

## Informal consultations under APA show differences of view over differentiation

10 Nov. Marrakech (T. Ajit and Meena Raman) – In the second day of informal consultations held on 9 November under the UNFCCC's Ad Hoc Working Group on the Paris Agreement (APA), Parties had further exchanges on agenda items relating to facilitating implementation and compliance, global stocktake and adaptation communications.

A common theme that is emerging from the various informal consultations relates to differences of view over the application and operationalization of the principle of common but differentiated responsibilities and respective capabilities (CBDRRC), in the light of national circumstances, in the various articles of the Paris Agreement (PA).

While many developing countries stress the need to integrate the CBDRRC principle in the design of the various modalities, procedures and guidelines, developed countries do not view the approach in the same manner, stressing that there should be a common approach in this regard.

Highlights from the informal consultations are below.

### *Facilitating implementation and compliance*

The informal consultation session was co-facilitated by **Janine Felson (Belize)** and **Peter Horne (Australia)**. The group discussed four questions posed by the APA Co-chairs to facilitate deliberations on the issue.

[On 8 November, the group had deliberated on one question related to the scope of the mechanism (see TWN Update 5: 'APA begins substantive work in facilitated groups').]

The questions under consideration were:

—How should the respective national capabilities and circumstances of Parties be reflected in the

design of the mechanism for facilitating implementation and promoting compliance?

—What will trigger the work of the committee to facilitate implementation and compliance of the Paris Agreement (PA) and how will the proposed triggers and actions be consistent with the facilitative, non-adversarial, and non-punitive nature of the mechanism?

—What will be the relationship with existing arrangements and bodies under the Convention, if any?

—How should the participation of the Party concerned in a process to facilitate implementation and promote compliance be enabled?

While some Parties responded to some or all the four questions, some spoke in general terms. There was disagreement in the group on the issue of differentiation among developed and developing countries.

**Iran** for the **Like-minded Developing Countries (LMDC)** stressed that differentiation was a critical component of the compliance mechanism of the PA. Iran said that differentiation between developed and developing countries is reflected in Articles 4.1, 4.3, 4.4, 4.5, 4.15, 4.19, 7, 9, 10, 11 and 13 and said the scope of the compliance mechanism covers the entire PA. Iran added that it is critical to bear in mind this differentiation for developing countries to facilitate their activities and promote compliance. It also said that it is critical to ensure that differentiation would be a major part of the preparation of the work of the compliance committee and guidelines.

(During discussions on 8 November, the **United States (US)** had said that the compliance mechanism should address only the mitigation contribution and there was no need to link the compliance mechanism with the global stocktake

since the global stocktake dealt with collective obligations of Parties.)

**China** stressed that the scope of the mechanism should be comprehensive and added that the global stocktake is about a collective assessment, which is different from collective obligations.

**Ethiopia** for the **African Group** said that the compliance mechanism was an individualized approach and that it might be useful to distinguish between “individual and collective obligations”. It also added that when Parties talked about collective obligations, it was important to distinguish between “collective and common obligations”. “Provisions on finance are not collective. They are individual obligations. We should be careful in our characterization of how we use collective obligations,” said Ethiopia.

**Norway** said that obligations under the PA apply under the context of CBDRRC, in the light of different national circumstances. It said that differentiation is addressed in other parts of the Agreement and therefore the issue of differentiation should not go into the design of the committee’s work.

The **US** said that differentiation was built into each Article of the PA to see how the circumstances of the Parties might be noted. Differentiation does not relate to the design of the mechanism, but in how it conducts its work, said the US.

### *Global Stocktake (GST)*

Two informal consultations convened on the issue, co-facilitated by **Nagmeldin G. Elhassan (Sudan)** and **Ilze Prūse (Latvia)**. Parties provided their reflections on the topic, which covered the scope of the GST.

An issue that saw an expression of unhappiness from some developing countries was over a slide termed ‘GST design’, which the co-facilitators presented at the second session of the informal consultations held on 9 Nov. Several developing country Parties expressed that their views which they presented in the earlier session were not reflected in the slide, and some of their questions were not included. (See exchanges below).

**Saudi Arabia** for the **Arab Group** proposed that before delving into the design of the GST, it would be important to have a discussion and arrive at a common understanding on what the GST is. It did not agree to the GST having two phases (technical and political) and that the GST should be a fact-based, informative and collective exercise.

It also said that it would be useful to anchor discussions on information on action and the impact, and support and the gaps in it.

**Argentina** said that the GST is a collective, facilitative process including all the elements of the PA and this balance must be kept intact. It also said that the GST should be action and support oriented and maintain the political momentum.

**Brazil** said it supported the idea of a technical and political phase and for the outcome of the technical phase to feed into the political process. It said that the GST is not just about mitigation, adaptation and means of implementation, but also about equity and the best available science. It said that while the Intergovernmental Panel on Climate Change (IPCC) would provide the science, there is a lack of clarity on what would be the possible inputs on equity and said that inputs should be based on the aggregate information of nationally determined contributions (NDCs) in relation to fairness and ambition.

**Norway** said it sees the GST as a two-phase process. It also said Parties need to find a way on how the GST would be carried out on the basis of equity. Norway also said there is a need for a common understanding on this and Parties could try and come up with some key elements and questions.

**Japan, New Zealand and Australia** said that they saw the GST as having a technical phase followed by a political phase. **Australia** said it would welcome discussions on how to identify modalities and inputs for equity.

**Algeria** said that the operationalization of the GST should consider the differentiated responsibilities of Parties. It added that it was too premature to talk about political and technical phases.

