

APA agenda item 8: Informal consultations on issues related to Adaptation Fund

14 November 2017

APA agenda item 8: informal consultations on issues related to Adaptation Fund

14 November 2017- COP23- Bonn, Germany- Nairobi 1/2/3 (Bula 1)

Start time: 1ish; End time: 2:05

Note taker: Anna McGinn- anna.mcginn@maine.edu- University of Maine (Badge through Dickinson College as Alum)

Notes for short hand

Blue- pretty much a direct quote

Bold- emphasis by the parties

AF- Adaptation Fund

AFB- Adaptation Fund Board

PA- Paris Agreement

KP- Kyoto Protocol

[]- note taker comments

[Meeting opens]

Co-facilitators

- Gives update on where we are now
- There is a new informal note
- Some areas of note:
 - Pg 1- last paragraph- refers to the text by G77 and China- is an appendix to the note
 - Pg 2- 3rd paragraph from bottom- we summarize discussions from the 4th and 5th informal
- Welcome views on this informal note from the Parties

Philippines (G77 and China)

- Thank you for the informal note
- I think it is instructive
- My first point is that I did ask the secretariat to respond to the conclusions that have been reached in the APA in Bonn in March
- **There is a request made by the developing country parties to compile and make available on the UNFCCC website a list of all previous decisions that have been taken on the Adaptation Fund**
 - Safe guards
 - Operating modalities
 - Institutional arrangements
- I understand that the secretariat has a link to a compilation of decisions (unfccc.int/bodies/apa/items/10436.php)
- This will save us a lot of time
- This will help us understand if the AF shall serve the Paris Agreement

APA agenda item 8: Informal consultations on issues related to Adaptation Fund

14 November 2017

- Other institutions like the GCF, the AF [don't think she meant this], the LDCF, the SCCF, there has been decisions that it shall serve the PA
- By the way, I'm talking on behalf of G77 and China
- The adaptation fund serve the Paris Agreement
- The questions that arose are about institutions etc.
- That's why I bring to the table these decisions. I have been privileged to work on them personally. I can assure you that they have coverage and that they have been agreed to by all parties. They include governance, modalities...it can be taken in total to the CMA
- The work would be composed only of those parties that are parties to the Paris Agreement which is not the case of the CMP of course
- This was a decision taken by the CMA itself
- When taking the GCF and the GF in serving the Paris Agreement, we did not consider that they should look into their governing instruments, that we should look at the governance systems of these institutions etc.
- I believe that this would really help us move forward in our discussions
- **We are presenting a very simple decisions- we just want to do what is done for the other funds under the convention**
- It's just the COP that established the Adaptation Fund in Bonn, and then it was made part of the KP because of the funding channel
- I understand that the CMA still has to continue the discussion under the funding channels under Article 6 and that may be then therefore reflected when the Adaptation Fund serve the PA
- We did establish the AF before entry into force of the KP

Comoros

- Support the comments made by our coordinator [G77 and China]
- The APA does not preclude the CMP to made any decision related to the Adaptation Fund
- Regarding the decision-making, we think that we should state the decisions between now and 2018
- **There should not be an operating gap**
- The Fund should be able to continue under CMA

Malawi

- Problem now is how you want us to work with English only [in reference to every document on the aforementioned site by Philippines being the link to the English version of the decision]
- Can you help us to have all the decisions in French?
- We support you, we support all, but if you want to have us fully involved we need the documents in French
- We had much more French in Marrakech

APA agenda item 8: Informal consultations on issues related to Adaptation Fund

14 November 2017

Co-facilitator

- We can put it in other UN languages as well for consistency

[It is brought up by G77 and China that they had a draft decision attached to the last conclusions of the APA 8a, and they would like it attached again and annexed]

US

- Will all input be annexed to the note? Or just the note from the G77 and China?
- Right now it is only the submission of one party?

Co-facilitator

- Yes, only that one submission will be annexed

Philippines

- All decisions exist in all UN languages
- I would like to call attention to 5 CMP 2 – that was in Nairobi and it contains all the principles modalities and criteria for the AF and would be a particularly good reference
- Of course the operationalization in Bali in 2007-1 CMP 3
- The questions concerning the others are in 1 CMP 4
- I would recommend a particular reading of 5 CMP 2 and 1 CMP 3
 - [This is all referencing the webpage of archived decisions that the Philippines brought up earlier]

Australia

- I'm wondering what we are proposing to have translated?
- Is it the note- that would seem to be inappropriate?

