Reflections note on the third part of the first session of the Ad Hoc Working Group on the Paris Agreement

Note by the Co-Chairs

16 October 2017

I. Introduction


2. Similarly to the Reflections Note released prior to APA 1.3, this note, prepared under our own responsibility, provides our reflections on the status of negotiations under the APA and our thoughts on moving forward, with a view to assisting Parties in their preparation for the upcoming session of the APA (APA 1.4). This session will take place from 7 to 15 November 2017 in Bonn, in conjunction with the forty-seventh sessions of the subsidiary bodies, the twenty-third session of Conference of Parties (COP 23), the thirteenth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 13) and the second part of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1.2), to be presided over by the Government of Fiji.

II. “Take-aways” from May 2017

3. APA 1.3 saw continued progress made by Parties in the transition from broad conceptual debates to more specific technical discussions and the elaboration of substantive elements. Parties’ constructive engagement and dedicated work throughout the session resulted in the informal notes prepared by the co-facilitators on individual agenda items of the APA becoming richer in content. “Skeletons” or draft outlines of the guidance and MPGs being developed by Parties are now a part of some of these notes, with the understanding that they are not ‘cast in stone’ and may well change in the future as Parties’ deliberations progress.

4. Although the APA moved one step forward in its work in May 2017, there is still a lot of work left to be done to meet the 2018 deadline for our mandate established by the CMA at the first part of its first session. The upcoming APA session needs to take the next significant step forward to ensure we are on track to conclude next year. Work under all the APA substantive agenda items will meet its reconfirmed “commitment to continuing to work in an inclusive, transparent, Party-driven and efficient manner”.

5. Based on the outcomes of APA 1.3, at the upcoming session we will continue to work closely with the co-facilitators to ensure a more consistent and coherent approach to the development of informal notes, that contain broad outlines of the guidance and MPGs to be developed for different agenda items, using headings and sub-headings populated with content (in the form of narrative and/or bullets) reflecting the range of options proposed by Parties. Placeholders to signal inter-connections with work being progressed elsewhere will be used, continuing the now established practice. We believe this process will get us closer towards the negotiating text which will be deliberated on, revised as necessary and then adopted in 2018. We will continue consulting with Parties on this matter and welcome feedback to ensure we progress in that direction.

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1 Available at <http://unfccc.int/resource/docs/2017/apa/eng/1infnot.pdf>.
2 MPGs = modalities, procedures and guidelines.
3 Decisions 1/CMA.1, paragraph 8, and 1/CP.22, paragraph 10.
4 FCCC/APA/2017/2, paragraph 19.
As part of its conclusions at APA 1.3, the APA “emphasized the need to make progress on all items in a coherent and balanced manner and to ensure a coordinated and coherent approach regarding the related matters considered under the SBI and the SBSTA”.

As our deadline approaches, this need becomes critical, so we will continue to work on achieving better coordination and coherence, both within and outside the APA, as a matter of priority in the organization and conduct of the session. We, in close consultation with the Presiding Officers of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI), will be guiding the co-facilitators of the negotiating groups accordingly.

III. Preparing for APA 1.4

Figure 1 (see below) provides an overview of the intersessional work taking place between APA 1.3 and APA 1.4, as agreed by the APA through its conclusions in May 2017.

Figure 1. Follow-up work after the May 2017 session of the APA.

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3 FCCC/APA/2017/2, paragraph 18.

6 FCCC/APA/2017/2, paragraphs 13–37.
Submissions

8. As figure 1 shows, APA 1.3 invited the submission of views from Parties for items 3, 4, 5, 6 and 7 of its agenda, with specific (but not restrictive) guidance on their focus. We are pleased to note that the submissions received so far are indeed focused, detailed and substantive in their content.\(^7\) The submissions are critical input and – together with earlier submissions of views and Parties’ deliberations at previous APA sessions – the key building blocks for further negotiations and, ultimately, for the final outcome of the APA’s work. We thank Parties for sharing their thoughts, ideas and proposals, and invite all Parties to familiarize themselves with the content of the submissions by other delegations to understand each other better, build on commonalities, and find bridging solutions.

