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New body on Paris Agreement suspends meeting to hold consultations on agenda

Bonn, 18 May (Indrajit Bose) — The Ad Hoc Working Group on the Paris Agreement (APA), a new body established by the twenty-first session of the Conference of the Parties (COP21) to the UNFCCC, convened its first session in the morning of 17 May.

The current Bonn climate talks are taking place from 16 to 26 May.

The session saw the election of Co-chairs for the APA who are **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)**, to oversee the work of the new body.

The provisional agenda of the session could not be adopted, due to amendments proposed by the G77 and China.

The G77 and China, at the opening ceremony of the Bonn climate talks on Monday, had informed the plenary that the Group had proposed amendments to the provisional agenda of the APA, as well as to the agendas of the other subsidiary bodies.

Unlike the open 'agenda fight' over the provisional agenda of the Subsidiary Body of Implementation (SBI) on the first day of the talks on 16 May, (see TWN Update 1: *Battle of interpretation over Paris Agreement begins*), the Co-chairs of the APA informed Parties that informal consultations on the APA agenda will be held.

After hearing the statements from Parties, **Tyndall** said that the Co-chairs proposed to suspend the meeting to allow them to undertake consultations on the agenda which began afternoon of Tuesday. The meeting was then suspended to allow for consultations to begin.

In her opening remarks, **Tyndall** said the Co-chairs were committed to ensuring that work proceeded in a balanced, comprehensive, and consistent manner, recognizing the linkages with subsidiary and other bodies constituted by the COP. She also said that they would closely work with the Chairs of the other bodies to make sure "nothing fell between the cracks" and all aspects of substance are addressed.

Closed-door consultations on the agenda were held till late evening on 17 May and sources revealed that the Co-chairs are expected to come up with a new proposal on the agenda sometime on 18 May.

The original provisional agenda for the consideration of Parties covers the following items in relation to the Paris Agreement:

- Further guidance relating to nationally determined contributions (NDCs) referred to in Article 4;
- modalities, procedures and guidelines for the transparency framework for action and support referred to in Article 13;
- matters relating to the global stocktake referred to in Article 14;
- modalities and procedures for the effective operation of the mechanism to facilitate implementation and promote compliance referred to in Article 15; and
- preparing for the entry into force of the Agreement and for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA).

[At COP 21, the various issues relating to the Paris Agreement were tasked to be handled by three bodies viz. the SBI, the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the APA. Developing countries wanted to ensure that the APA agenda was not mitigation-centric but was balanced in the consideration of all elements including adaptation, loss and damage, finance, technology transfer, and capacity building. The amendments proposed by the G77 and China

included an agenda item for the "Assessment of progress made by the various bodies in the implementation of the work programme of the Paris Agreement".]

Thailand spoke for **G77 and China**, whereby **H.E. Mr. Manasvi Srisodapol, Special Representative of the Chair of the Group for Climate Change**, outlined the tasks of the APA. "Being mindful of the work that is going on in other subsidiary bodies, we would like to emphasize the need for coherence of our work in APA and those in SBSTA and SBI," he said. He added that in Paris, Partied had achieved a balanced agreement among all elements needed to address the threat of climate change, including the issues of adaptation and loss and damage that are of key importance to developing countries. This successful balanced approach to the Paris outcome needs to feed the spirit of the current discussion on the implementation starting here in Bonn among all Parties," said Srisodapol.

He said that the work of the APA should be undertaken in a "well-structured, balanced, comprehensive and coherent manner". "We stress that no crucial element to the Paris outcome and their inter-linkages with other elements, are left behind. All issues under the APA must be given equal attention, in both time allocation and facilitation support. Moreover, we must ensure that the agenda reflects the clarity of the tasks and reflects faithfully the mandates, as well as the balanced outcome of the Paris Agreement," stressed Srisodapol.

Referring to the transparency provisions in the Paris Agreement, which is to be dealt with by the APA, Srisodapol said that the Group acknowledged the importance of common but differentiated responsibilities and respective capabilities (CBDR-RC), and of providing developing country Parties with flexibility in the transparency framework for action and support under Article 13 of the Agreement, taking into account Parties' different capacities. He said that developing countries needed support for the implementation of Article 13 and for the building of transparency-related capacity on a continuous basis. "The Group reiterates that modalities, procedures and guidelines under Article 13 should be built on and drawn from experiences from existing arrangements related to transparency under the Convention and ensure balanced treatment of all areas indicated under the Article," said Srisodapol.

To ensure comprehensiveness of the global stocktake, the G77 emphasized that due attention should be given to the discussion on transparency of support to enable clarity of relevant inputs that will inform the global stocktake process defined in Article 14 of the Agreement. "Such clarity will be a crucial basis for ensuring that adequate finance, technology and capacity building support are provided to developing countries to allow for effective action beyond 2020," said Srisodapol.

