



WARSAW HIGHLIGHTS: SATURDAY, 16 NOVEMBER

The ADP informal stocktaking plenary took place in the morning and afternoon. The SBI and SBSTA closing plenaries took place in the evening, continuing late into the night. Throughout the day, a number of contact groups and informal consultations were held.

SBSTA CLOSING PLENARY

The SBSTA closing plenary convened at 00:16 am.

NAIROBI WORK PROGRAMME: The SBSTA adopted conclusions and forwarded a draft COP decision (FCCC/SBSTA/2013/L.34 & Add.1).

ADAPTATION COMMITTEE'S REPORT: Joint SBI and SBSTA conclusions were adopted, containing a draft COP decision (FCCC/SB/2013/L.2).

METHODOLOGICAL GUIDANCE FOR REDD+: Co-Chair Peter Graham (Canada) reported that brackets remain in the draft decisions pending discussions on REDD+ finance. Papua New Guinea, for the COALITION FOR RAINFOREST NATIONS, called for a REDD+ package with three elements, including: methodological guidance; an institutional arrangement; and a COP work programme on REDD+ finance. The SBSTA adopted conclusions and forwarded draft COP decisions (FCCC/SBSTA/2013/L.33 and Add.1-2).

COORDINATION OF SUPPORT FOR THE IMPLEMENTATION OF ACTIVITIES IN RELATION TO MITIGATION ACTIONS IN THE FOREST SECTOR BY DEVELOPING COUNTRIES: Joint SBI and SBSTA conclusions were adopted (FCCC/SB/2013/L.5).

TECHNOLOGY: Joint annual report of the TEC and CTCN: SBSTA Chair Muyungi reported that parties were unable to reach agreement on this issue, taken up jointly by the SBI and SBSTA, and that he would inform the COP/CMP President accordingly.

Modalities and procedures of CTCN and its Advisory Board: Joint SBI and SBSTA conclusions were adopted and a draft COP decision forwarded (FCCC/SB/2013/L.3 and Add.1).

Third synthesis report of non-Annex I TNAs: The SBSTA adopted conclusions (FCCC/SBSTA/2013/L.27).

RESEARCH AND SYSTEMATIC OBSERVATION: The SBSTA adopted conclusions (FCCC/SBSTA/2013/L.25).

RESPONSE MEASURES: Forum and work programme: Joint SBI and SBSTA conclusions were adopted (FCCC/SB/2013/L.4).

Protocol Article 3.14: This issue was taken up jointly with the SBI agenda item on Protocol Article 2.3 with agreement to consider it at SB 40.

ISSUES RELATED TO AGRICULTURE: SBSTA Chair

Muyungi read out, and parties agreed to, the conclusions agreed to during the SBSTA plenary on Wednesday (FCCC/SBSTA/2013/L.35).

AUSTRALIA, for Canada, Japan, Norway, the Russian Federation and the US, lamented the lack of discussions on agriculture; expressed concern with the way the conclusions were adopted; and hoped SBSTA 40 will build on areas of commonality. SWITZERLAND, for the EIG, regretted that no contact group was established and the confusion around the adoption of conclusions. The EU lamented that submissions from parties were not considered at SBSTA 39. Fiji, for the G-77/CHINA, the Gambia, for the LDCs, INDIA, EGYPT, BOLIVIA, the PHILIPPINES, SAUDI ARABIA, ARGENTINA and other developing countries supported the way conclusions were adopted, noting that procedures were carried out correctly, with EGYPT, BOLIVIA, ARGENTINA and NICARAGUA stressing the role of agriculture in adaptation.

METHODOLOGICAL ISSUES UNDER THE CONVENTION: Work programme on the revision of guidelines for the review of biennial reports and national communications, including inventory reviews, for developed countries: The SBSTA adopted conclusions and forwarded a draft decision (FCCC/SBSTA/2013/L.32 & Add.1).

General guidelines for domestic MRV of domestically supported NAMAs by developing countries: The SBSTA adopted conclusions (FCCC/SBSTA/2013/L.28).

Revision of UNFCCC reporting guidelines on Annex I annual inventories: The SBSTA adopted conclusions and forwarded a draft decision (FCCC/SBSTA/2013/L.29 and Add.1).