9. Quite a few submissions also provided suggestions on how to progress work after APA 1.4, in 2018. As usual, we will be consulting Parties on the nature and timing of any further intersessional work during the pre-sessional consultations and at the session. Given the timeline for completing the APA’s work, ensuring pragmatic and efficient use of the intersessional period is even more important than before.

Documents

10. APA 1.3 mandated the preparation of documents on agenda items 3 and 4. For item 4, the secretariat prepared a technical paper synthesizing adaptation-related information included in nationally determined contributions (NDCs), national adaptation plans and recent national communications. The paper, published on the UNFCCC website on 2 October 2017\(^8\), provides a useful overview of the extensive amount of adaptation-related information communicated by Parties through various existing channels under the Convention. We are confident this will help Parties in their further deliberations under this agenda item.

11. In addition, two mandated non-papers are about to be published:\(^9\)

(a) A non-paper capturing convergence, divergence and options, where appropriate, based on Parties’ views expressed in the focused submissions mandated by APA 1.3 on APA agenda item 3, without omitting, reinterpreting or prejudging Parties’ views; and

(b) A non-paper synthesizing the focused submissions on the proposals for elements and ‘skeleton’ outlines as contained in the informal note from APA 1.3 on APA agenda item 4.

12. These non-papers are to complement the preparatory work for the relevant agenda items, and could also serve as useful input to guiding discussions at the relevant round tables (see below).

Round tables

13. APA 1.3 mandated ‘round tables’ for items 3, 4, 5, 6 and 7 on the APA agenda (see figure 1). These events provide Parties with an important opportunity to consider and advance issues and challenges in a setting different from formal negotiating meetings. The round-tables should facilitate frank exchanges of views to allow better understanding of Parties’ positions and can be used to brainstorm potential negotiating solutions. Given that the agenda items address different (though often linked) issues, the tools to facilitate the discussions will be tailored to suit each agenda item. We are confident that Parties will capitalize on this opportunity to unpack issues.

14. At APA 1.3, we gained valuable experience with cross-participation of experts in different negotiating groups. For example, transparency experts attended some meetings of the negotiations on the guidance for adaptation communications, and vice versa. Parties’ feedback on that experience was very positive and we encourage Parties and the co-facilitators, where appropriate and feasible, to make use of this approach also at APA 1.4, at both the round tables and the in-session negotiations.

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\(^7\) At the time of finalizing this note, 63 submissions from Parties were available on the UNFCCC website, see at \(<\text{http://unfccc.int/documentation/submissions_from_parties/items/5900.php}>\).

\(^8\) FCCC/TP/2017/7, available at \(<\text{http://unfccc.int/resource/docs/2017/tp/07.pdf}>\).

\(^9\) To be made available at \(<\text{http://unfccc.int/meetings/bonn_nov_2017/session/10381.php}>\).
15. To reap the full benefit of the round tables, we suggest that Parties consider appropriate tools for reflecting on the discussions at these events in the formal session. It may not be possible to prepare a full report on a round table (if called for by Parties) in time to circulate it within the session. Other practical ways of reflecting on the round-table discussions within the relevant negotiating groups could, however, include a focused exchange of impressions at the first meeting of the negotiating group, assisted as appropriate by the co-facilitators. Reflections on specific points of interest arising from the round tables, in an appropriate format such as tables capturing the views expressed at the discussions, is another possibility.

IV. Organization of the session

16. In organizing the session, we will follow the same approach we used at APA 1.3. This will include the use of at least one two-hour slot for each APA agenda item. Given that APA 1.4 will take place in conjunction with not only the meetings of subsidiary bodies but also those of the COP, the CMP and the CMA, the time constraints will be significant, and we will need to work together to use the available negotiating slots as efficiently as possible.

17. Negotiations on each APA agenda item will continue to be facilitated by a pair of co-facilitators, one from a Party not included in Annex I to the Convention and another one from a Party included in Annex I to the Convention. We aim for continuity in the co-facilitators’ teams, but some changes will likely be needed to take into account availability or other considerations. As mandated by APA 1.1, we will make the list of all co-facilitators available to Parties through the UNFCCC website in advance of the session.

