



Government of Nepal
Ministry of Population and Environment

Briefing note on UNFCCC COP 22 and Nepal's Key Concerns, Issues and Events



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Conference of Parties is important to discuss and find a solution to globally happening climate change. Nepal, as a party to the UNFCCC is continuously participating and playing an active role in the Conference of Parties. As COP 22 is the first COP after the historic Paris Agreement in 2015, this is an important avenue to discuss on the ways for effective implementation of the Paris Agreement.

As a Party to the UNFCCC, Nepal is participating in the COP 22. In order to make Nepal's participation effective, Nepal prepared the 'Briefing note on COP 22 and Key Concerns, issues and Key Asks for Nepal' in consultation with experts engaged in the process.

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Acronyms

AFB	Adaptation Fund Board
APA	Ad-hoc Working Group on Paris Agreement
AC	Adaptation Committee
CAF	Cancun Adaptation Framework
CDM	Clean Development Mechanism
CMA	Conference of Parties Serving as the Meeting of Parties to the Paris Agreement
CMP	Conference of Parties Serving as the Meeting of Parties to the Kyoto Protocol
COP	Conference of Parties
CTCN	Climate Technology Centre Network
GCF	Green Climate Fund
GEF	Global Environment Facility
GHG	Greenhouse Gas
GST	Global Stocktake
INDC	Intended Nationally Determined Contribution
IPCC	Intergovernmental Panel on Climate Change
KP	Kyoto Protocol
L&D	Loss and Damage
LAPA	Local Adaptation Plans for Action
LCEDS	Low Carbon Economic Development Strategy
LDC	Least Developed Country
LDCF	Least Developed Countries Fund
LEG	LDC Expert Group
NAP	National Adaptation Plan
NAPA	National Adaptation Programme of Action
NDA	Nationally Designated Authority
NDC	Nationally Determined Contribution
NIE	National Implementing Entities
NWP	Nairobi Work Programme
OECD	Office of Economic Co-operation and Development
PA	Paris Agreement
PCCB	Paris Committee on Capacity Building
REDD	Reducing Emission from Deforestation and Forests Degradation
SBI	Subsidiary Body for Implementation
SBSTA	Subsidiary Body for Scientific and Technological Advice
SED	Structured Expert Dialogue
TEC	Technology Executive Committee
TM	Technology Mechanism
ToR	Terms of Reference
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
WIM	Warsaw International Mechanism

1. Background

In December 2015, the 21st Session of the Conference of the Parties (COP¹) to the United Nations Framework Convention on Climate Change (UNFCCC) agreed to a historic climate change agreement called the “Paris Agreement” (PA). The Paris Agreement has been viewed as an instrument to tackle the climate change with global efforts having many countries on board with responsibilities based on their historic, current and future responsibilities.

The inclusion in the PA of a specific long-term temperature goal to hold temperature increase to “well below 2°C” and to “pursue efforts to limit” the increase to 1.5°C above pre-industrial levels is a remarkable outcome. To achieve this long term goal, the PA calls for all Parties to cooperate to reach global peaking of greenhouse gas (GHG) emissions as soon as possible and to undertake rapid reductions that will see global anthropogenic GHG emissions “balance” (reach zero) in the second half of the century. Provisions on the steps for Parties to update nationally determined contributions (NDCs) every five years with progressively more ambitious emission reduction targets, linked to five yearly global stocktakes, are key features of the ambition mechanism in the PA.

Beyond mitigation, the PA sets out the main areas where action is also needed, including adaptation, loss and damage, finance, technology transfer, capacity building, education and transparency of action and support. Even though the PA sets out a clear long-term vision and framework for action, there is much work to be done to interpret and elaborate the PA and to build further political momentum.

On the 5th of October 2016 (30 days prior to the 1st meeting) the criteria of at least 55 countries accounting for 55% of the global emissions to enforce the PA was met. As of 25th of October 2016, 85 of 197 parties to the UNFCCC and 191 signatories to the PA have submitted their instrument of ratification, acceptance, approval or accession with the Depositary rendering the PA to enter into force on the 4th of November 2016 (30 days after the ratification criteria is met).

Nepal as a Party to the Convention has signed the Agreement on April 22 2016, and ratified this international treaty by the parliament on 4th October, 2016.

2. Brief History of UNFCCC Negotiations²

Timeline	Milestones and Progress
November 1988	IPCC Established
November 1990	IPCC and Second World Climate Conference Call for Global Treaty
December 1990	UN General Assembly Negotiations on a Framework Convention Begin

¹ COP is the supreme body of the UNFCCC and meets every year, unless the Parties decide otherwise, and regularly reviews the implementation of the Convention.

² After 'Key Ask for Nepal for COP 21, 2015

May 1992	UNFCCC text is adopted at the United Nations Headquarters in New York
June 1992	UNFCCC Opens for Signature at Rio Earth Summit
March 21, 1994	UNFCCC Enters into Force
April 1995	First Conference of the Parties (COP 1) in Berlin. The Berlin Mandate establishes a process to negotiate strengthened commitments for developed countries, thus laying the groundwork for the Kyoto Protocol
December 11, 1997	Kyoto Protocol Adopted.
November 2001	COP7 results in Marrakesh Accords , setting stage for ratification of Kyoto Protocol
February 16, 2005	Kyoto Protocol Enters into Force
December 2005	Following the entry into force of the Kyoto Protocol earlier in the year, COP 11 for the first time is held in conjunction with the first Conference of the Parties serving as the Meeting of the Parties (CMP 1) in Montreal.
November 2006	At COP12 held in Nairobi, Kenya, the Subsidiary Body for Scientific and Technological Advice SBSTA is mandated to undertake a programme to address impacts, vulnerability and adaptation to climate change - the Nairobi Work Programme NWP activities are ongoing.
December 2007	COP13 adopts the Bali Road Map , including the Bali Action Plan, charting the course for a new negotiating process to address climate change. The Plan has five main categories: shared vision, mitigation, adaptation, technology and financing.
December 2008	COP14 in Poznan, Poland, delivers important steps towards assisting developing countries, including the launch of the Adaptation Fund under the Kyoto Protocol and the Poznan Strategic Programme on Technology Transfer
December 2009	World leaders gather for COP15 in Copenhagen, Denmark, which produced the Copenhagen Accord . Developed countries pledge up to USD 30 billion in fast-start finance for the period 2010-2012 and to scale up climate finance up to USD100 billion per year by 2020
December 2010	COP16 results in the Cancun Agreements , a comprehensive package by governments to assist developing nations in dealing with climate change. The Green Climate Fund , the Technology Mechanism and the Cancun Adaptation Framework are established
December 2011	At COP17 in Durban, South Africa, governments commit to a new universal climate change agreement by 2015 for the period beyond 2020, leading to the launch of the Ad Hoc Working Group on the Durban Platform for Enhanced Action or ADP
December 2012	At COP18 in Doha, Qatar, governments agree to speedily work toward a universal climate change agreement by 2015 and to find ways to scale up efforts before 2020 beyond existing pledges to curb emissions. They also adopt the Doha Amendment , launching a second commitment period of the Kyoto Protocol
November 2013	COP19 in Warsaw, Poland produces the Warsaw Outcomes , including a rulebook for reducing emissions from deforestation and forest

