on climate change that is relevant to Africa – make it accessible, relevant.
- Engage with other multilateral institutions – e.g. World Bank

#### ■ At the national level, hold pre-COP workshops that will:

- develop/strengthen CSO strategies
- identify and elaborate on synergies with government, possibly develop joint strategies with government
- contribute to and “enhance” national positions on finance, adaptation, etc.
- establish CSOs as (friendly?) watchdogs
- work at multi-sectoral levels, provide support for defining positions, also relevance for different sectors
- work across the different elements of the ADP and support collaboration across countries and across

organisations

- contribute to position papers, strategies, policies developed at national level, notably NAPs, NAMAs, and any documents that are relevant to climate change.

#### ■ Build relationships at the national level

- Identify and network with people who are important strategically and technically.
- Work with negotiators and other key people in the processes.
- Establish a CSO presence on national government delegations.
- Support increased integration of CSOs into government processes.
- Build relationships with government ministers and help them realise the value of inputs.
- Build relationships with organisations – not only with individuals – so as to widen influence and minimise losses when relevant people are not available.
- Maintain a presence in processes throughout the year.
- Make sure that inputs are taken seriously and followed through to the end of processes.
- A multi-arm strategy is needed as there is not always an open door to CSOs, because of government culture or other issues. In this case, media relationships can help to put pressure on decision makers.

#### ■ Media engagement

- Increase media knowledge about climate change issues and media presence at key meetings.
- Support media efforts to strengthen the position of CSOs and provide an outlet for public opinion, which can influence decision makers and negotiators.
- Develop contacts with PACJA media partners to promote coverage of the various ADP dialogues.
- Help journalists make climate language more accessible.
- Generate useful content for journalists.

#### ■ Regional

- Cross-border knowledge sharing – experiences, strategies.
- Build relationships with strategic negotiation partners.
- Develop and link to processes rather than events.
- Target the AU negotiators through AGN, ministers through AMCEN, heads of state through CAHOSOCC; AMCEN feeds into CAHOSOCC.

#### ■ International

- Map out work to 2015 and beyond.
- Identify key moments and events.
- Develop and link to processes rather than events.
- Move beyond targeting the COPs (decisions often made before then) and other events.

■ **Build relationships at the international level**

- Promote South-South and South-North CSO collaborations.
- Identify and engage with like-minded committees and networks.
- Identify and engage with organisations/committees/networks that are not necessarily like-minded, but have some shared objectives.
- PACJA has established relationships with many organisations. (Its work includes participation in global civil society networks, meetings and events; South-South joint meetings and activities;

strengthening collaboration with southern NGOs and networks; and strengthening North-South civil society partnership).

■ **Resources for mobilisation**

- Support more involvement of people in the processes.

■ **Communication between CSOs**

- Develop stronger communications systems to share information, positions, strategies, etc.



# 4. AFRICAN CSO STRATEGY FOR ADP

*Mithika Mwenda*

## 4.1. CONTEXT

The greater climate movement, looking beyond environment and science, kicked off at the COP 13 in Bali in 1997. The Bali Roadmap was to end during COP 15 with greater and deeper emission cuts by developed countries to be achieved primarily through domestic measures; clear commitments by developed countries for the provision of adequate financing and technology for developing countries to address the impacts of climate change and shift to sustainable, just and equitable economies; the creation of a new, just and democratic multilateral financial mechanism for climate finance. A key challenge is that these goals were not achieved, but were postponed. Ultimately, the Roadmap metamorphosed into Durban Platform for Enhanced Action. The rich countries have continued to delay action and obstruct progress.

## 4.2. WHAT DO WE WANT TO ACHIEVE?

The CSO strategy for ADP seeks to achieve an effectively coordinated civil society, through information sharing and

joint strategising in international climate change dialogue processes, to ensure a fair, equitable and ecologically just new climate change agreement in 2015. This will involve

- strengthening, networking and capacity building among regional, sub-regional and national civil society so as to effectively participate in policy advocacy with governments
- ensuring broader participation of emerging national climate-change platforms/networks and encouraging each nation's CSOs to work together to enhance bottom-up movement building
- establishing more national networks and platforms, and strengthening collaboration among sector-based, trans-boundary and cross-cutting thematic initiatives
- supporting best-practice policies and programmes across networks and civil society and other stakeholders.

