



A Dynamic Ambition Mechanism

FOR THE PARIS AGREEMENT

Discussion Note¹

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¹ This Note was written by the author and contributions made by contributors in purely personal capacities. The views expressed do not necessarily reflect the views of the institutions with which they are affiliated.

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Executive Summary

In August 2014, during the tenth anniversary <u>ecbi Oxford Fellowships and Seminar</u>, a number of senior developing country negotiators developed an idea regarding a periodic process for enhancing the ambition of contributions under the Paris Agreement. They published the idea as "<u>A Dynamic Contribution Cycle</u>" (DCC),⁶ with Xolisa Ngwadla (South Africa) and Jose Miguez (Brazil) as lead authors.

On 6 November, the DCC idea was submitted to the UNFCCC as part of the <u>Views of Brazil on the Elements of the New Agreement under the Convention applicable to All Parties</u> (Brazil, 2014), because:

"The agreement itself must provide for the procedures to enhance ambition over time, Brazil recognizes it is important to avoid 'locking in' contributions in the long term. It is also important to avoid that successive cycles of contributions become subject to renegotiations and political bargain.

With a view to addressing these issues, Brazil proposes a 'dynamic contribution cycle', based on ten-year periods, with two five-year contribution terms. The purpose of this approach is to allow the adjustment of contributions with a view to enhance ambition, while providing long term perspectives for Parties and stakeholders."⁷

The DCC idea proved to be a key influence⁸ on what might be called the "Contribution Framework" of the *Paris Outcome*. This Note analyses this Contribution Framework with respect to key ambition features of the DCC proposal, namely:

- accommodation of the fact that once contributions are inscribed, they are in many cases politically "locked-in",
- provision of *shorter-term predictability* through the inscription of the five-year term contributions with a *medium-term indication* of how the contributions are going to evolve (thus avoiding being caught by surprise every five years).

Due to envisaged different time frames in the initial Nationally Determined Contributions (NDCs), the communication and updating components of the Contribution Framework are divided into two different tracks: a five-year time frame (paragraph 23, or \$23, of the Paris Outcome) and a ten-year time frame (\$24) track. The Note concludes that while the Contribution Framework contains all the relevant key ambition features of the DCC, their potential is not fully realized because they are divided between the two tracks. It recommends that the "ratcheting-up" potential of the Contribution Framework be enhanced by harmonising the two tracks. In practice, this could be achieved by simply:

* requesting all Parties in 2025 to communicate a 2035 NDC and update their 2030 NDC, and to do so every five years thereafter.

The Note finally emphasizes that the "Ambition Mechanism" thus defined would be able to harness all the advantages of the DCC proposal without prejudice regarding the length of time frames.

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⁶ See Appendix I.

⁷ Brazil 2014:p.8.

⁸ See also 'Maillot Jaune' for the Dynamic Contribution Cycle.

The Paris Outcome

Background and Definitions

The Paris Outcome⁹ (the "Outcome") establishes a five-year cycle – here referred to as the "(*Paris*) *Contribution Framework*" – for reviewing and communicating *Nationally Determined Contributions* (NDCs), which involves three processes (defined in Art. 14 and §§22-25¹⁰):

- Communicating/updating of NDCs,
- Synthesis Reports of communicated or updated NDCs, and
- Global Stocktakes.

However, to discuss these three processes – what exactly they are meant to do and how they relate to each other – we need some additional basic terminology to refer to particular periods of the Contribution Framework and to identify particular NDCs.

The Outcome associates NDCs with "time frames and/or periods of implementation" (§27). While no explicit definition of these two concepts is given in the Outcome, the language suggests that both are (multi-year) periods ending in multiples of 5 (namely in 2025, 2030, 2035, and so on). Moreover, it would seem to be reasonable to interpret "time frame" as the time span used in defining the NDCs, and "period of implementation" as the period in which it is to be implemented. What can safely be assumed is that the period of implementation of an NDC ends at the same time as its time frame, which means that these common end years can be used to identify NDCs, say by defining that:

• "2025 NDC" refers to an NDC with a time frame or period of implementation ending in 2025.

The second loose end to be tied up is where to set the beginning/end of, for want of a better word, the "*Review and Communication Periods*" (RCPs) of the Contribution Framework. This, of course, is simply a matter of definition, but it seems reasonable to synchronize them with the above-mentioned time frame/period of implementation end points, i.e. to define that:

• "2025 RCP" = 2021 to 2025. 12

Given these definitions, we can now begin to analyse the three processes of the Contribution Framework, starting with the communications or updates of NDCs.

