

MARRAKECH HIGHLIGHTS: WEDNESDAY, 9 NOVEMBER 2016

On Wednesday, the UN Climate Change Conference in Marrakech, Morocco, convened for its third day. In the morning, the COP and CMP plenaries resumed. COP and CMP contact groups met in the afternoon and SBSTA, SBI and APA informal consultations convened throughout the day.

COP PLENARY

COP 22 President Salaheddine Mezouar opened the meeting.

Olumuyiwa Benard Aliu, President, ICAO Council, characterized the CORSIA as “global civil aviation’s Paris moment,” noting that states representing more than 86% of international aviation traffic will participate in the scheme from its outset.

Tina Birmpili, Executive Secretary, Ozone Secretariat, said the Kigali Amendment to the Montreal Protocol will prevent an additional half-degree of warming by the end of the century and takes into account different national circumstances.

Global Climate Action Champion Hakima El Haité highlighted early action by broad coalitions of non-state actors and stressed the need for greater coherence of efforts to implement NDCs. Global Climate Action Champion Laurence Tubiana outlined a series of global climate action events during COP 22, including an open-ended discussion in week two.

ORGANIZATIONAL MATTERS: FRANCE reported on consultations on the vulnerability of the African continent, noting the COP 21 Presidency considers there is no consensus on recognizing Africa’s vulnerability within the context of the Paris Agreement. COP 22 President Mezouar will continue informal open-ended consultations.

Dates and venues of future sessions: Saudi Arabia, for the ASIA-PACIFIC REGION, said Fiji offered to preside over COP 23, to be held at UNFCCC headquarters in Bonn, noting the group’s final decision was pending. COP 22 President Mezouar invited proposals for hosting COP 24.

PREPARATIONS FOR ENTRY INTO FORCE OF THE PARIS AGREEMENT AND CMA 1: COP 22 President Mezouar noted that 103 countries have deposited their instruments to join the Paris Agreement. BRAZIL expressed concern that some elements mandated in the Paris Agreement are not addressed in the work programme under Decision 1/CP.21. He said the COP should continue to oversee the tasks arising

from the decision and recommend to CMA how to address these elements so work can start regardless of the suspension of the CMA. The COP Presidency will conduct informal consultations.

MATTERS RELATING TO FINANCE: Long-term climate finance: INDIA underscored the need to identify sources within and outside the UNFCCC and called for reviewing the TOR given to the “financial bodies.” MAURITANIA said the allocation of financial resources should be based on criteria of justice and fairness. BELARUS called for COP 22 discussions to clearly reflect all countries’ participation and efforts to introduce climate technologies in their economies.

Parties agreed to establish contact groups to work on the following agenda sub-items: long-term climate finance; report of the Standing Committee on Finance (SCF) and review of the functions of the SCF; report of the GCF and guidance to the GCF as well as report of the GEF and guidance to the GEF; and initiation of a process to identify the information to be provided by parties in accordance with Paris Agreement Article 9.5 (developed country parties’ communication on providing financial resources to developing countries and mobilizing climate finance).

Report of the SCF: SCF Co-Chair Outi Honkatukia (Finland) reported on the biennial assessment and overview of climate finance flows and the 2016 SCF Forum. She highlighted two draft decisions on draft guidance to GCF and to the GEF and on the frequency of guidance to the GCF.

Report of the GCF to the COP and guidance to the GCF: GCF Board Co-Chair Zaheer Fakir (South Africa) reported a balanced portfolio with 28% of resources dedicated to the adaptation sector, 27% to mitigation and 45% cross-cutting between mitigation and adaptation.

BOLIVIA reminded of Paris Agreement decisions on developing guidance to the GCF to provide finance for alternative policy approaches, and lamented that the GCF postponed considering this issue to its next board meeting. NICARAGUA invited the GCF to reassess the membership of private banks to avoid “some embarrassing entries” and, with INDIA, highlighted insufficient funding of the GCF. This sub-item was referred to the contact group.

Report of the GEF to the COP and guidance to the GEF: Chizuru Aoki, the GEF, reported its contributions including: support to INDC preparation; allocation of US\$554 million to 59 mitigation projects; and US\$189 million for 85 capacity-building projects. INDIA lamented downward trend in the allocation of resources. The sub-item was referred to contact group.

Sixth review of the Financial Mechanism: Parties agreed on the TOR for the sixth review with a view to finalizing the review at COP 23.

