

APA adopts conclusions on working mode for Morocco session

Bonn, 30 May (Indrajit Bose) – Parties to the UNFCCC’s Ad Hoc Working Group on the Paris Agreement (APA) adopted conclusions that set out the modalities of work for its next session, suspending its meeting on the final day of the Bonn climate talks on 26 May.

The next session of the APA will resume in Marrakech, Morocco, when Parties meet at the 22nd meeting of the Conference of Parties (COP 22) which is scheduled to take place from 7-18 November 2016.

Following the adoption of the conclusions by the APA, the **Group of 77 and China** stressed that “Due to the interlinking nature of issues, we reiterate that the spirit of coherence and balance among all (the UNFCCC) bodies (tasked to implement the mandates from the Paris Agreement and its accompanying decision), which we have adhered to, must be carried forward to Marrakech and beyond.”

The final day of the Bonn talks also saw the closing sessions of the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA).

The APA Co-chairs, **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)**, following the feedback from Parties to their initial draft conclusions, presented the final conclusions which were agreed to by Parties at the closing plenary of the meeting.

In the conclusions adopted, the APA agreed that that it will continue to work in a single contact group setting, on the substantive agenda items (which were agreed to at the Bonn session after four days of informal consultations with Parties),

and that the contact group would meet at least three times in Morocco, to set the direction of work, to assess progress and adjust guidance, and to assess the results of the session and adopt conclusions. The mid-session meeting of the contact group would take an overarching view across all items on the APA agenda, including crosscutting issues, and the direction of technical work would be adjusted as needed.

The contact group would also conduct technical work for each of the six substantive agenda items through informal consultations, which would be facilitated by two co-facilitators. The APA Co-chairs will announce the team of facilitators ahead of the resumed November session.

The APA Co-Chairs will also facilitate the informal consultations on agenda item 8 on matters related to implementation of the Paris Agreement (PA), which comprises preparing for the entry into force of the Agreement; preparing for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the PA (CMA); and taking stock of progress made by the subsidiary and constituted bodies in relation to their mandated work under the PA.

It was also agreed that efforts would be made to ensure that no more than two informal consultations would be held and that conducting consultations on interlinked issues would be avoided. The APA Co-chairs will provide, through the contact group meeting, a clear mandate and guidance to the co-facilitators on the direction of the work and the expected outcomes. As the work evolves, the guidance will be reassessed and, if needed, adjusted through the mid-session meeting of the contact group.

The meeting agreed that this mode of work will allow conclusions and other outcomes, as relevant, to be developed for each substantive agenda item. At the closing contact group meeting, the APA will consider the organization of work for its next session and may change the organizational approach if necessary.

The APA also invited Parties to submit by 30 September 2016, their views on items 3 to 6, besides inviting Parties and admitted observer organizations to provide information, views and proposals on any work of the APA before each of its sessions.

(Item 3 is on further guidance in relation to mitigation section on features, information and accounting of nationally determined contributions; item 4 is on adaptation communication; item 5 is on transparency of action and support; and item 6 is on the global stocktake.)

The APA also requested the secretariat to compile, by 7 October 2016, the submissions of Parties' views into information documents. The APA requested its Co-chairs to prepare, by 30 August 2016, a set of guiding questions to assist Parties in further developing their conceptual thinking on features and elements of the committee to facilitate implementation and promote compliance.

In delivering their group statements, **Thailand** spoke for **G77 and China** and said that the issues under the APA were at different levels of maturity. It called for appropriate methods to be tailored in response to the nature and maturity of each issue. "Due to the interlinking nature of issues, we reiterate that the spirit of coherence and balance among all bodies, which we have adhered to, must be carried forward to Marrakech and beyond," it said.

The G77 recapped some of the points that emerged from the Bonn session. "The PA was reached in the spirit of compromise, achieving a delicate balance of all issues. We reiterate that NDCs (nationally determined contributions) encompass not only mitigation. Regarding further guidance in relation to mitigation section of decision 1/CP.21 (the accompanying decision adopted in Paris), we must recognize their nationally-determined nature, and the guidance must accommodate the diversity of submitted INDCs (intended NDCs)," said Thailand.

It emphasized the importance of adaptation and underlined the different nature of mitigation, adaptation and means of implementation components. "We are of the view that further guidance in relation to adaptation communication should reflect the country-driven nature of adaptation and aim to enhance the adaptive capacity of developing countries Parties without creating addition burden, and contribute to the global goal on adaptation," said Thailand.

The Group also emphasized that the provision of necessary means of implementation to developing countries was crucial to fulfill climate actions in both mitigation and adaptation. Thailand reiterated the Group's concern on the access to adequate finance, especially from the financial-related constituted bodies serving under the Convention, and stressed its linkage to both pre-2020 actions and the successful preparation for the PA.

The G77 said that the transparency framework was interlinked with other provisions in the PA, both on actions and support, and coherence of work among them was necessary. "We stress the relevance of flexibility for developing countries in the modalities, procedures and guidelines to be developed under Article 13 (of the PA on transparency). Support shall be provided to developing countries for the implementation of Article 13 and for the building of transparency-related capacity," said Thailand.

The G77 stressed that "the global stocktake shall be comprehensive and facilitative, covering mitigation, adaptation and the means of implementation and support, in the light of equity and the best available science". It called for inputs and modalities of the global stocktake to be identified in a facilitative manner. It also reiterated that "the compliance mechanism would be facilitative in nature and function in a transparent, non-adversarial and non-punitive manner, while taking into account the respective national capability and circumstance of Parties."

