

## First session of CMA expected to address issue of ‘homeless matters’ under Paris Agreement

Marrakech, 16 Nov (T Ajit and Meena Raman) – The first meeting of the UNFCCC Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA 1) is expected to address the issue of matters under the Agreement that have had not been allocated a “home” or a “body” to pursue further work.

On Tuesday, 15 November, the first session of the CMA was convened briefly and adjourned immediately without adopting the provisional agenda or carrying out organizational work and will resume late evening on 16 Nov. to conduct its work.

(The CMA 1 was adjourned to make way for the opening ceremony of the high-level segment of the Marrakech climate talks, which saw the participation of several heads of state and ministers from all over the world, as well as the King of Morocco, the President of the United Nations General Assembly, Peter Thompson of Fiji, the UN Secretary-General Ban Ki Moon and the UNFCCC’s Executive Secretary, Patricia Espinosa.)

The UNFCCC’s Ad Hoc Working Group on the Paris Agreement (APA), which convened its closing plenary on 14 November, heard differences of views among Parties on what to do with these matters that are called ‘homeless’.

In Paris last year, through a decision that was adopted at the PA (referred to as decision 1/CP.21), the 21<sup>st</sup> session of the Conference of the Parties (COP) assigned various tasks related to the PA implementation to several bodies which included the APA, the Subsidiary Body on Implementation (SBI) and the Subsidiary Body on Scientific and Technological Advice (SBSTA), among others.

There were several matters that were not assigned to any of the bodies, which Parties referred to as

the ‘homeless items’. They were taken up last week and on Monday 14 November in the informal consultations co-chaired by the APA Co-chairs **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)** under agenda item 8 on “matters related to the further implementation of the PA”.

Also at issue was when these ‘homeless items’ should be considered for adoption by the CMA upon the completion of work, as the decision in this regard sets a timeline for some of the items but did not do so for others.

The situation of the homeless items is expected to be raised by Parties when the CMA 1 resumes today (16 November).

The list of homeless items, as captured by the APA Co-chairs during the informal consultations, include the following:

- common time frames for nationally determined contributions (NDCs) for consideration at CMA 1 (Article 4.10 of the PA);
- guidance by the CMA on adjustment of existing NDCs (Article 4.11);
- progress and procedural steps to enable the forum on the impact of the implementation of response measures to serve the PA (Article 4.15; paragraphs 33,34 of 1/CP.21);
- modalities for the recognition of adaptation efforts of developing country Parties, for consideration and adoption at CMA 1 (Article 7.3; paragraph 41 of 1/CP.21);
- initial guidance by the CMA to the operating entities of the Financial Mechanism (Article 9.8; paragraphs 58, 61 of 1/CP.21);
- initial guidance by the CMA to the Least Developed Country Fund and the Special Climate Change Fund (paragraph 58 of 1/CP.21);
- process for setting a new collective quantified

- goal on finance (paragraph 53 of 1/CP.21);
- 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
- guidance by CMA 1 on education, training and public awareness (Article 12; Paragraph 83 of 1/CP.21).

The list above is captured in an [explanatory note](#) of the APA Co-chairs which reflects the views expressed by Parties on the issue.

“During discussions under the agenda sub-item, Parties identified possible additional matters concerning implementation of the Paris Agreement and the convening of CMA 1, which they were of the view may have not yet been addressed under the work programme under the PA contained in decision 1/CP.21,” the note reads.

During the informal consultations, an issue that became contentious was whether the items from the list should be prioritized.

**Brazil** picked three issues out of the list. These included common timeframe, modalities for the recognition of adaptation efforts of developing country Parties, and guidance by CMA 1 on education, training and public awareness. “We suggest dealing with three items; on the common timeframe (Article 4.10), our preference is for the item to be dealt with in the SBI,” said Brazil. It added that the matter of the adaptation efforts under Article 7.3 is already being treated elsewhere, so it is not homeless.

Paragraph 83 of decision 1/CP.21 on ‘education, training and public awareness’ could be considered in either SBI or SBSTA, according to Brazil.

Referring to the other issues on the list, Brazil said, “These issues have to be tackled by CMA 1. If we do not start dealing with them now, and reconvene in 2017 or 2018, we will not be fulfilling the mandate”.

**China** said it was seeking a comprehensive arrangement for all the items and cautioned against a pick and choose approach. It said that it was not against making arrangements for some matters, but it was seeking a comprehensive arrangement for all those items. “Many developing countries are concerned that if we make arrangements for only some items and not the whole list, the rest will be forgotten and fall off the table. We will not initiate

a full comprehensive discussion on all those items. So, we must adopt a package approach and adopt the full rulebook, not just some items,” stressed China.

China further added that the issues in the list were very important and dear to the developing countries. **Saudi Arabia** for the **Arab Group**, **Kenya** for the **Africa Group** and the **Philippines** supported China.

**Tuvalu** for the **Least Developed Countries (LDC)** said it would be a shame if work was not allocated for the items under discussions. It said that this could be done easily. From the list, Tuvalu said that the issue of common timeframes and adjustments of NDCs, and modalities for adaptation efforts could be handed to the SBSTA. On the issue of response measures, guidance to LDCF and SCCF, and education and awareness, these could be handed to the SBI while the quantified goal on finance and biennially communicating information could be handed to the APA.

**China** expressed disappointment that they were concluding the meeting without deciding on the way forward and supported Tuvalu’s proposal.

**Brazil**, however, responded by saying that there was no need to propose ‘homes’ for any of the items. “The items specifically mentioned are CMA items. We are not against treating items in a comprehensive way but some items have to be decided by the CMA. They are not orphan issues,” said Brazil.

Taking the same line as Brazil, **Australia** also said it was incorrect to refer to the items as ‘homeless’ and said that the CMA is the home of the articles. Referring to the items on the list, Australia said that preparatory work needs to be done and that the work should not be duplicated. Australia added that in the report to the COP, the Co-chairs should mention that these were items that needed further work and that these are being considered in other places. The **United States** supported Brazil and Australia.

Following no resolution, the Co-chairs in their explanatory note emphasized that the APA should only identify and bring these possible additional matters to the attention of the COP for its consideration and any further action, without prejudice to any action to be taken by the COP.

This is reflected in the [draft conclusions](#) adopted by the APA, where the APA “took note of

possible additional matters concerning implementation of the PA and the convening of CMA 1, which have been identified by some Parties and which some Parties were of the view may not yet have been addressed, as reflected in the annex to the informal note prepared, under their own responsibility, by the APA Co-Chairs of the informal consultations on agenda item 8(b), and agreed to provide this information to COP 22 for its consideration and appropriate action”.

(Since the climate talks began on 7 November in Marrakech, the APA has conducted several informal consultations on various agenda items, including on item 8. The co-facilitators for each of the informal consultations prepared informal notes, which [capture](#) the discussions during the consultations. For agenda item 8, the explanatory note by the APA Co-chairs is annexed to the informal note.)

With the rapid and early entry into force of the PA, an issue that will arise when the CMA 1 resumes, is how all Parties, including those who have yet to ratify the PA, can be included in the process of crafting the rules related to the implementation of the PA.

The COP 22 Presidency has been holding informal consultations on the matter and it can therefore be expected that upon the resumption of CMA 1, a decision will be taken on the process forward.

The CMA is then expected to be suspended and to resume at an agreed timeline. At issue is when the CMA will resume its meeting. It appears that most Parties prefer 2018 to be when the CMA should meet again, while there are some Parties who are calling for its resumption in 2017.