Initiation of the process to identify the information to be provided by parties in accordance with Paris Agreement

Article 9.5: Parties agreed to initiate the process. The sub-item was referred to the contact group.

During the contact group co-chaired by Outi Honkatukia (Finland) and Rafael Da Soler (Brazil), many recognized the need for predictability and use of qualitative and quantitative information in this regard. The EU noted interlinkages with other agenda items including submissions on strategy approaches and roadmaps. The Philippines, for the G-77/CHINA, stressed that emphasis should be on country-driven strategies and the needs and priorities of developing countries. Discussions will continue.

ADMINISTRATIVE, FINANCIAL AND INSTITUTIONAL MATTERS: Decision making in the UNFCCC process:

Paul Watkinson (France) reported on consultations among parties in May 2016, noting that, while all parties emphasize the importance of transparency and adherence to the rules of procedures, parties' views diverge on whether to conclude this agenda item at COP 22. The COP Presidency will consult informally.

Review of the process established by Decision 14/CP.1 relating to the selection and nomination of the Executive Secretary and the Deputy Executive Secretary: COP 22/ CMP 12 President Mezouar introduced this item (FCCC/CP/2016/INF.2). SAUDI ARABIA suggested that parties review developments since the original decision. SWITZERLAND drew attention to the process of appointment in the UN Convention on Biological Diversity, suggesting that model, in which parties define criteria, could be adopted. The COP Presidency will facilitate informal consultations.

CONSIDERATION OF PROPOSALS BY PARTIES FOR AMENDMENTS TO THE CONVENTION UNDER ARTICLE 15: Proposal by the Russian Federation: The COP Presidency will conduct informal consultations.

Proposal by Papua New Guinea and Mexico: The COP Presidency will conduct informal consultations.

DEVELOPMENT AND TRANSFER OF TECHNOLOGIES: Joint Annual Report of the TEC and the CTCN: SBI and SBSTA will convene informal consultations.

Linkages between the Technology Mechanism and the Financial Mechanism of the Convention: The COP Presidency will conduct informal consultations.

OTHER MATTERS: COP President Mezouar reported that on 8 November he had started informal consultations on the sub-item requested by Turkey on its special circumstances and that consultations would continue.

BOLIVIA and ECUADOR requested that the COP consider Decision 1/CP.21, paragraph 136 (platform for local communities and indigenous peoples to exchange experiences and share best practices on mitigation and adaptation) and begin work. Parties agreed to informal consultations on this issue, to be conducted by the COP 22 Presidency and results presented on 16 November.

CMP PLENARY

ORGANIZATIONAL MATTERS: Status of the ratification of the Doha Amendment to the Kyoto Protocol: UNFCCC Deputy Executive Secretary Richard Kinley reported that, as of 8 November, 72 parties had ratified the Amendment out of 144 required for entry into force. He said the Gambia's ratification on

7 November was the most recent. Parties took note of the report and agreed to invite parties intending to ratify to expedite the deposit of their instruments of acceptance.

MATTERS RELATING TO THE CDM: CDM Executive Board Vice-Chair Frank Wolke, Germany, presented the annual report (FCCC/KP/CMP/2016/4) of the CDM Executive Board, highlighting the registration of more than 8,000 projects in 111 countries and issuance of more than 1.7 billion Certified Emissions Reductions (CERs) over 15 years of CDM operation. He noted efforts to improve the CDM, invited voluntary cancellation of CERs. He said the Board invites parties to consider involving the CDM in the ongoing international response to climate change.

Parties agreed to convene a contact group.

MATTERS RELATING TO JI: JISC Chair Konrad Raeschke-Kessler, Germany, presented the JISC's annual report (FCCC/KP/CMP/2016/5), noting activity under JI virtually ceased at the end of the first commitment period and thus, no new projects were created or ERUs issued since last year's report. On the review of the JI guidelines, he noted the JISC had forwarded recommendations to SBI 44 and the SBI is recommending the CMP close the review and not adopt revised guidelines for the time being.

Parties agreed to a contact group on this item. COP 22 President Mezouar said elections of members to the JISC would occur during the CMP closing plenary.

REPORT OF THE COMPLIANCE COMMITTEE: Compliance Committee Co-Chair Gerhard Loibl (Austria) presented the report, highlighting the Committee's suggestion that the CMP consider ways for Ukraine to formally demonstrate its first commitment period compliance by requesting the Secretariat to make the necessary arrangements to enable the country to retire its units for compliance on an exceptional basis. Parties took note of the report and agreed to informal consultations.

