

Work to produce text on guidelines to implement Paris Agreement continues

Bangkok, 5 Sept. (Meena Raman and Prerna Bomzan) – Parties under the United Nations Framework Convention on Climate Change (UNFCCC), have gathered in Bangkok, Thailand, from Sept. 4 to 9, to accelerate work on producing a negotiating text on the guidelines to implement the Paris Agreement (PA).

With three months to go before Parties meet at the 24th session of the UNFCCC's Conference of Parties (COP 24) in Katowice, Poland in December to adopt the implementing guidelines, delegates at the Bangkok session were urged to speed up work on the PA Work Programme (PAWP) under way in the UNFCCC's Subsidiary Body for Implementation (SBI), the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Ad Hoc Working Group on the PA (APA).

At the opening ceremony of the Bangkok session held on morning of 5 Sept, COP 23 President, Frank Bainimarama (the President of Fiji), sounded out that “failure” to reach agreement on the PAWP “was simply not an option” and urged Parties to work “in good faith, find common ground, common good and come together to reach consensus.” He added that the nationally determined contributions (NDCs) of countries under the PA were “collectively insufficient” to address global warming and rising sea-levels and said that the implementation “guidelines must enable Parties to report, review and strengthen climate action” in a “transparent and accountable” manner.

Similar calls were also made at the opening session by the incoming COP 24 President, Michal Kurtyka, (who is Poland's Deputy Minister of Energy), who said that the “credibility of the process to deliver and implement the PA” was at

stake and urged delegates to “keep to the letter and spirit of the PA,” adding that all issues have to be addressed in a “balanced manner.” He stressed the need for “concrete propositions now” and bring “clarity and focus to the negotiating text.” The President designate informed Parties that he has invited previous COP Presidents to help with the negotiations in Poland.

In a video message to the delegates, the Deputy Secretary-General of the UN, Amina Mohammed stressed that “the impacts of climate change have never been more evident,” recalling the recent events around the globe of heat waves, droughts, flooding, wild fires etc. She underscored that climate change is high on the agenda of the UN General Assembly next year, with the convening of a Summit by the UNSG. Mohammed said that COP 24 has to deliver in ensuring that global temperature rise is limited to safe levels, climate resilience to adverse impacts is fostered and financial flows are enabled, adding that significant progress is needed on the draft negotiating text to implement the PA, warning that the “stakes are high.”

The UNFCCC's Executive Secretary also stressed the need to make “significant progress” at the Bangkok talks for the PA implementation guidelines and called on Parties to do the “heavy lifting” and “to work with a sense of urgency.”

The opening ceremony was followed by the launch of work by the respective Subsidiary Bodies (SBs) and the APA, who held their formal plenaries. Informal consultations on various agenda items of the PAWP also commenced following the official plenaries.

The Presiding Officers of the SBs and the APA recalled their observations contained in their joint-reflections note which was produced on 16 August

2018, “under their own responsibility,” and provides their reflections on the status of the negotiations under the PAWP and on the way forward in Bangkok

(The note reiterates that there is “need to progress on all items in a coherent and balanced manner, and to ensure close coordination in the consideration of matters relating to the PAWP by the SBI, SBSTA and the APA.” It acknowledges that the progress of work “has been uneven, and in every area it remains insufficient for completing the mandated work by December this year,” and states it is “essential to improve the completeness, coherency and consistency on the negotiations across all PAWP items so that they can all be brought to a comparable level of progress and preparedness before COP 24.” The note also states that the main objective of Bangkok “is to reach an agreed basis for negotiations for all PAWP items, reflecting clear and streamlined options, and with sufficient detail for the outcome of the session to be swiftly turned into draft decision text.”)

APA Contact Group

In the afternoon of Sept. 5, the APA met in a contact group. It was presided over by **Jo Tyndall (New Zealand)** and **Sara Baashan (Saudi Arabia)**, who are the APA Co-chairs.

Tyndall stressed the need to prepare the ground to reach an agreed basis for negotiations with clear and streamlined options in the draft negotiating text, with some issues as decisions and others as technical guidance. She said that the outcomes of the Bangkok session will be attached to the conclusions of the APA session.

The APA Co-chair also said that they will convene bilateral meetings with groups or interested Parties and even at the heads of delegation level “to tackle roadblocks.”

