



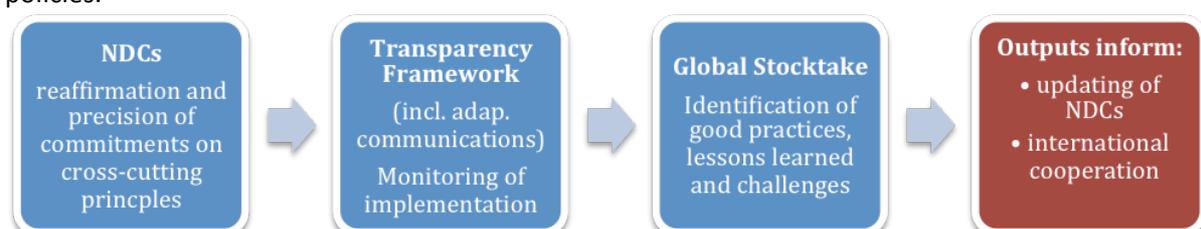
## Submission to the Ad Hoc Working Group on the Paris Agreement (APA)

The Ad Hoc Working Group on the Paris Agreement (APA) invited observer organisations to provide information, views and proposals on any work of the APA before each of its sessions (FCCC/APA/2016/L.3 paragraph 9). **CARE International**, the **Center for International Environmental Law (CIEL)**, **Franciscans International**, the **International Work Group for Indigenous Affairs (IWGIA)**, the **International Movement ATD Fourth World**, the **Rainforest Foundation Norway** and the **Women's Environment and Development Organization (WEDO)**, **OCEANIA Human Rights**, the **Hawai'i Institute for Human Rights**, **ECOLISE**, **The Foundation for GAIA (GAIA)** and the **Planetary Association for Clean Energy (PACE)** welcome this opportunity and wish to present our joint views on the Nationally Determined Contributions (NDCs), the Adaptation Communications, the Transparency Framework and the Global Stocktake.

Adopted shortly after the adoption of the Agenda 2030, the Addis Ababa Action Agenda and the Sendai Framework, the Paris Agreement sets the basis for future climate action in the broader context of sustainable development.

The Agreement highlights the importance of cross-cutting principles and obligations that shall guide all climate-related actions, including: the respect, promotion and consideration of obligations related to human rights, including the rights of indigenous peoples, local communities, migrants, children, people with disabilities and people in vulnerable situations, and the right to development as well as gender equality, empowerment of women, intergenerational equity, the imperatives of a just transition of the workforce and the creation of decent work and quality jobs, the fundamental priority of safeguarding food security and ending hunger, the importance of ensuring the integrity of all ecosystems, and the importance of public participation and public access to information.

The effective integration of these principles and obligations is critical to ensure the effective and equitable implementation of adequate climate policies. Yet, the Paris Agreement does not articulate how these principles and obligations should be integrated to climate action. In this context, parties must include these principles and obligations in the modalities of processes established in the Paris Agreement to ensure its holistic and effective implementation. This would also allow building synergies with other international processes and promoting integrated and coherent international policies.



## Further guidance related to the Nationally Determined Contributions

(APA agenda item 3)

The NDCs constitute the keys to the implementation of domestic actions under the Paris Agreement. Ensuring that these commitments duly integrate the cross-cutting principles and obligations defined in the Agreement is therefore critical.

### Features of nationally determined contributions

A number of INDCs submitted prior to the Paris Conference refer to the integration of human rights, including the rights of indigenous peoples, to gender equality, to food security, to a just transition and to intergenerational equity, in climate action. We welcome the inclusion of this information. Yet, no INDC addressed all of these elements.

In order for the NDCs to enable a holistic implementation of the Paris Agreement and to provide a comprehensive vision of future climate, development and socio-economic policies, governments must articulate in their NDCs how they will further integrate effectively these principles when implementing climate actions. These commitments should highlight how governments plan on achieving two interconnected objectives: eradicating poverty and easing the climate impacts.