GHG data interface: The SBSTA adopted conclusions (FCCC/SBSTA/2013/L.23).

Bunker fuels: The SBSTA adopted conclusions (FCCC/SBSTA/2013/L.22).

METHODOLOGICAL ISSUES UNDER THE PROTOCOL: Implications of the implementation of decisions 2/CMP.7 to 4/CMP.7 and 1/CMP.8: The SBSTA adopted conclusions (FCCC/SBSTA/2013/L.31).

LULUCF under Protocol Articles 3.3 and 3.4, and under the CDM: The SBSTA adopted conclusions (FCCC/SBSTA/2013/L.26).

HCFC-22 and HFC-23: The SBSTA adopted conclusions and recommended draft CMP conclusions (FCCC/SBSTA/2013/L.24 and Add.1).

Clarification of text in section G, Protocol Article 3.7ter of the Doha Amendment to the Protocol: Facilitator Nagmeldin Elhassan (Sudan) reported that the informal group was unable to complete work on this issue but had agreed to invite the CMP to consider these issues further with a view to adopting a decision



at this session. The SBSTA adopted conclusions reflecting this (FCCC/SBSTA/2013/L.31).

MARKET AND NON-MARKET MECHANISMS UNDER THE CONVENTION: SBSTA Chair Muyungi reported that no agreement was reached on the sub-items on FVA, non-market-based approaches and NMM. He also said there was no consensus to continue work during the second week under the COP. Referring to the rules of procedure, he said the issue will be considered by SBSTA 40.

NEW ZEALAND, for Australia, Canada, Japan, Kazakhstan, New Zealand, Norway, Ukraine and the US, with the EU and PAPUA NEW GUINEA, expressed support for asking the COP Presidency to facilitate work on these issues in the coming week. Colombia, for AILAC, underlined the need to fulfill the mandate given in Doha. Mexico, for the EIG, said specific mandates should prevail over procedural rules.

BOLIVIA, with NICARAGUA, CUBA, the PHILIPPINES, VENEZUELA, MALAYSIA, Angola, for the AFRICAN GROUP, CHINA and Senegal, for the LDCs, highlighted the lack of consensus and supported considering the issue at SBSTA 40.

Noting lack of consensus, SBSTA Chair Muyungi asked, and parties agreed, to accept his proposal to use rule 16 of the rules of procedure and consider each of the three sub-items at SBSTA 40.

2013-2015 REVIEW: Joint SBI and SBSTA conclusions were adopted (FCCC/SB/2013/L.1).

WORK PROGRAMME ON CLARIFICATION OF DEVELOPED COUNTRY QUANTIFIED ECONOMY-WIDE EMISSION REDUCTION TARGETS: The SBSTA adopted conclusions and forwarded draft COP conclusions (FCCC/SBSTA/2013/L.30 & Add.1).

OTHER MATTERS: Brazilian Proposal: SBSTA Chair Muyungi reported that no consensus had been reached and the issue could not be discussed at this session.

Fiji, for the G-77/CHINA, supported by VENEZUELA, BOLIVIA, INDIA, NICARAGUA, ARGENTINA, MALAYSIA and the PHILIPPINES, lamented that no strong signal will be sent from Warsaw on objective and science-based information on historical responsibilities. BRAZIL regretted that the IPCC has not been requested to provide this information.

SWITZERLAND highlighted scientific information that includes not only historical contributions, but capacity as well as current and future emissions. The EU identified the need for domestic consultations on commitments in the 2015 agreements based on a broad range of indicators, including past, current and future emissions, and different capabilities.

CLOSURE OF THE SESSION: SBSTA 39 adopted its report (FCCC/SBSTA/2013/L.21). Parties asked for their statements to be made available on the UNFCCC website. AUSTRALIA, for Japan, Canada, Australia and the US, noted that SBSTA's consideration of the joint annual report of the TEC and CTCN was not completed at this session and should be considered at SBSTA 40.

