

Divergent views on information guidance on NDCs

25 May, Penang (T. Ajit) – Parties to the UNFCCC's Ad hoc Working Group on the Paris Agreement (APA) had a rich discussion on information to facilitate transparency, clarity and understanding of nationally determined contributions (NDCs) which also saw the expression an expression of divergent views, at the recently held climate talks in Bonn from 8-18 May.

With regard to the information related to NDCs, which was one of the issues taken up by Parties under the APA agenda, discussions were around the purpose of the guidance, elements of the guidance and what would further guidance be in practice.

(The mandate for the issue comes from Article 4.8 of the Paris Agreement (PA), which states that all Parties shall provide the information necessary for the clarity, transparency and understanding [CTU] in accordance with decision 1/CP.21, which was adopted in Paris.)

The discussion also highlighted differences among countries, largely around the scope of information for NDCs and the operationalization of differentiation in this regard on the information requirements for developed and developing countries.

Developing country groupings such as the **Like-minded developing countries (LMDC)** and the **Arab Group** called for differentiated guidance on information for developed and developing countries and also said that developed countries must provide information on support, as any progression on ambition is in tandem with progression on support.

Developed countries, however, said they were looking for common guidance and common elements as regards the information for all Parties, and that the discussion was limited to only the mitigation component of the NDCs (and not the

full scope of the NDCs which also relate to adaptation and the means of implementation.)

The call for 'common guidance' by developed countries as regards the information to be provided was seen by developing countries such as the **LMDC**, the **Arab Group** and **India** as contrary to the 'nationally-determined' character of NDCs.

The **United States (US)** said that where there is differentiation, the PA spells it out but it will not accept any "bifurcated guidance" as regards the information relating to the NDCs.

Another issue related to what the starting point of the discussion was. Several developed countries were of the view that paragraph 27 of decision 1/CP.21 is the starting point with respect to information, and that countries should list information on the elements as required by the para, signaling what some developing countries saw as a 'mandatory' approach. However, the **LMDC** and the **Arab Group** reminded Parties that para 27 had the words such as "... *may include, as appropriate, inter alia...*" and that the information was not mandatory.

(Para 27 provides that the information to be provided by Parties communicating their NDCs, in order to facilitate CTU "*may include, as appropriate, inter alia, quantifiable information on the reference point (including, as appropriate, a base year), time frames and/or periods for implementation, scope and coverage, planning processes, assumptions and methodological approaches including those for estimating and accounting for anthropogenic greenhouse gas emissions and, as appropriate, removals, and how the Party considers that its NDCs is fair and ambitious, in the light of its national circumstances, and how it contributes towards achieving the objective of the Convention as set out in its Article 2.*")

The **LMDC**, the **Arab Group** and **India** also made clear that information provided when

communicating the NDCs are distinct from information provided under the transparency framework, as the former is when the NDC is communicated while the latter is provided at the implementation stage of the NDC. They also stressed the need to keep the two strands of discussion apart.

The co-facilitators of the NDCs, **Sin Liang Cheah (Singapore)** and **Gertraud Wollansky (Austria)** have captured the discussions in an [informal note](#).

Highlights of some interventions

Speaking for the **LMDC, China** said para 28 (of decision 1/CP.21 on further guidance for the information to be provided) was a wish-list and said that Parties should first discuss this. It outlined and elaborated four overarching elements for the guidance viz. the timing (as to when the guidance should apply), the vehicle (by which it is communicated), capacity building and flexibility.

(Para 28 of decision 1/CP.21 requests the APA to develop further guidance for the information to be provided by Parties in order to facilitate CTU of NDCs.)

Outlining the views of the LMDC on timing, China said its understanding is that for those Parties whose NDC timeframe is up to 2030 (from 2020), they are invited to communicate or update their NDCs by 2030. There are two options in this regard, said China which are to communicate their NDC or to update their NDC.

Referring to para 22 of decision 1/CP.21, China said that this related to the existing round of NDCs and that Parties are required to submit their first round of NDCs before they join the PA. Those Parties that have submitted their intended NDC (INDC), they have already fulfilled their obligation as per that para, explained China further.