A number of strategic partners in various sectors and countries have been identified in this endeavour to strengthen networking and capacity among African civil society, so as to effectively participate in policy advocacy in African countries.

*Table 2: Initiative/Sector Mapping*

Organisation/Initiative	Sector(s)	Partnership
Care International Africa Learning Programme	Multi-sectoral	Capacity building/training workshops
Christian Aid	Equity and justice	Post-2015 and climate change workshops
Ecological Society for Eastern Africa (ESEA)	Ecology and biodiversity	Annual scientific conferences
Fellowship of Christian Councils and Churches in West Africa (FECCIWA), World Council of Churches (WCC), Economic Justice Network of the Fellowship of Christian Councils in Southern Africa (FOCCISA-EJN), and other faith-based organisations	Faith-based	Capacity building, training and advocacy
Gender CC, Population Action International (PAI)	Gender and health	Advocacy, training and awareness
Heinrich Boell Foundation (HBF)	Multi-sectoral	Climate finance and governance
Indigenous Peoples of Africa Coordinating Committee (IPACC), African Indigenous Women Organisation (AIWO)	IKS and biodiversity	Advocacy, awareness, etc.

Organisation/Initiative	Sector(s)	Partnership
Network of African Science Academies (NASAC)	Academic and research	Annual scientific conferences
Organisation of African Youth (OAYouth), African Youth Initiative on Climate Change (AYICC), and other youth organisations	Youth and environment	Youth advocacy, green economy and youth participation
Pan African Farmers Organisation (PAFO), Eastern Africa Farmers Federation (EAFF), and others	Agriculture	Training and advocacy
Southern Voices on Climate Change (Danish 92-Group)	Multi-sectoral	Capacity building workshops and training in southern and eastern Africa
Young Volunteers for the Environment (YVE/JVE)/Tunza Afrika	Youth and environment	Capacity building and youth conference

### 4.3. SOME KEY FOCUS COUNTRIES

- Ethiopia: host of African Union
- Tanzania: host of EAC; presidency of CAHOSOCC and AMCEN (latter will shift to Egypt in September 2014)
- Kenya: host of UNEP
- Sudan: chair of African Group of Negotiators (AGN) under UNFCCC
- Egypt: chair of Finance Committee of AGN
- South Africa: a large economy; member of BRICS and BASIC
- Nigeria: most populous country; host of ECOWAS
- Botswana: host of SADC
- Zambia: host of COMESA
- Mauritania: chair of African Union

An important component of the strategy is to ensure more, and better quality, positive media coverage of climate change. Some of the initiatives already taking place include:

- the annual African Climate Change and Environmental Reporting (ACCER) Awards
- strengthening the Pan-African Media Alliance on Climate Change (PAMACC) and other networks
- training workshops for journalists and communication officers on climate change issues
- support for journalists to attend key meetings like COP 20 and 21, UNFCCC intersessional meetings and AMCEN
- production of journalist-focused information, education and communication (IEC) materials.

The strategy seeks to provide guidance in the formulation of climate-related policies at national and international levels. This includes influencing the Post-2015 Development Agenda process through support for civil society and government dialogue and participation in post-2015 debates at national and regional level. It also involves the commission-

ing, production, and dissemination of policy briefs, including popular IEC materials and periodic position papers.

The strategy also includes tracking and participation in UNFCCC and other international climate change dialogue processes. These include UNFCCC intersessional meetings, conferences and side events (e.g. Bonn October 2014), COP 20 in Lima, Peru and COP 21 in Paris, France. International meetings include country group meetings, such as BRICS/BASIC, G7, G20 and G77; the UNSG High Level Climate Change Summit in New York; the Social Pre-COP in Venezuela; and the Pan African Climate Justice Alliance (PACJA)/ Global Week of Action.