The INTERNATIONAL INDIGENOUS PEOPLES FORUM underlined that traditional forest management has contributed to adaptation and mitigation and called for inclusion of human rights indicators in REDD+ results-based payments. FARMERS asked parties to develop a work programme on agriculture focused on food security, adaptation and mitigation. Highlighting agriculture, CAN identified the need to: promote biodiverse, small-scale agriculture; include safeguards; and promote food security. CLIMATE JUSTICE NOW underlined that all issues under the SBSTA should focus on increasing ambition and called markets a "dangerous distraction" from the need to undertake emissions reductions. YOUNGOs cautioned against creating a new market mechanism.

SBSTA Chair Muyungi thanked delegates and closed the meeting at 2:56 am.

SBI CLOSING PLENARY

The SBI closing plenary first convened in the afternoon and reconvened at 00:42 am.

ORGANIZATIONAL MATTERS: The SBI elected Ilhomjon Rajabov (Tajikistan) as SBI Vice-Chair, and Mabafokeng F. Mahahabisa (Lesotho) to continue as Rapporteur.

ANNEX I NATIONAL COMMUNICATIONS AND GHG INVENTORY DATA: Sixth national communications: The SBI adopted conclusions and forwarded draft COP decisions (FCCC/SBI/2013/L.7 & Add.1-2).

Annex B parties' annual compilation and accounting report: The SBI adopted conclusions (FCCC/SBI/2013/L.3).

MATTERS RELATING TO THE PROTOCOL'S MECHANISMS: Review of CDM modalities and procedures: The SBI adopted conclusions and forwarded a draft CMP decision (FCCC/SBI/2013/L.9 & Add.1).

Review of JI guidelines: The SBI adopted conclusions (FCCC/SBI/2013/L.11).

Modalities for expediting the continued issuance, transfer and acquisition of JI emission reduction units: The SBI adopted conclusions (FCCC/SBI/2013/L.12).

Modalities for expediting the establishment of eligibility of Annex I parties with commitments during the second commitment period: The SBI adopted conclusions and forwarded a draft CMP decision (FCCC/SBI/2013/L.14 & Add.1).

LDCs: The SBI adopted conclusions with minor amendments (FCCC/SBI/2013/L.2).

NAPs: The SBI adopted conclusions and forwarded a draft CMP decision (FCCC/SBI/2013/L.10 & Add.1).

LOSS AND DAMAGE: The SBI adopted conclusions (FCCC/SBI/2013/L.15), forwarding the issue to the COP for further consideration.

MATTERS RELATING TO FINANCE: Adaptation Fund: The SBI adopted conclusions (FCCC/SBI/2013/L.6 & Add.1).

TECHNOLOGY: Poznan strategic programme on technology transfer: The SBI adopted conclusions (FCCC/SBI/2013/L.4).

CAPACITY BUILDING: Capacity building under the Convention: The SBI adopted conclusions (FCCC/SBI/2013/L.19).

Capacity building under the Protocol: The SBI adopted conclusions (FCCC/SBI/2013/L.18/Rev.1).

RESPONSE MEASURES: Protocol Article 3.14: The SBI agreed to reflect in its report that the item will be considered at SBI 40.

Implementation of Decision 1/CP.10: The SBI agreed to reflect in its report that the item will be considered at SBI 40.

ANNEX I PARTIES WHOSE SPECIAL CIRCUMSTANCES ARE RECOGNIZED BY THE COP: The SBI adopted conclusions (FCCC/SBI/2013/L.17). TURKEY requested asking the UNFCCC Secretariat to revise the technical paper (FCCC/TP/2013/3) on this issue.

ADMINISTRATIVE, FINANCIAL AND INSTITUTIONAL MATTERS: Budget performance for the Biennium 2012-2013: On the draft conclusions (FCCC/SBI/2013/L.20), SBI Chair Chruszczow reported that no consensus had been reached on a reference to a COP decision on the budget for the biennium 2014-2015. Underscoring the importance of the proposed paragraph, the Philippines, for G-77/CHINA stressed developing countries' concerns over the Secretariat's policy concerning their participation in thematic bodies of the Convention. The US opposed the paragraph, saying it prejudices the outcome of discussions on the 2014-2015 programme budget.