If Parties have submitted their NDCs up to 2030 before they joined the PA, they can, by 2020, simply communicate their NDC, it said, adding that the guidance on the information need not apply to the first round of NDCs.

Parties should apply the guidance in their subsequent round of NDCs, said China, clarifying that 'subsequent round' means 2031-2035 or 2031- 2040, adding that there was no agreed outcome on the common timeframes of the NDCs. "We cannot accept any requirement to

adjust our NDCs. Proposals that refer to adjusting our first set of NDCs will not fly," asserted China.

The second area in the guidance on information is around how information should be submitted, or what is the vehicle for this, said China. There should be a paragraph in the guidance to indicate this in a coherent manner regarding the existing round of NDCs. "The information accompanying the NDC document and the NDC document itself could be the appropriate vehicle. Parties can also, in a letter, highlight whatever information they think is required to facilitate CTU, but there should be no common format. A common format will violate the nationally-determined nature of NDCs, and this proposal will not fly," said China.

China also said that there should be something on capacity building support in the guidance, since several Parties had mentioned capacity constraints in their NDCs. Capacity building support should be provided to developing countries, it said and added that the support is indispensable for the communication and preparation of NDCs overtime.

China also said that the guidance should have a paragraph on flexibility, so that flexibility should be provided to developing countries in the light of their capacities. "NDCs have links to transparency. This is very crucial to ensure flexibility is operationalized in a consistent and coherent manner," it said further.

It also said that phrases such as common information for all Parties should be avoided while crafting the guidance for information. Referring to para 27 of 1/CP.21, China said that it is a general arrangement for the different types of NDCs.

It said that for some reason, some Parties have reached the idea that the 'may' in para 27 should be transformed to 'shall' and if this is so, it "would send a signal that we are trying to renegotiate the PA and it would not be constructive to do so," said the Chinese negotiator.

It also added that it would not make sense at this stage to list every type of NDCs, given that there are numerous types of NDCs. "The concrete step to start from is the basic or minimum arrangements for the different types of NDCs, as well as having something on the means of implementation to be provided by developed countries, and needs for developing countries. Guidance should not prevent developing

countries to indicate their need for support. That is a way forward,” it said, adding that there should be no tight link between the information for NDCs and information on reporting under the transparency framework (which relates to the implementation of the NDC).

Speaking for the **Arab Group, Saudi Arabia** said that even though providing information was a procedural obligation, the content of the information would not be common, or one-size-fits-all or mandatory. It said that the content of the information should be on the basis of the different scope, type and content of the NDCs by developed and developing country Parties; and discretionary, optional and non-exclusive in nature, because of the words “may”, “as appropriate”, and “inter alia” in para 27.

Saudi Arabia said that the purpose is to provide further guidance for information as a tool for Parties’ consideration when preparing and communicating their NDCs. It also said that guidance should respect and preserve the nationally determined nature of Parties’ contributions, without introducing a common format or exerting undue burden on Parties, in particular, developing countries.

It also called for differentiated treatment between developed and developing countries with respect to the provision of information. Differentiation could be reflected by requiring developed countries to provide more types of information with greater levels of detail in relation to their absolute economy-wide emission reduction targets and provision of support in their NDCs; developing countries would be provided with flexibility in relation to their NDCs, it added further.

Saudi Arabia stressed that the provision of information should cover both action and support, given the full scope of the nature of NDCs, and the reality of the NDCs submitted. It recalled Parties raising the issue of conditional climate action and the need for support to implement those actions, adding that the content of information that has been set out in para 27 is applicable for both action and support.

It also said that addressing the problem of inadequate information and data on means of implementation was very important and that it should be the priority of Parties’ work. “Otherwise the guidance related to quantification

of NDCs will become a game of ‘numbers on paper’ exercise which will make the implementation of the PA far away from Parties’ domestic realities and actions on climate change and sustainable development,” it stressed further.

On the link with transparency, Saudi Arabia said that the information on NDCs is a set of plans and ambition and does not present the progress made on implementation, which is under the discussion under the transparency framework. “So it is important that we keep those two discussions in their appropriate venues,” it added further.