Another important component of the strategy is to foster strategic linkages and support civil society movements globally. In this regard, there has been participation in global civil society network meetings and events, such as the Climate Action Network International (CAN-I) meeting in France to strategise for COP21; the robust climate justice narrative spearheaded by Climate Justice Now!; South-South joint meetings and activities; strengthening collaboration with southern NGOs and regional networks in Asia/Pacific, Latin America and Africa; and strengthening North-South civil society partnerships, e.g. PACJA's People-to-People Tour, which triggered the formation of a climate justice alliance in the US.

There have been key milestones and achievements, such as the civil society walk-out at the Warsaw talks. In addition, consensus has since grown that we need to change our *modus operandi* and work together than against each other. CSOs have promised the world to go back into climate talks with more voices, and are committed to popular mobilisation at community, national and international levels. This has inspired collaboration in the countdown to COP 21 and various levels of strategies. The important question is: *Are we going to walk the talk?*

# 5. Conclusion

The African CSO Winter School on the ADP hoped to achieve the following. Firstly, to deliberate on the main elements of the ADP and identify areas of priority for the continent that should be reflected in the 2015 agreement. Secondly, to explore and come up with a common understanding and a common agenda for the ADP to deliver an outcome com-

mensurate with science. Thirdly, for African CSOs to network and identify potential areas of collaboration for common advocacy. These objectives were fulfilled. The platform for participation was created and enhanced. In addition, there was significant learning and knowledge sharing amongst the participants.



# Acknowledgements and Vote of Thanks

*Kulthoum Omari*

The Winter School is a part of an important process. We are beginning to see the solidification of partnerships. There is a lot of knowledge amongst you (participants). The output of this Winter School could feed into on-going processes like the AMCEM. The report that is produced should be a living document, an important reference. We will make any necessary revisions and additions, so that the outcomes are relevant and feed into future programmes. It is important to identify areas where we diverge, areas that need more emphasis, and areas that need resources. The Heinrich Boell Foundation remains committed to the process. In future, we hope we are able to do a similar programme, even in another country. We have debated, dialogued and engaged, and have benefited a lot as a result of this important knowledge sharing process.

I thank all of you for your participation, enthusiasm,

passion, and the motivation to work for the broader good. I am grateful to all of you, and special thanks to PACJA, the IPS team, and the ACPC. I would like to thank the negotiators (government representatives from all the regions: southern, western, eastern and central). Thanks to Mithika Mwenda for providing important contacts to some of the negotiators. We are also grateful to the media team that helped with the tweeting. Special thanks to the people who ensured that the programme was engaging and beneficial: resources persons Farayi Madziwa and Shakespear Mudombi), and the facilitator, Junaid M Seedat.

*The facilitator and the participants gave special thanks to Kulthoum Omari and the Heinrich Boell Foundation for organising the Winter School.*

The Heinrich Böll Stiftung (Foundation), associated with the German Green Party, is a legally autonomous and intellectually open political foundation. Its foremost task is civic education in Germany and abroad with the aim of promoting informed democratic opinion, socio-political commitment and mutual understanding. In addition, the Heinrich Böll Stiftung supports artistic and cultural, as well as scholarly projects, and co-operation in the development field. The political values of ecology, democracy, gender democracy, solidarity and non-violence are the foundation's chief points of reference. Heinrich Böll's belief in, and promotion of citizen participation in politics is the model for the foundation's work.

## ■ ■ HEINRICH BÖLL STIFTUNG

### **Contact us**

Heinrich Böll Stiftung Southern Africa  
8th Floor Vunani Chambers,  
33 Church Street,  
Cape Town, 8000  
South Africa

Tel: + 27 (0) 21 461 6266  
Fax: + 27 (0) 21 424-4086  
Email: [info@za.boell.org](mailto:info@za.boell.org)  
[www.za.boell.org](http://www.za.boell.org)