



The implementation guidelines currently negotiated under the APA will shape long-term implementation of the Paris Agreement and define the scope of international cooperation on climate change.

The integration of human rights, including the rights of indigenous peoples, gender equality, just transition, and food security in future climate action will depend on the degree with which these guidelines address climate action -- not only from a quantitative perspective (how many tons of greenhouse gases reduced, how much climate finance) but also from a more qualitative perspective (considering how climate action contributes to human rights and related principles and obligations). Additionally, the ability of the guidelines to promote this integration will depend on the role attributed to non-governmental and intergovernmental organizations in the processes established by the Paris Agreement (transparency and global stocktake), as the active participation of these actors would increase the likelihood for social issues to be considered.

Negotiations on the guidelines so far have progressed slowly, with many political issues still on the table, thereby preventing more technical work from happening during the formal negotiations under the APA.

NDCs: Norway proposed that parties should be invited to include in their NDCs information related to human rights, public participation, gender equality and traditional knowledge (supported by Canada and the African Group of Negotiators). However, the proposal was not included in the final report of the co-facilitators. Integrating human rights into the scope of information related to NDCs is a priority for several parties and organizations, as the nature of NDCs will, to a large extent, define the scope of the transparency framework and of the global stocktake. Both the transparency framework and the global stocktake are meant to review the implementation of NDCs, respectively through an individual and collective review.

Adaptation Communications: Guidance for Adaptation Communications provides an opportunity to stress the importance of integrating public participation, gender equality and indigenous peoples rights and knowledge into adaptation action as the principles are listed in Article 7.5 of the Paris Agreement. However, the benefits of integrating overarching principles under this agenda item would most likely be limited only to adaptation action.

Transparency Framework: Several proposals have suggested including social considerations in the scope of the transparency framework, but these proposals are mainly limited to transparency related to adaptation and means of implementation. The role of civil society in the transparency framework is also debated, with relatively little support by parties for an active civil society role in this process.

Global Stocktake: The Global Stocktake will play an important role in framing international climate policy in the future. Human rights, specifically gender and indigenous peoples rights and knowledge, are currently not included in the scope of GST, while other social issues are mentioned. Currently, the modalities proposed could offer an opportunity for civil society and intergovernmental organizations to provide inputs to the GST, and thus contribute to broaden its scope to include the social and human dimensions of climate action.

This note provides a detailed review of references to human rights, including the rights of indigenous peoples, gender equality, just transition, public participation, ecosystem integrity and food security in the negotiations related to the implementation guidelines of the Paris Agreement as addressed by the APA. The note also lists the countries that have supported these elements or spoke in favour of relatively similar proposals (parties are considered supportive if they have supported these principles through written submissions prior to and during the COP, parties that have only done so orally or informally are not included here).

	Scope of the Guidelines / References to rights	Modalities of the Guideline / Participation
NDCs APA-3	<p>Status: good proposal with limited support</p> <p>Entry point: voluntary guidance on planning processes</p> <p>Supportive countries: Norway, Canada, African Group of Negotiators</p>	<p>Status: proposal with limited support</p> <p>Entry point: guidance on planning processes</p> <p>Supportive countries: EU and Canada</p>
Adaptation Communications APA-4	<p>Status: several references to gender, participation and traditional knowledge in the context of adaptation priorities and plans</p> <p>Entry point: adaptation priorities and plans; monitoring and review</p> <p>Supportive countries: Australia, AILAC, Canada, AGN and Norway</p>	
Transparency Framework APA-5	<p>Status: References limited to adaptation and support but not mitigation</p> <p>Entry point: overarching or mitigation sections of the guideline</p> <p>Supportive countries: possibly Indonesia, EU, AILAC, Norway</p>	<p>Status: proposals on the table with limited support</p> <p>Entry point: final section of the guidance related to the review and the multilateral assessment of information</p> <p>Supportive countries: Japan, EU, LDCs</p>
Global Stocktake APA-6	<p>Status: References to poverty eradication, just transition and food security</p> <p>Entry point: sources of inputs</p> <p>Supportive countries: LMDCs</p>	<p>Status: some references to role of CSOs in the GST at each stages of the GST</p> <p>Entry point: modalities for the three stages of the GST</p> <p>Supportive countries: CARICOM, Canada and LDCs</p>

Process update: COP-23 outcomes and the way forward for the APA

The COP-23 was expected to move negotiations on the Paris Implementation Guidelines significantly forward to set the basis for their finalization in 2018. Thematic roundtables were held on all relevant agenda items prior to the start of the COP to allow delegations to clarify their views, followed by daily negotiations during the first seven days of the COP.