MATTERS RELATING TO THE ADAPTATION FUND: Report of the Adaptation Fund Board: Naresh Sharma, Adaptation Fund Board (AFB), said that the predictability of the Fund's financing is not secure due to its reliance on voluntary contributions and the "meltdown" of the carbon market.

The Bahamas, for the G-77/CHINA, called for additional support for the Fund. A contact group was established.

During the contact group, co-chaired by Herman Sips (the Netherlands) and Patience Dampety (Ghana), parties exchanged initial views on elements of a draft decision. The Bahamas, for the G-77/CHINA, suggested, *inter alia*, emphasizing the importance of addressing fundraising strategies and recognizing the Adaptation Fund was established at COP 7.

EGYPT proposed including paragraph 53 of the report (on the overall evaluation of the Adaptation Fund) in the draft decision. SWITZERLAND cautioned against "picking and choosing" among report elements. Discussions will continue.

REPORT ON THE HIGH-LEVEL MINISTERIAL ROUNDTABLE ON INCREASED AMBITION OF KYOTO PROTOCOL COMMITMENTS: CMP 12 President Mezouar reported that there is no consensus on the way forward and informal consultations will continue.

APA

FURTHER GUIDANCE IN RELATION TO THE MITIGATION SECTION OF DECISION 1/CP.21: Informal consultations convened in the morning and afternoon, co-facilitated by Sin Liang Cheah (Singapore) and Gertraud

Wollansky (Austria). In the morning, parties continued exchanging views on guidance to be developed, linkages between the sub-items, expectations regarding the outcome and options for work in 2017.

Many pointed to the Paris Agreement and Decision 1/CP.21 as sources for guidance. Kenya, for the AFRICAN GROUP, stressed capacity building for developing countries.

On features, parties proposed, among other things, further: elaborating features for each type of NDCs; guidance that is clear, general, durable and simple; and flexibility for LDCs. On information, parties suggested, *inter alia*: agreeing on a common timeframe for NDCs, possibly five years; developing guidance that is useful and does not create additional burdens; and information on, *inter alia*, human rights and gender equality. Some parties, opposed by others, supported considering features and information simultaneously.

On accounting, many developing countries stressed the need for flexibility for developing countries. INDIA called for “factoring in” differentiation. Saudi Arabia, for the ARAB GROUP, and IRAN stressed the need to focus on the full scope of NDCs as defined in Paris Agreement Article 3 (NDCs, including progression and support). The US and SWITZERLAND opposed.

On the outcome, SWITZERLAND suggested attaching a co-facilitators’ summary to a co-chairs’ summary. On work in 2017, many countries suggested workshops, with BRAZIL proposing workshops for parties only and the US a “non-intrusive” facilitated sharing of views.

In the afternoon, many countries stressed that features of NDCs should be rooted in the Agreement. Bolivia, for the G-77/ CHINA, Colombia, for AILAC, Saudi Arabia, for the ARAB GROUP, and AUSTRALIA stressed NDCs’ nationally-determined nature. KUWAIT highlighted the need to consider the diversity of NDC types in the features and ARGENTINA noted that this is important in the identification of specific information that needs to be provided.

CHINA, for the LMDCs, with BRAZIL, said there is no agreement on what the features are and what guidance can be provided, with BRAZIL noting features should be viewed as reference for future rounds of NDCs, which would help parties and the Secretariat organize and aggregate information for the global stocktake.

On information, BRAZIL, said that some information specific to objectives should be quantifiable, while the ARAB GROUP noted there is no such requirement in the Paris Agreement. With AILAC, he stressed the need for flexibility to allow qualitative NDCs. Informal consultations will continue.

FURTHER GUIDANCE IN RELATION TO THE ADAPTATION COMMUNICATION, INCLUDING, *INTER ALIA*, AS A COMPONENT OF NDCS: This group met in the morning and evening, co-facilitated by Richard Muyungi (Tanzania) and Beth Lavender (Canada).

In the morning, Co-Facilitator Lavender summarized the goal of the consultations as: developing a common understanding on the scope of work; isolating issues and challenges; and identifying broad questions and options for addressing these over the next year. Several parties shared views, highlighting, *inter alia*: adaptation as a priority for developing countries; diversity of national circumstances and need for flexibility and country-driven communications; need to avoid additional reporting burdens; and potential of adaptation communications to catalyze actions.