Twin Communication/Update Tracks

Reflecting the fact that the Intended Nationally Determined Contributions (INDCs) submitted to date have five- and ten-year time frames, the Outcome specifies communication or updating of NDCs in two different paragraphs: §23 for those with an INDC time frame up to 2025 (call them "§23-Parties"), and §24 for those with an INDC time frame of up to 2030 ("§24-Parties"). By 2020,

- \$23-Parties are urged to communicate "a new NDC and to do so every five years thereafter";
- \$24-Parties are requested "to communicate or update" their 2030 (I)NDCs "and to do so every five years thereafter".

⁹ The Paris Outcome comprises the Paris Agreement and Decision 1/CP21.

¹⁰ "Art." and "\$" are used here to refer to articles of the Paris Agreement and paragraphs of Decision 1/CP21, respectively.

¹¹ Note that, as such, the two would not necessarily need to be identical. For example, it is not unthinkable that an NDC could be defined in terms of emissions over a single-year time frame (a "point year target") with implementation starting before that year.

¹² "2020 RCP" is used here to refer to the time up to 2020.

Given that according to §22, INDCs will automatically be deemed to be initial NDCs (unless otherwise specified by the Party in question), it is generally assumed that the "new NDC" mentioned in §23 refers to a 2030 NDC. This means that by 2020, §23-Parties will have communicated two NDCs, namely a 2025 NDC and a 2030 NDC. By 2025, they will have communicated their 2035 NDC, by 2030 their 2040 NDC, and so on. In short, §23-Parties will always have communicated two future NDCs: one 5 years, the other 10 years ahead.

§24-Parties, in turn, are requested to look at their 2030 INDCs and, by 2020, either communicate them as their 2030 NDC or update them. The question then is: what are they meant to be doing at the end of the 2025 RCP, i.e. what are they meant to communicate by 2025? While there are a number of options one could think of, the most natural seems to be that they would be doing a "mid-term review" of their 2030 NDC – that is to say they would either confirm or update the 2030 NDC. By the end of the 2030 RCP, they would presumably communicate a new 2040 NDC.

This twin-track approach creates some complexities in the Contribution Framework, as illustrated in Figure 1. For one, while all Parties will have "decadal" NDCs – i.e. for 2030, 2040, 2050, etc. – only \$23-Parties will also have "mid-decadal" ones: 2025, 2035, 2045, etc. This will have inevitable ramifications for the Global Stocktakes and Synthesis Reports, which are discussed below. Note that Figure 1 reflects a particular \$24 communication and updating pattern which would lend itself to be part of an Ambition Mechanism, namely one with \$24 'mid-term updates'. But many other patterns are possible under the Paris Contribution Framework.