	degradation and a mechanism to address loss and damage caused by long-term climate change impacts
September 2014	UN Secretary-General's Climate Summit in New York, to mobilize action and ambition on climate change in advance of COP 21 in Paris in 2015
December 2014	COP20 in Lima, Lima Call for Actions
December 2015	COP21, Paris, France Paris Agreement
April 2016	Paris Agreement signatory event called on by UN Secretary-General on the occasion of World Earth Day
September 2016	Submission of instrument of ratification by parties at a special organized by UN Secretary-General at its AGM
October 2016	Double trigger of the Paris Agreement was met and will entry into force on 4 November 2016
November 2016	COP22, CMA1, CMP 12 SBI and SBSTA 45, Marrakech, Morocco

3. Marrakech Climate Change Conference (COP 22)

The twenty second session of the Conference of Parties (COP22) will convene from 7 to 18 November at Bab Ighli, Marrakech, Morocco. This COP is seen with high importance as it is the immediate COP after the historic PA that needs to work on developing rules, modalities, procedures and guidelines to operationalize the Paris Agreement. During the COP 22 following sessions will also be organized;

- the 1st Conference of Parties serving as the Meeting of Parties to the Paris Agreement (CMA1)
- the 12th session of Conference of the Parties Serving as the Meeting of the parties to the Kyoto Protocol (CMP12)
- forty-fifth meeting of the Subsidiary Body for Implementation (SBI)
- forty-fifth meeting of the Subsidiary Body for Scientific and technical advice (SBSTA)
- resume session of the first session of APA
- High level segment on 15-16 November, 2016

Nepal as a member of Least Developed Countries (LDC) Group and Group of 77 and China (G77 and China) will be invited to attend pre-sessional meeting for the preparation of Marrakesh Conference in the following dates:

- LDC Pre-session meeting, 1 – 2 November 2016
- G77 and China Pre-session meeting, 5 – 6 November, 2016

The COP22 in Marrakesh, is expected to be challenging in terms of volume of work. Delegates at the Bonn Climate Change Conference (May 2016) were unable to engage on substantial matters on development of rules, modalities, procedures and guidance to support the PA (on APA agendas). Therefore, the Conference in Marrakesh is expected to have busy time dealing with agendas under five different bodies – COP, CMA, CMP, SBSTA, SBI and APA, including high-level segment and other high level sessions.

4. Climate Change, COP 22 and Nepal

Nepal, one among the Least Developed Countries (LDCs) with negligible share of 0.027% of global greenhouse gas emission (SNC, 2015), is suffering from the increasing impacts of climate change. Despite the negligible contribution, Nepal is among the most vulnerable countries to the impacts of climate change. Increasing temperature and change in precipitation patterns has gravely affected the ecosystems and the people who depend on the ecosystem services. In Nepal, the impacts of climate change are observed in the form of decreased water availability, loss of biodiversity, health effects, and decreased agricultural productivity and increased in extreme events such as erratic and unpredictable rainfall, floods, landslides, drought and forest fire among others.

As the impacts are increasing, Nepal is responding to the impacts of climate change. Realizing the national needs and as a solidarity to the international process, Nepal is making robust efforts to address climate change through policy formulation, institutional arrangements and strengthening, program development and implementation.

Nepal prepared National Adaptation Programme of Action (NAPA) in 2010 to address the most urgent and immediate adaptation needs of the country. Nepal formulated Climate Change Policy in 2011 which envisions for 80% of the total project fund to be spent at the community level. Similarly, in 2011, Nepal prepared National Framework for Local Adaptation Plans for Action (LAPA) to implement NAPA and localize the adaptation efforts. Furthermore, Nepal also started channelling climate finance through Climate Change Budget Code since 2013. Adhering to the decision of the Sixteenth session of the Conference of Parties (COP16) to the UNFCCC, in 2015, Nepal started a process to formulate and implement National Adaptation Plan of identifying medium and long-term adaptation needs and options. Nepal also prepared National REDD+ strategy to help regulate REDD+ initiatives in Nepal. Realizing the need to move towards low carbon climate resilient development, Nepal is also finalizing the Low Carbon Economic Development Strategy (LCEDS).

Internationally, in the UNFCCC process, Nepal is playing an active role. It successfully led the group of Least Developed countries under the convention in the year 2013-14 and is chairing the Adaptation Fund Board (AFB) for the year 2016.

As part of its preparation to the UNFCCC COP meeting and to ensure Nepal's effective participation and engagement in the COP meeting, Nepal prepared the 'Briefing note on COP 22 and Key Concerns, Issues Asks for Nepal' involving experts engaged in the process. In addition, Nepal is also organizing side-event and exhibition in this COP, detail information about the event and exhibition is also presented in the briefing note.

Some of the major issues to be discussed at Marrakesh Conference that are also relevant and important to Nepal are discussed below.