As negotiations remained particularly tense on some agenda items, progress was uneven across the agenda items, with some negotiations moving forward faster than others. As a consequence, the COP-23 did not conclude with the adoption or endorsement of a negotiating text for the future implementation guidelines. Instead, the facilitators for each of the agenda items issued [“facilitators notes” reflecting on the progress made on each thematic issue](#). The nature and degree of “maturity” of these notes differs widely between agenda items, further reflecting the unequal progress in these negotiations.

Contrary to previous negotiations sessions, the COP-23 did not mandate any intersessional work prior to the April/May 2018 meeting of the subsidiary bodies. The COP-23 also did not call for specific submission on individual agenda items. Instead, the APA reiterated its general call for submissions by parties (and observers) – stressing the importance of “focused textual proposals”.

The two APA co-chairs are expected to issue in early April a “reflections note with an overview of the outcomes of the COP-23” and “options for the way forward”. In addition to the negotiations in April/May and in December 2018, an additional session with all subsidiary bodies is foreseen in August/September 2018 to address matters related to the Paris Agreement Work Programme.

Guidelines for the Nationally Determined Contributions (APA Agenda Item 3)

The guidelines for the future NDCs and the scope of information requested/invited in NDCs will have a significant influence on the overall implementation of the Paris Agreement, given the central role played by NDCs in the post-2020 framework. In negotiations related to NDCs, the inclusion of human rights and other principles can best be achieved by including these principles in the scope of information that parties must provide regarding the “planning process” for their NDCs. Norway has been a champion for this inclusion, with Canada, the AGN and an anonymous group of countries supporting this proposal at the COP-23. But the short summary prepared by the co-facilitators at the end of the COP-23 does not include any of these elements, reflecting a narrower vision for the future scope of NDCs.

NDCs constitute the central mechanism that will drive the national implementation of the Paris Agreement. Consequently, the negotiations related to the guidelines for NDCs have a particular importance and have remained very politicized up to now. The guidelines for NDCs are also important from the perspective for the integration of rights into the implementation of the Paris Agreement, as the guidelines will play a dominant role in defining the scope of the implementation of the agreement. To some extent, defining what parties must or might include in their NDCs influences the scope of their reporting obligations under the Enhanced Transparency Framework and of the discussions to be held under the Global Stocktake. At the COP-23, this agenda item was co-facilitated by Sin Liang Cheah (Singapore) and Gertraud Wollansky (Austria).

The negotiations on the guidelines for NDCs are structured around three main issues: features (and in particular the relation between NDCs and differentiations), information, and accounting. References to human rights and related principles have been addressed in relation to the information that states will be required or invited to provide, under the heading of information related to “planning process”.

Positions of individual countries and coalitions prior to the COP-23

Prior to the COP-23, Norway suggested that the guidelines should include an invitation for parties to include human rights and related principles in their NDCs. Norway put forward this proposal orally during the COP-22 and reiterated the proposal during the May 2017 negotiation. Prior to the COP-23, Norway put forward a [written submission to the APA](#) suggesting, among other elements, that the information requested or invited in relation to the planning process of NDCs include:

*“ · Planning process for NDC, for example stakeholder consultations.
· Considerations related to just transition, gender, human rights, indigenous peoples involvement and other important considerations. (Not mandatory)”*

Additionally, several other countries suggested to include relevant information in the scope of NDCs: job creation, energy security and transformation, health, food, security, poverty eradication, biodiversity and environment protection ([China](#)), poverty eradication and sustainable development ([LMDCs](#), India, and [Argentina/Brazil/Uruguay](#)), gender ([COMIFAC](#)), Just Transition ([Norway](#)), and participatory processes ([EU](#) and [Canada](#)).

At the COP-23, after one week of negotiations addressing more general issues related to NDCs, the parties were invited to submit written views on the guidelines for NDCs. In their written responses, Norway, Canada, the African Group of Negotiators as well as an anonymous party/group of parties supported the inclusion of the following items in the information on the planning process:

- stakeholder consultations;
- indigenous peoples and local communities;
- elders and youth;
- just transition;
- gender;
- human rights.

Among the other countries that submitted written views which did not mention the relevance of these principles among the information that could be included in NDCs, some parties suggested that this absence of reference in this submission did not reflect an opposition to the principles but rather the lack of time to prepare the submissions. Related elements mentioned in the submissions put forward by other countries included: stakeholders participation (EU) and poverty eradication (Argentina, Brazil and Uruguay, Norway, Switzerland, the African Group of Negotiators).