Acknowledging the possibility of the PA entering into force earlier than Parties had previously anticipated, the Group stressed the need for necessary technical work to continue in an inclusive manner.

On pre-2020 climate action, the G77 underscored the importance of adequately addressing the issue

in the upcoming sessions, including through the facilitative dialogue to be conducted in Marrakech.

Jordan for the **Like Minded Developing Countries (LMDC)** said that the impacts of climate change were heightened by El Nino and the oncoming La Nina and was clearly being felt through extreme heatwaves in Asia, droughts in Africa, massive rains in Latin America, and these were wreaking greater loss of life and damage to property in many developing countries.

Jordan said Parties' work must be based on and guided by the provisions of the PA as well as those of the principles and provisions of the Convention. "This means that we must not rewrite nor renegotiate their provisions. We are therefore seriously concerned at hearing some views expressed during the APA this session that show a great reluctance to link the PA to the Convention, or to selectively focus on just a few of the provisions of the PA and excluding mention of key provisions such as Article 3 of the PA," said Jordan.

Jordan said that Parties are still in the stage of discussing concepts and ideas on how to best move the work forward and have greater clarity on how to best implement the PA under the Convention. "This stage lays the foundation for us in future sessions to be able to start identifying areas where concepts and understanding are close and where they may still be diverging," said Jordan. "Inclusivity and enabling the full and effective participation of all Parties to the Convention in the work of the APA are extremely important to us. It is only in this way that we will be able to generate the greatest sense of ownership in any outcomes that the APA may have," Jordan added.

Jordan stressed that the APA should not result in any outcome implementing the PA that would effectively exclude developing countries from receiving finance, technology, and capacity building support from developed countries to enhance their adaptation and mitigation actions under the Convention and the PA.

Jordan also expressed deep concern on the political imbalance being created in developed countries prioritizing the ratification and early entry into force of the Paris Agreement over that of the Kyoto Protocol's Doha Amendment. "The pre-2020 early entry force of the Doha Amendment

establishing binding legal obligations to reduce emission reductions by developed countries under the Kyoto Protocol up to 2020 must precede the entry into force of the Paris Agreement in relation to post-2020 climate change actions. Just as urgent is the pre-2020 delivery of climate finance by developed countries and having, at COP 22, a quantified climate finance roadmap for the post-2020 period," said Jordan.

Mali spoke for the **Africa Group** and stressed that APA should accord balanced treatment to all the elements and emphasized on the importance of stocktaking meetings to ensure coherence in work with other bodies. Mali said it was unfortunate Parties could not agree on technical papers and stressed on the critical importance of pre-2020 action and for the ambition gap in mitigation, adaptation and means of implementation to be closed pre-2020.

(On 25-26 May, Parties had discussed the draft conclusions proposed by the Co-chairs, which called for technical papers by the UNFCCC Secretariat on different topics. However, there was no agreement among Parties on the call for technical papers).

Democratic Republic of Congo (DRC) spoke for the **Least Developed Countries (LDC)** and said the Group was deeply disappointed that the APA conclusions did not include provisions for technical papers or workshops. "We believe that it is a missed opportunity to help progress our technical work between now and Marrakesh in a constructive manner. However, we respect the difficult balance that the Co-chairs have had to navigate and we urge all Parties to use the remaining time between now and the COP22 to prepare and be ready to make substantial progress in Marrakech," said DRC.

It viewed the possibility of an early entry into force of the PA as a positive sign and called for sending out a strong signal incentivizing all Parties to advance the work of the APA to prepare for the first session of the CMA. "Ratification of the Doha Amendment of the Kyoto Protocol, as well as provisional application of the PA pending its entry into force, will contribute to this positive signal," said DRC. It added that the Bonn session was a reminder of how important is the need for coordination with all the other constituted and subsidiary bodies.

Maldives spoke for the **Alliance of Small Island States (AOSIS)** and said that APA's mandate was to set the stage for rapid ratification of the PA. It underscored the importance of mobilizing finance and said that it would be important to consider further work on adaptation communication and how it would contribute to the global stocktake, while taking into consideration flexibility and capacity concerns for some Parties such as the small island states. It is also crucial to maintain the momentum on pre-2020 actions, said Maldives.

Nicaragua spoke for the **ALBA Group (Bolivarian Alliance for the Peoples of Our America)** and said developing countries were being adversely affected and it was important for the developed countries to fulfill their historic obligations and reduce emissions to protect Mother Earth and its peoples.

It said that for COP 22 in Morocco, it would be important to address all the issues in a balanced manner and give priority to the ratification of the Doha Amendment to the Kyoto Protocol. "Nothing in the Paris Agreement can substitute the Convention. The Convention is above any other instrument adopted under its jurisdiction," it said.

The PA cannot exclude developing countries from obtaining financial resources which is their right under the Convention, said Nicaragua. "Even if I don't ratify (the PA), this should not be used as a coercive measure against developing countries. Inclusion, transparency and coherence should be the spirit of implementation," said Nicaragua.

Mexico for the **Environmental Integrity Group (EIG)** said that discussions on the agenda items required time and hoped to work with Parties in the inter-sessional period.

Australia spoke for the **Umbrella Group** and said that the road to Marrakesh would be long and winding, and presented challenges and opportunities. It said that Parties were leaving Bonn with a common understanding of the scope of work, and that technical work in Marrakech should begin. It said that transparency was central and there was significant work to be carried out on modalities, procedures and guidelines by 2018 and experts need to get started on the work.

The **European Union** made a brief statement to say that its intervention would be posted online.