5. COP 22 Key Issues, Concerns, Issues and Key Asks for Nepal

A. Developing rules of the Paris Agreement: APA agenda items

Context of Ad-hoc Working Group on Paris Agreement (APA)

The Ad Hoc Working Group on the Paris Agreement (APA) was established by the COP 21 by its decision 1/CP.21 and is mandated to develop rules, modalities, procedure and guidelines; to prepare for the entry into force of the PA; and for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA). After the first meeting of APA in May 2016, it is expected to begin its technical work based on inputs from inter-sessional discussions and submissions.

After the recent development of PA to enter into force on 4th November 2016, the discussion related to continuation of the work under the ad-hoc body will be further discussed at the governing body of the Paris Agreement (CMA1). As agreed at the first meeting of APA in May 2016, APA agenda includes four procedurals and six thematic agenda items as follows:

Procedural agenda items

- Agenda item 1: Opening of the session
- Agenda item 2: Organizational matters
- Agenda item 9: Other matters
- Agenda item 10: Closure of and report on the session

Thematic/technical agenda items

- Agenda item 3. Further Guidance to Nationally Determined Contributions
- Agenda item 4. Further Guidance on Adaptation Communication
- Agenda item 5. Modalities, procedure and guidelines for the transparency framework for action and support
- Agenda item 6. Matters relating to the Global Stocktake
- Agenda item 7. Committee to facilitate implementation and promote compliance
- Agenda item 8. Further matter relating to the implementation of the Paris Agreement

Nepal's strategic concern

All the agenda items under the APA related to process and technical discussion are equally important for Nepal. Here we discussed about the APA agenda items on technical matters and its importance for COP22 highlighting Nepal's strategic concern.

- Mitigation section of NDC is a very crucial issue under the APA especially on how to account, monitor and verify the commitments made by Parties. The substantive issue to be discussed on this agenda item are features, information and accounting of NDCs. It is very important to have linkage of targets set in NDCs with the agreed temperature goal. While designing further guidance to NDC, careful consideration should be taken about the flexibility to be provided to least developed countries like Nepal.

- The global goal for adaptation agreed in Paris provides clear direction for the discussion related to further guidance to adaptation communication. Such adaptation communication should be able to identify adaptation needs and address resource constrain for least developed countries like Nepal. Enormous time and resources invested on developing national adaptation plans should have clear recognition on this discussions. Contribution of traditional and indigenous knowledge, practices and community initiatives/ inventions into adaptation is one of the points Nepal needs take forward.
- Transparency of action and support is an important issue to be discussed under APA. It helps to account for the action carried and support provided such as in mitigation, adaptation, finance, technology development and transfer and capacity building. But there needs to have clarity on the scope and key issues of the framework on what it contains and covers. The clarity on the term flexibility for least developed and small island countries needs to be insured in this discussions.
- As a concept itself the global stocktake is very important as it will periodically take stock of the implementation of this Agreement to assess the collective progress towards achieving the purpose of this Agreement and its long-term goals. The issue of global stocktake needs clarity on how it will be conducted, what should be the inputs to the global stocktake, and any lesson learn it can take from 2018 facilitative dialogue. For country like Nepal, it is very important to call for provision of having concrete outcome of every global stocktake and its uses in the process.
- Discussions related to Committee to facilitate implementation and promote compliance is another important issue on how the modality will be complied and implemented. Various suggestions have emerged that the mechanism should be facilitative, non-punitive and non-adversarial and also consider the national circumstances and capabilities. This is still under discussion and will be considered an important topic at COP22.
- In the context of PA to enter into force at 4th November, 2016 the agenda item 8 related to procedural and process related matters will have to take some major decisions. Issues relating to convening of the first meeting of CMA including taking stock of progress made by the subsidiary and constituted bodies in relation to their mandated work under the PA are important part of discussions. It should also help to bring together progress made on other bodies in one platform that helps to promote and facilitate coordination and coherence in the implementation of the work programme.

Nepal's Key points/ask

- Features, and information to facilitate clarity, transparency and understanding of NDC should be designed in such as a way that it helps in achieving agreed temperature target in the PA. Developed countries and countries with higher emission level should take a lead in presenting ambitious mitigation targets.
- Equal emphasise should be given while designing guidance for the different vehicles of adaptation communications. Flexibility should be provided for selecting vehicle for adaptation communication, for which Nepal prefers National Adaptation Plans as its primary channel for communicating adaptation needs.

- Global stocktaking should be done in comprehensive and facilitative manner in a period of 3 years. Structured Expert Dialogue (SED) & joint working group of the Subsidiary bodies could be good source of input and useful basis in shaping GST.
- In order to ensure rapid progress of development of the PA rulebook, we must ensure there is adequate time for negotiations of each item.

B. Mitigation

Context of mitigation

The Article 2 of the UNFCCC text lays out the ultimate objective of the Convention as achieving a “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.” In other words, the ultimate objection of the UNFCCC is to mitigate climate change by reduction in the emission of Greenhouse Gases (GHGs) by sources or a removal by sinks.

The IPCC in its fifth assessment report (AR5) found a big difference between projections that meet governments’ agreed goal of staying below 2°C warming and those that lead to a 4°C warming above pre-industrial levels – a path we are currently on. However, it also found that some impacts are already serious and risks start to worsen after 1.5°C warming. The report also show that it is still technologically feasible to keep warming below the internationally agreed threshold of 2°C and even 1.5°C. The report further warns that the consequences of delaying action in terms of reduced technological options and increased risks and costs.

Mitigation is the central point of discussions at the UNFCCC negotiations. Issues related to mitigation are being discussed at COP, CMP, both the subsidiary bodies and APA. The list below provides information on mitigation related agenda for COP22.

