

Ad-hoc Working Group on the Paris Agreement (APA)

Second part of the first session, Marrakech, 7-14 November 2016

Agenda item 8 – Further matters related to implementation of the Paris Agreement:

- (b) Preparing for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement;**
- (c) 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.**

Informal Note by the Co-Chairs

14 November 2016@19:00hours

Note: This informal note is our attempt to informally capture the views expressed by Parties on this agenda item to date. The note has been prepared under our own responsibility and thus has no formal status. The content of the note is not intended to prejudge further work that Parties may want to undertake nor does it in any way prevent Parties from expressing other views they may have in future.

Overview of the informal consultations on this item

During the informal consultations under on agenda item 8 of the Ad-hoc Working Group on the Paris Agreement (APA) convened between 8 and 12 November, 2016, Parties discussed further matters related to implementation of the Paris Agreement through three agenda sub-items:

- (a) Preparing for the entry into force of the Paris Agreement;
- (b) Preparing for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement;

In addition, Parties also took up a new area of work at the request of the 22nd Conference of the Parties, to undertake the necessary preparatory work concerning paragraphs 59 and 60 of 1/CP.21, recognizing that the Adaptation Fund may serve the Paris Agreement.

- (c) 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.

Parties engaged in a rich exchange of views on the above issues, and quickly concluded its deliberations on agenda item 8a. This note attempts to capture the rich discussions in a form of an informal summary reflection and to distill possible elements for modalities and procedures.

Reflections of the Co-Facilitators on the discussions in the informal consultations

8.b Preparing for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement

Adaptation Fund

Parties considered the mandate given to the APA by the COP to undertake the necessary preparatory work on the issue that the Adaptation Fund may serve the Paris Agreement. There was overall agreement on the priority and importance of adaptation financing, and of the role that the Adaptation Fund is already playing in supporting adaptation.

Parties exchanged views on the mandate given to the APA, in particular, on what constitutes the “necessary preparatory work” to be undertaken by the APA.

A number of Parties emphasized the need for certainty with respect to financing for adaptation, and proposed that an immediate procedural decision be taken that the Adaptation Fund shall also serve the Paris Agreement, on an interim basis, while issues raised by a number of Parties on the necessary preparatory work on how the Adaptation Fund may serve the Paris Agreement are being addressed.

Parties discussed a proposed draft decision submitted by the Group of 77 and China on this matter.¹ The co-chairs confirmed that in their report to the Conference of the Parties, they would refer to this proposed draft decision, and annex it to their report (see annex I below), identifying its status as a proposal by a group of Parties.

Some Parties noted the importance of developing a clear time bound work-plan for the necessary preparatory work to be undertaken by the APA, and were of the view that this work would need to address issues including:

- The governance and institutional arrangements for the Adaptation Fund;
- The sequencing of decision-making by the CMA and the CMP;
- Potential new sources of funding to the Adaptation Fund, including but not limited to potential linkages with Article 6, paragraph 6, of the Paris Agreement, as well as other new sources of funding;
- Issues of eligibility for access to funding;
- Information regarding the current safeguards and other policies of the Adaptation Fund;
- Information drawing from the Independent Evaluations of the Adaptation Fund conducted in the past;
- The outcomes of the upcoming 3rd review of the Adaptation Fund; and
- The role of the Adaptation Fund in the evolving climate finance architecture, including a discussion by the APA on the Adaptation Fund’s comparative advantage in financing adaptation.

Parties also discussed whether the APA is the appropriate body to advance work on this matter, with some Parties expressing the view that a number of issues could be addressed by the Adaptation Fund Board and/or the Subsidiary Body for Implementation. Parties identified existing sources of information that could provide insights into the issues raised, such as the legal paper prepared for the Standing Committee on Finance, dated 29 October 2015.²

¹ Available at:<

http://www4.unfccc.int/Submissions/Lists/OSPSubmissionUpload/591_296_131236020133616946-G77%20and%20China%20on%20APA%20item%208.pdf>

² Legal note on proposed recommendations on institutional linkages and relations between the Adaptation Fund and the other institutions under the Convention

http://unfccc.int/files/cooperation_and_support/financial_mechanism/standing_committee/application/pdf/legal_note_on_proposed_recommendations_on_af_linkages.pdf

