

APA: Parties begin initial exchange of views on features of NDCs and other issues

Bonn, 24 May (Indrajit Bose) — The UNFCCC's Ad Hoc Working Group on the Paris Agreement (APA) agreed on 23 May on the organization of work and went into a single contact group to begin an initial exchange of views on various issues on the agenda that included a discussion on the features of the nationally determined contributions (NDCs).

The discussions covered agenda items 3 to 8 of APA that include further guidance on the features of NDCs; information to facilitate clarity, transparency and understanding of the NDCs; accounting for Parties' NDCs; further guidance in relation to the adaptation communication; the transparency framework for action and support; the global stocktake; the committee to facilitate implementation and promote compliance; and matters related to implementation of the Paris Agreement (PA).

The discussions were conducted by Co-chairs **Sarah Baashan (Saudi Arabia)** and **Jo Tyndall (New Zealand)**.

Explaining the organization of work for the remainder of the Bonn session of climate talks, which end on 26 May, Tyndall said that the Co-chairs would like to hear Parties' views on broad overarching issues first and Parties would move to more focused technical work on Tuesday (24 May) and Wednesday (25 May). These would be done in open-ended informal consultations in a single setting. The contact group would resume again on Wednesday (25 May) to review the work done. The closing plenary of the APA would be held on 26 May, where the Co-chairs would share their assessment of the way forward.

The contact group lasted the entire day and Parties presented their views on each of the agenda items in a sequential manner. (This update presents an exchange of views on the features of NDCs.)

A key feature stressed by developing countries of an

NDC is that it is nationally determined.

Speaking for the **Like-Minded Developing Countries (LMDC)**, **Jordan** said that Article 3 of the PA had defined the term NDC as covering various elements including mitigation, adaptation, finance, technology, capacity building, and transparency of action and support, with a view to achieving the purpose of the PA under its Article 2.

[Article 3 reads: "*As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2 ...*"]

Article 4 refers to 'mitigation', Article 7 to 'adaptation', Article 9 to 'finance', Article 10 to technology transfer and Article 13 to 'transparency of action and support'.

The LMDC stressed further that an integral component of this purpose of the PA, aside from enhancing the implementation of the Convention, is that the Agreement itself will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC), in the light of different national circumstances.

It elaborated that this means that equity and CBDR must be reflected in all of the NDC components, including in mitigation. While there is a common obligation to submit NDCs, the content and information of such NDCs must be nationally determined and at the same time reflect CBDR, it added.

Jordan said that the fundamental basis for determining the features of NDCs must be in the provisions of the PA itself and that the task of the APA is a technical exercise that looks at the PA and draws the features from it. The Agreement already provides guidance on the NDCs and therefore, the

features should be rooted in the Agreement.

Jordan clarified that the task was not to develop new features of the NDCs but agree on further “guidance” on the features, where the “guidance” should be some general principles and ground rules but not detailed requirements on features. The guidance, added Jordan, should be based on the provisions of the Convention and rooted in the relevant Articles of the PA, in particular Article 3 (scope), Article 4.4 (differentiation) and 4.5 (support), which are the most important Articles to be implemented and operationalised in the guidance on features.

(Article 4.4 of the PA reads:

“Developed country Parties should continue taking the lead by undertaking economy- wide absolute emission reduction targets. Developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances.”)

(Article 4.5 of the PA reads:

“Support shall be provided to developing country Parties for the implementation of this Article, in accordance with Articles 9, 10 and 11, recognizing that enhanced support for developing country Parties will allow for higher ambition in their actions.”)

Jordan also said that any features that may be agreed upon by the APA would apply only to subsequent NDCs rather than to the first NDCs to be submitted by Parties.

It outlined the features for NDCs that are applicable to the mitigation component, which among others are follows:

- (i) It is nationally-determined pursuant to Article 3. It is up to each Party to determine what should be the content of their NDC, thereby reflecting the specificities and national circumstances of each Party;
- (ii) Mitigation actions taken by Parties through their NDCs in relation to the long-term goal ... will be undertaken on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.
- (iii) With respect to the mitigation component, the NDCs would feature:
 - (a) a common obligation under Article 4.2 to put in place domestic mitigation measures that, under Article 4.3, represent a progression beyond the Party's then current NDC and reflect its highest possible ambition; and (b)

differentiated mitigation obligations in which developed countries continue taking the lead by undertaking economy-wide absolute emission reduction targets under Article 4.4; and continue to provide under Article 4.5 support to developing country Parties and developing countries continue to enhance their mitigation efforts, voluntarily moving over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances.

