

APA takes stock of progress towards negotiating text for Paris Agreement implementation

Bonn, 10 Nov (Prerna Bomzan and Meena Raman) – A stock-take session of the UNFCCC's Ad Hoc Working Group on the Paris Agreement (APA) took place on 9 Nov, presided over by Co-chairs **Sara Bashaan (Saudi Arabia)** and **Jo Tyndall (New Zealand)**, to assess progress on the steps towards producing a draft negotiating text of the implementation of the Paris Agreement (PA).

Bashaan informed Parties that more than 84 submissions have been received so far on the six agenda items under the consideration of the APA and that the negotiating groups have used different approaches, with some groups having synthesized inputs from Parties as preliminary materials, while others have proceeded with identification of text elements.

“The aim here is to use the wealth of material and to ensure a Party-driven and Party-owned product at the end,” said the APA Co-chair.

She further informed that the Co-chairs have been hearing from the co-facilitators that there is a desire to see next steps clearly mapped out towards producing the draft negotiating text.

Co-facilitators were then invited to report back on the informal consultations on the agenda items.

On agenda item 3 on further guidance on nationally determined contributions (NDCs) in relation to (a) their features, (b) information to facilitate clarity, transparency and understanding and (c) accounting, the co-facilitators reported that Parties have been discussing the way forward on advancing further work.

(The discussions on NDCs have been very contentious, in relation to the scope of the NDCs and how to operationalize differentiation. While developed countries and some developing countries are of the view that the guidance should only be limited to the mitigation component of the NDCs, others such as the

Like-minded developing countries (LMDC), stress that the guidance should encompass the full-scope of NDCs which includes mitigation, adaptation and the means of implementation. The LMDC has also been stressing the need for two sets of guidance for developed and developing countries to reflect differentiation while developed countries are of the view that there should only be one set of guidance. Parties have been discussing the way forward on how best to structure the guidance to be provided, given the divergent views. The Co-facilitators were given the mandate by Parties on Nov. 9 to provide a document for the consideration of Parties that would reflect the various views. The document is expected to be presented on 10 Nov for further discussions.)

On agenda item 4 on further guidance in relation to the adaptation communication, including, inter alia, as a component of NDCs under Article 7, Parties have been discussing five themes which are the purpose, elements, linkages, vehicles and flexibilities with options. The co-facilitators reported that broader questions remain on the linkages and vehicles with a lot of ideas on purpose and elements. The preliminary material consisting of a rough list of headings and sub-headings was distributed to Parties at the second consultation on 9 Nov, which will be discussed on 10 Nov.

On agenda item 5 on modalities, procedures and guidelines (MPGs) for the transparency framework for action and support under Article 13 of the PA, it was reported that preliminary material had been prepared for the first iteration of the informal note by the co-facilitators in the first meeting and at the second meeting, Parties looked specifically at views on key proposals by Parties that were missing and which were captured. A draft informal note is to be issued by the weekend.

On agenda item 6 on matters relating to the global stocktake referred to in Article 14 of the PA, it was reported that so far, Parties have continued to refine the ‘building blocks’ of a table populating it with views and interventions. The first iteration of an informal note is in the making and Parties have agreed to hold further discussions on the outcome. Parties also plan to dedicate a meeting to discuss how the issue of equity is to be addressed in the global stocktake. (The global stocktake is to take place in 2023, to assess the collective progress of Parties in achieving the purpose of the PA and its long-term goals in light of equity and best available science.)

On agenda item 7 on modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance under Article 15(2) of the PA, it was reported that initial discussions focused on the scope of the committee; the information that the committee receives; how national circumstances will be addressed; dialogue between the committee and Parties and the added value of the committee. In the second consultation, inter-linkages with agenda item 5 on the transparency framework was also discussed including ‘systemic issues and linkages with the PA’. A further meeting on 9 Nov was planned to reflect on the preliminary material posted online with the hope that a first iteration of an informal note would be possible.

On agenda item 8, on further matters related to implementation of the PA which is facilitated by the APA Co-chairs. **Tyndall** reported that the APA is considering steps and recommendations to the COP. At least six informal consultations are planned and the Co-chairs would issue iterations of the informal note. The first meeting focused on biennial communication on public finance under Article 9(5) of the PA.

(Several matters under the PA were not assigned to any of the Subsidiary or thematic bodies of the Convention to advance further work, and which have been referred to as the ‘homeless items’ which include ‘modalities for biennially communicating information in accordance with Article 9.5 (which relates to “quantitative and qualitative information on projected levels of public finance by developed countries”) and the process for setting a new collective quantified goal on finance (paragraph 53 of 1/CP.21).)

On the Adaptation Fund (AF), it was reported that a first informal note has been prepared and that many Parties are expecting a decision and a draft decision had been put forward to that effect. Also, many Parties have also expressed further preparatory work required for the AF “shall” serve the PA.