Based on these submissions, the co-facilitators issued an informal note to capture the progress made at the COP-23. The informal note contains a non-exhaustive list of key elements that the co-facilitators believe reflected the main elements discussed by parties, followed by all individual submissions by parties. The summary prepared by the co-facilitators does not include any reference to human rights or other elements raised by Norway and others. The co-facilitators' summary does mention poverty eradication in the context of the features of NDCs.

Adaptation Communications (APA Agenda Item 4)

Guidance for Adaptation Communications provides an opportunity to stress the importance of integrating overarching principles such as human rights, public participation, gender equality and indigenous peoples rights and knowledge into adaptation action. Article 7.5 of the Paris Agreement provides a basis to build on for the integration of these principles to adaptation action. However, the benefits of integrating overarching principles under this agenda item would be limited in scope, as the future role of adaptation communications remains undefined at this stage.

Agenda Item 4 of the APA focuses on developing guidance for parties to prepare and submit the periodic adaptation communications mandated in article 7.10 of the Paris Agreement. The objective of this guidance should be to increase comparability and understanding, including in the context of assessing progress towards the collective goal on adaptation.

One unresolved issue that was discussed at length at the COP-23 relates to whether the guidance developed under this agenda item should be of general nature or be “vehicle specific”, addressing specifically how information contained in NDC, National Action Plan and National Communications contributes to the adaptation communication. This issue is contested partly because it touches on the role of adaptation in NDCs, while APA agenda item 3 focuses primarily on the mitigation aspects of NDCs.

Article 7.5 of the Paris Agreement provides a strong case for including references to cross-cutting principles in the guidance for adaptation communications, as it states that adaptation action should follow a “gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and (...) based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems”.

Positions of individual countries and coalitions prior to the COP-23

In written contributions submitted prior to the COP-23, several parties suggested the inclusion of some of the cross-cutting principles in the adaptation communication guidelines. [Australia](#), [AILAC](#), [Canada](#) and [Norway](#) suggested that information to be submitted by parties on adaptation priorities, plans, and needs should address, inter alia, how adaptation action follows a gender-responsive, participatory and transparent approach, and (except for AILAC) how it takes into consideration vulnerable groups and integrates traditional knowledge and Indigenous peoples’ knowledge. [Australia](#) also recommended including information on “relevant socioeconomic and environmental policies and actions”. The [Environmental Integrity Group](#) suggested including information on ecosystem-based adaptation achievements. Norway also suggested that the scope of monitoring and evaluation should include information regarding how participation, gender and indigenous and traditional knowledge have been integrated into adaptation policies. The [LDC](#) proposed that “cross cutting issues such as gender” should also be considered in developing adaptation communications and [Mali on behalf of the African Group of Negotiators](#) suggested information on gender integration in planning and capacity-building related to the implementation of adaptation measures.

Two documents were produced prior to the COP-23 to inform negotiations that related to adaptation communications. The co-facilitators issued a [synthesis of the submissions](#) focused primarily on overarching issues, which failed to include any reference to the negotiations potentially including cross-cutting issues such as participation, gender and traditional knowledge in the guidance for the Adaptation Communications.

In addition, the Secretariat prepared a [technical paper](#) on adaptation-related information included in NDCs, NAPs and recent national communications. The paper noted that human rights, gender equality, just transition, local and indigenous knowledge were among the factors identified in NDCs to prioritize adaptation action. It noted that several parties had listed gender mainstreaming and traditional knowledge as cross-cutting approaches for the implementation of their adaptation plans. The technical paper also highlighted that several NDCs stressed the importance of mainstreaming gender and human rights in capacity building. Finally, the technical paper noted that many NAPs and National Communications contain information regarding the impacts of adaptation actions on gender, health and other social dimensions.

At the COP-23 the parties discussed several iterations of a skeleton note containing alternative options and headings for future guidance, but without much discussion of the details regarding the guidance under each headings. Julio Cordano (Chile) and Beth Lavender (Canada) co-facilitated these negotiations at the COP-23. Several of the options contained in the final version of the informal note prepared at the COP-23 contain proposals suggesting the inclusion of the principles that are explicitly reiterated in article 7.5.

