



ADAPTATION FUND

AFB/B.34/9/Add.4

4 October 2019

Adaptation Fund Board
Thirty-fourth meeting
Bonn, Germany, 10-11 October 2019

Agenda items 12

ADAPTATION FUND BOARD'S CONSIDERATION OF ITS RULES OF PROCEDURE

Board's consideration of its Rules of Procedure

I. Disclaimer and objective of the document

1. This document is prepared with a view to facilitate the Board discussion related to its mandate by decision 1/CMP.14 to consider the 'Rules of Procedure of the Board' (RoP) and to make a recommendation to the fifteenth session of the Parties to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 15). The purpose of the document is not to propose a revision of RoP, but to help the Board identify whether and where updates are needed in line with the existing CMP and CMA decisions and whether and where updates are expected in the future to reflect the CMA decisions and CMP decisions to be made at CMP 15 and the second session of the Parties to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 2), e.g., the CMP decision on the eligibility for Board membership, or in order to fulfil its mandate from CMP, whether the Board may identify the need of further guidance from CMP. Therefore, **this is in no way to prejudge any future discussions or decisions on relevant matters.**

II. Provisions that are closely linked with anticipated CMP decisions

2. CMP decision to be made at CMP15 **on the eligibility for Board membership**, in December 2019 and other future CMP decisions **may** affect the following sections of the RoP (not as an exhaustive list) and it may be prudent to determine the revision of the sections after the relevant SBI consideration and CMP decisions are made:

- Section II [**Definitions**], paragraph 2:

2. *For the purpose of these rules;*

[. . .]

(c) *“Member” means a representative elected by the CMP as a member of the Adaptation Fund Board, accorded the right to vote;*

(d) *“Alternate” means a representative elected by the CMP as an alternate for*

Each member

[. . .]

- Section III [**Board**], paragraphs 3-9;
- Section IV [**Officers**], paragraph 10-11 which are related to the 'election of the Chair and Vice-Chair';
- Section XIV [**Termination of Board Membership**], paragraph 52-54: It is unclear whether the CMA need to be added to the CMP in paragraphs 52-53 or not.

Other unclear issues

3. **Section XVIII [Amendments to Rules of Procedure], paragraph 64:** Currently it is unclear whether this would need to be revised. This depends on whether amendments to RoP need to be approved not only by CMP but also by CMA. If CMA does not need to be added in this paragraph, the revision of paragraph 64 is not necessary. It is also unclear whether the revision needs to be approved by the CMA if the revision of RoP is related to the matters of Paris Agreement. In addition, there may be issues which are not easy to distinguish between only CMP matter and only CMA matter.

4. **Section XIX [Overriding Authority of the Kyoto Protocol, paragraph 65]:** Currently it is unclear whether there would be a need to add “*In the event of any conflict between any provisions of these rules and any provisions of the Paris Agreement, the Paris Agreement shall prevail*” to the current provision.

III. Provisions that are not closely linked with anticipated CMP decisions and that may be revised for updates in line with Decisions 1/CMP.14 and 13/1

5. **Section II [Definitions], paragraph 2:** Possible revision may include those of ‘Fund,’ ‘Board,’ ‘Member’ and ‘Alternate,’ ‘Parties.’

- Subparagraph (b) “**Board**”: “under the guidance of, and be accountable to the CMA with respect to all matters relating to the Paris Agreement, effective 1 January 2019 pursuant to decisions 13/CMA.1 and 1/CMP.14” could be added.
- An addition of a standalone subparagraph of ‘**the definition of Paris Agreement**’ after subparagraph (m):
 - For instance, “Agreement” means the Paris Agreement adopted under the United Nations Framework Convention on Climate Change;
 - (m) “*Protocol*” means the Kyoto Protocol to the United Nations Framework Convention on Climate Change;
- Subparagraph (n) “**Parties**”: Addition of ‘the Parties to the Paris Agreement’

6. **Section IV [Officers], paragraphs 15:** Paragraph 15 is related to ‘**the Chair’s Report to CMP.**’ Here, “and to the CMA on matters relating to the Paris Agreement” could be added.

7. **Section VI, paragraphs 18 which is related to the ‘place of the Board meeting’:** Here, “in conjunction with sessions of the CMP” could be updated to “in conjunction with sessions of the CMP and CMA.”