The APA is dealing with the following agenda items:

- Item 3 on further guidance on NDCs which relate to features, information and accounting;
- Item 4 on further guidance in relation to the Adaptation Communication;
- Item 5 on modalities, procedures and guidelines on the transparency framework for action and support;
- Item 6 on matters relating to the global stocktake referred to in Article 14 of the PA;
- Item 7 on modalities and procedures for the effective operation of the Committee to facilitate implementation and compliance of the PA;
- Item 8 on further matters related to the implementation of the PA which includes the Adaptation Fund and other matters such as
 - (a) the modalities for biennially communicating finance information on the provision of public financial resources to developing countries in accordance with Article 9.5 of the PA;
 - (b) initial guidance by the Conference of Parties to the PA (CMA) to the operating entities of the Financial Mechanism (the Green Climate Fund and the Global Environment Facility;
 - (c) initial guidance by the CMA to the Least Developed Countries Fund and the Special Climate Change Fund;
 - (d) guidance by the CMA on the adjustment of existing NDCs under Article 4.11 of the PA and
 - (e) setting a new collective quantified goal on finance in accordance with paragraph 53 of decision 1/CP. 21.

Items being considered by the SBs

The following matters are being considered by the Subsidiary Bodies independently and on some issues jointly, as follows.

SBSTA

Under the SBSTA, the agenda items cover the following issues:

- Item 5 on the Technology Framework under Article 10.4 of the PA;
- Item 12 on matters relating to Article 6 of the PA which covers cooperative approaches including the use of internationally transferred mitigation outcomes towards NDCs (Article 6.2); a mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development (Article 6.4) and non-market approaches (Article 6.8); and
- Item 13 on modalities for the accounting of financial resources provided and mobilised

through public interventions under Article 9.7 of the PA.

SBI

The following agenda items are covered by the SBI:

- Item 5 on common time frames for NDCs (Article 4.10);
- Item 6 on the development of modalities and procedures for the operation and use of the public registry for NDCs (Article 4.12);
- Item 7 on the development of modalities and procedures for the operation and use of a public registry for adaptation communication (Article 7.12);
- Item 14(a) on the scope of and modalities for the periodic assessment of the Technology Mechanism in relation to supporting the implementation of the PA; and
- Item 15 on matters related to climate finance: identification of the information to be provided by Parties under Article 9.5 of the PA.

Joint SBSTA/SBI items

Agenda items which are tasked jointly to the SBSTA and SBI are the following:

- Report of the Adaptation Committee;
- Matters relating to the least developed countries;
- Modalities, work programme and functions under the PA of the forum on the impact of the implementation of response measures.

Roundtable on linkages on issues of the PAWP

On 3 Sept, prior to the official opening of the climate change talks, the UNFCCC convened a roundtable on substantive linkages and their implications across the various parts of the PAWP undertaken by the APA, the SBSTA and the SBI. The roundtable was not opened to observers.

The roundtable was divided among several sessions which discussed linkages across APA items 3 (NDCs), 4 (adaptation communication), 5 (transparency framework); issues under Article 6 and APA items 3 and 5; APA-SBSTA-SBI linkages relating to adaptation; APA items 5, 6 (global stocktake) and 7 (compliance); APA-SBSTA-SBI linkages relating to support; APA-SBSTA-SBI

linkages relating to response measures; and cross-cutting discussion on linkages across APA-SBSTA-SBI.

For each of the session, Parties were expected to respond to questions posed to them, besides raising any other linkage issue that they deemed fit.

According to sources, discussions on APA-SBSTA-SBI linkages relating to support were contentious. The questions posed in the session were as follows:

- (1) How could the guidance on finance-related issues and technology-related issues under the PAWP that is being developed by the SBSTA, SBI and APA, be made coherent and consistent across all three bodies, avoiding overlapping and duplication?
- (2) How and when should modalities for the accounting of financial resources provided and mobilized through public interventions being developed under the SBSTA be incorporated into modalities, procedures, and guidelines for the transparency framework being developed under the APA?

Responding to the questions, sources revealed that **Switzerland** said that all the agenda items on support were distinct agenda items and that it did not see any interlinkages between them, except for two areas. The two areas were APA item 5 on transparency of support and SBSTA item on accounting of financial resources under Article 9.7; and the Adaptation Fund and the share of proceeds from the Article 6 mechanisms.

Developing countries on the other hand had divergent views on the matter.