Parties also: said the APA should provide minimal guidance; stressed the need to operationalize the global goal on adaptation and inform the global stocktake; called for a list of non-exhaustive elements for communications, beyond NAP requirements; supported flexibility to choose the most appropriate vehicle for communications; called for flexibility in terms of submission frequency; and called for an option not to submit an adaptation communication.

Following additional interventions in the evening, Co-Facilitator Muyungi presented a table capturing parties’ views on the purpose, features, linkages, vehicles and flexibility of adaptation communications, proposing it serve as guidance for further deliberations.

MODALITIES, PROCEDURES AND GUIDELINES FOR THE TRANSPARENCY FRAMEWORK FOR ACTION AND SUPPORT: During informal consultations, co-facilitated by Andrew Rakestraw (US) and Xiang Gao (China), the US outlined suggested elements for reporting, including a section on achievement of a party’s NDC in target years. Bhutan, for the LDCs, called for reviews to take place at least once in every five-year cycle. JAPAN said the framework should help each party improve its reporting over time.

Highlighting the bifurcated structure of the current MRV framework under the Convention as a starting point, CHINA, with Saudi Arabia, for the ARAB GROUP, and the PHILIPPINES, stressed that differentiation should be embedded systematically in the structure of the framework, not as a varying aspect of each element. CANADA advocated considering flexibility in the context of each specific requirement.

Many parties agreed on the need to leave Marrakech with a clearly outlined workplan, though opinions varied on the need for and type of further submissions, technical workshops and/or technical papers. TUVALU cautioned that a sequence that puts mitigation first would neglect the support and adaptation aspects. Peru, for AILAC, with many other parties, highlighted the need for coordination with related issues being discussed elsewhere. NEW ZEALAND advocated capturing the Secretariat’s experience in managing the current system, as Secretariat staff will be “at the sharp end of any framework” agreed by parties.

Discussions will continue in “informal informals.”

GLOBAL STOCKTAKE: During two informal consultations, facilitated by Ilze Prūse (Latvia) and Nagmeldin G. Elhassan (Sudan), parties continued sharing their views on: the generic/ overarching and specific sources of input; modalities; and the outcome of the global stocktake.

On inputs, BOLIVIA stressed the content must be consistent with a fair and equitable sharing of the global carbon budget, which she suggested requires considering a country’s historical responsibility, ecological footprint and development and technological capacity. INDIA emphasized the principles of equity and CBDR and that the stocktake’s scope includes mitigation, adaptation and MOI.

On scope, Solomon Islands, for the LDCs, underscored the importance of the global stocktake to determine “whether the Paris Agreement is sufficient for dealing with runaway climate change.” SOUTH AFRICA advocated a scope that is both forward and backward looking.

On modalities, Saudi Arabia, for the ARAB GROUP, emphasized that it is premature to determine that there will be two phases. NORWAY and NEW ZEALAND called for a two-phase process. JAPAN, supported by NEW ZEALAND, suggested having clear outputs from each phase, such as a report from the

technical dialogue. BRAZIL suggested, *inter alia*, having one framing dialogue for each element of the global stocktake's scope during the technical/analytical phase. Discussions will continue.

FURTHER MATTERS RELATED TO IMPLEMENTATION OF THE PARIS AGREEMENT:

Preparing for the convening of CMA 1: In informal consultations, APA Co-Chair Jo Tyndall invited outstanding comments on the Adaptation Fund. ARGENTINA, with the PHILIPPINES, stressed the Adaptation Fund is contributing to the operationalization of the Paris Agreement and supported a procedural decision on this issue. The PHILIPPINES requested clarity on the mandate contained in "preparatory work."

ECUADOR requested a presentation from the Secretariat on how the Adaptation Fund can be enshrined under the Paris Agreement. Co-Chair Tyndall recalled that another group of parties supported considering this issue in the context of the broader global climate finance architecture. She invited delegates to consider how to move the debate forward.

On procedural matters for the preparation of CMA 1, APA Co-Chair Tyndall proposed that a draft text be prepared that takes a streamlined approach to: credentials of parties; admission of observer organizations; and election of officers of the COP, CMP and CMA bureaux. She clarified that a draft decision will be required from the group on this sub-item in the long-term, while the COP Presidency's consultations addresses a short-term solution on how to approach convening CMA 1 at COP 22. With several parties requesting additional clarification, discussions on this sub-item will continue.