Additional matters relating to the implementation of the Paris Agreement that have not yet been addressed under the work programme for the Paris Agreement contained in decision 1/CP.21

During consideration of sub-item 8(b), Parties identified a number of possible additional matters relating to the implementation of the work programme under the Paris Agreement and preparing for convening the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1) that in their view have not yet been addressed. During the consideration of this sub-item, it was emphasized that the role of the APA was limited to identifying these matters and bringing them to the attention of the Conference of the Parties (COP) for its consideration and any further action, without prejudice to any action by the COP on this matter. These additional matters include:

- Common time frames for nationally determined contributions (NDCs) under Article 4, paragraph 10;
- Adjustment of existing NDCs under Article 4, paragraph 11;
- Recognition of adaptation efforts of developing country Parties under Article 7, paragraph 3, and decision 1/CP.21, paragraph 41;
- Modalities for biennially communicating information in accordance with Article 9, paragraph 5;
- Guidance to the operating entities of the financial mechanism under Article 9, paragraph 8, and decision 1/CP.21, paragraphs 58 and 61;
- Guidance to the Least Developed Countries Fund and the Special Climate Change Fund in accordance with decision 1/CP.21, paragraph 58;
- Process for setting a new collective quantified goal on finance in accordance with decision 1/CP.21, paragraph 53;
- Guidance on education, training and public awareness under with Article 12 and decision 1/CP.21, paragraph 83; and
- Progress and procedural steps to enable the forum on the impact of the implementation of response measures to serve the Paris Agreement.

This list is also contained in a table along with an Explanatory Note by the Co-Chairs, which is annexed to this note (see annex II below).

Views were also expressed on a possible process for taking these matters forward, including on timeline for completion and on allocation of work.

Some Parties proposed specific allocation of these matters and noted that in some instances, issues could already be addressed under existing work being undertaken by the COP, and the subsidiary and constituted bodies. Some noted that several matters contained in the list had an explicit mandate to be considered by CMA 1. Others were of the view that there should be a comprehensive discussion of the possible additional matters contained in the list as a whole to ensure none were forgotten. Some other Parties indicated that their views on options for the allocation of work are evolving and that they would welcome the opportunity to express those views in the future.

Some Parties noted that there were linkages between the possible additional matters being discussed under this sub-item and with sub-item (c), as well as with the informal consultations on CMA 1 being undertaken by the Presidency and the consultations on item 4 of the COP 22 agenda (Preparations for the entry into force of the Paris Agreement and the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement).

Parties will continue their consideration of this matter.

8.c 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

During consideration of sub-item 8(c), Parties considered the technical aspects of the work being undertaken by the APA and the other subsidiary bodies, as well as the constituted bodies, that may need to be coordinated and aligned, and which may require further guidance from the COP.

Parties will continue their consideration of this matter.

Annex I

Proposed Draft Decision submitted by the G77&China³

Recalling Article 2 of the Paris agreement

Recalling paragraphs 59 and 60 of Decision 1/CP.21 Further recalling Decision 1/CMP.11

Highlighting the importance of the Adaptation fund as an important funding institution of the Convention and Protocol Kyoto, and welcoming the work it has done for supporting developing countries with regards to adaptation, including through enhancing direct access modalities

Recognizes that the adaptation fund would enhance the implementation of the Paris Agreement, in particular with regards to supporting developing country Parties actions with regards to adaptation in line with article 2 of the Paris Agreement

Recommends that the adaptation fund in accordance with decision 1/CP.21 shall also serve the Paris agreement, on interim basis, and requests the Adaptation fund board to take the necessary actions as appropriate.

Decides to mandate the SBI to further discuss legal and institutional issues related to expanding the mandate of the AF to serve the Paris Agreement, based on proposals to be provided by the Parties and a technical paper to be prepared by the Secretariat with a view to provide recommendations to the CMP and CMA for their consideration.

Requests the Secretariat to take the necessary action for the implementation of the decision, in preparation for the first meeting of the CMA consideration of the issue.