Reflecting the language of this provision, social and/or environmental vulnerabilities and risks are mentioned as elements that could be included under the heading related to “expected impacts, risks and vulnerability and adaptive capacity”. Additionally, the heading on “adaptation priorities, plans, strategies, planned actions, resilience-building activities and expected results” contains a proposal to include information regarding “gender-responsive, participatory and transparent approach for their adaptation actions, taking into consideration vulnerable groups, and integrating traditional knowledge and the knowledge of Indigenous peoples and local knowledge systems”. This language is also included among the complementary guidance suggested on an opt-in/opt-out in relation to “Monitoring and evaluation” of adaptation action.

Enhanced Transparency Framework (APA Agenda Item 5)

The Enhanced Transparency Framework (ETF) offers an opportunity to request that parties report in a mandatory or voluntary basis on their actions and policies seeking to integrate human rights and associated principles in climate action – building on synergies with other existing reporting obligations. The ETF could also provide an opportunity for governments to identify good practices, challenges with integration, and lessons learned. While human rights is not mentioned currently in the informal note related to the ETF, the note contains several suggestions concerning reporting on associated principles (participation, gender, indigenous peoples and traditional knowledge) and are suggested in the context of transparency for adaptation and support – but not mitigation.

The scope of the ETF explicitly covers both transparency of action (mitigation and adaptation) and transparency of support (relating to both the means of implementation provided and received). Xiang GAO (China) and Andrew Rakestraw (United States) co-facilitated this agenda item at the COP-23.

Negotiations on the Enhanced Transparency Framework first moved forward at the COP-23 with a “Preliminary material” document prepared by the co-facilitators and discussed by parties. The discussions at the COP-23 on the ETF remained largely framed by the issue of differentiation, the extent to which flexibility should be provided to developing countries, and whether to have one or two sets of guidelines. To a large degree, the negotiations focused as much on identifying which provisions applied to which party groupings than on defining the scope and processes for the ETF.

The negotiations resulted in a relatively concise first “informal note” to capture the progress made on this agenda item, but the note contains a very high number of options highlighting the importance of the work ahead to finalize these discussions. Consequently, reading the informal note on the ETF does not provide a good view of the existing support among countries behind each of the many options.

While no party so far has proposed the inclusion of references to human rights in the context of the ETF, several parties or coalitions have put forward proposals for the inclusion of gender or other social dimensions in the scope of information to be provided by parties under the ETF.

Positions of individual countries and coalitions prior to the COP-23

In its written submissions prepared prior to the COP-23, [Indonesia](#) proposed that information related to mitigation policies and measures could include elements related to mitigation co-benefits: including, but not limited to, poverty alleviation, health, ecosystem services, and community resilience. The [LMDC](#) and the [EU](#) also proposed the inclusion of information on health as a co-benefit of mitigation action.

In the context of information related to adaptation action, [AILAC](#), [Indonesia](#) and [Norway](#) suggested that information related to participation, gender considerations, and indigenous and traditional and local knowledge could be provided.

In the context of information related to means of implementation, [Indonesia](#) suggested that information related to participatory and gender responsive processes in relation to financial, technology transfer and capacity-building support could be provided and received.

Additionally, the [EU](#) noted that Decision 21/CP.22 on Gender and Climate Change encourages Parties to include information on how they are integrating gender considerations into climate policies when reporting their actions under the UNFCCC. The EU noted that the MPG might be a good entry point to further integrate gender in the UNFCCC.

Finally, [Japan](#), [EU](#) and the [LDCs](#) suggested that civil society should be invited to participate actively during the Facilitative, multilateral consideration of progress, including participation through possible opportunities to ask questions to the party under review.

The negotiations on the enhanced transparency framework are structured along the following outline:

Main principles

- A. Overarching considerations and guiding principles

Transparency of Action

- B. National inventory report on GHG emissions and sinks
- C. Information to track progress towards achieving the mitigation section of NDCs
- D. Information related to climate change impacts and adaptation

Transparency of Support

- E. Information on Mols provided and mobilized
- F. Information on Mols needed and received

Transparency Process

- G. Technical expert review
- H. Facilitative, multilateral consideration of progress

Several references to social principles are included in specific sections of the [informal note](#) capturing the progress at the COP-23. In Section C, related to progress towards NDCs, references to sustainable development are included in the context of using the mechanisms established under article 6 of the Paris Agreement.

In Section D on adaptation, elements included in the informal note suggest that national reporting could include information related to “participatory nature, gender responsiveness, and attention to vulnerable groups, communities, and ecosystems” and “indigenous, traditional, and local knowledge”. This list of elements mirrors the principles explicitly listed in the context of adaptation in article 7.5 of the Paris Agreement. Additionally, the informal note contains the suggestion that parties also include information regarding “health and socio-economic benefits of adaptation for sustainable development”.