- Second review of the adequacy of Article 4, paragraph 2(a) and (b), of the Convention. (COP22: Agenda item 9)
- Annex 1 reporting (COP22 agenda 11 | CMP12 agenda item 9 | SBI45 agenda item 3)
- Non-Annex 1 reporting (COP22 agenda item 12 | SBI45 agenda item 4)
- Public registry of NDC (SBI45 Agenda item 5)
- Matters relating to mechanism under KP (SBI45 agenda item 7)
- Response measure (SBI45 agenda item 15 | SBSTA45 AGENDA ITEM 9)
- Methodological issues under the Convention (SBSTA 45 agenda item 10)
- Methodological issues under the KP (SBSTA45 agenda item 11)
- Article 6 of the Paris Agreement (SBSTA 45 agenda item 12)
- Matter relating to CDM (CMP12 agenda item 4)
- Matter relating to Compliance committee (CMP12 agenda item 5)
- Report of Compliance committee (CMP12 agenda item 6)
- Report-HL ministerial round table on increased ambition of KP commitments (CMP12 agenda item 8)

Nepal's strategic concern

- As Nepal pursues in its development pathways opting low carbon options as guided by its Low Carbon Economic Development Strategy (draft) and both NAPA/ LAPA and National Adaptation Plans; accounting both actions and the impact of actions that contribute to both adaptation and mitigation in the light of technology transfer, capacity building and availability of finance important.
- When countries submitted their INDC there was no guidance on the same and Parties prepared and submitted INDCs based on their own experiences. However, in the years to come NDCs should be more structured, less complicated and build on exiting information like the National Communications and or Adaptation Communications.
- Thus the UNFCCC should also open and house a registry for the deposition of NDCs. The NDCs submitted should be globally accessible through the UNFCCC. Both technical and financial support is needed to come to implement the NDCs current INDCs. The purpose of the registry should thus be a means to access technical and financial support for implementation and not just deposition.
- Carbon trading could be a key mechanism to implement NDCs both opting a non-market and a market based approach. With the tenure of the Kyoto Protocol coming to an end in 2020, this mechanism should be further revived so as to contribute to SDGs and the overall low carbon development of developing and least develop countries.
- The National Communication is the agreed modality in which all countries, developed, developing and least developed countries report to the UNFCCC in regard to submitting their sources and sinks of greenhouse gases. LDCs are subject to submitting National Communications only with the availability of funding. Hence, Nepal has submitted two National Communication reports to the UNFCCC as of date and preparing the third national communication report. Nepal's third National Communications Report now could be imbedding contexts of its NDCs as well as adaptation actions. With the developments of the ratification of the PA and regular submission of NDC, it is important to reflect on reporting modalities and channels especially in the context of LDCs like Nepal.
- It is also important to have a robust domestic consultation, monitoring, reporting and verification, mechanism from different stakeholders like government agencies, I/NGOS, CSOs, academia, multi-stakeholder forums working on climate change adaptation and mitigation so that the results can be accommodated in the National Communications and or Adaptation Communications.

Nepal's key points/asks

- Learning from the Clean Development mechanism (CDM) process, and existing REDD plus mechanism, it is important to have supporting mechanism for countries like Nepal to further enhance capacities to access carbon financing from other alternative energy technologies and other sectors as well.
- It is important to feed the global context through bottom-up approach providing country level information through channels such as National Communications, Biennial Update Reports (BUR). However, in the new context of additional mandate of communicating NDC, such reporting process should not overburden any countries. It is important to have capacity building

as well as institutional development support for countries like Nepal in terms of enhancing the reporting process.

- Any discussion on climate change mitigation should be guided by scientific findings, including recent reports of Inter-Governmental Panel on Climate Change (IPCC). Developed countries and countries with higher greenhouse gas emission should take lead on reducing emission. Support should be provided to countries intending to move towards low-carbon emission path.
- As the Non-Carbon Benefits (NCBs) is already recognized by the PA, Nepal should show its potential contribution to the enhancement of NCBs such as biodiversity, wild life, mountains/upstream environmental services nature-based tourism and so on.
- Alternative approaches such as joint mitigation and adaptation approaches for the integral and sustainable management of forests, while reaffirming the importance of incentivizing non-carbon benefits associated with mitigation and adaptation. This work/ action is allowed by the Agreement and decision 1/CP21.
- On matters relating to science and review:
 - The UNFCCC can ask the IPCC to consider shorter cycles for its Assessment Reports without compromising on procedures needed to ensure scientific credibility.
 - As the global stocktake will cover mitigation, adaptation as well as means of implementation, it is recommended that the UNFCCC request the IPCC to ensure balanced treatment of these issues in its products.
 - Special reports relevant to the interests of Nepal. In this regard, the special report on the oceans and the cryosphere is of particular importance.

C. Adaptation

Context of Adaptation

Article 4 of the UNFCCC states that the parties shall cooperate in preparing for adaptation to the impacts of climate change and the developed country Parties shall take full account of the specific needs and special situations of the LDCs in their actions with regard to funding and transfer of technology. In order to operationalize these provisions, the Conference of the Parties (COP)³ at its 3rd session (COP 3) discussed to undertake a process and determine actions necessary to meet the specific needs of the developing countries. Since then, COPs have made following decisions to address climate change adaptation:

- Adoption of Marrakech Accord (COP 7, 2001) with a package of decisions on LDC work Programme; establishment of the LDC fund; establishment of the LDC Expert Group to support and guide developing countries in preparing and implementing NAPA; and NAPA preparation guidelines;
- Establishment of Nairobi Work Programme (NWP) on impacts, vulnerability and adaptation to climate change at the 11th session (CoP11, 2005) to develop tools and methods, document good practices, and provide scientific and technological inputs to Parties;

³ COP is the main decision-making body of the UNFCCC and meets every year to assess the actions taken by the member countries to tackle climate change.

- Establishment of Adaptation Fund (AF)⁴ in 2001 to finance concrete adaptation project and programmes financed with a share of proceeds from the clean development mechanism (CDM), and Adaptation Fund Board (AFB)⁵ was established under the decision 1/CMP3 in 2007 to govern the Adaptation Fund;
- Adoption of Bali Action Plan (COP13, 2007) which emphasizes enhancing action on adaptation;
- Adoption of Cancun Adaptation Framework⁶ (COP16, 2010) which provides developing countries including LDCs, an opportunity to formulate and implement National Adaptation Plan (NAP) to address medium and long-term adaptation needs;
- Establishment of the Adaptation Committee⁷ to promote the implementation of enhanced action on adaptation as part of the Cancun Adaptation Framework.
- Adoption of PA⁸ (COP21, 2016) with a separate article on Adaptation which establishes global goal on adaptation, recognized adaptation as a global challenge, promoted national actions and adaptation planning including NAP formulation and implementation, and called for strengthening institutional arrangement and provision for adaptation communication periodically. In addition, commitment of continuous and enhanced international support to developing country parties for the implementation of adaptation actions. The PA also has a provision for global stock-take to, *inter alia*, 'review the adequacy and effectiveness of adaptation and support provided'.