**Bolivia** said the GST must be addressed not just in mitigation, adaptation and means of implementation, but its content should be consistent with historical responsibility for fair and equitable sharing of the atmospheric space, while protecting the integrity of Mother Earth.

**India** said the modality of the GST is to enhance transparency, build trust and ensure accountability. It added that the scope of the GST should be comprehensive and that it should remain anchored in equity and CBDR. India also said that discussion on phases is premature.

At the meeting in the afternoon after the discussions, **Elhassan** said the co-facilitators would work on the informal outcome which would be made available on the UNFCCC website on 10 November. With the intention to present a proposal based on the number of questions and submissions by Parties to further structure the submissions, Elhassan presented a slide which he hoped would help Parties move to more focused and structured discussions.

He asked of the Parties if the slide, titled, 'GST design issues for further consideration' was reflective of the process and whether it could be the basis for discussions at forthcoming sessions.

(The slide lists several questions under three headings: What inputs should feed into the GST? How should the GST be conducted and organized? What should be the outputs of the GST? The slide also presents a diagram capturing the different stages: Sources of input; information; assessment and momentum; outputs and outcomes) of the GST process.)

In response to the slide, **New Zealand** said that it was an excellent basis to start the next round of iterations.

**Marshall Islands** said the slide did not capture the idea of a technical or a political phase. **Grenada** wanted timelines inserted for technical and political phases.

**China** said the questions it had raised (in an earlier session the previous day) were not reflected.

**Brazil** stressed that whatever the co-facilitators prepared should consider the views of all the Parties and said it did not see the slide as a GST design and called for the deletion of the title. It also called for the diagram to be deleted.

**Saudi Arabia** said that it would be better to stick to the language of the PA and called for the deletion of the title. Saudi Arabia also added that it had heard several delegations mention how to capture equity but those questions were not reflected on the slide.

The **EU** said Parties must avoid negotiating on the language of the slide and added that it was a useful tool to structure discussions.

Following these deliberations, **Elhassan** informed Parties that the co-facilitators had presented the slide based on the views expressed by the Parties, and that they would take into account the further views expressed before distributing the slide.

### *Adaptation communications*

The informal consultations on adaptation were co-facilitated by **Richard Muyungi (Tanzania) and Beth Lavender (Canada)**. Lavender informed Parties that the goal of the session would be to reach a common understanding for the work that needs to be resolved and identify broad options for next year. She said that the co-facilitators would capture the results of the informal consultations in a co-facilitators' note in bullet points, which would be presented to Parties before it is sent to the APA Co-chairs.

**Argentina** for the **G77 and China** said it would be important to address adaptation in relation to mitigation and means of implementation and said that it was prepared to engage in a conversation on flexibility. It said the adaptation communications are the way to catalyze adaptation action and enhance the profile of adaptation and the tools would be to communicate national priorities and actions. Argentina also said that support is part of the scope. It is important to emphasize that the Group sees the recognition of efforts included in the scope, said Argentina, and added that the scope includes the global goal as an integral part of the adaptation communication and how to realize that in the frame of Article 7.1 of the PA.

Speaking for the **LMDC, Ecuador** said there is a need to beef up adaptation and ensure balance between adaptation and mitigation as well with other parts of the Convention and the PA. Ecuador cautioned against any form of common matrix or forms to quantify and compare vulnerabilities as it may open the door for classifying the needs of developing country Parties by developed countries or third parties.

Ecuador also stressed on the need to reflect adaptation in the different forms of reports including national communications, national adaptation plans, NDCs contributions, etc. and the need to link matters related to adaptation to mitigation, finance, GST and transparency. It also called for the need to strengthen the role of the Adaptation Committee as well as the Adaptation Fund.

**Saudi Arabia** for the **Arab Group** said the temperature goal and the global goal on adaptation are inseparable. "Many of us are achieving adaptation through mitigation actions and vice versa. Therefore, we believe that the adaptation communications need to be more on par with the mitigation communications, and not marginalized

or limited to a ‘summary’ of adaptation plans and actions. Instead they should be comprehensive, and help recognize and catalyze adaptation actions,” said Saudi Arabia.

Saudi Arabia also said that the objective is to operationalize the global goal on adaptation. It also said that contrary to the agenda titled “further guidance”, the fact was there existed no guidance for submitting adaptation communications through NDCs, and that there was a need to develop more guidance there.

On vehicles Saudi Arabia said, “We recognize that most Parties submitted their existing adaptation communications with their intended NDCs and our group sees it as the optimal vehicle for adaptation communications. That said, flexibility is key, and we acknowledge that other Parties may wish to communicate adaptation through other vehicles, depending on their national circumstances and preferences.”

**Jamaica** for the **Alliance of Small Island States (AOSIS)** said that the framework for adaptation communications had been established in Article 7 of the PA wherein the flexibility lay in how Parties

reported on adaptation. Jamaica cautioned against reporting burdens on the Small Island Developing States (SIDS) with respect to adaptation communication.

**Switzerland** said Parties must be free to choose their adaptation communication. It added that any guidance must be on the purpose of the communications. **Norway** said that to communicate information in an effective manner, Parties could look at common elements and provide common guidance.

The **US** said that one of the best uses of the adaptation communication is for countries to present their adaptation planning process in an executive summary format. It also said that the national adaptation planning process could have a range of vehicles, which Parties could provide at a frequency that suits them. It added that Parties could think of a relationship between the adaptation communications and reporting under the transparency framework.