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Environmental Studies 425: International Climate Negotiation Seminar

Final Blog Post: APA-3 and SBI-5 at COP24

Background and Introduction:

The [Paris Agreement](#) was adopted in 2015 at the 21st Conference of the Parties (COP21) to the UN Framework Convention on Climate Change (UNFCCC). It went into effect less than a year later, shortly before COP22 in November 2016. Today, 184 countries representing almost 90% of global greenhouse gas emissions have ratified the Agreement which aims to limit global temperature rise to “well below 2°C, and [pursue] efforts to limit the temperature increase to 1.5 °C” (Article 2.1a). In accordance with the Agreement, each country is to “prepare, communicate and maintain” [Nationally Determined Contributions \(NDCs\)](#) detailing mitigation measures. However, the Agreement does not outline what NDCs should specifically include nor how the Agreement will be implemented (Article 4.2). Instead, the Paris Agreement mandated three subsidiary bodies—the Ad Hoc Working Group on the Paris Agreement (APA), the Subsidiary Body for Implementation (SBI), and the Subsidiary Body for Scientific and Technological Advice (SBSTA)—to prepare specific rules and guidelines for its implementation. COP22 in Marrakech set the timeline for the development of a ‘[Paris Rulebook](#),’ now termed the Paris Agreement Work Programme (PAWP), to be outlined by Parties to the Paris Agreement (CMA) by 2018. Thus, the stakes were high heading into COP24 in Katowice, Poland. For the first time since Paris, the Parties felt pressure to walk away with a finished product.

Throughout the Fall 2018 semester, the three of us followed two agenda items mandated to subsidiary bodies regarding mitigation, which refers to reductions in greenhouse gas emissions. The first was SBI Agenda Item 5 (SBI-5), “*Common time frames for nationally determined contributions*,” and the second was APA Agenda Item 3 (APA-3), “*Further guidance in relation to the mitigation section of decision 1/CP.21 on: (a) Features of NDCs, (b) Information to facilitate clarity, transparency and understanding (ICTU) of NDCs, and (c) Accounting for NDCs.*” Last year, students in the Washington University delegation followed mitigation and NDCs at COP23. For more background information, read their post [here](#).

Subsidiary Body for Implementation: Agenda Item 5 (SBI-5) - “*Common time frames for nationally determined contributions*”

Article 4, paragraph 10 of the Paris Agreement states that the CMA “shall consider common time frames (CTFs) for NDCs.” Paris requires Parties to submit NDCs detailing how they will mitigate climate change, but information on implementation and content is scarce. The function of NDC CTFs is to add an aspect of standardization to Parties’ NDCs. CTFs refer to both the time-period that NDC pledges apply and how early before the implementation period NDCs must be submitted. For example, the NDCs submitted in 2015 will apply to 2020-25 (5-year time frame) or 2020-30 (10-year time frame).

The first informal consultation session at COP was constructive and did not seem contentious; even the co-facilitator congratulated the Parties for their progress. [Four options](#) for CTFs were presented as a result of the Bangkok negotiations before COP:

1. 5 years,
2. 10 years,
3. 5 or 10 years, or

4. nationally determined

Parties appeared to be converging on the third option and agreed to throw out the fourth. China suggested that the Parties could decide CTFs for the 2nd round of NDCs (to apply 2030-35 or 2030-40), and then reevaluate for subsequent rounds of NDCs, which countries agreed on. After the session, a substantive decision seemed possible. However, the SBI-5 negotiations took a strange and frustrating turn after the first informal meeting.

Before the second informal consultation, the SBI-5 co-facilitators published a procedural draft-text rather than a substantive one; instead of adding a decision on CTFs in the PAWP, the decision was pushed back. It was unclear if this was the co-facilitators' decision or if the Parties collectively reached the decision at 'informal informal' consultations prior, which are closed to observers. At the beginning of the second informal consultation, many countries expressed frustration with the procedural nature of the text, but they agreed that, given the few additional sessions devoted to SBI-5 and the pressing time constraint, a procedural text on CTFs was preferred to no text. Once it was clear that they would not send the CMA a substantive text, the negotiations turned to how the procedural text should reference the options for CTFs prepared during Bangkok sessions and at the current COP. Some wanted the information annexed to the text, but countries, including Saudi Arabia, were worried that this would falsely imply consensus and overstate progress made towards SBI-5. A link to a report detailing progress toward finalizing draft decision text ended up being included in a footnote.