Though PA has set a future course of action in climate change addressing the adaptation, there are several issues, which are included below, need to unpack and bring clarity. For this COP 22 is expected to be an 'Action COP' which will likely make decisions to scale-up implementation of adaptation actions decided in the PA and the preceding COP decisions.

Nepal's strategic concern

PA has a provision on adaptation communication, however, issues related to adaptation communication needs further clarity. Further guidance on adaptation communication which may include priorities, implementation and support needs, plans and action on adaptation are expected to be discussed under APA 1-2 at COP 22. The APA 1-2 will also develop modalities of the global stock-take to assess the collective progress, including on adaptation and means of implementation and support. Adaptation communication could be a document, including NAP, NDC and/or national communications.

As a negligible emitter of GHGs, Nepal should follow the agenda items that support Nepal in adaptation. Nepal should follow the agenda items on matters related to the LDCs, NWP and NAP. Existing funding is 'completely inadequate' to address climate affected poor and marginalized people and communities and ecosystems. Nepal's concerns should be on: (i) replenishment of existing funds; (ii) simplification

⁴ The Adaptation Fund, 2001

http://unfccc.int/cooperation_and_support/financial_mechanism/adaptation_fund/items/3659.php

⁵ The Adaptation Fund board, 2007

http://unfccc.int/cooperation_and_support/financial_mechanism/adaptation_fund/items/4264.php

⁶ Cancun Adaptation Framework (Para 11-35) <http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf#page=4>

⁷ Adaptation Committee, 2010

http://unfccc.int/adaptation/groups_committees/adaptation_committee/items/6053.php

⁸ Paris Agreement

http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

of adaptation funding access (direct and indirect) provisions; (iii) additional support for NAPA implementation; (iv) Support for NAP formulation and implementation; (v) provision for a 'special window' in GCF on adaptation to LDCs; (vi) modalities, procedures and guidelines of transparency of action in adaptation; and (vii) adaptation in the global stock-take.

Nepal should urge developed country Parties to provide additional adaptation techniques and technologies, particularly suitable for mountain regions tapping the opportunities during the COP 22 either through bilateral meetings or during side-events.

Nepal's Key points/ask

Replenishment of LDC Fund (a dedicated fund to LDCs) and Adaptation Fund to bridge the funding gap in order to implement NAPA prioritized most urgent and immediate adaptation actions;

- Provision of 'special window' in GCF for expediting the financial flow to LDCs for financing in climate change adaptation;
- Fast track support to NAP formulation and implementation from GCF;
- Support for capacity building to plan and implement adaptation actions, techniques and technologies;
- Urging for recognition of adaptation efforts in the LDCs, and reiterate and exemplify support provided by the UN organisations, specialised agencies and other relevant organisations to formulate and implement NAPs in LDC Parties (COP 18 and 19 decisions);
- Support from the LEG and AC to support LDCs in accessing funding from GCF (COP 21 decision) to formulate and implement NAPs; and
- Urge to consider adaptation needs and costs for most vulnerable LDCs.
- Simplification of accreditation procedures for National Implementing Entities (NIEs) of LDCs to the AF and GCF

D. Loss and Damage

Context of Loss and Damage

Article 4.8 of the Convention and Article 3.14 of the Kyoto Protocol (KP) provides provisions on 'insurance' and 'response measures' which provides opportunities to address the loss and damage. Issues related to loss and damage is gaining importance in the climate change negotiations and attempts are made to link with 'liability' and 'compensation'.

Accelerated loss of people and property and ecosystem degradation from climate-induced disasters/extreme events encouraged Parties to realise the importance of loss and damage (L&D). Parties at COP 16 decided to establish the work programme on L&D under the CAF. From Cancun (2010) to Paris (2015), Parties made several decisions, including establishment of Warsaw International Mechanism (WIM) for L&D associated with climate change impacts under the CAF in COP 19 at Poland to address L&D, including extreme events and slow onset events. The COP 19 also established an Executive Committee to guide the implementation of functions related to: (i) enhancing knowledge and understanding of comprehensive risk management approaches; (ii) strengthening dialogue,

coordination, coherence and synergies among relevant stakeholders; (iii) enhancing action and support, including finance, technology and capacity building to address loss and damage associated with climate change impacts. The Executive Committee met several times, and mainstreamed work programme. Finally, L&D got space in the Paris Agreement without provisions on 'compensation and liability'.

Article 8 of the Paris Agreement recognises the importance of addressing L&D, provisions for enhancement and strengthening of WIM, enhances understanding, action and support including, *inter alia*, on early warning system, emergency preparedness, slow onset events, risk assessment and management, and resilience of communities, livelihoods and ecosystems. This provision provides opportunities to address loss and damage associated with climate change in a multiple ways.

The COP 22 will review the structure, mandate and effectiveness of the WIM⁹ to adopt an appropriate decision on the outcome of this review.

Nepal's strategic concern

Realising the increasing damage from climate-induced extreme weather events, adaptation would not be sufficient to protect climate vulnerable communities and ecosystems. In Nepal, loss and damage is easy to understand literally but difficult to link with climate change due to lack of and/or inadequate data and information. Few and sporadic studies on climate change impacts have been conducted but are not sufficient to link effects of disasters and weather events to climate change. In this context, Nepal should advocate for more support to generate data, information and evidences either through research or setting up hydro-metro stations. Exchange of initial ideas on the work of WIM and longer-term technical issues as provisioned in Article 8 of the PA would provide bases to address loss and damage associated with climate change.

Nepal needs to enhance knowledge and understanding on comprehensive risk management approaches, and also enhance actions and support, including finance, technology and capacity building to address loss and damage associated with the adverse impacts of climate change.

