



Parties clash over public registry for NDCs and adaptation communications

14 Nov, Marrakech (Zhenyan Zhu and Meena Raman)- Differences of views between developed and developing countries have emerged on how they view the public registry for nationally determined contributions (NDCs) and for adaptation communications under the Paris Agreement (PA).

The UNFCCC's 45th session of the Subsidiary Body on Implementation (SBI 45) has been conducting informal consultations in this regard since 8 Nov. under agenda items 5 and 6 relating to the development of modalities and procedures for the operation and use of a public registry referred to under Articles 4 (12) and 7(12) of the PA.

(Article 4 (12) provides that "NDCs communicated by Parties shall be recorded in a public registry maintained by the secretariat" and Article 7(12) states that "the adaptation communications...shall be recorded in a public registry maintained by the secretariat").

Underlying the tensions that arose among Parties was the content of the public registry for NDCs – whether it should cover just the mitigation component or the full scope of NDCs including adaptation and the means of implementation as reflected under Article 3 of the PA.

Also in issue was whether there should be one or two registries since some developing countries are of the view that the NDCs also include an adaptation contribution or communication.

The issue of what constitutes NDCs is a live issue that is being dealt with under the work of the Ad Hoc Working Group on the PA (APA) on the features of NDCs.

In this regard, the **Like-minded Developing Countries (LMDCs)** during the SBI consultations expressed the view that the work in the SBI was a

technical one and should not duplicate the work on-going under the APA.

The informal consultations are co-chaired by **Madeleine Diouf (Senegal)** and **Traude Wollansky (Austria)**.

The SBI was tasked to agree on draft conclusions that will be forwarded for the consideration and adoption by the Conference of Parties meeting as the Parties to the PA at its first session (CMA1).

The intense exchanges among Parties led to agreement on the draft conclusions to be forwarded. The relevant draft conclusion in relation to the public registry under the Article 4(12) agreed to reads as follows:

"The SBI took note of the views exchanged by Parties at the session on the modalities and procedures for the operation and use of the public registry as referred to in decision 1/CP.21, paragraph 29, including on the linkages of its work under this agenda item to the work under SBI 45 agenda item 6, and to the work of the Ad Hoc Working Group on the Paris Agreement."

Parties also agreed in their conclusions that the "the SBI also agreed to continue its consideration of this matter at SBI 46 (May 2017)."

Registry for NDCs

At the first meeting of the informal consultations on the NDC registry held on 8 Nov, the Co-Chair invited Parties to share their views such as its key features and elements of the modalities and procedures, procedures of Parties' submission of their NDCs as well as adjustment of NDCs, etc.

On the operation and use of the public registry, Parties expressed the following key elements as characteristics of the registry which included user-friendliness, accessibility, simplicity, searchability, keeping of historical records of NDCs

submissions, having a full complete record and allowing adjustment of NDCs, etc.

Generally, Parties agreed that the matter under discussion was a technical one, and that it should not resolve any political issues.

China, speaking for the **Like-minded developing countries (LMDC)** stressed that Parties should keep the discussions away from any sensitive and political discussions that are being dealt with in the APA.

It added that at this stage, the discussion should focus on how the registry should function and on how to register the NDCs. China said it preferred one public registry accommodating NDCs and adaptation communication and that Parties could upload two documents under one column.

Saudi Arabia for the **Arab Group** supported China and added that, although there are two items in SBI agenda (on NDCs and adaptation communications), there should be one registry.

In the second meeting of the informal consultations held on 9 November, the Co-Facilitators circulated a document titled “possible elements for draft conclusions on SBI agenda item 5”, and invited Parties to comment on this document, saying that it captured the views of Parties.

China for the **LMDC** expressed strong opposition to the document and said that Parties should stop substantive discussions on the issue of NDCs and wait until the outcome of discussion in the APA. China said it was not appropriate to produce the document and invite Parties to have discussions and said that the document should not have any legal status. It was opposed to having any matters relating to the substance of NDCs included in the draft conclusions.

Pakistan echoed the intervention made by China and said that the points captured in the document were quite confusing and did not want further discussions on the matter.

India and **Saudi Arabia** also supported China’s position in this regard.

Saint Lucia appreciated Co-facilitators’ document said it captured the views of Parties and that there was a mandate to develop modalities and procedures for the operation and use of a public registry and that discussions in another room (APA) should not prevent Parties from discussing further.

The **European Union** supported St. Lucia in this regard.

In the third meeting of the informal consultations on 10 Nov, the Co-facilitators presented a text of draft conclusions for the consideration of Parties.

Colombia proposed to have the elements of the earlier document prepared by the Co-facilitators the previous day in to be included in the draft conclusions.

China for the **LMDC** was opposed to this proposal.

As to whether to merge the two agenda items of SBI 45 into one and whether to have one registry for both NDCs and adaptation communication, **China** on behalf of **LMDC**, **Saudi Arabia** on behalf of **Arab Group**, **India** and **Pakistan** wanted the two agenda items to be merged and wanted one registry for both NDCs and adaptation communications.

As Parties could not agree on the draft conclusions, they agreed to meet for further discussions the following day.

China for the **LMDC** wanted the next discussion to be based on the current text of the draft conclusions, for the discussions to be kept at the procedural and technical level without causing prejudice to discussions taking place under the APA. This was supported by the **Arab Group** and **India**.

Following intense exchanges at the informal consultations on 11 Nov, Parties agreed to the conclusions as reflected above, which was the original text of conclusions agreed to at the previous session of the SBI in Bonn in May this year.

Registry on adaptation communications

In the first meeting of informal consultations on the registry for adaptation communications held on 8 November, Parties had divergent views on whether to have one registry for both NDCs and adaptation communications or have two registries.

China for the **LMDC**, **Saudi Arabia** for the **Arab Group**, and **Zimbabwe** wanted one registry for NDCs and adaptation communications while the **EU**, **Switzerland**, **Canada**, the **United States**, **Jamaica** and **Tuvalu** wanted to have two separate ones.

In the second meeting of informal consultations, **Saudi Arabia** proposed to the Co-facilitators to produce a draft conclusion for Parties to go over

as what has been done for item 5 and wanted Parties to exchange views at the next session of the SBI. It did not want a request for submissions by Parties as proposed by some Parties.

China supported **Saudi Arabia** and wanted a simple and procedural conclusion as it was too early to call for submissions, as discussions of adaptation communications had not yet been concluded under the APA.

Parties were again significantly divergent on whether to merge two items into one under SBI agenda.

Tuvalu said the two discussions (under agenda item 5 on NDCs and item 6 on adaptation communications) should be separate until there is agreement on the nature of adaptation communications.

The **EU** said that all Parties recognize that intended NDCs do contain an adaptation component but that is not the same with adaptation communications.

The **US** also could not agree with China and Saudi Arabia.

Saudi Arabia sharply pointed out that adaptation should be given more value when discussing NDCs, adding that there will be more clear discussions if the two issues were in one agenda item for discussions. It added that when there is more work on adaptation communications in the APA, there will be a clearer linkage between the communication of NDCs and adaptation efforts.

In the third informal consultations held on 11 Nov, Parties agreed with the following draft conclusion, which was the same as agreed to at the last Bonn session.

The draft conclusion reads: “The SBI took note of the views expressed by Parties during the session on this matter, including on the existing or potential linkages to SBI 45 agenda item 5, the continued work of the secretariat on the interim registry, the web page maintained by the secretariat on undertakings in adaptation planning and the work of the Ad Hoc Working Group on the Paris Agreement.” They also agreed that “the SBI agreed to continue its consideration of this matter at SBI 46 (May 2017).”