18. Parties have noted specific interlinkages within and across APA agenda items. As referenced in paragraph 14 above, in several instances we encouraged relevant experts to contribute to deliberations on other agenda items within the related informal consultations in order to better understand the interlinkages and the nature of placeholders, while at the same time ensuring that discussion of substantive issues took place in their mandated space. As Co-Chairs, we have also always encouraged the co-facilitators to coordinate among themselves. If needed, we will look into the possibility of arranging joint sessions.

19. Another innovation to address linkages was the organization of an informal joint stock-taking plenary of the APA, the SBI and the SBSTA. Many Parties expressed their appreciation for that event and emphasized its utility, both in terms of ensuring transparency of the process and addressing the linkages across the negotiations under the subsidiary bodies. We intend to organize, in close cooperation with the Chairs of the SBI and the SBSTA, a similar event during the upcoming session.

V. Making and capturing substantive progress

20. We intend to continue with the approach used at APA 1.3, with progress being captured in informal notes prepared by the co-facilitators on their own responsibility and without prejudice to the final outcomes of the negotiations. To improve coherence and consistency across the notes for different agenda items, we will discuss with Parties and the co-facilitators the idea of employing a single format to guide iterations of these informal notes. At the same time, the format would also be flexible enough to take into account the different dynamics and the specific nature of substantive issues under each item.

21. By capturing progress at the session in this way, we will aim for a common understanding of the scope of the APA outcome and its main substantive elements, of the areas of convergence and divergence – including, as appropriate, options proposed by Parties – and of how the outcome could be structured, so that the work next year can proceed swiftly and efficiently.

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10 FCCC/APA/2017/2, paragraph 22(b).
11 See also the secretariat’s note with the annotated agenda for the session, FCCC/APA/2017/3.
12 FCCC/APA/2016/2, paragraph 21(d).
VI. Moving forward on agenda items

22. The session in May 2017 saw progress on all items of the APA agenda, and helped Parties to better understand the remaining work. To assist Parties in their further deliberations, we briefly address some of the key issues for each agenda item, with the understanding that they are necessarily selective and that a range of other important points will of course be covered during APA 1.4.

23. We draw to Parties’ attention the specific web pages that the secretariat has created for each of the APA substantive agenda items, in addition to the general APA webpage on the UNFCCC website. We invite Parties to use item-specific pages as a useful additional source of detailed information.

Agenda item 3: Further guidance in relation to the mitigation section of decision 1/CP.21

24. In the deliberations on this item at APA 1.3, Parties made good progress in understanding each other’s positions and in identifying areas of convergence and divergence, including on the objectives of the guidance to be developed. The informal note by the co-facilitators captured this progress and provided a means for Parties to prepare their submissions. As an over-arching comment, against which the following observations should be read, Parties have stressed that the guidance should respect both the diversity and nationally determined character of NDCs. Against that background, we would like to see the elements that should be reflected in the guidance becoming clearer. We would like to gain a better understanding of how further guidance on all three agenda sub-items should be elaborated based on what is provided in the Paris Agreement, as well as options for how the guidance should be applied.

25. Discussions on the features of the NDCs need to focus on the extent to which guidance on features needs to elaborate what is in the Paris Agreement, and what the options for doing so are.

26. On information to facilitate the clarity, transparency and understanding of NDCs, Parties will now need to set out their views on critical areas where further guidance to what is in the Paris Agreement would be helpful, whether that guidance should be generally applicable or specific to different types of NDC, how explicit or directive it should be, and whether or how different circumstances and capacities should be taken into account.

27. On the issue of accounting, Parties gained a better understanding in terms of both its meaning and its objectives, and started to develop ideas as to how to formulate concrete guidance in accordance with Article 4, paragraph 9 of the Paris Agreement and decision 1/CP.21, paragraph 31. Critical questions here focus on the extent to which generally applicable principles can guide accounting (and how those principles should be expressed), whether there are specific accounting issues needing to be addressed to avoid double-counting (e.g. for the land sector), and how to reflect current accounting approaches to enable Parties to draw on them.