Nepal's Key points/ask

Nepal with other LDCs and in the spirit of the Kinshasa communiqué should emphasises on the following key points:

- Emphasise support for conducting research/studies on effects and impacts of climate-induced extreme weather events and generate evidences to influence developed countries to take additional efforts on GHGs reductions and/or establish a system for 'compensation and liability';
- Urge for a dedicated and adequate financial support for loss and damage (L&D), through operating entities of the Financial Mechanism of the Convention and its Protocol;

⁹ The WIM Executive Committee is mandated to report annually to the COP through SBSTA and SBI with recommendations, including on insurance and risk transfer (COP 21 decision to establish a clearing house for risk transfer).

- Strengthen WIM on L&D and advocate for the establishment of the clearing house for risk transfer and the task force for climate change displacement; and
- Support LDCs to piloting insurance and/or compensation mechanism in the mountain ecosystem.

E. Climate Finance

Context

As a highly vulnerable country to the impacts of climate change, finance is one of the crucial issues for Nepal. During the PA at COP21, Nepal actively advocated for adequate, predictable and easy access to climate finance. In order to address the national climate change issues, Nepal is making some robust efforts through national policy formulation, institutional strengthening and developing climate related programmes. Currently, it is in the process of finalizing the Low Carbon Economic Development Strategy (LCEDS) and started the process of preparing the National Adaptation Plan (NAP). Nepal will require sufficient additional international funding in order to take these initiatives into actions.

Nepal's Intended Nationally Determined Contribution (INDC) (now NDC) that highlight the national need for adaptation and low carbon development also demands for additional financing. Without the external support, Nepal will not be able to fulfil all the contributions.

In the PA, climate finance is regarded as one of the major pillars. The developed and other economically rich countries are obliged to provide financial resources to the developing countries, especially the LDC like Nepal. LDCs have been given preferential treatment when it comes to easy access and utilization of the financial resources. Though the provisions have been clearly spell out it does not provide the details of how the resources will be mobilized. The COP22 in Marrakech will have to provide the further clarity needed. Some of the major issues are:

a. Roadmap for US\$100 billion per year by 2020

The developed country Parties have committed to provide US\$ 100 billion per year by 2020 to the developing countries. There is a strong need to identify pathways with clear milestone for mobilizing scaled-up climate finance to meet this target from public, private and alternative sources. The recent study by UNEP on adaptation gap indicates that the cost of adaptation only in developing countries could be as high as US\$ 140 to 300 billion per year by 2030. Hence, mobilizing adequate and timely resources is critical for the successful implementation of climate actions by the developing countries especially the LDCs. Hence, in Marrakech this issues should be of importance to LDCs. A facilitative dialogue on finance will also be held at COP22, which needs to be closely followed.

b. Modalities, procedure and guidelines for the transparency framework for action and support

There is huge confusion how the transparency of action and support will be done under the PA. The scope and key issues of the framework on what it contains and covers need to be clarified. The agreement also talks of "flexibility" to low capacity countries but this term is very fluid and needs to be

further discussed and clarified, which Nepal strongly demand. While doing so some of the aspects to consider would be

- Clarity on climate relevancy of the funding from source level with clear marking of adaptation or mitigation focus. This will help to avoid double counting of the funding and also track climate finance.
- Clarity on target level of the funding. Provision of funding preference for the projects with community level beneficiaries.
- Alignment of the funding priority with countries priority sectors.
- Timely pledging of adequate climate finance commitment for coming years in advance by the developed countries parties.

c. Pledging into dedicated Climate Funds

Least Developed Countries Fund was created especially for the LDCs to implement NAPA, However, the fund is gradually going dry and most of the adaptation actions identified by NAPAs still await implementation. The Developed Countries should pledge into this fund including other dedicated climate funds such as the Special Climate Change Fund (SCCF) and Adaptation Fund that support LDC countries.

The future of KP after 2020 is uncertain. This also leaves the future of the Adaptation Fund that is under the Protocol unclear hence this issues also need to be clarified and sorted at COP22. The Fund should also be ensured with reliable financial source.

d. Easy and direct access

The internal access to climate finance has always been difficult for LDC countries. Grant-based adaptation financing with high country ownership, country-driven and direct access are important which is also in line with the national capacity building and strengthening norms of the PA. A process must also be in place to explore new and alternative source of finance for LDCs. The daunting process of accreditation and accessing finance from dedicated climate funds should be flexible at least at the initial stage for LDCs, as a part of the capacity building process.

Nepal's key points/asks:

- Nepal seeks a clear and concrete road map from developed countries in delivering US\$100 billion by 2020.
- The target must also prioritize adaptation and achieve the balance of 50:50 between mitigation and adaptation.
- Capacity building opportunities for national entities from the LDCs to access and manage climate finance should be ensured in the process.
- Developed countries must report on what they have provided climate finance and intend to provide to the developing countries in order to maintain transparency. Other countries providing climate finance must also report voluntarily.

- Adaptation finance must be significantly scaled up especially targeting poor and vulnerable group of countries like LDCs.
- LDCs must be prioritized with easy, direct, grant and quick access to the financial resources.

F. Technology development & transfer

Context of Technology development and Transfer¹⁰

The Article 4.1(c) states that all Parties are to promote and cooperate in developing, applying and diffusing, including transferring, technologies, practices and processes that control, reduce or prevent certain anthropogenic emissions of GHGs in all relevant sectors. In addition, Article 4.3, Annex II Parties are to provide financial resources for the transfer of technology. Furthermore, the Article 4.5 urges developed country Parties and Annex II Parties to take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly to developing countries, to enable them to implement the provisions of the Convention. The KP has reiterated issue of technology transfer in Article 10 and 11. Technology development and transfer has continuously being discussed in the different COPs. The PA established a Technology Framework to provide overarching guidance to the work of the Technology Mechanism in promoting and facilitating enhanced action on technology development and transfer.

SBSTA invited Parties to submit their views on elaborating on the Technology Framework, under Article 10, of the PA. The LDC Group has made a submission.

Nepal's strategic concerns:

The Technology Framework was negotiated to address the existing gaps in international cooperation on technology. In this regard, Nepal's primary concern is in ensuring that the Technology Framework is sensitive to the interests of Nepal and LDCs, is accountable, and supports synergies across the Convention and PA -related bodies.