On Saturday, Dec. 8, the negotiators had to send text to the SBI to close the week-long SB meetings. Countries negotiated the latest version of the text, and there was a lot of apparent conflict. They added additional text in the footnote stating that the views were not exhaustive. Additionally, the draft text incorporated China's suggestion to call for the SBI to consider CTFs at the SBI 50th session in June 2019 with the goal of recommending a CMA decision. Some Parties were disappointed that no specific date or CMA session was identified. The session ran over as Japan and Australia argued with Saudi Arabia and China whether to include a 2023 deadline for a CMA decision or even request the decision to be made in a "timely manner." China (for LMDCs), Russia and Saudi Arabia (for the Arab Group) would not agree to this language. The latter Parties got their way after a tense back and forth, and the [final procedural outcome](#) was sent to the SBI.

The SBI accepted the text at the closing plenary. At COP24, it was decided that CTFs will be applied to all countries' NDCs starting in 2031. They now have a [document with five options for negotiating text](#). In June 2019, the SBI will hopefully reach consensus on what text to send to the CMA, but it is unknown when the CMA will decide a substantive decision based on this text. [View a detailed progression of the SBI-5 draft text here](#).

Ad Hoc Working Group on the Paris Agreement: Agenda Item 3 - "Further guidance in relation to the mitigation section of decision 1/CP.21 on: (a) Features of NDCs, (b) Information to facilitate clarity, transparency and understanding (ICTU) of NDCs, and (c) Accounting for NDCs."

In the Paris Agreement decision text paragraphs 26, 28, and 31, the APA is requested to develop further guidance on **features**, **ICTU**, and **accounting** for the mitigation component of Parties' NDCs. The guidance is not to be prescriptive but help Parties prepare their NDCs and ensure maximum understanding of each NDC by other Parties. A large chunk of negotiating time in Katowice was allotted for this agenda item, and the negotiations were oftentimes contentious and divergent. The negotiations began with a discussion of the draft text prepared by the APA co-chairs from the Bangkok negotiations in the [Joint Reflections note](#). The text was 20-pages long,

and having each Party share their thoughts on each paragraph was a long and arduous process, especially at the first informal. Still, a 8-page, [final decision text](#) made it into the PAWP at the end of COP24. These added guidelines will help improve overall transparency with communication of NDCs.

While there is no set definition of **features**, many countries define it as the scope, content, or categories of information required or requested in an NDC. The draft text in the Joint Reflections Note outlined two options for identifying and listing existing features; option 1 listed more than a dozen specific features of NDCs from the Paris Agreement including those in: “Art 3: National determination, include elements of mitigation, adaptation, financial support, technology development and transfer and capacity building,” and those in “Art. 4.3: progression, highest ambition, national circumstances.” Quickly at the first informal consultation at COP24, Parties agreed that this level of detail and quoting the Paris Agreement was not necessary.

Option 2 instead read “features of NDCs are outlined in [Article 3][Article 4][Articles 3 and 4][the relevant provisions] of] the Paris Agreement;]”. Certain developing countries argued for the inclusion of only Article 4 in the preamble, but the US would not consent to reference Article 4, which references differentiation of the abilities of developed and developing countries to prepare and implement NDCs, without a reference to Article 3. In the final CMA decision text, neither Article is referenced directly under features— “only the relevant provisions of the Paris Agreement” in paragraphs 19 and 20. In the preamble, however, both Articles 3 and 4 are identified as relevant Articles of the Paris Agreement to the guidance. The decision also decides that further guidance on features will be reconsidered in 2024 after the first global stock take.

ICTU refers to information provided with NDCs that facilitate understanding and comparability with other country pledges. At COP24, parties discussed views on ICTU elements such as quantifying emissions, base year, scope and coverage, methodological approaches, ambition, and information on adaptation, finance, and means of implementation. Final ICTU elements are contained in an annex to the decision and requires parties to submit the relevant information in their 2020 updated NDC’s. Information that must be included include the reference point (such as base year), time frame, scope and coverage, planning processes, assumptions and methodological approaches for calculating emissions, how the country determines its NDC to be fair and ambitious considering its national circumstances, and how the NDC contributes towards achieving long term temperature limit of 2° C.

Accounting is the mechanism of how to calculate total net greenhouse gas emissions. This includes emissions released to atmosphere, changes in land sector, and internationally transferred mitigation outcomes (ITMOs, a form of emission trading). On accounting, countries discussed flexibility for developing countries, consistency in methodologies, environmental integrity, and the prevention of double counting. Double counting emissions was mentioned in the text, but many Parties were unhappy with the lack of detail included since there are many ways to double count emissions. Thus, there is a concern countries will find loopholes. Ultimately, it was decided that parties are required to account for NDC’s with the guidance contained in an annex to the Paris Rulebook. This includes using methodologies assessed by the IPCC, being consistent with these methodological approaches, continuing to include source/sink once it is included, and providing an explanation if certain categories of emissions are excluded. *For more information on the progress of the APA-3 negotiations, [view the RINGO notes and minutes here.](#)*