Noting the lack of consensus, technical nature of the decision and that the issue can be considered in context of the programme

budget for 2014-2015, SBI Chair Chruszczow encouraged parties to find language acceptable to all.

Programme Budget for the Biennium 2014-2015: The SBI agreed to recommend that COP 19 and CMP 9 further consider this matter and forward text as an annex to the SBI conclusions (FCCC/SBI/2013/L.22). Many developing countries called for the urgent adoption of a balanced budget. Many developed countries stressed that the text annexed does not reflect the full range of proposals.

NON-ANNEX I NATIONAL COMMUNICATIONS: CGE: At 5:30 am on Sunday morning, SBI Chair Chruszczow informed parties on agreement on the CGE.

Financial and technical support: The SBI adopted conclusions (FCCC/SBI/2013/L.5).

NAMAs BY DEVELOPING COUNTRIES: Team of technical experts under ICA: No agreement was reported.

Work programme to further the understanding of the diversity of NAMAs: The SBI adopted conclusions (FCCC/SBI/2013/L.8).

OTHER MATTERS: Date of the completion of the expert review process under Protocol Article 8 for the first commitment period: Brazil, for G-77/CHINA, stressed the information as relevant for the ADP negotiations. Supported by NICARAGUA, BOLIVIA, CHINA and CUBA, he expressed concern at the reluctance of Annex I parties to agree on a date. The EU, supported by the RUSSIAN FEDERATION, AUSTRALIA, NEW ZEALAND, NORWAY and JAPAN underscored that this is “a simple technical matter,” noted that the relevant information will be publicly available by-mid 2014; and cautioned against compromising the integrity of the expert review process.

The SBI adopted conclusions (FCCC/SBI/2013/L.13), forwarding the issue to SBI 40 for consideration. SBI Chair Chruszczow noted that he will report to the COP President for him to decide whether to further consult parties on the way forward.

Gender and climate change: The SBI adopted conclusions (FCCC/SBI/2013/L.16).

Convention Article 6 (education, training and public awareness): The SBI adopted conclusions (FCCC/SBI/2013/L.21).

CLOSING STATEMENTS: Closing statements were made in the afternoon SBI closing plenary, with observer organizations making their statements first. YOUNGOS stressed the urgent need for a strong mechanism on loss and damage, highlighting certain climate change impacts, such as sinking lands and ocean acidification. INDIGENOUS PEOPLES called for the establishment of: a permanent institution to address loss and damage; and a technical advisory body, with participation of the UN Permanent Forum on Indigenous Issues and the Special Rapporteur on the rights of indigenous peoples.

ENGOs indicated that the CDM and JI have increased net emissions, urging delegates to reform these mechanisms. Noting that some positive steps have been undertaken, WOMEN AND GENDER called for additional funding for the participation in the UNFCCC process.

Recognizing the importance of adaptation for developing countries, Fiji, for the G-77/CHINA, welcomed the organization of a work programme on cooperation on response strategies, but expressed disappointment on, *inter alia*: lack of progress on the forum on the impact of the implementation of response measures; and the “adaptation funding crisis.” Australia, for the UMBRELLA GROUP, expressed satisfaction with progress under the SBI, urging delegates to continue to work on, *inter alia*, NAPs, NAMAs and the Technology Mechanism.

Noting that several items remain to be completed, Nauru, for

AOSIS, singled out loss and damage as particularly important, drawing attention to the need to address the economic, human, and social impacts of climate change. Nepal, for LDCs, asked that the SBI be given time to address loss and damage “in a constructive manner” and that the CGE be given a longer mandate.

PLENARY SUSPENSION: On Sunday morning, SBI Chair Chruszczow reported that parties were able to reach agreement on the CGE. Noting lack of quorum, he suspended the SBI at 5.33 am and said the SBI closing plenary will reconvene on Monday.

ADP

CONSULTATIONS ON WORKSTREAM 2: During ADP open-ended consultations on the way forward under workstream 2 in the morning, ADP Co-Chair Runge-Metzger stressed the need to focus on concrete outcomes.