It is becoming increasingly clear that the lack of synergies between the TEC and CTCN and the operating entities of the financial mechanism are a limiting factor in achieving enhanced cooperation on technology. The joint workshop between the TEC, CTCN, GCF and the GEF was a welcome exercise. At SBI 43, the TEC submitted an evaluation of the Poznan Strategic Program. The SBI asked the GEF to consider the recommendations in the evaluation. The evaluation suggested that the GEF report on its activities on this issue in three areas: regional and global technology activities; national climate change technology activities; and TNAs. This is the first year that the GEF has been asked to report annually to the COP instead of every other year.

¹⁰ After 'Key Ask for Nepal for COP 21, 2015

Nepal's key points/asks:

In light of this background, Nepal may urge the GEF to:

- reflect on the coherence and synergies across the operating entities of the Financial Mechanism in regards to furthering the aims of the Poznan Strategic Program
- share its experiences in 'further catalyz[ing] the scaling-up of good practices under the PSP, the GEF's experience in Least Development Countries such as Nepal may need special attention so that when the TEC provides a synthesis report on the experience and lessons learned at COP23 (through the SBI) (paragraph 97(a) and (b), FCCC/SBI/2015/16), the TEC may include such material.
- The Technology Framework needs to be equipped with the convening capacity to bring together all relevant actors to support the needs of developing countries, in particular, LDCs
- The TF needs to be given the mandate to work in close collaboration with the operating entities of the financial mechanism (in line with Article 10.5), in particular, to undertake collaborative approaches to research and development especially for technologies in the early stage of the technology cycle
- Invite the bodies to further consult to identify concrete tasks and actions where mutual support and synergies are possible; and to give special consideration to the accumulated lessons on improving access to technologies by LDCs in the work of the GCF.

G. Capacity building

Context of Capacity Building

Capacity-building, as commonly understood, encompasses activities at the level of individuals, institutions and system¹¹. Within the UNFCCC context, capacity building is referred to issues such as adapting to climate change, providing financial and technical resources, transferring technology, ensuring research, education and training, and improving national communications. Article 4.5 of the convention clearly stated that the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. In addition, the Article 5 of the convention calls on Parties to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in developing countries and to cooperate in improving developing countries 'endogenous capacities and capabilities to participate in international and intergovernmental efforts related to research and systematic observation. The Article 9.2 of the convention, established SBSTA to provide advice on ways and means of supporting endogenous capacity-building in developing countries¹². Major decisions on capacity building includes;

11 A Guide for Self-Assessment of Country Capacity Needs for Global Environmental Management, Global Environment Facility, September 2001, p. 5.

12 After UNFCCC Hand book 2006 and

http://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf

- Launching of a process to address capacity-building involving an assessment of existing capacity-building activities and needs and priorities in developing countries (decision 10/CP.5) and in EITs (decision 11/CP.5);
- Adoption of Frameworks for capacity-building in COP 7, 2001, in developing countries (decision 2/CP.7) and in EITs (decision 3/CP.7); and
- Article 10(d) of the KP discuss about promoting the development and strengthening of endogenous capacities and capabilities. The same article also stated of submitting information on capacity building in the national communications.
- Establishment of the Paris Committee on Capacity-building (PCCB) aiming to address gaps and needs, both current and emerging, in implementing capacity-building in developing country Parties (decision 72/CP.21)
- Launching of work plan of the PCCB for the period 2016-2020 (decision 74/CP.21)

Nepal's strategic concern

Capacity building is a key issue for LDCs and deserves a special attention for enhancing technical, institutional and governance capacity. Article 11 of the PA clearly stated to enhance the capacity-building of the least developed countries and also reiterates that such efforts should be participatory, country-driven and continuous process consistent with national priorities and circumstances.

At the Bonn session in May, 2016 Parties discussed on the terms of reference for the Paris Committee on Capacity Building (PCCB) and the draft decision on ToR for the PCCB has been recommended for consideration and adoption by the COP in Marrakesh. As per the draft TOR the composition of membership includes two members from each UN region and one member from each LDCs and SIDS ensuring majority of membership from developing countries. As the COP 22 is likely to decide the composition of PCCB, Nepal should engage in the dialogue with other Parties to have its representation in the committee. In addition, as the PCCB have set the timeline of 2016 – 2020 with an aim to enhance coherence and coordination in capacity building activities under the convention it is important to focus on the effective implementation of the work plan. The PCCB committee should soon start its work to address gaps and needs, both in implementing capacity-building in developing country. Since, Third Review of the implementation of the capacity building framework under the convention is taking place, it needs to be followed closely. This Issue is to be discussed under SBI.

Nepal's key Points/asks

- Urge for longer term financing support to develop capacity at national regional and sub-national level through climate change education and institutional strengthening
- Urge for exchange of knowledge and fostering of cooperation in regards to capacity building.
- Early implementation of the PCCB work plan targeting the LDCs particularly the mountainous vulnerable countries

H. Gender

Context of Gender

Issues of gender considerations in climate change have started gaining focus in recent years in the climate change negotiations. Looking at the chronological development of gender related discussion in the UNFCCC process; it gives an impression that the discourse on gender and climate change, during first few years of lobbying (COP 7) to integrate gender in UNFCCC process was mainly focused on the demand to ensure more participation of women in the negotiation process. Over the years, the focus on ensuring gender-responsive climate policies along with the balanced participation of women in the negotiation processes got momentum. Evolving over time, the decision in Lima in the 20th Conference of the Parties (COP) launched a separate two-year work program (Lima Work Programme on Gender), among other decisions relating to gender and climate change, aimed at promoting gender balanced participation in the negotiation and achieving gender-responsive climate policy in all relevant activities under the Convention¹³. It sets a substantial departure from demand for procedural aspect to substantive achievement of gender equality goal. With continuous effort and lobbying now gender consideration has received vital attention in the negotiation and outcome documents. Resultantly, the Parties in the UNFCCC process have included gender equality issues in almost all UNFCCC thematic area since 2010¹⁴.

The PA states, in its preamble, the importance of improving, inter-alia, gender equality and women empowerment while taking actions to address climate change. Similarly, Article 7(5) of the Agreement also acknowledges adaptation to follow, inter-alia, gender-responsive approach with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions. Likewise, Article 11(2) of the PA reinforces the fact that the capacity building activities should be, among others, gender-responsive¹⁵.