Additionally, given the importance of the NDCs in defining domestic climate policies of the parties, it is critical that the preparation of these documents be made with the participation of civil society. More specifically, this process should include the effective participation by all constituencies, including women, indigenous peoples, local communities, youth, people with disabilities, people in vulnerable situations and people in extreme poverty. The COP should recall international commitments to public participation and access to information and request that parties to prepare their NDCs in a participatory manner.

### Information to be included in the NDCs

The parties must include information in their NDCs related to commitments and processes to integrate effectively these cross-cutting principles throughout the implementation of the NDC. These practical commitments might include information related to future policies and programs, the allocation of resources, procedural and institutional settings and development. The secretariat, working together with relevant intergovernmental organisations, should be invited to develop guidelines identifying how these cross-cutting principles can be reflected in relation to climate commitments.

The decision adopted in Paris already provides that the NDCs may contain information regarding planning processes, among other information (para 27, decision 1/CP.21). Information related to planning processes must include a detailed description of the participatory nature of this process. In particular, it must contain information regarding steps taken to secure the participation of key groups of stakeholders including – among others – women, indigenous peoples, local communities, youth, peoples with disabilities and people in vulnerable situations. Planning and implementation for the NDCs must also include participatory processes at the local level. The COP requested similar type of information to be included in other national documents submitted to the UNFCCC such as the national communications and the National Adaptation Programmes of Action.

## **Further guidance in relation to adaptation communication - (APA agenda item 4)**

### **Scope of the Adaptation Communications**

Article 7.5 of the Paris Agreement emphasizes that: *adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.*

The parties recognized in the Paris Agreement that these principles are key to effective adaptation action and to policy coherence with regards to existing commitments under other international processes and frameworks. Therefore information related to the promotion of these principles and obligations must be included in the adaptation communication. Inclusion of such information in the Adaptation Communications will also enable the exchange of good practices and the identification of potential areas for progress or challenges where international support and capacity building are particularly relevant. The APA must develop on the basis of article 7.5 a non-exhaustive set of issues that must be addressed in the national communications.

### **Preparation processes for the Adaptation Communications**

Additionally, the Adaptation Communications should be prepared with the effective participation of civil society. To ensure that the communications address well the situation of all groups, this participation should include women and men, as well as indigenous peoples, local communities, youth, migrants, people with disabilities and other groups in vulnerable situations or in extreme poverty. Parties should also be requested to include information related to these participatory preparation processes. A workshop should be organized in 2017 to collect good practices and lessons learned on these issues during the preparation of NAPAs and NAPs, e.g. as part of the Technical Examination Process on Adaptation, and/or the Adaptation Committee's workplan.

### **Guidelines related to the Adaptation Communications**

In order to assist countries with the preparation of these documents, the parties must mandate a constituted body to prepare comprehensive technical guidelines regarding the adaptation communications – building on synergies with other reporting obligations in order to avoid duplication. The section of these guidelines dedicated to the principles highlighted in article 7.5 and to participatory nature of the preparation process for the Communications must be drafted in cooperation with relevant intergovernmental and observer organisations in order to benefit from all technical expertise available.

### **Output**

Information communicated by parties in relation to these principles should be aggregated by the UNFCCC secretariat on a periodic basis in order to provide a report of good practices and challenges with regards to the implementation of article 7.5. This report should inform initiatives related to capacity building, support provided by the financial mechanisms, as well as the work of the bodies established under the UNFCCC to support countries in adaptation matters.

### **Modalities, procedures and guidelines for the transparency framework**

(APA Agenda item 5)

The Transparency Framework should aim at fostering trust and understanding among parties, at strengthening domestic processes and public ownership, and at generating information related to implementation. In order to support the holistic implementation of the Paris Agreement, this framework should thus allow parties to report both the progress made in relation to mitigation, adaptation and means of implementation as well as how these policies integrate the cross-cutting principles and obligations contained in the Paris Agreement.

#### **Information reported**

The scope of the transparency framework must therefore include information related to human rights, including the rights of indigenous peoples, gender equality, food security, just transition, intergenerational equity and the preservation of the integrity of ecosystems. Inclusion of these elements is crucial to ensure a comprehensive monitoring of all aspects of the NDCs as well as in order to generate information that can feed into the Global Stocktake.