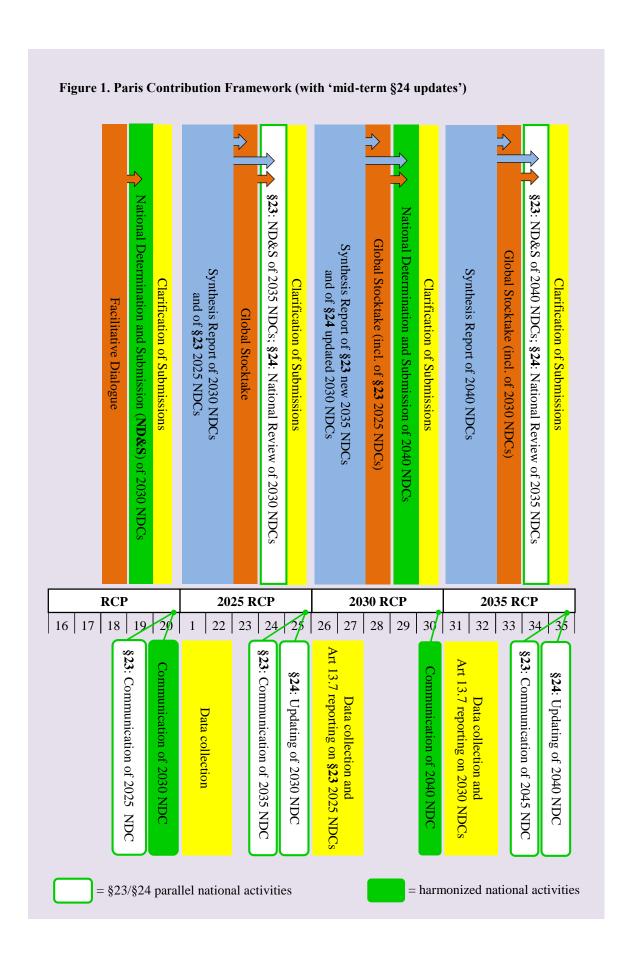
Clarity of Contributions

According to §25, Parties are to submit their NDCs "at least 9 to 12 months in advance of the relevant session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement [CMA] with a view to facilitating the clarity, transparency and understanding of these contributions, including through a synthesis report prepared by the secretariat". While the paragraph does not explain which session is meant to be "relevant" and for what, the context suggests the following interpretation: communication or updating of NDCs are to be done at the CMA session in the final year of the RCP, i.e. in 2020, 2025, 2030, 2035, and so on. The purpose of §25 under this interpretation is to give Parties and stakeholders the chance to seek clarification and feedback before the NDCs are actually communicated or updated.

This Note uses this interpretation and, to simplify matters for illustrative reasons, will assume that the submission is to be *by the end of the fourth year of the RCP*, i.e. by the end of 2024, 2029, 2034, and so on.

Synthesis Reports

What is the purpose of the §25 synthesis reports and when are they to take place? The answer to the former, while not explicitly contained in the Outcome language, would seem to be that their purpose is the same as that of the Global Stocktake (see below), namely to inform Parties in *updating and enhancing ... their actions and support* (Art. 14.3). It is therefore *inter alia* meant to inform Parties in the formulation and review of future NDCs. As indicated by the blue arrows in Figure 1, this could happen directly or through the Global Stocktake.



Global Stocktake

The *Global Stocktake* (or, for short, "Stocktake") defined in Article 14 is intended to take stock *of the implementation* of the Agreement to *assess the collective progress* towards achieving the purpose of the Agreement and its long-term goals, in a comprehensive and facilitative manner, considering *mitigation, adaptation, and the means of implementation and support*, and in the light of equity and the best available science. The outcome of the Stocktake is meant to inform Parties in *updating and enhancing their actions and support*.

One thing that is crystal clear in this context is the timing: as mentioned earlier, the Stocktake is to take place in 2023, and periodically every five years thereafter (with a 2018 "prequel" Facilitative Dialogue). What is as yet not so clear is what exactly it is meant to take stock of.

The remit of the Stocktake goes beyond mitigation, but for the purposes of this Note the key issue is: how does it deal with mitigation in general, and NDCs in particular? This is not self-evident in the Paris Outcome, but there are elements in it that provide some clues.

§99 is of particular importance in this context, as it indicates the sort of information sources that are to be used in the Stocktake. Sub-paragraph (a)(i), for example, refers to information on 'The overall effect of the nationally determined contributions communicated by Parties'. It stands to reason that such information could be used for an analysis of the overall effect of future NDCs, based *inter alia* on the preceding Synthesis Report of these communicated and updated future NDCs by the Secretariat, and information provided under Article 13.7, which stipulates that each Party is to provide:

- (a) A national inventory report of anthropogenic emissions by sources and removals by sinks of greenhouse gases, prepared using good practice methodologies accepted by the Intergovernmental Panel on Climate Change and agreed upon by the CMA;
- (b) Information necessary to track progress made in implementing and achieving its nationally determined contribution under Article 4.

According to §90, both types of reports are intended to be at least biennial (except in the case of LDCs and SIDS, where they are discretionary). Assuming that the information thus reported will feed into the Stocktake, it stands to reason that from 2028, the Stocktake will be able to consider implemented NDCs – the 2025 NDCs communicated by §23-Parties – and the "mid-term" implementation status of the 2030 NDC communicated by §24-Parties.

Enhancing the Paris Contribution Framework

This Section compares the Paris Contribution Framework with the DCC proposal (see Appendix I), with a view to identifying possible enhancements of the Contribution Framework, in order to turn it into an effective Ambition Mechanism.

