

APA adopts agenda after intense deliberations

Bonn, 21 May (Indrajit Bose and Meena Raman) — After four days of closed-door informal consultations, Parties to the United Nations Framework Convention on Climate Change (UNFCCC) adopted the agenda of the Ad Hoc Working Group on the Paris Agreement (APA) on 20 May.

The APA, a new body established by the twenty-first session of the Conference of the Parties (COP21) to the UNFCCC, had convened its first session on 17 May morning, but was unable to [adopt](#) the provisional agenda, due to disagreements among Parties. G77 and China had proposed [amendments](#) to the provisional agenda.

The APA meeting was suspended on 17 May to allow for informal consultations to proceed among Parties and the APA Co-chairs **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)**.

The APA resumed in plenary afternoon of Friday, 20 May, after four days of intense consultations, with several versions of amendments to the agenda, until a final compromise was reached.

The concerns by developing countries over the initial agenda centered primarily over the following: (i) the scope and features of the nationally determined contributions (NDCs), which for them were not to be mitigation only but comprehensive to cover all contributions under the Paris Agreement (PA) including adaptation and the means of implementation; and (ii) to ensure that the APA agenda allows for the consideration of all elements under the PA which are not only handled by APA but also by the other subsidiary bodies to enable a comprehensive and balanced approach in the implementation of the PA.

Responding to questions sent by Third World Network via email on the APA 'agenda fight', **H.E. Mr. Manasvi Srisodapol of Thailand**, speaking for the **G77 and China** said, "I would not call it a fight. The APA is a newly created ad hoc body

established to prepare for entry into force of the Agreement and for the convening of the CMA 1 (first session of the Conference of the Parties serving as the meeting of the Parties to the PA). As we are embarking on a new process, it is important to have a common understanding of the work that is required to be completed," said Srisodapol.

"For the G77 and China, we have been insisting that such work should ensure balance, coherence and comprehensiveness in the implementation of the PA and decision (2015 COP decision 1/CP.21). The time required to forge this common understanding and clarity was well-spent, although the G77 and China was ready to start work of the APA immediately on non-difficult matters," Srisodapol explained.

During the informal consultations, the G77 and China had proposed to the APA Co-chairs that work on the non-contentious items could begin while consultations on the contentious items continue. Sources revealed that developed countries were against this approach.

The contentious items on the agenda were items 3, 4 and 8(c).

Item 3, as originally proposed in the provisional agenda read: "*Further guidance relating to nationally determined contributions referred to in Article 4 of the Paris Agreement*".

The G77 and China had initially proposed that this be changed to: "*Further guidance relating to nationally determined contributions in the Paris Agreement*."

In the informal consultations that followed on 19 May, item 3 evolved into:

"Further guidance, in relation to the mitigation component of the nationally determined contribution referred to in the Paris Agreement, on features of nationally determined contributions, information to facilitate clarity, transparency and understanding of nationally determined contributions, and accounting for Parties' nationally determined

contributions, as specified in paragraphs 26, 28 and 31, respectively, of decision 1/CP.21.”

Developing countries could not accept the term “mitigation component” as this did not reflect the full scope of NDCs contained in Article 3 of the PA.

(Article 3 of the PA reads: “*As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2 ...*”

Article 4 refers to ‘mitigation’, Article 7 to ‘adaptation’, Article 9 to ‘finance’, Article 10 to technology transfer and Article 13 to ‘transparency of action and support’.)

According to sources, on 19 May, following a long huddle during the informal consultations among the Parties, compromise was reached when “*Further guidance, in relation to the mitigation component of the nationally determined mitigation contribution referred to in the Paris Agreement...*” changed to “*Further guidance in relation to the mitigation section of decision 1/CP.21...*”

Item 3 of the agenda as finally adopted reads:

“Further guidance in relation to the mitigation section of decision 1/CP.21 on:

(a) Features of nationally determined contributions, as specified in paragraph 26;

(b) Information to facilitate clarity, transparency and understanding of nationally determined contributions, as specified in paragraph 28;

(c) Accounting for Parties’ nationally determined contributions, as specified in paragraph 31.”

