

Concerns over mode of work in APA informal consultations

11 November, Marrakech (T Ajit) — On 10 November, the UNFCCC's Ad Hoc Working Group on the Paris Agreement (APA) convened a contact group to take stock of the work in the informal consultations, which saw developing country groupings such as the **Like Minded Developing Countries (LMDC)** and the **Arab Group** expressing serious concerns over the mode of work in the informal consultations.

During the contact group meeting, the co-facilitators of the informal consultation groups from nationally determined contributions (NDCs), adaptation communications, transparency framework, global stocktake, facilitating implementation and compliance and other matters related to implementation of the Paris Agreement (PA) reported back on progress made in the consultations to the contact group.

The concerns by developing countries were largely around the need to operationalise differentiation in the various elements of the work, the scope of the work being undertaken and the co-facilitators not being faithful in reflecting the views of all the Parties.

Bolivia for the **Like Minded Developing Countries (LMDC)** said that it had concerns regarding the work in the informal consultations.

“We saw attempts by developed countries to interpret the PA as a separate regime from the UNFCCC. This is not the way to move the negotiations process forward. This has not been reflected in the report of the facilitators. In the work of the APA, there were attempts to focus only on mitigation. Parties are trying to avoid the interpretation that the PA covers mitigation, adaptation and means of implementation. Such attempts to narrow the scope of the work in the areas under discussion are not helpful,” said Bolivia.

Bolivia further added that attempts were being made to eliminate the key principles of the Convention, which are equity and common but differentiated responsibilities (CBDR). It is of concern that there is an attempt to eliminate differentiation between developed and developing countries in the informal consultations, said Bolivia.

“Developed countries are insisting on common templates. That is not how you implement differentiation. In Paris, we achieved a political balance and the balance is contained in the PA. The PA refers to the full scope, covering mitigation, adaptation, means of implementation, equity, CBDR. This concept should be operationalized in the informal consultations and the co-facilitators should facilitate discussions in that context. Some co-facilitators are using a process that is not appropriate. They are not showing a balanced approach. Some co-facilitators are circulating documents that do not reflect all Parties' views. We are concerned about this,” said Bolivia.

(During the informal facilitations, several developing country Parties had expressed unhappiness over the manner in which the co-facilitators had captured Parties' views. See TWN Marrakech Updates 5,7 and 8)

Bolivia also said that the developed countries were creating impediments to implement the PA. “We need to shift to a positive mode in the operationalization of the PA. The LMDC has constructive proposals to operationalize differentiation in all the agenda items. We should take into account the full scope of the PA in order to improve the negotiations,” said Bolivia.

Saudi Arabia for the **Arab Group** stressed that the considerations of how to operationalize differentiation in the guidance on NDCs was part

of technical deliberations. (This was in response to the co-facilitator's report to the contact group where he said, "Some wanted to discuss the political issues of differentiation and scope of NDCs".)

Saudi Arabia also said that the "visual aid" presented during the global stocktake (GST) did not capture the range of discussions and was representative of only some Parties' views. (Saudi Arabia was referring to a slide with questions and a diagram which the co-facilitators of the GST had presented to Parties on 9 November. Several developing country Parties expressed that their views were not reflected in the slide. See [TWN Marrakech Update 8](#))

Any visual aid or non-papers that the co-facilitators present should capture the views of all the Parties, said Saudi Arabia. It also highlighted that while there were requests to hold consultations in an informal-informal setting, any work during such consultations should be reported back to the informal consultations so that every Party is in the know of progress on work.

India said that the reportback of the co-facilitator on NDCs captured neither the range nor the depth of discussions that took place during the informal consultations.

"Terming differentiation as a political issue is a nonstarter. Whether we call it political or non-political or technical or non-technical, the fact is the PA is based on equity and CBDR and each element is informed by it. When we discuss how to operationalize the elements, we have to operationalize differentiation also. We cannot set this aside," said India.

India also added that during the discussions many Parties had highlighted ways to operationalize differentiation in terms of features, guidance etc. "There is clarity in Article 4 on where differentiation lies. We request the co-facilitators to be more faithful while reporting on the discussions," said India.

Kenya stressed that it was important that the work in the informal-informal setting is reported back to the informal consultations and asked of the APA Co-chairs to guide the co-facilitators.

Colombia said that progress was slow in the informal consultations and asked of the Parties to not read out "long interventions" or state positions from the "pre-Paris days". It called for a change in the way the consultations were held.

The **European Union** said that the reportbacks fully captured "all the views expressed".

APA Co-chair **Jo Tyndall (New Zealand)** responded saying that she along with her other Co-chair **Sarah Baashan (Saudi Arabia)** were working very closely with the co-facilitators to see that the approach taken by them was well coordinated. She added that the Co-chairs had asked the co-facilitators to make brief reports for the stocktake exercise and that they would prepare detailed reports that would be "fuller".

"We will be looking for good factual summaries that are consistent with the objective outlined for the session here in Marrakech," said Tyndall.

On differentiation, Tyndall said that the headings of the agenda item gave the scope of those agenda items. She added that if Parties had proposals to give effect to principles such as common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, they are free to make proposals under each or any of the agenda items.

The contact group also discussed how progress during the Marrakech session could be best captured. Elaborating on this, Tyndall said that the best way to capture progress would be through formal conclusions, co-facilitators' notes and a reflection note by the APA Co-chairs on the formal and informal outcomes.

The next meeting of the contact group is scheduled on Friday, 11 November.