In order to foster ambition, the DCC involves reviews of what has been achieved, and assessments of what countries intend to do, and it does so, to quote the <u>original proposal</u>, "in a manner that avoids certain key political constraints and controversies, including:

- what might be called "political lock-in", given by some governments finding it very difficult
 to change figures, particularly near-term ones, once they have been published for inscription.
 In many countries, such figures will have been approved at the highest political and/or
 parliamentary levels, which renders revisions almost impossible; and
- differences in the views on how long a cycle should be in order to give (i) sufficient policy stability to global climate governance, (ii) predictability for the private sector, and (iii)

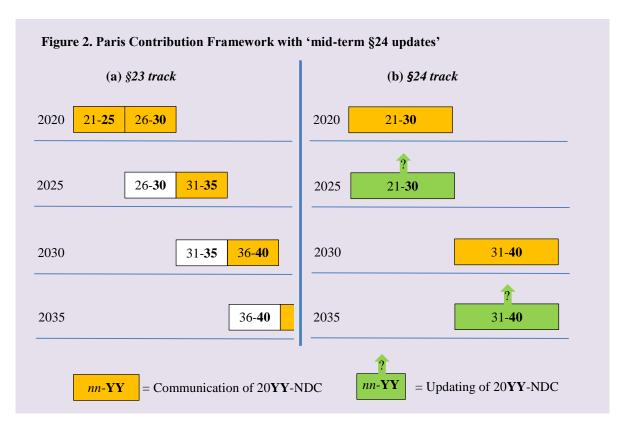
assurance on enabling contributions for others, whilst at the same time not locking-in low ambition for longer periods of time, and allowing Parties to take into consideration the latest available scientific knowledge."

The DCC not only accommodates the fact that once contributions are inscribed, they are in many cases politically "locked-in", but it also provides *shorter-term predictability* through the inscription of the subsequent five-year term contributions with a *medium-term indication* of how the national contributions are going to evolve (thus avoiding surprises every five years), together with a mechanism to *ratchet-up ambition*.

Clearly the Contribution Framework is very similar to the DCC, and incorporates all its main elements. The twin-track approach, in particular, incorporates two key ideas of the DCC, namely the communication of shorter-term and medium-term contributions and the opportunity of synchronized updating. However, these two elements are divided between the two tracks:

- [a] the §23 track involves the rolling communication of two consecutive future NDCs, but no synchronized updating; while
- [b] the §24-track has synchronized updating, but no rolling medium-term time horizon.¹³

Figure 2 illustrates the Paris Contribution Framework involving mid-term §24 updates. If the hallmark of an 'ambition Mechanism' is to have a scheduled update for all communicated NDCs, then the *Paris Contribution Framework does not qualify as an ambition mechanism* in this sense, because of [a].

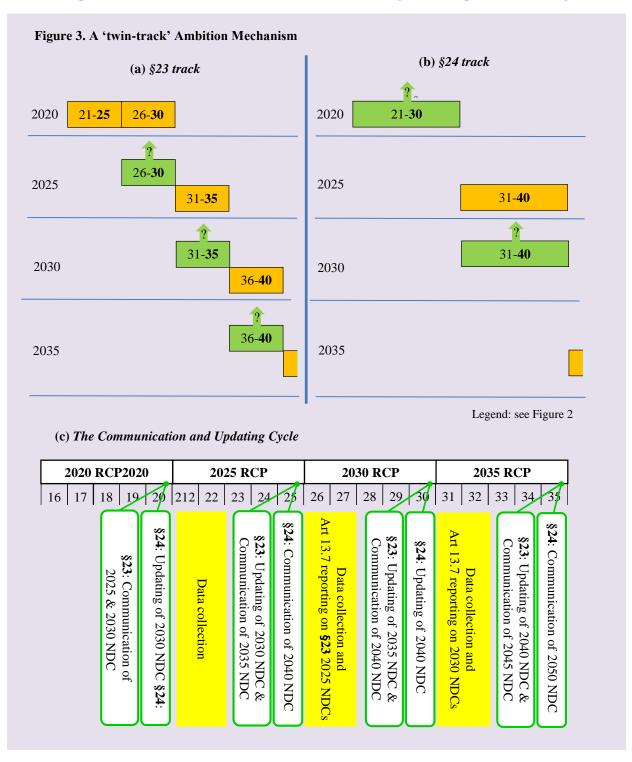


¹³ In the mid-term, say 2025, the time horizon of the §24 track is just five years, while that of the §23 track, with the communication of the 2035 NDCs, is 10 years. At the end of the term, say 2030, there is no indication of where things are meant to go in the §24 track. In contrast, the §23 track will communicate two future NDCs (i.e. for 2035 and 2040).

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Option 1: A 'twin-track' Ambition Mechanism

The absence of synchronized updating in the §23-track can easily be achieved by requesting §23-Parties to update the next NDC at the same time as communicating the subsequent one – cf. Fig. 3 (a).