In Section E, which relates to financial, technology development and transfer and capacity-building support provided and mobilized, the informal note contains only one reference to the possibility for parties to provide information on the gender dimensions of Mols provided.

Section F, which discusses Mols needed and received, includes a suggestion to seek information on the gender responsive and participatory processes underpinning the strategies for which support is sought. Additionally, several references suggest that reporting could generate information related to how capacity support contributes to the enhancement of stakeholders engagement.

The modalities for the expert review of information include options that would enable observers to provide written feedback to national reports (section G). The modalities for the facilitative, multilateral review of progress also include options that would allow observers to be involved in the progress / to provide written feedback and input to national reports (section H).

Global Stocktake (APA Agenda Item 6)

The Global Stocktake will provide an opportunity to increase the momentum for climate action progressively every five years, and to hold a global conversation on the progress of implementing the Paris Agreement, with the view to inform future NDCs and international cooperation. The GST will thus play an important role in framing international climate policy in the future. Human rights, gender and indigenous peoples rights and knowledge are currently not included in the scope of GST but other related issues are, including “poverty eradication, food security, job creation, social justice and climate refugees and displaced people”. The modalities proposed currently could also offer an opportunity for civil society and intergovernmental organizations to provide inputs to the GST, and thus contribute to broaden its scope to include social and human dimensions of climate action.

The Global Stocktake (GST) is defined under article 14 of the Paris Agreement as a periodic review of the implementation of the agreement following a “comprehensive and facilitative” approach “in the light of equity and the best available science”. The objectives of the GST are two-fold: to inform Parties in updating and enhancing their actions and support, and to enhance international cooperation for climate action.

Positions of individual countries and coalitions prior to the COP-23

Prior to the COP-23, parties had been invited to submit their written views on the GST. Many parties reiterated the importance for the GST to consider climate action in the context of sustainable development and poverty eradication ([African Group of Negotiators](#), [LDCs](#), [Norway](#), [LMDCs](#)). The [LMDCs](#) also stressed the importance of including information on poverty eradication, food security, job creation and social justice in developing countries, as well as information on climate refugees and displaced people. Some parties emphasized the importance to consider the participation of civil society organizations to the GST ([CARICOM](#), [Canada](#) and the [LDCs](#)), and specifically indigenous peoples organizations ([Canada](#)).

The negotiations focused on the GST made progress at the COP-23 through the “building blocks” proposed by the facilitators. In particular, the delegates considered a staged-approach to the GST including preparatory, technical, and political phases. The role of equity in the GST was also an issue that was particularly discussed by parties. Richard Muyungi (Tanzania) and Outi Honkatukia (Finland) co-facilitated this agenda item at the COP-23. The negotiations resulted in an [informal note by the co-facilitators that was forwarded to the APA](#).

During previous rounds of negotiations, some parties (led by New Zealand) had initially proposed that a GST informed by equity could be understood as an opportunity to review experience concerning the implication for human rights and equity within nations of climate action. Some countries reacted negatively to this proposal, fearing that equating equity with human rights would change the focus of the principles, which are traditionally understood in the UNFCCC context as equity between nations. New Zealand clarified at the COP-23 that the GST should be informed by equity between nations, thereby appeasing concerns that bringing human rights into this discussion would undermine other guiding principles.

The informal note prepared at the end of the COP-23 to capture progress with these negotiations is structured in three sections: (1) Introduction / mandate / purpose, (2) modalities, with sub-sections for each of the three stages of the GST (preparatory, technical and political), and (3) sources of inputs.

The informal note does not include any references to rights-related obligations and the role of overarching principles in the GST. However, the document contains several entry points for integrating these issues in the guidelines for the GST.

Firstly, in the modalities section, the role of non-party stakeholders is mentioned in relation to the two first stages of the GST, thereby offering an opportunity for civil society to contribute. “Relevant reports from United Nations agencies and other international organizations” are also included in the list of the sources of inputs, thereby opening an opportunity for OHCHR, UN Women, ILO and other intergovernmental organizations to provide inputs to the GST.

Secondly, the section on “sources of inputs” provides a de-facto definition of the scope of the GST, and includes a section describing the “other information” that might be included in the scope of the GST. The informal note suggests that such other information might include information related to “poverty eradication, food security, job creation, social justice and climate refugees and displaced people”.