28. The non-paper prepared by the co-facilitators (see paragraph 11(a) above) shows both the volume of work to be accomplished and the potential complexity of some of the options for guidance. It also outlines areas of divergence under each of the three agenda sub-items, which need to be addressed for the group to move forward. We therefore encourage Parties to use the non-paper and the roundtable in the upcoming session to prioritize work and to take a pragmatic approach to deliver on the mandate.

29. It will be important to reflect progress on all issues under this agenda item in textual form, consolidated and structured to the extent possible, to see better what the challenges are and how – consistent with the APA’s mandate – to overcome them, including in relation to managing divergent views on the scope of NDCs and how to deal with differentiation.

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13 The webpages on APA agenda items are accessible from the APA landing page at <http://unfccc.int/meetings/bonn_nov_2017/session/10381.php>.

14 Background information about this agenda item and its mandate is available in the annotated agenda for the session, see paragraphs 9–15 in FCCC/APA/2017/3.

Agenda item 4: Further guidance in relation to the adaptation communication

30. At the last session, Parties continued moving forward on this item, and many detailed proposals for how the outcome of the negotiations could be structured can be seen in the submissions. It is encouraging to see how Parties are building on the outcomes of APA 1.3, and taking the conversation to the next level in their submissions. Work should now focus in particular on identifying ways to create a framework that would respond to those Parties who would like to see general guidance applicable to all vehicles, as well as those Parties who consider they would benefit from vehicle-specific guidance. Clearly these are not mutually exclusive: it is possible to define general guidance in relation to the adaptation communication as a whole, alongside provisions specific to the vehicle choices stipulated by the Paris Agreement. We have noted the progress made in understanding the adaptation ‘narrative’ (purpose, elements, linkages, etc.) and progress may now be helped if Parties hone their thinking on the need, if any, for further elaborated guidance for different chapters in their story – whether that be plans and strategies, actions taken, or adaptation programmes with co-benefits, etc.

31. Substantive linkages, such as those between communication and support, or the relationship to the transparency framework, remain important, and, in that context, we note Parties’ expressed interest in closer coordination or integration on item 4 and on adaptation aspects of item 5. One option for responding to this may be for Parties to consider organizing joint discussions, while maintaining the integrity of items 4 and 5.

32. We are confident this item will continue to progress at the upcoming session, supported by the intersessional work, which includes submissions, a non-paper (referred to in paragraph 11(b) above), a technical paper (referred to in paragraph 10 above) and the round table.

Agenda item 5: Modalities, procedures and guidelines for the transparency framework for action and support

33. The co-facilitators’ informal note on this item prepared at the May session contains a list of possible headings/subheadings of the MPGs for the transparency framework for action and support under the Paris Agreement. This list is both preliminary and tentative but is nevertheless helpful in focusing the work and identifying the elements of MPGs, especially as Parties turn their minds to fleshing out the operational details under each of the possible headings/sub-headings. To that end, the submissions received so far can serve as a useful backdrop to the discussions at the round table referred to in paragraphs 13–15 above and as input during the session.

34. The approach adopted so far, of using reporting as an entry point for discussions, has been a useful lens through which also to address the technical expert review and facilitative, multilateral consideration of progress. However, given the close linkages, we now encourage Parties to address them in a more holistic manner. We also recognize the need to advance all thematic areas under reporting in a balanced manner. We have been encouraged to note that the submissions made to date all propose building on and enhancing the existing transparency arrangements, rather than inventing something new. To take these ideas to the next stage, Parties will need to cross-check detailed proposals against the clear guidance given in the Paris outcome, and test the practicality and efficacy of measures to operationalize flexibility for those developing countries that need it in the light of their capacities.

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16 Background information about this agenda item and its mandate is available in the annotated agenda for the session, see paragraphs 16–21 in FCCC/APA/2017/3.


18 Background information about this agenda item and its mandate is available in the annotated agenda for the session, see paragraphs 22–26 in FCCC/APA/2017/3.

35. We look forward to seeing the further development and elaboration of the possible ‘headings and subheadings’ and related specific operational details – while progress has been steady so far, there is still a lot to be done, given the breadth and complexity of the MPGs to be developed.