³ Available at:<

http://www4.unfccc.int/Submissions/Lists/OSPSubmissionUpload/591_296_131236020133616946-G77%20and%20China%20on%20APA%20item%208.pdf>

Annex II

Ad-hoc Working Group on the Paris Agreement (APA)

Second part of the first session, Marrakech, 7-14 November 2016

Agenda item 8(b) – Further matters related to implementation of the Paris Agreement:

Preparing for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement

Explanatory Note by the Co-Chairs

12 November 2016@10:00 hours

Note: This explanatory note is our attempt to informally capture the views expressed by Parties on this agenda sub-item to date. The note has been prepared under our own responsibility and thus has no formal status. The content of the note is not intended to prejudge further work that Parties may want to undertake nor does it in any way prevent Parties from expressing other views they may have in future.

During discussions under agenda sub-item 8 (b), Parties identified possible additional matters concerning implementation of the Paris Agreement and the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1), which they were of the view may have not yet been addressed under the work programme under the Paris Agreement contained in decision 1/CP.21. It was emphasized that the APA should only identify and bring these possible additional matters to the attention of the Conference of the Parties (COP) for its consideration and any further action, without prejudice to any action to be taken by the COP.

A list of such possible additional matters is contained in the annex. The list is a compilation of views expressed by Parties, and does not reflect agreement among Parties on the possible additional matters contained in the list.

Some Parties proposed that the APA should forward this list through the COP to CMA1, and that the APA could recommend a process for taking these possible additional matters forward (including on allocation of work and timeline for completion).

In determining a possible way forward, Parties may wish to consider, inter alia:

- Whether any preparatory work on any of the matters identified in the list is currently being undertaken.
- If there is no preparatory work being undertaken on any of these matters, is there agreement by Parties on whether preparatory work is required, and if so, when such preparatory work should be undertaken and by which body?
- Whether there is agreement by Parties on a list of matters that can be forwarded by the APA through the COP to CMA 1, with a recommendation on a process for taking these matters forward, including on the allocation of work and the timeline for completion (e.g., by CMA 1 or thereafter).

List of possible additional matters relating to the implementation of the Paris Agreement and the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement identified by Parties as not being addressed under the work programme of the Paris Agreement under decision 1/CP.21

Matter (described in summary form)	Reference in the Paris Agreement	Reference in Decision 1/CP.21	Note
Common time frames for NDCs for consideration and adoption at CMA1	Article 4, paragraph 10		
Guidance by the CMA on adjustment of existing NDCs for consideration and adoption by the CMA	Article 4, paragraph 11		
Progress and procedural steps to enable the forum on the impact of the implementation of response measures to serve the Paris Agreement, for consideration and adoption at CMA 1	Article 4, paragraph 15	Paragraphs 33 and 34	The SBSTA and SBI are considering “Modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures” for consideration and adoption at CMA 1 (<i>see SBSTA 45 agenda item 9(b) and SBI 45 agenda item 15(b)</i>)
Modalities for the recognition of adaptation efforts of developing country Parties, for consideration and adoption at CMA 1	Article 7, paragraph 3	Paragraph 41	The Adaptation Committee and the Least Developed Countries Expert Group (LEG) are considering jointly modalities to recognize the adaptation efforts of developing country Parties for consideration and adoption at CMA 1 (<i>see documents FCCC/SB/2016/2 and FCCC/SBI/2016/18</i>)
Initial guidance by the CMA to the operating entities of the Financial Mechanism, for consideration and adoption by the CMA	Article 9, paragraph 8	Paragraphs 58 and 61	
Initial guidance by the CMA to the LDCF and SCCF, for consideration and adoption by the CMA	n/a	Paragraph 58	
Process for setting a new collective quantified goal on finance, for consideration and adoption by the CMA	n/a	Paragraph 53	
Modalities for biennially communicating information in accordance with Article 9, paragraph 5, for consideration and adoption at CMA 1	Article 9, paragraph 5	Paragraph 55	The COP is considering “Initiation of a process to identify the information to be provided by Parties in accordance with Article 9, paragraph 5, of the Paris Agreement” (COP 22 agenda item 10(f)) for consideration and adoption at CMA 1 (<i>see COP 22 agenda item 10(f)</i>)
Guidance by the CMA on education, training and public awareness, for consideration and adoption at CMA 1	Article 12	Paragraph 83	