Following the feedback from the Co-facilitators, Parties were invited to provide their reflections.

Ecuador on behalf of the **G77 and China** noted that there have been different assessments on the various informal consultations. It expressed concern about the different progress, different levels of engagement and even different perspectives of how conversations will move forward in some cases. It urged for more clarity and expected a more comprehensive stocktake including a full picture of how things moving in the agenda of the Subsidiary Bodies.

Ethiopia on behalf of the **Least Developed Countries (LDCs)** expressed concerns about not enough progress being made on the issue NDCs and agenda item 8. It urged Parties to focus on substantive issues rather than on long procedural issues. There is a need for further discussions on linkage between adaptation communications and the global stocktake. It underscored that climate finance is crucial and reiterated that the Adaptation Fund “shall” serve the PA calling for a decision in this regard.

Saudi Arabia on behalf of the **Arab Group** firmly stated that there must be only one omnibus decision on all items for the final package on the Paris Work Programme and not different decisions on different items, reiterating that everything is equally important and that this is “one package”. It said that already at this stage, Parties are facing resistance from some Co-facilitators to take on board critical elements that need to be reflected and that missing pieces need to be included. It stressed that judgement calls by Co-facilitators and the secretariat are unacceptable and that inputs have to come from Parties, citing an example where the proposal by G77 and China was rejected without any explanation. It made two clear comments that capturing Parties’ views must strictly adhere to the Co-Chairs’ direction and must be through identifying areas of convergence and divergence and options in the material and notes.

Iran on behalf of the **Like-Minded Developing Countries (LMDCs)** aligned with the Arab Group and stressed that technical views of all Parties must be captured, both convergences and divergences. All items need balanced treatment in terms of time and space. There needs to be differentiation for both pre- and post-2020 aspects in line with Article 2 of the PA as well as equity and common but differentiated responsibilities (CBDR) of the Convention. Therefore, issues of differentiation are not to slow down or block but rather to ensure that it is well placed and regarded. It further stressed that Party drivenness must be

safeguarded and that all items are delivered in one package.

China underscored that the Co-chairs have given a clear and comprehensive approach to produce the negotiating text in three layers: first, using the headings, sub-headings and elements with options as apt to identify convergence and divergence in a comprehensive manner; second, using narratives and bullet points to capture different views and third, using placeholders to identify cross references. It described the “first layer as the bones, second as the flesh and the third as the blood to link bones and flesh”. It said that Parties had agreed to this approach to produce a tool, the draft negotiating text, and this tool must be balanced and comprehensive. “At this stage”, China said, “there is only flesh and therefore, there is the need for the bones and the blood”. It also stressed the need to prioritise finance issues in Article 9.5 and the long-term finance target which is integral to the Paris package.

South Africa speaking on behalf of the **Africa Group** reiterated the importance of keeping the integrity of past informal notes. It said that it did not see ‘informal informals’ as the mode of work and encouraged co-facilitators to reflect the substantial ideas of Parties and recognize how to reflect differences. It said that reports fall short of what is required by the mandates to agenda item 4 (on adaptation communication), where specifics on adaptation provisions are inadequate. It expressed concern about the responsiveness of co-facilitators to Parties’ proposals.

Maldives on behalf of the **Alliance of Small Island States (AOSIS)** expressed concerns about the slow progress especially on climate finance. It expected to leave COP23 with a draft text with elements to be finalized by COP24.

Peru on behalf of the **Independent Alliance of the Latin America and Caribbean (AILAC)** stated that balance is to allow each item to follow its own nature.

Switzerland on behalf of the **Environmental Integrity Group (EIG)** expressed concerns about the status and progress on the different agenda items saying importance is being given to differences rather than on commonalities. There is a need to move from concepts to technical outcome putting aside political questions to next year. It pointed to what it saw as two major problems on all items: the issue of scope and comprehensiveness and the issue of differentiation. It called on Parties to address the full scope of the agreed mandate on mitigation, adaptation, support and transparency. On differentiation, it said different situations and circumstances had to be taken into account. It urged to stay true to the Paris mandate and move on substance in all issues.

The **European Union** said that most of the items under APA have found mode of work, which allowed progress. There is a general willingness seen to revise co-facilitators’ notes while other groups have proposed new notes. It said there is a lack of progress on agenda item 3 on NDCs where groups are unable to agree to a starting point and that Parties must honour what has been agreed in Paris.

Australia on behalf of the **Umbrella Group** said it was disappointed by discussions on mitigation and the transparency framework, and believed that some Parties want to work outside the mandate. It urged all Parties to be flexible about how the negotiation positions are preserved. It stressed the need to stick to the mandated Paris Work Programme and further remarked that consistency and coherence did not mean uniformity. The challenge was that all items can move on their own space.