Agenda item 6: Matters relating to the global stocktake referred to in Article 14 of the Paris Agreement

36. Similar to other agenda items, the discussions on the global stocktake (GST) in May 2017 were valuable in surfacing and clarifying Parties’ priorities and preoccupations in designing the GST. Parties see the GST as a cornerstone for delivering on the Paris Agreement goals over time, and have therefore cast the net wide in thinking about what it needs to achieve and how, in consequence, to go about it. We now need to transition to an outline for the sources of input to and development of the modalities for the GST, consistent with the APA’s mandate for this item.

37. Parties will also need to progress further in clarifying their understanding of the long-term goals and collective progress referred to in the Paris Agreement, given the comprehensiveness of the facilitative assessment under GST that covers mitigation, adaptation, and the means of implementation and support. Therefore, Parties need to deepen their analysis of the three possible operational models for the GST, keeping in mind the well-recognized need to have the GST process transparent, manageable and consistent with Article 14 of the Paris Agreement. We reiterate our suggestion for Parties to workshop their proposals for the GST “from go to whoa”, addressing both inputs and modalities as well as considering timeframes, relevant activities and their expectations for the culmination of the process.

Agenda item 7: Modalities and procedures for the effective operation of the committee to facilitate implementation and promote compliance

38. The negotiations on this item progressed well at APA 1.3, with Parties able to identify possible elements of the modalities and procedures. We expect these elements to be further clarified, elaborated and refined at the upcoming session. In reviewing the discussions and the submissions received to date, it is evident to us that addressing the questions of the potential elements, including the scope of the committee’s work, commencement of its activities, measures it could have at its disposal, and how it would take account of national capabilities and circumstances is going to be key to successfully completing work on this item. These elements cannot be addressed in isolation from each other, and achieving convergence may only be possible once an acceptable balance among the different factors has been found. For example, a wide range of possible triggers and/or referrals for the committee to commence its work might result in more divergent views over the scope of the committee’s work, especially if there is consequent uncertainty about the applicability of these triggers in specific areas.

20 Background information about this agenda item and its mandate is available in the annotated agenda for the session, see paragraphs 27–31 in FCCC/APA/2017/3.

21 See also the informal note by the co-facilitators from APA 1.3, available at <http://unfccc.int/files/meetings/bonn_may_2017/in-session/application/pdf/final_informal_noteapa1_3_18052017@1800.pdf>.

22 Background information about this agenda item and its mandate is available in the annotated agenda for the session, see paragraphs 32–36 in FCCC/APA/2017/3.

23 See also the informal note by the co-facilitators from APA 1.3, available at <http://unfccc.int/files/meetings/bonn_may_2017/application/pdf/apa_item7_informalnote_provisional_17may2017@1100_final.pdf>.
39. The deliberations on this item face the challenge of addressing multiple potential linkages – identified by Parties at the May session and in submissions – including to the transparency framework, the GST, Article 6 of the Paris Agreement, and the forum on the impact of the implementation of response measures under the Paris Agreement.24 The linkage to support arrangements has also been identified as important. As work on structural and textual elements proceeds, it remains important to keep in mind these linkages – using references, “placeholders” and other possible tools as needed – and to consider in concrete terms how to engage other relevant arrangements under the Paris Agreement.

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

**Adaptation Fund**

40. During the May session, Parties deliberated on the mandate for the Adaptation Fund. The co-facilitators’ note on this item26 provides an overview of the discussions that took place and also lists some options and elements identified by Parties in response to the guiding questions proposed by the co-facilitators. These options and elements should be further considered as the negotiations proceed in November, with a view to assessing the most efficient, pragmatic and plausible options for the Adaptation Fund to serve the Paris Agreement following from and consistent with decisions to be taken that address the governance and institutional arrangements, safeguards and operating modalities of the Adaptation Fund. This should help us to successfully conclude the work consistent with the APA’s mandate.

41. Responding to the mandate from APA 1.3, the secretariat has prepared and made available on its website27 a compilation of earlier decisions relating to the Adaptation Fund. Parties may wish to use that compilation as a reference in their deliberations.