India said that the purpose of guidance on information is to give opportunity for trust building among Parties by allowing the developed countries to demonstrate leadership through their NDCs, and at the same time allowing the developing countries to put forward ambitious NDCs based on the projected levels of support.

“We have heard several Parties supporting the view that the information should preserve the nationally determined nature of NDCs. At the same time some Parties have called for ‘common/mandatory elements’ to make it comparable,” it said, adding that it was struggling to understand how something that is ‘mandatory’ can conform with the spirit of national determination.

India suggested that Parties could begin with having a common set of mandatory elements for developed countries, which would include information pertaining to their planned emission reductions, and the support provided to developing countries. “Developed countries should provide details of the means of implementation provided by them in line with Article 4.5 of the PA. Specific information with respect to finance may include, inter alia, the base year, quantum of funds given, and planned to be given in a predictable manner, sources of such funds, the delivery channels, actions taken and planned to augment these flows and how these funds are ‘new and additional’. It should also be noted that progression on ambition shall be in tandem with progression on support,” it stressed further.

With respect to technology, developed countries must include information on the financial resources that are provided, and those which will be provided, to cater for technology related costs, it said. Developed countries must also include the

measures taken by them to incentivize and propagate technological innovations and similar kind of information would also be required on capacity building, said India further.

For the developing countries, it said a differentiated framework is required in projecting their needs for resources for achieving their NDCs, adding that information provided by them should be less specific and detailed due to their limited capacities.

“We must bear in mind that the information under this item is qualitatively different from the information sought under the transparency framework, since the information on NDCs is given along with the communication of NDCs while the information under transparency framework is provided after the NDCs have entered their implementation stage. This means that information on NDCs cannot be as detailed and specific as the information sought under transparency,” said India.

The guidance should recognize that countries will nationally determine the pathways to achieve their respective contributions depending on their development priorities, and therefore the guidance should certainly not aim to convert all Parties NDCs into a single form of absolute form of greenhouse gas reductions. Such quantification will alter the ‘national’ nature of NDCs, and give it a prescriptive nature, said India.

“We have heard comments to have quantification to make NDCs comparable. With respect to this issue, don’t we already have an ongoing process where United Nations Environment Programmes’ (UNEP) Emission Gap Reports are being made comparable? A common or mandatory format therefore is not necessary for comparability. Further such mandatory features would inherently retain the possibility of putting additional burden on developing Parties, something which we have heard none of the Parties favour,” said India.

On timing, India said that guidance should be applicable only to the second round of NDC submissions.

Further, the guidance for information should build on existing guidance structures available in the Convention, its Kyoto Protocol, and the relevant provisions of PA and decision 1/CP.21 and should respect the comprehensive scope of NDCs laid down in the Article 3 of the PA and

cover both action and support based on the Article 4.4 and 4.5, India added.

South Africa said the purpose of the guidance is to know what each Party is contributing globally. Information, it said is for the collective assessment of the NDCs, adding that developed countries should provide information on support. It also stressed the need for flexibility for developing countries with less capacity and to reflect any special circumstances. It said Article 4.8 of the PA is for all Parties to provide information, and that some information could be standardized to make it comparable.

Brazil said that para 27 provides the ‘status quo’ as regards the information and Parties have to build on the elements mentioned therein, and that did not mean that the elements could not be changed. It said that Article 4 of the PA has a higher legal standing and it would be a contradiction for a COP decision to have higher status.

It did not think that there should be a common format, but the guidance needs to be clear. Brazil said that the purpose of the guidance should be to help Parties elaborate future rounds of NDCs while at the same time make NDCs work in the general flow of the PA, for example, to track progress and be considered at the global stocktake (GST), etc.

On the issue of timing, Brazil said, “Several of us cannot go back and re-do our NDCs, so we do not see guidance applying anytime soon. Guidance applies to the second round of NDCs. Timing is something that we could decide along with transparency.”

Ethiopia said that the purpose is to facilitate CTU and that in addition to the listing of information in para 27, there could be other elements added such as needs for implementation, metrics of accounting and common timeframes for NDCs.

St Lucia, speaking for the **Caribbean Community (CARICOM)**, said that the purpose is to understand the NDCs, and that common guidance should be the starting point with information on the elements in para 27 to be provided as mandatory information. It said it would be useful for Parties to have common requirements and quantify NDCs.