SBI

REPORTING FROM ANNEX I PARTIES: Compilation and synthesis of second BRs from Annex I parties: In the informal consultations, Co-Facilitator Helen Plume (New Zealand) elaborated the differences between three options in new COP draft decision text, namely: the first simply welcoming the compilation and synthesis of second BRs from Annex I parties; the second containing specific information that draws from the compilation and synthesis; and the third containing general information on the compilation and synthesis.

Parties expressed support for the first and second options, but did not agree. Explaining she had consulted with the SBI Chair on the way forward, Co-Facilitator Plume noted there was no consensus on the matter and that this sub-item would be placed on the SBI 46 agenda.

REPORTING FROM NON-ANNEX I PARTIES: Work of the CGE: In informal consultations, co-facilitated by Anne Rasmussen (Samoa) and Helen Plume (New Zealand), parties agreed to revised draft conclusions. On a revised draft COP decision on the review of the CGE, parties agreed to "initiate" rather than "consider" a review at SBI 48. The draft conclusions and decision, along with those on the issue of CGE membership, will be forwarded to the SBI closing plenary.

DEVELOPMENT OF MODALITIES AND PROCEDURES FOR THE OPERATION AND USE OF A PUBLIC REGISTRY REFERRED TO IN PARIS AGREEMENT ARTICLE 4.12: Upon distribution of possible elements for draft conclusions from Co-Facilitators Madeleine Diouf Sarr (Senegal) and Gertraude Wollansky (Austria) in informal consultations, two groups of developing country parties opposed discussing the paper, calling for further exchange of views while waiting for the finalization of APA's related work on NDCs. After some debate, parties agreed to put the paper aside.

Some parties advocated calling for submissions, with opponents saying this would be premature, as the scope of work and procedural next steps should be defined first. One party urged for procedural conclusions only.

CAPACITY BUILDING IN DEVELOPING COUNTRIES: Third comprehensive review of the implementation of the framework for capacity-building under the Convention: The morning informal consultations, co-facilitated by Paul Watkinson (France) and Crispin d'Auvergne (Saint Lucia), considered draft conclusions. Parties were not able to fully agree on a paragraph requesting/encouraging the PCCB to incorporate/take into consideration/include initiatives and measures under the Convention and the Paris Agreement, and to identify existing reporting mandates/take into consideration ways to enhance reporting on capacity building.

Parties also disagreed on references to the Paris Agreement and to provision of coordinated and monitored support in a paragraph inviting the PCCB, in managing its 2016-2020 workplan, to, *inter alia*, promote linkages with other constituted bodies under the Convention. They further disagreed on paragraphs urging/encouraging developing country parties and other parties to provide support. Informal consultations continued in the afternoon.

SBSTA/SBI

REPORT OF THE EXECUTIVE COMMITTEE OF THE WIM: In informal consultations, co-facilitated by Beth Lavender (Canada) and Alf Wills (South Africa), many welcomed the co-facilitators' proposed draft decision on the report of the Executive Committee (ExCom) of the WIM. Some suggested separate decisions, for the review and the report of the WIM. Views diverged on whether to call for submissions on the five-year workplan as an input to the ExCom. Informal consultations will reconvene to discuss the review of the WIM.

IN THE CORRIDORS

A "political earthquake" across the ocean from Morocco caused waves at COP 22 on day three, as delegates arrived somber and shocked by the news of the election of a new US President who, once in office, would be the only world leader who has denied the existence of climate change and vowed to "renegotiate" the Paris Agreement.

Bab Ighli's corridors buzzed with speculation of the implications of the US election for the broader UN climate process. Some took solace in the fact that parties may only withdraw from the Paris Agreement in three years, now that it has entered into force. One worried about returning to the "dark ages," recalling 2001 - the last time the world stood poised to address climate change - when the US announced it would not ratify the Kyoto Protocol. Many worried about how this "new era" would affect the implementation of the Agreement, and pre-2020 action and support.

Yet, optimists said that the world has changed in 15 years and the global climate regime is no longer as dependent on the actions of one large country, pointing to the commitment by other major economies to maintain the momentum. Many civil society members underlined that the world's economy changed too, shifting toward ever more affordable renewable energy, and that their role had, perhaps "became doubly important overnight." Delegates, spanning old divides, left the venue wondering how to unite before what could become an even more difficult challenge.