Nepal's strategic concern and Key Asks

As the Lima Work Programme on Gender was established in order to strengthen the accomplishment made so far in climate change and gender area, the Subsidiary Body for Implementation (SBI) at its 44th session invited Parties and the observer organizations to make submission on guiding principles and the possible elements for continuing and enhancing the Lima Work Programme on Gender which are subject to be adopted by the COP 22. In that connection, the Democratic Republic of Congo on behalf of the LDC Group made a submission on the same. Therefore, the key concerns and asks on gender and climate change relevant for Nepal mostly concurs with the submission made by the Democratic Republic of Congo on behalf of the LDCs Group which is discussed briefly below.

13 Draft Compilation of Decisions, Subsidiary Body Reports and Adopted Conclusion Related to Gender and Climate Change by the Secretariat, GCC/DRC/2015/1

http://unfccc.int/files/meetings/bonn_jun_2015/application/pdf/gcc_drc_2015_1.pdf

14 WEDO, 2015. Gender equality in climate agreement, Available at <http://wedo.org/wp-content/uploads/2015/12/5904-GenderClimateBrief.pdf>

15 UNFCCC, Paris Agreement, FCCC/CP/2015/L.9. Available at <https://unfccc.int/resource/docs/2015/cop21/eng/l09.pdf>

- Parties should continue to give focus to the issues of gender equality ranging from balanced participation of men and women in the negotiation process to ensuring gender responsive climate change policies and actions in the ground.
- In addition to that, in order to provide a sustained and undivided attention on gender considerations, the Lima Work Programme should be continued beyond two years so that it helps mainstreaming gender in the implementation of the Convention and the PA.
- Moreover, for the strategic guidance for achieving the goals of the Lima Work Programme, a concrete action plan on gender consideration is warranted with reporting and monitoring system.
- Similarly, capacity building opportunities for women should be ensured in order to ensure their substantive and meaningful participation in the decision-making roles in negotiation.
- The Parties should support research and development on the subtle linkages between gender and climate change so that gender does not merely becomes buzz word without meaningful outcome in the action.
- The Parties should make gender responsiveness a precondition in allocation of all climate change related support.
- As the Government of Nepal has made substantial step forward in terms of gender in its development planning frameworks, now it is crucial that climate change related actions mainstreams gender adequately at the action level. Some of the achievements from institutional to policy framework made so far in Nepal include, among others, constitutional mandate of gender equality and women empowerment, National Women Commission, a constitutional body, Ministry of Women Children and Social Welfare, Gender Focal Points at all Ministries and Departments, Gender Budget Code, Gender and Climate Change (Draft). The continuation and enhancement LWP therefore, adds on the Nepal's pursuit to achieve gender equality in climate change regime. SBI's positive recommendation to the COP in Morocco on this would be highly appreciated by Nepal.

6. Nepal's Side Event and Exhibition at COP 22

Nepal is organizing side-event on **"Experiences sharing on Nepal's NAP formulation Process and Approach"** at COP 22. The event is organized in collaboration with ICIMOD to share Nepal's experiences and learnings in the NAP process. Furthermore, the event is expected to showcase the learning and experiences the country has developed through its innovative approach to addressing climate change risks and vulnerability. For the event, GoN has invited distinguished speakers from Nepal and other countries and institutions to highlight key experiences related to the NAP process. The side event is scheduled for **17 November, 2016 at Room Arabian (150) from 18:30 to 20:00**.



In addition to this Nepal is showcasing its adaptation work through exhibition. The exhibition will be organized on the topic "From NAPA to LAPA to NAP". During the exhibition, Nepal's experiences, lessons learned and good practices of NAPA and LAPA and other climate resilient programmes will be showcased through posters and videos. The exhibition is scheduled from 7 November to 18 November 2016.

7. Conclusion

Nepal will effectively engaged in the process so as to have the productive COP participation. This briefing note will guide as a reference to present our concerns and asks in different issues and agenda item. Since, observers to the UNFCCC from Nepal will also have their participation along with the government delegation, in the COP, Nepal delegation will engage with them, harness their expertise in the country's benefit. For this, common understanding is important and Nepal will work towards building common understanding among Nepali participants.


Annexes

Flyer of the Side-event: Experiences sharing on Nepal's NAP formulation Process and Approach



Experiences sharing on Nepal's NAP formulation Process and Approach

Venue: Room Arablan (150)
Date: 17 November 2016
Time: 18:30 – 20:00



Nepal is formulating the National Adaptation Plan (NAP) in the spirit of the Cancun Framework and the Paris Agreement. Accordingly, NAP will adopt the "leave no one behind approach" and ensure participation and engagement of stakeholders through rigorous consultative mechanisms. Nepal has identified seven thematic and two cross-cutting areas as important to the NAP process.

Nepal's NAP process is strategically guided by its climate change policy and will build on the knowledge, experiences, and lessons learned from the preparation and implementation of its National Adaptation Programme of Action (NAPA), the National Framework on Local Adaptation Plan for Action (LAPA), and other national development strategies. While formulating NAP, Nepal aims at building synergy with the UN's Sustainable Development Goals, the Sendai framework on Disaster Risks Reduction, and other initiatives. The expected timeframe for the NAP preparation is 2 years.

The Government of Nepal (GoN) is organizing this side event to showcase the learning and experiences the country has developed through its innovative approach to addressing climate change risks and vulnerability. GoN has invited distinguished speakers from Nepal and other countries and institutions to highlight key experiences related to the NAP process. It is expected that this sharing of NAP experiences will help other developing countries to enhance knowledge sharing for country driven and inclusive NAP formulation in the future.

Speakers:

Honorable Jay Dev Joshi, Minister for Population and Environment
Government of Nepal

Dr Bishwa Nath Oli, Secretary, Government of Nepal

Dr Ram Prasad Lamsal, UNFCCC focal point for Nepal

Mr Zaheer Fakir, Co-Chair, Green Climate Fund (TBD)

Mr Tosi Mpanu Mpanu, Chair of the LDC Group under UNFCCC

Senior Official of the ICIMOD (TBD)

Senior Official from the Royal Government of Bhutan (TBD)

Senior Official from Action on Climate Today (ACT) (TBD)

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