Co-facilitator

- It would just be the decisions which are linked to on the website
- Our informal notes are only in English, unfortunately

US

- We want all party submissions to be included if one is
- Or you could give a hyperlink to submissions so people can get the idea that there is more than one view

Co-facilitator

APA agenda item 8: Informal consultations on issues related to Adaptation Fund

14 November 2017

- We could add everything or we could add just one or a foot note with the link to all the submissions

Philippines

- Submissions can be made by any party
- We would like not all of them to be reflected, but in response to proposal made by parties in May. We could add this link [referring to the website], that this is in response to all the already made decisions
- Every party is sovereign to make its own submissions
- But the G77 submission has a different legal standing- it is a CRP. We had a legal opinion on it. The legal opinion says you can annex it to the conclusions which is regular to the UN process

Co-facilitator

- We think this is something that could be solved between the parties that have provided input
- Those parties that have provided input, could you please meet and see if there is a solution that you can find?

Philippines

- In legal procedure, you will have a draft decision is not an agreed text. They are annexed to a conclusions
- The APA is a Ad hoc subsidiary body to the convention
- We ask like we did in Marrakech that our CRP (conference room paper) be annexed. It has legal standing. All other parties can send in their draft decisions. But you can't say that if you put in your submissions then I'll put mine in, but if you take yours out, I'll take mine out
- That's not how the process works
- If we decide to ask the facilitators to consolidate them, we have a draft decision that is going to be annexed to the draft decision

[Big huddle in the front of the room- Philippines leading the conversation and very forcefully providing their opinion. Almost 2/3 of the room is at the front in the huddle. The co-facilitator calls them back after about 10 minutes]

Philippines

- Ours have a different legal standing, but if our partners want to leave their views in the form of a draft decisions. Then it is normal procedure that they will do so. What happens eventually is that the co-facilitators will put them together. Everything is bracketed. Then is when you start serious negotiations. Not based on views but on text.

APA agenda item 8: Informal consultations on issues related to Adaptation Fund

14 November 2017

- Please when you submit it, I would like to make clear that we have put on the table a draft decision which is of different legal standing
- I'm willing to ask the legal council here, but I believe we were all there in Marrakech and that you have heard it
- My co-facilitator, I have negotiated a lot of decisions. This is always the process. I don't understand this new process or procedure that seems to be undermining an open and transparent governmental process

Australia

- We support your proposal, co-facilitator, to have these annexed to the informal reflection notes
- What we just heard [from Philippines] was factually inaccurate- their input does not have separate legal status
- What is being proposed is actually been a constructive way to move forward
- What we have insistent on is contrary to how other items under this Agenda are operating
- And it is contrary to how we negotiate under finance
- We usually start with a shared initiative and move forward base on that
- **G77 having the only document with the legal status is offensive to all the other parties**
- We have confidence in facilitator to move us forward

Co-facilitator

- We will add a note that countries have different opinions on the legal status of the submissions

Philippines

- My understanding is that G77 submission is attached as a draft decisions
- Parties are welcome to submit however they want, but bullet points are not the same as a draft decision

Co-facilitator

- Yes, yours will be annexed to the decision

Japan

- There is no agreement among parties to use either of these inputs as the basis for discussion. Is this the kind of language you will use?
- How are you modifying the informal note?

Co-facilitator

APA agenda item 8: Informal consultations on issues related to Adaptation Fund

14 November 2017

- There will be three modifications to the informal note
 - We will add the link to the compilation of decisions
[unfccc.int/bodies/apa/items/10436.php]
 - We will attach all decisions received
 - We will reflect views expressed in the room today about disagreement on legal status
- We conclude and we bring the informal note to the contact group

Note taker summary:

G77 and China would like parties to review past decisions made about the AF to inform future conversations and potentially to move all these decisions with the Fund so they can be used until they generate new decisions under the CMA: unfccc.int/bodies/apa/items/10436.php

They spend most of the time discussing the manner in which they could attach/annex submissions to the informal note. This required a large huddle of all countries that submitted contributions. G77 and China says that their submission is a CRP which has different legal status than all other submissions from the other parties. This was contested by at least one other party.

While a bit unclear, it seems that parties decided that all submissions would be linked to and referenced, but the G77 and China one would be the only one annexed in that specific way.

Meeting concluded with co-facilitators saying that they would amend the informal note to reflect the meeting and bring it to the contact group.