Nauru, for AOSIS, and PAKISTAN called on developed countries to take the lead on mitigation. INDIA and CHINA expressed concern over Annex I countries lowering their level of ambition. CANADA said the ambition gap cannot be closed solely by developed countries. SWITZERLAND, AUSTRALIA and CANADA called on parties that have not already done so to submit mitigation pledges.

BOLIVIA suggested a workshop on means of implementation and developed countries’ mitigation efforts. The EU welcomed international cooperative initiatives while INDIA warned against shifting the responsibility to developing countries.

Many developing countries indicated that workstream 2 should address not only mitigation but also means of implementation, which should be increased. The PHILIPPINES called for a pathway to the US\$100 billion target and, with PAKISTAN, capitalizing and operationalizing the GCF.

AOSIS, supported by SWITZERLAND and MEXICO, proposed a work programme on areas of high mitigation potential with an initial focus on energy efficiency and renewable energy. The EU suggested mandating the UNFCCC Secretariat to identify technology research for increased mitigation ambition. MEXICO proposed a SBSTA work programme on the promotion of technologies with a high-level political dialogue to increase ambition based on CBDR. The US, supported by CANADA and AUSTRALIA, called for harnessing the mitigation potential of sub-national actors. CHINA said these local efforts fall under national action.

On HFCs, CANADA urged “a strong signal” to markets to develop safe alternatives. INDIA and SAUDI ARABIA underlined that HFCs “belong” under the UNFCCC. The EU emphasized shared responsibility with the Montreal Protocol. CHINA said the UNFCCC principles should apply to the phase-out of HFCs. MEXICO underscored the health co-benefits of addressing short-lived climate pollutants.

The PHILIPPINES and CHINA urged the ratification of the Doha Amendment. The EU indicated that implementing legislation is already in place.

ZAMBIA called for establishing a contact group under workstream 2 to start drafting text.

STOCKTAKING PLENARY: The ADP stocktaking plenary took place in the morning and afternoon. ADP Co-Chair Kumarsingh identified goals for Warsaw, including: progress on elements of the post-2015 agreement and clarity on pre-2020 ambition. ADP Co-Chair Runge-Metzger outlined key messages under workstream 2: working under the Convention’s principles and provisions; accelerating the implementation of previous decisions; enhancing ambition under the Convention; and proposals for specific initiatives to increase ambition. Underlining links between the pre- and post-2020 periods, ADP Co-Chair Kumarsingh summarized areas where further work is needed, including: mitigation commitments; a global goal

for adaptation and strengthening NAPs; mobilized and scaled-up finance; enhancement of the Technology Mechanism and discussion on IPRs; and definition of MRV. He requested parties to reflect on: what can and should be captured in a decision in Warsaw; and how the ADP Co-Chairs can support their work.

Malaysia, for the G-77/CHINA, called for information on the framework the Co-Chairs will use to organize all the inputs. Nauru, for AOSIS, called for a decision on the “Warsaw workplan” to enhance mitigation ambition. Nepal, for the LDCs: requested that the Co-Chairs compile a summary of views and submissions from parties and observer organizations; called for a more formal working mode through contact groups and a roadmap with new ambitious targets; and identified political will as the key missing element.

The EU called for: robust international rules ensuring environmental integrity; ambition with commitments that are fair to everyone; a decision on the elements of the 2015 agreement; and new and improved pledges under the Kyoto Protocol ambition review.

Swaziland, for the AFRICAN GROUP, called for clarity on structuring the negotiations, including: a space for discussions on science and equity; a workplan for 2014, including requests for submissions. Under workstream 2, he supported the four building blocks identified by the Co-Chairs, and called for clarity on finance.

SINGAPORE, with NORWAY, called for defining a clear way forward towards a 2015 agreement. He also suggested discussing linkages between different issues, and identifying what needs to be decided in Warsaw.

The REPUBLIC OF KOREA urged focusing on common rules for defining national commitments. INDIA lamented the lowering of Annex I parties’ ambition and identified the need for a balanced decision on all elements. NICARAGUA stressed increasing pre-2020 ambition in context of Annex I parties reviewing the ambition of their QELRCs under the Doha Amendment. The US supported a concise decision and conclusions enabling work towards 2015 and capturing areas of convergence.