In this context, the mitigation co-benefits resulting from Parties' adaptation actions and/or economic diversification plans can contribute to mitigation outcomes.

Saudi Arabia spoke for the **Arab Group** and said the most important feature of NDCs is that it is nationally determined. It said as the modalities, procedures and guidelines are developed, this important feature should not be jeopardized.

Speaking for the **Africa Group**, **Kenya** said that NDCs are nationally determined and take into account the specific circumstances and capacities of each Party. The bottom-up approach and flexibility of NDCs provided in the Agreement should be maintained. It also said that any further guidance should not reinterpret or go against the provisions of the PA. Defining features for NDCs could be seen as an attempt to standardize NDCs and this is not required based on the provisions of PA, it added further.

Democratic Republic of Congo (DRC) spoke for the **Least Developed Countries (LDCs)** and said that the consideration of further guidance for mitigation NDC features, as well as their corresponding information to be provided by Parties, should be comprehensive enough to encompass all types and varieties of mitigation measures proposed by Parties, which are nationally determined. It added that some of the key features spelt out in Article 4 link with the long-term temperature goal set out in Article 2; progression on successive NDCs is to be informed by the outcomes of the global stock take; ensure support for developing countries; and flexibility be provided for LDCs and Small Island Development States.

Speaking for the **Independent Alliance of Latin America and the Caribbean (AILAC)**, **Colombia** said Parties must provide quantitative information to facilitate comparability and developing countries' NDCs should distinguish between what are unilaterally done and what are conditional on

support from developed countries.

India said that the guidance has to be seen in a comprehensive and holistic manner, in the context of Article 3 and the overall objective of the PA. It also said that some technical work is needed on how equity and CBDR would inform the process of the preparation of NDCs. It said that Parties needed clarity on how equity and CBDR formed a part of the communication of NDCs by different Parties and they took into account their different roles in the process.

India added that there were a lot of ideas captured in the preamble of the PA which also needed to be part of the framing of NDCs. “We talked of sustainable production, sustainable consumption and climate justice. We should have technical guidance on how these shape the NDCs and what actions are being taken,” said India. It added that Parties should start work on submissions.

China said that the work on further guidance on the features was mechanical in nature, since the features of NDCs exist in the PA and there was no need to include new features. The most important feature of the NDC is that it is nationally determined, it added.

Other features might include the reflection of equity, CBDR-RC, national circumstances, under the context of eradication of poverty and sustainable development, covering all elements as in Article 3, reflection of different type of mitigation contribution as in Article 4.4, mitigation co-benefits, support to be provided by developed countries, the impact of response measures, etc. Any further features should not contradict the abovementioned features, said China. It also added that the PA did not contain the term ‘feature’, and that the discussion on ‘features’ should not impact the implementation of the Agreement as the status of the PA is higher than that of the accompanying decision from the Conference of Parties (referring to decision 1/CP.21 adopted in December 2015).

Brazil said that the guidance Parties had to develop was not on the nature of NDCs themselves, which had been given by the PA but that the guidance is to assist Parties when fulfilling their obligations.

South Africa said that the yardstick should be at a level where it was possible to facilitate clear and transparent NDCs taking into account that they are nationally determined. It also said that Parties must outline assumptions on how their NDCs are fair and ambitious, and must provide sufficient basis for how they relate to transparency and the global stocktake.

Grenada said Parties were not starting from scratch on features and that most of the INDCs submitted already were used as guidance.

The European Union said that substantial work on features had been done prior to Paris, but there was not enough work on guidance and that it looked forward to presenting its views on the item in the informal consultations on 24 May.

Switzerland said Parties had agreed to prepare, communicate and maintain successive contributions and pursue mitigation measures to achieve these. It said that further guidance was needed to ensure that the NDCs are clear and comparable. It also said the scope of the NDC in relation to agenda item 3 was solely mitigation and it would be key to know how to deal with the diversity of mitigation NDCs by Parties.

Australia said the key questions revolved around what guidance was needed to ensure the principles of environment integrity, transparency, completeness, accuracy and comparability; what guidance existed; and what were the gaps.

The **United States** said that it did not see agenda item 3 as an exercise for constraining NDC efforts as those would be nationally determined. It said that the guidance would be on what Parties were doing was clear. It is an issue of what is communicated and how it is communicated.