In this regard, following the adoption of the APA agenda, **Malaysia**, speaking for the **Like Minded Developing Countries (LMDC)** said, “The PA was assiduously negotiated, carefully crafted and is well balanced. In seeking to operationalise it we should keep this balance in mind. The features for the NDCs should be derived from the PA. We see that the NDC is specifically named and set out in Articles 3 and 4 of the Agreement with references to related provisions. Hence, to move speedily forward we should incorporate the features as made evident by these provisions of the Agreement.”

(For further intervention by Parties at the resumed plenary session of the APA, see TWN Bonn Climate News Update 5: *APA – Parties discuss preliminary organization of work*).

Other contentious agenda items were items 4 and 8(c).

Agenda item 4 as adopted reads:

“Further guidance in relation to the adaptation communication, including, inter alia, as a component of nationally determined contributions, referred to in Article 7, paragraphs 10 and 11, of the Paris Agreement.”

Agenda item 8(c) as adopted reads:

“Taking stock of progress made by the subsidiary and constituted bodies in relation to their mandated work under the Paris Agreement and section III of decision 1/CP.21, in order to promote and facilitate coordination and coherence in the implementation of the work programme, and, if appropriate, take action, which may include recommendations.”

Prior to the adoption of the agenda and when the APA plenary resumed on 20 May, APA Co-chair Tyndall said that Parties had the important task of preparing for the implementation of the PA. “We conducted extensive consultations with Parties and groups on Tuesday, Wednesday, Thursday and today (Friday). Parties were also given the opportunity to exchange views informally. Many Parties felt work on adaptation needs to be attended to urgently as part of preparation for entry into force and therefore they felt the need for the work to start here (APA). Therefore, work on adaptation communication is reflected,” said Tyndall, referring to agenda item 4.

Referring to agenda item 8(c), Tyndall said that during the consultations, the Co-chairs had heard views of coherence in the preparation of means of implementation and to take stock of that in subsidiary bodies and constituted bodies, including the APA.

“The discussions took time but it is natural, given that the agenda is the central tool to launch your work here. We know it is technical work involving high levels of complexities. Parties have found a way forward. The revised agenda is balanced and puts us on a firm footing ... The agenda respects the balance of Paris and the delicate balance achieved here. All agenda items are of equal importance,” said Tyndall, adding that the Co-chairs were committed to the policy of ‘no surprises’.

The resolution of the APA agenda also led to the adoption of agenda item 5 of the Subsidiary Body for Implementation (SBI) that was left in abeyance since Monday, 16 May when the SBI launched its work, for informal consultations among Parties. (See below for details.)

SBI agenda item 5 on NDC Registry adopted

An outstanding item on the agenda of the SBI was also resolved on 20 May.

The [disagreement](#) related to agenda item 5 of the provisional agenda on the “*Registry of nationally determined contributions referred to in Article 4, paragraph 12, of the Paris Agreement.*”

At issue was whether the Registry should cover only mitigation contributions or whether it should also cover adaptation as well as the means of implementation.

Developed countries argued that the mandate from COP21 relates to the Registry for mitigation contributions only while developing countries said that the scope should be comprehensive to also include adaptation as well.

During the SBI plenary which was convened again on 20 May, Chair **Tomasz Chruszczow (Poland)** said that Parties had agreed to amend the title of item 5 as well as add a new agenda item 6.

As per the adopted agenda, item 5 reads:

“Development of modalities and procedures for the operation and use of a public registry referred to in Article 4, paragraph 12, of the Paris Agreement.”

The new item 6, also adopted, reads:

“Development of modalities and procedures for the operation and use of a public registry referred to in Article 7, paragraph 12, of the Paris Agreement.”

Article 4 of the PA relates to ‘mitigation’ and Article 7 to ‘adaptation’.