Calling for a balanced outcome, the Philippines, for the LMDCs, emphasized that action needs to be guided by the Convention’s principles and provisions, warning that paths leading away from the UNFCCC may lead to “unchartered territory and failure.” COLOMBIA, for Costa Rica, Panama and Peru, identified the need to move into more concrete work modalities as soon as possible to achieve a solid outcome under the ADP in Warsaw. Switzerland, for the EIG, stated that balance between workstreams 1 and 2 should not be used “as a pretext to slow down” the negotiations. He said progress is needed under both, but “lack of progress in one is not a reason not to advance in the other.”

CHINA called for Warsaw deliverables on the organization of work and additional ADP meetings. He proposed a COP decision requesting the ADP to continue its work in a focused way. With AOSIS and SOUTH AFRICA, he expressed his disappointment with the lack of ambition, proposing that the COP decision urge Annex I parties to increase their level of ambition in line with science and CBDR. He also stressed the need for a roadmap to the US\$100 billion target. SOUTH AFRICA expressed concern with some Annex I countries lowering their pledges. She suggested the ADP Co-Chairs prepare an informal summary on discussions under workstream 1, and recommended a COP decision instructing the SBs, as well as other relevant organizations, to provide timely information to the ADP.

NEW ZEALAND suggested “working back” from what needs to be done by December 2015 to determine guidance needed from Warsaw, and called for moving to a smaller, yet

transparent, setting to reach a concise but substantive decision. The RUSSIAN FEDERATION called for a concrete and pragmatic decision with a clear indication of the building blocks and process to follow. BANGLADESH notified it has submitted its instrument of acceptance of the Doha Amendment to the depositary. BOLIVIA lamented gaps in mitigation, finance and technology transfer, and suggested discussions to understand the finance requirements of developing countries.

Co-Chair Kumarsingh noted that the Co-Chairs will capture parties’ reflections and ideas in a draft decision for further discussions.

CONTACT GROUPS AND INFORMAL CONSULTATIONS DECISION-MAKING IN THE UNFCCC PROCESS

(COP): In the morning, open-ended informal consultations were held on decision-making in the UNFCCC process. Some parties sought reassurance that this issue would not be conflated with, or prejudice the outcome of, discussions on the rules of procedure; and the proposal from Papua New Guinea and Mexico to amend Convention Articles 7 and 18.

Some parties emphasized the need to understand the meaning of “consensus;” and to clarify the role of the presiding officer and the Secretariat. One party stressed the need for “a clear legal environment, where we do not deviate from procedures that are not in force but yet applied.” Some parties highlighted that the rules of procedure have not been adopted because of lack of agreement on voting rules, and called for a forward-looking process, without re-opening past decisions.

There was convergence on a party-driven process and the need to: respect the sovereignty of all parties; recognize that all have an opportunity to be heard; and ensure inclusiveness, legitimacy and transparency. Some parties emphasized the need to avoid taking decisions “in the corridors or backrooms,” citing COP 15 as an example.

While there was some convergence on the timeliness of discussions to increase the effectiveness of negotiations, some expressed concern over “sacrificing inclusiveness for effectiveness.” Others called for revisiting recent practices that have favored the adoption of decisions as “a package.” Many questioned the way small negotiating groups are constituted, stressing that some parties with an interest in the issue may not get invited.

On the outcome, some parties called for a COP 19 decision on decision-making in the UNFCCC process, while others underscored the need to keep the discussion open, without getting “fixated” on a formal outcome.

Informal consultations will continue.

IN THE CORRIDORS

After many late nights of negotiations, the first week of the conference came to an end, with exhausted delegates leaving the venue early on Sunday morning. In their weariness, some delegates pondered the wider impact of all their work, and many expressed concern over some Annex I parties’ low or reduced mitigation ambition. One delegate commented: “we are supposed to be moving far and fast, but it feels as if we are moving backwards.” In the streets surrounding the venue, over 1,200 people participating in a Saturday afternoon march for climate justice shared the same sentiment, displaying banners calling for “System Change, not Climate Change.”

Some bleary-eyed delegates expressed hope that limited progress made this first week was only a warm up for the “big game” in the second week when ministers arrive to “flex their political muscles.”