The European Union (EU) said that the

guidance in the communication of the NDCs should accommodate their diversity and that a mutual understanding of the NDCs would build trust and confidence among Parties. It added that Parties should provide information that could be aggregated for the GST. It said Parties had the opportunity to develop further guidance, which could be fit for purpose, and that elements listed in para 27 required thorough elaboration, with common information accompanying them. The EU also said that it would want information on how a Party thinks its NDC is fair and ambitious.

Switzerland said that para 27 served as the starting point in terms of the headings on guidance. It also said that it is important to get a better understanding of the term flexibility for those developing countries in light of their capacity, and added that flexibility was reflected in the nationally determined nature of NDCs. “When it comes to information, we do not really see any flexibility. The PA is clear that everyone has to provide information. It is extremely important that we understand NDCs on the table,” said Switzerland.

Norway said that the CTU guidance should help Parties in their obligations to provide information and reiterated that all Parties have this obligation and should provide information relevant to their NDCs. “When we develop the guidance, Parties will apply them and use them to provide CTU. We do not think we will provide the perfect information which will be the exact details as in the NDCs. We acknowledge that the information will improve over time and capacity will also improve over time,” it said further.

Norway supported that para 27 was a good starting point, and said that it would like to see the elements in the first skeleton (of texts). “We would like to submit the list of not only the basic elements, but also the next level of what kind of information would be relevant under the relevant elements,” it said and called for a paper that would look into the information needs for the various NDCs.

The **US** said the scope was clear in that the binding obligation to communicate NDCs refers to mitigation. It also said that decision 1/CP.21, under Article 4, is under the heading of mitigation and did not refer to other Articles. It also said that the APA agenda was crafted and agreed by Parties and the title of the agenda item is: *‘Further guidance in relation to the mitigation section of decision 1/CP.21*

on...’

On differentiation, the US said that differentiation is delicately balanced in the PA. Where there is differentiation, the PA spells it out. PA includes common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, which refers to the continuum of circumstances. The nationally-determined nature of NDCs is critically important. “Provision of Article 4 is for all. We will not accept bifurcated guidance,” said the US.

The US added that the purpose of the guidance is to help Parties understand what other Parties have pledged to undertake. On the elements, the US said that para 27 was helpful and that there could be information on scope and coverage, description of assumptions and Parties should include information on how their contributions are fair and ambitious to meet the objective in Article 2 of the PA.

New Zealand said it would like to see a process where Parties can look at paragraph 27 and identify which aspects could be turned into headings. It also said that they need to find a way to identify more specific information, which could be provided upfront so that it could help with reporting under transparency.

On flexibility and how to capture that, New Zealand said, “for us in the PA the notion of flexibility was accorded to Least Developed Countries (LDCs) and Small Island Developing States (SIDS) and we would be happy with that to be captured. For other developing countries and developed countries, flexibility was captured in terms of the type of targets that could be taken.” It also said that capturing the notion of support was important and that it would be keen on working out how to capture information on capacity building support.

Japan said that the purpose should be conducive to track projects and which makes possible to go for the aggregate effect of NDCs. On elements, it said that the guidance should be something that includes all types of NDCs, so it should provide what kind of information is appropriate for which type of NDCs. Information should be as concrete as possible, it added and that elements in para 27 should constitute the headings for the information.

Australia said that the purpose is to set a marker for businesses, investors as well as something that

would be useful for the GST. It added that while the base year would not be difficult to provide, the reference level may prove more difficult. “Once we list and understand the technical elements, we can see which ones are specific to the different types of NDCs and which ones are not,” it added further.

It also said that it would be useful to start with some basic elements and identify information and that para 27 is a “reasonable starting point”. Australia added that there were six major pieces of information to be elaborated upon. These include

what is a Party’s commitments; information on reference point, base year, time frame; scope and coverage of mitigation commitments; assumptions and methodological approaches (where Parties can describe what the accounting approach intended is and what the baseline is); domestic processes (for Parties to describe how they have come up with their contributions); and progression and ambition (which includes ambition and progression in relation to the GST).

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