TWN obtained the statement that **Ecuador** presented on behalf of **Like Minded Developing Countries (LMDC)** at the roundtable on the issue of financial support.

According to the statement, in response to the first question, Ecuador said that work under the APA agenda item related to the framework of transparency of support distinguishes between the categories of information that will be reported with regards to support provided and mobilized from developed countries to developing countries for the implementation of the PA, in particular provisions related to finance, technology and capacity building, as enablers for action under the Agreement.

“SBSTA, on the other hand, will generate instructions in order for this reporting to be as homogenous as possible, including convergence in terms of definitions, methodologies and formats for reporting, which will automatically apply to the reports under the transparency framework, and finally, work under the SBI is meant to operationalize the provisions in Article 9.5 of the PA, in particular those related to the reporting of information on projected levels of finance to be provided to developing countries, which is crucial as key information that has the objective of providing a perspective that may be used by developing countries when planning and designing new actions to implement the PA,” said Ecuador.

It further added that “in order to make the work under these items coherent, it is important to avoid engaging on discussions related to existing provisions of the PA. No discussions should be wasted on the obligation that developed countries have to providing financial resources for developing countries in order for them to implement Articles 4, 7, 9, 10, 11, 12 and 13. Our focus on the issue of transparency of support should be to enable the design of clear guidelines to make these provisions operational. It is also true that developing countries will need to report on support received and needed, and we look forward to finding the best way to design these guidelines as well, given that we understand them as essential for support provided to take into account needs and priorities, as the PA stipulates.”

In response to the second question, Ecuador said, “the mandate for the development of these modalities stipulates that they have to be considered at COP24 with a view to making a recommendation to the CMA. This cannot mean that the modalities are finalized at the closing of SBSTA in COP24. That would not allow time for consideration of placement and integration of these modalities to the transparency framework discussions under APA agenda item 5. Hence, work under this agenda item needs to finalize either here in Bangkok, via a SBSTA conclusion that agrees this work is ready to be considered by the APA while understanding that this consideration does not imply a direct approval but that instead, discussion on integration needs to be started as soon as possible.”

Speaking on behalf of the **Africa Group, South Africa** said that for the group, interlinkages start with Article 3,4,7,9,13,14,15 and paragraph 53 of Decision 1/CP.21 on the new collective quantified

long-term goal, from a floor of USD 100 billion per year, taking into account the needs and priorities of developing countries. Sources also said that South Africa called for placeholders to be instituted in relevant places for linkages between Article 9.5, 9.7 and Article 13.

According to sources, **Saudi Arabia** also spoke and said that Parties were risking dismantling the PA itself. It said that “Parties need to define finance issues based on their nature. Article 9.7 relates to ex-post information, so it should be under transparency of support. Article 9.5 is ex ante in nature and it should fall within the guidelines under the NDCs. Article 9.5 is an element of the PA and it is the futuristic information that demands upfront modalities. Ambition is linked to support,” Saudi Arabia stressed.

In response, sources indicated that Canada said that the SBI item on Article 9.5 was not linked to the transparency framework. Sources also revealed that India in its response to Canada said that it was “unfortunate” to hear that some Parties thought that Article 9.5 was not linked to transparency of support and registered its objection to the approach, while establishing the link between transparency of support and Article 9.5.

For the crosscutting issues, sources revealed that **India** made a powerful intervention in which it outlined the issues of equity, common but differentiated responsibilities and respective capabilities (CBDRRC), carbon space and historical responsibility of developed countries.

India said that CBDRRC and equity are the very basis of the PA and these need to be operationalized in all the sections of the implementing guidelines. It also said that so far, “these issues have been addressed tangentially, and Parties need to go forward and operationalize them in real terms in the Paris Agreement’s implementation guidelines.”

It also reminded Parties that “the purpose of the PA is to enhance the implementation of the Convention where all the countries take responsibility based on their historical emissions.” India “is not ready to accept a situation where some group of countries move forward with greater responsibility, while others do not take enhanced responsibility.”

India also said that in the discussions on global stocktake, carbon space, right to development, poverty eradication, and sustainable development

need to be part of the guidelines and must be looked into. It further underscored the need for finance as a prerequisite for the meaningful operationalization of the PA and called for balanced and commensurate progress on all the agenda items and issues relevant to the Agreement.

Divergent positions between developed and developing countries on the issue of Article 9.5 continued during the official informal consultations held on Sept 5. (See separate article on this.)