**Further matters related to implementation of the Paris Agreement**

42. During the May session, Parties continued their consideration of the list of possible additional matters relating to implementation of the Paris Agreement, based on the common understanding that some of these matters are mandated issues for the CMA to address, and noting that this list has no particular status.28 Further to the considerations in May, the APA recommended a way forward on two possible additional matters relating to the implementation of the Paris Agreement as contained in the report on APA 1.3:29

(a) Progress and procedural steps to enable the forum on the implementation of response measures to serve the Paris Agreement further to decision 1/CP.21, paragraphs 33 and 34; and

(b) Modalities for the recognition of adaptation efforts of developing country Parties under Article 7, paragraph 3, of the Paris Agreement and decision 1/CP.21, paragraph 41.

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24 The issues relating to Article 6 of the Paris Agreement are discussed at the SBSTA under its agenda item 11, and modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures are discussed jointly by the SBI and the SBSTA under their agenda items 17(b) and 9(b), respectively.

25 Background information about this issue and its mandate is available in the annotated agenda for the session, see paragraphs 37–41, 46 in FCCC/APA/2017/3.


27 Available at <http://unfccc.int/bodies/apa/items/10436.php>.

28 See also the informal note by the APA Co-Chairs from APA 1.3, available at <http://unfccc.int/files/meetings/bonn_may_2017/in-session/application/pdf/apa_informal_note_by_the_co-chairs_item_8ab_final_version_2017.05.17.pdf>.

29 See FCCC/APA/2017/2, paragraphs 29 and 30.
43. The APA will continue consideration of the remaining five possible additional matters:
   (a) Modalities for biennially communicating finance information on the provision of public financial resources to developing countries in accordance with Article 9, paragraph 5 of the Paris Agreement;
   (b) Initial guidance by the CMA to the operating entities of the Financial Mechanism (Green Climate Fund and Global Environment Facility) under Article 9, paragraph 8 of the Paris Agreement, and decision 1/CP.21, paragraphs 58, 61–63;
   (c) Initial guidance by the CMA to the Least Developed Countries Fund and the Special Climate Change Fund in accordance with decision 1/CP.21, paragraph 58;
   (d) Guidance by the CMA on adjustment of existing NDCs under Article 4, paragraph 11 of the Paris Agreement;
   (e) Setting a new collective quantified goal on finance in accordance with decision 1/CP.21, paragraph 53.

44. In moving forward on these matters, we reiterate our invitation to Parties to consider the following guiding questions:30
   (a) Is preparatory work currently being undertaken on any of these possible additional matters? If so, where?
   (b) If there is no preparatory work being undertaken on any of these possible additional matters, is preparatory work required, and if so, by which body?
   (c) What should be the time frame for this work?

45. This approach proved to be useful at the May session, and we hope that it will continue to assist Parties to make progress on the remaining possible additional matters.

VII. Concluding remarks

46. The APA’s mandated tasks remain complex and closely interlinked (including with the work of other bodies), and continue to require thinking through in considerable detail. However, Parties have already advanced significantly in their deliberations: the extensive and detailed submissions made for APA 1.3 and more recently for APA 1.4 are testament to the fact that Parties are clear about the end goal, know what the key challenges are and where the solutions can be sought. This gives us as the Co-Chairs confidence that, through the collective effort of all Parties, we will be able to complete APA’s work, as mandated, by December 2018. APA 1.4 must take the next significant step forward on that path.

47. We would like to reiterate to Parties our sincere gratitude for the trust and confidence placed in us, as well as for their continued support. It is our firm commitment to continue to remain available to Parties. We will make every effort in the pre-sessional period and at the session to make sure that the process remains focused, balanced and Party-driven. We will also be available to support any inter-sessional work, should such work be decided by Parties at the upcoming session.

30 See paragraph 5 of the informal note by the APA Co-Chairs, available at <http://unfccc.int/files/meetings/bonn_may_2017/in-session/application/pdf/apa_informal_note_by_the_co-chairs_item_8ab_final_version_2017.05.17.pdf>.