Speaking for the **Least Developed Countries (LDCs), Democratic Republic of Congo (DRC)** said that the agenda items were quite generic in how they were presented. "While we understand the need for a broad brush at this early stage, we need an assurance that this does not mean that key issues will be swept under the table. This is not just a mitigation agreement. It is an agreement that deals with mitigation, adaptation, loss and damage, capacity building, technology development and transfer, transparency, stocktaking, compliance and most importantly finance and means of implementation. We seek your assurance, Co-chairs, that all issues mandated to the APA will be given full and equal treatment," said DRC.

It also said that Parties might need to consider whether the APA should broaden its mandate to pick up other elements of the Agreement. "As just one example, the APA may be tasked with developing guidance on long-term low greenhouse gas emission development strategies. Giving additional functions to the APA will undoubtedly require further guidance from the COP. So we need to be mindful that the agenda we have set for this meeting does not lock us into consideration of only these issues into the future. The APA must play the primary role in bringing the Paris Agreement into fruition," said DRC.

Speaking for the **African Group, Mali** said the Paris Agreement and its decision were comprehensive and therefore the work of the APA should be coherent and treat all issues in a balanced manner. "The APA agenda has to be as comprehensive as possible including giving guidance to the work mandated to other Convention bodies and groups. We have identified issues that need such guidance, e.g. on adaptation we believe that the APA needs to have an agenda item to guide the Adaptation Committee and the LEG (LDC Experts Group), and conduct their work on the adequacy of adaptation support as well as methodologies for assessing adaptation needs," said Mali.

Mali further added that the scope of NDCs was broad and comprehensive in Article 3 of the Paris Agreement, and included mitigation, adaptation

and means of implementation. It called for this balance to be maintained in the agenda, including on further guidance to Parties to enhance clarity and transparency as well as in assisting with the global stocktake process. "There is a need for particular guidance on information relating to adaptation NDCs. We caution against detailed features of mitigation components of NDCs as such might go against the bottom up approach and flexibility for Parties reflecting their specific national circumstances, particularly for many developing countries," said Mali.

On transparency of action and support, the African Group said that the development of modalities, procedures and guidelines was one of the central pillars of the Paris Agreement. The African Group highlighted five important building blocks upon which the modalities, procedures and guidelines for the transparency framework should be based: flexibility for developing countries; support for transparency of action and support; balanced treatment of mitigation, adaptation and support; building on the current experience for undertaking transparency actions; and operationalising the linkages between Article 13 and other relevant articles.

On entry into force of the Paris Agreement, the African Group said that an early entry into force would not alter the commitments of Parties under the Paris Agreement and existing commitments and pledges of Parties under the Convention and its Kyoto Protocol. The African Group believes that enhanced pre-2020 action can co-exist with an early entry into force of the Paris Agreement, said Mali.

Speaking for the **Alliance of Small Island States (AOSIS), Maldives** said it was critical to establish a work plan and set timeframes for COP22 in Marrakesh. It urged Parties not to reopen issues that had been decided.

Saudi Arabia spoke for the **Arab Group** and said that they were expecting a Party-driven, transparent and inclusive process to produce a package for the convening of the first CMA.

Speaking for **Independent Association of Latin America and the Caribbean (AILAC), Colombia** said the work to be carried out by the APA and the other subsidiary bodies must be coherent and balanced. It stressed that APA would have to protect the integrity of the basic framework established under the Paris Agreement. AILAC also underscored that adaptation is of utmost importance and that it must be given parity in the preparation of the entry into force of the Agreement.

Speaking for the **Umbrella Group, Australia** said that the agenda must be adopted promptly, and added that while it recognizes the importance of balance, it did not mean taking the same approach for each issue. It also said that the agenda might benefit from conceptual discussions, including work practices such as informal sessions and reflection notes. APA's role includes guidance on NDC features and getting this right would help NDCs become the basis for investment or business plans to drive action and investment, it said. According to the group, APA also had a critical role to play for global stocktake on mitigation, adaptation and support. The group saw APA's role in the development of guidance to NDCs and accounting of NDCs for revisiting them in 2018. Australia added that there was need for swift establishment for capacity building for transparency.

Switzerland spoke for the **Environmental Integrity Group (EIG)** and said that it was of the view that the APA had a clear mandate. It said that for transparency of action and support, Parties should first work on accounting and then on review. It also said that work must commence on the modalities, procedures and guidelines of compliance committee and the next steps in case of the early entry into force of the Paris Agreement. It also asked of the Co-Chairs to capture work in a reflections note.

The **European Union** said all elements of the work programme should be taken forward in a balanced and coherent way and expected to see progress in all areas at COP22.

At the opening of the APA session, prior to the election of the Co-chairs, **Laurence Tubiana** spoke on behalf of the COP21 President and reiterated that work in the APA must progress in a comprehensive, balanced manner for the solid implementation of the Paris Agreement. She also announced that there would be two stocktaking meetings organized on 21 and 25 May, which would provide an opportunity for the Chairs of the subsidiary bodies and others to share their experience on implementing the tasks mandated to them by the COP 21 decision.

(Edited by Meena Raman)