The guidelines to be developed for the submission of national reporting must reflect this comprehensive approach and identify information that parties should report in relation to each of these cross cutting principles and obligations. These guidelines must draw from existing international reporting obligations to foster synergies with other frameworks and avoid duplication of efforts. Additional, relevant intergovernmental organisations should be invited to provide complementary technical and methodological reporting guidance.

#### **Modalities for the Transparency Framework**

The transparency framework offers an opportunity not only to promote trust and mutual understanding among parties but also to foster dialogue with all stakeholders at the national and international level. Such a participatory and inclusive approach is necessary to ensure the quality and comprehensiveness of information reported as well as the public ownership and support for climate actions. It would furthermore strengthen awareness, capacity and the partnership among all relevant domestic actors and therefore contribute to a more supportive implementation context.

The role of domestic stakeholders should also be acknowledged at the stage of the review of information, ensuring an exchange of information between expert review teams and civil society. The review process under the new framework will also face constraints related to the unprecedented need to review 194 parties on a periodic basis. Information submitted by stakeholders can help identify potential issues in relation to which an international review, feedback and support might be most needed and timely.

Finally, the multilateral assessment should also enable the active contributions by civil society organisations, for instance through the submission of complementary information and through the possibility to ask written and oral questions at the relevant stages of the multilateral assessment. In establishing these modalities, experience should be drawn from other international transparency framework building on such a participatory approach. These international precedents should serve as a basis for these modalities.

### **Matters relating to the Global Stocktake** (APA Agenda item 6)

The Global Stocktake has a crucial role to play in the new climate change framework to galvanise climate action and maintain political momentum for the implementation of the Paris Agreement. Furthermore, its outcomes are expected to inform both the preparation of future NDCs as well as international cooperation. The Global Stocktake thus offers an opportunity to consider collective progress and existing challenges on climate action in the context of sustainable development. By adopting such a holistic approach, the Global Stocktake can contribute to strengthen synergies with other relevant international commitments such as the Sustainable Development Goals.

### **Scope of the Global Stocktake**

As the prime political moment for renewed support for climate action, the Global Stocktake must adopt a truly comprehensive approach to review collective progress with the implementation of the Paris Agreement as mandated in article 14.1 PA. Such an approach must consider both the level of action undertaken collectively by parties in relation to mitigation, adaptation and means of implementation as well as progress made with the effective integration of the cross-cutting principles and obligations contained in the Paris Agreement, including a dedicated focus on human rights, which includes the rights of indigenous peoples, gender equality, food security, just transition, intergenerational equity and the preservation of the integrity of ecosystems. The Global Stocktake should also consider existing challenges preventing States to implement the commitments taken through their NDCs and under the Paris agreement.

### **Sources of inputs**

The sources of inputs to the Global Stocktake must reflect this comprehensive approach and consider information provided by civil society, affected communities and international institutions with expertise and experience with these cross-cutting principles. The parties could call on other international institutions to submit to each Global Stocktake an aggregate report building on their technical expertise as well as relevant information reported to them by parties. Such an inclusive approach would ensure that the Global Stocktake remains the central process for the review of the implementation of the Paris Agreement with other international institutions feeding into its discussions.

### **Process**

In order to address effectively the various elements on its agenda, the Global Stocktake – conceived as a process rather than a single event - must include dedicated events focused on the review of the integration of these cross-cutting principles and obligations to climate action. These events should enable the exchange of experience and expertise between relevant stakeholders including civil society and indigenous peoples representatives, governmental actors, intergovernmental organisations and research institutions.

### **Outputs**

The review of the experience of parties with the integration of cross-cutting principles and obligations to climate action should lead to the preparation of a technical report summarizing lessons learned and key challenges identified. In line with article 14.3, bodies and institutions supporting climate actions must be mandated to consider this information and identify their contribution to addressing these challenges during the following 5 years cycle. This report should be accompanied with a compilation of good practices highlighted throughout the Global Stocktake.