

UNFCCC Meeting Report (Negotiating Session)

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Date: 12/10/2023

Session/Agenda Item: COP28 Agenda Item 7 & CMA5 Agenda Item 9

Location: UNFCCC COP 28, Dubai, UAE

Room Number: MR4

Date and Time: 12/10/23 Scheduled start 15:00 (3:00 PM)

Participants (name and organization): UAE, Maldives, G77 & China, Cuba, Saudi Arabia, China, Kuwait, Egypt, Spain, EU, Lebanon, Congo, Liberia, Kenya, Chile, Guinea, Rwanda, Malaysia, Thailand, Indonesia, Nigeria, Senegal, Bangladesh, Timor-Leste, Gambia, Armenia, Nepal, Belize, Kiribati, Cook Islands, UK, New Zealand, Seychelles, Antigua and Barbuda, Ghana, Ethiopia, Mongolia, Lesotho, Ukraine, Peru, Guatemala, Canada, Japan, Australia, Iraq, Switzerland, Mexico, Republic of Korea, Türkiye, USA, Somalia, Dominican Republic

Attachments: [Memorandum of understanding between the Conference of the Parties to the United Nations Framework Convention on Climate Change and the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, on the one hand, and the United Nations Office for Disaster Risk Reduction and the United Nations Office for Project Services, on the other, regarding the hosting of the Santiago network secretariat](#) (MOU)

Notes/Summary:

Actual start time: 3:12 PM

Co-Facilitators

- Convening informal consultation on behalf of SB chairs
- The Memorandum of Understanding (MOU) shared with parties yesterday
- Some remaining issues with text to be addressed
- Time constraint... Suggested a huddle to make a clean text

G-77 & China

- Was about to suggest the same since we've had long discussions
- We can reach a version of the MOU by going forward with more discussions today

Co-Facilitators

- Asking Parties for further statements

- Seeing none, the parties can enter into informal discussion (huddle)

[Most parties get up to go into a huddle. Laughter and clapping was heard.]

Negotiations resumed at 4:00 PM

Co-Facilitators

- Thank you for your work colleagues
- We asked some of you to report back... Oh, I see someone raised a point. I call on the Dominican Republic

Dominican Republic

- Surgical changes... not changing the content of MOU and reflecting interests of developing countries
- I'll be reporting back on latest version
- Noting small changes to MOU:
 - **First footnote** - Noticed in the MOU - make sure it is in line with what was said before, wants to keep beginning of sentence & correct it to align with how the subject is usually covered & keep the end of the sentence
 - 1st footnote: "Pending the outcome of the COP 28 Presidency consultations on the governance of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts; nothing in this MOU prejudices Parties' views or prejudices outcomes on matters related to the governance of the Warsaw International Mechanism."
 - **Paragraph 4**: accepted addition
 - **Paragraph 8**: UNDRR UNOPS regional and sub regional offices... language taken from decision referencing SNLD... instead of "make use of" say "make available" → different role of UNDRR and UNOPS
 - **Paragraph 18**: requested legal team to review consideration on responsibility in case of allegations, claims or damages.... Who is responsible if not UNDRR or UNOPS. Asking for advice of the legal team to make sure any oversights are not missed
 - **Paragraph 23**: proposing change... using agreed language in TC decision
 - "The Santiago network secretariat shall manage and direct the disbursement of funds provided for the network consistently with UNOPS and UNDRR respective 6 UNDRR is headed by the United Nations Special Representative of the Secretary-General for Disaster Risk Reduction and UNOPS is headed by the Executive Director respective fiduciary standards, legal and ethical integrity policies, and financial rules and regulations."
 - "Principles and standards that promote a high level of integrity"

- **Paragraph 27:** Asked to keep same language from old para 13 (?) to align with new decisions about UNDRR and UNOPS
- **Paragraph 32:** change UNDRR “will provide” technical assistance to “may provide”
- **Paragraph 35:** To be consistent with the decision, made a new proposal “will be funded consistent with” decisions of CMA and COP

Co-Facilitator

- Thank you DR for your good reporting
- I now see EU

EU

- Was productive & constructive huddle
- Agree with Points raised but wants to keep language of paragraph 27 consistent with previous para 13
- That was my only addition thank you

Co-Facilitator

- Thank you for clarifying
- Called on G77 & China

Philippines obo G-77 & China

- Thank you to Camila (DR) for facilitating discussion [*in huddle*] and also to EU
- Nothing further to add

Co-Facilitator

- Thank you to G77 & China for their support

UAE

- I like the spirit of the L&D negotiators, other negotiators seem depressed!

Co-Facilitator

- Thank you for kind words from host

USA

- Thank you to DR again
- Process question: Outstanding question on para 18 w/ language on negligence, what is the process going forward?

- Text as of 12/10/23: “The respective heads of UNDRR and UNOPS shall be responsible for the execution of the functions of UNDRR and UNOPS under this MOU in accordance with their respective legal and regulatory frameworks, including their regulations, rules, policies and procedures. The governing body acknowledges that UNDRR and UNOPS shall not be responsible for any allegations, claims and/or damages arising from the activities performed pursuant to this MOU, except in the event of gross negligence or wilful misconduct on the parts of UNDRR and/or UNOPS.”

Co-Facilitator

- One second please
- Thank you everyone for waiting
- To address US, our proposal is to incorporate shared comments from you guys and also to propose a final version of the text and have it shared formally with all groups before posting.
- We’ll give you a few hours and if we don’t get any reactions the secretariat will be consulted of course and after that we will post it
- We will include as an annex in the new draft decision
- Was about to adjourn meeting, but forgot to make closing remarks. He said he’s tired in these last few days of COP.

Meeting adjourned 4:15 PM

Follow-up:

Though it seems like there are still a few areas in the text which remain to be discussed (paragraph 18 mentioned), the huddle seemed to be a constructive conversation which resulted in the agreement on textual changes for paragraphs 23, 27, 32, and 35. The co-facilitators will take the comments made during the huddle back with them to propose a new draft text with the agreed changes and recommended textual changes to paragraph 18 based on legal advice as suggested by some parties. Parties will take a few hours to digest the text and then return to discuss further.

Take Away:

The huddle seemed to be a productive conversation where parties were able to find agreement on changes to the text, so real progress is being made and it does seem like the finalities of the WIM MOU are taking shape... even if no progress is being made on governance that we know of.