The situation is slightly more complicated with regard to introducing a rolling medium-term time horizon to the §24-track. One option would be to use the mid-term updating illustrated in Figure 2 (b). Another one that is being entertained by some §24-Parties – and illustrated in Figure 3 (b) – is to start in 2020 with updating the submitted 2030 INDCs, communicating new 2040 NDCs in 2025, updating them in 2030, communicating new 2050 NDCs in 2035, and so on.

This obviously takes care of the missing §24-track time horizon: at no point will there be less than a ten-year communicated NDC horizon, indeed in some cases (e.g. 2025) it will be 15 years (with the communication of the 2040 NDC), but the resulting enhancement of the Contribution Framework still does not make use of the full ratcheting-up potential of the DCC.

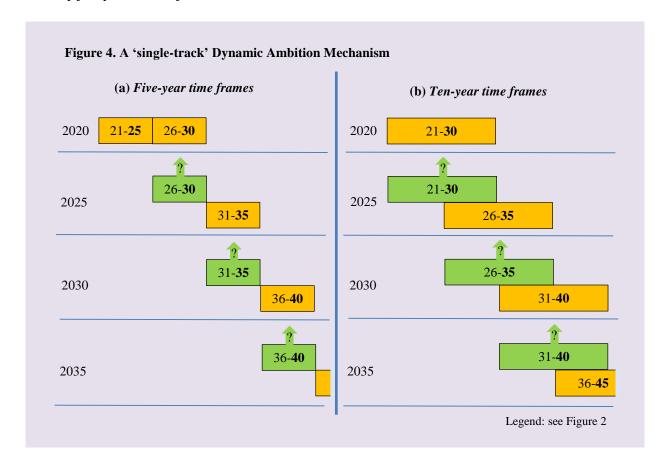
While both the five-year and the ten-year time frame tracks have a rolling medium-term indication and synchronized ratcheting, they do not cohere. In particular, there are RCPs (2025, 2035, etc.) in which updating only happens in the §23-track. In those periods where there is simultaneous updating (2030, 2040, etc.) different NDCs are being updated, namely 2035 NDCs (§23-track) and 2040 NDCs (§24-track) in 2030; 2045 NDCs (§23-track) and 2040 NDCs (§24-track) in 2040, and so on (see Figure 3). Given that the purpose of synchronized updating is to create a "virtuous cycle" where Parties can compete in their ambition, this lack of coherence is suboptimal because it fails to engage all Parties to compete on the same NDC. As it happens, this can be remedied relatively simply.

Option 2: A 'single-track' Dynamic Ambition Mechanism

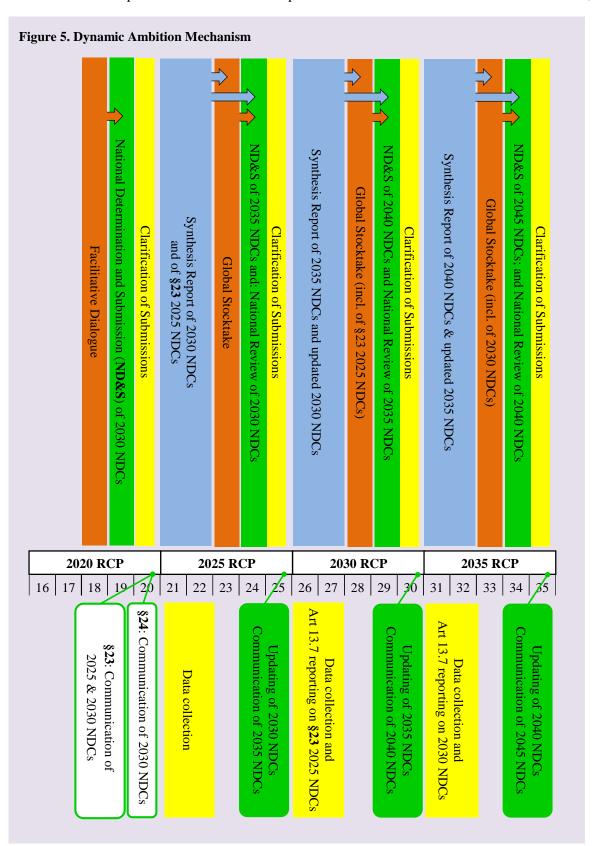
Coherence between the two tracks can be achieved by:

- [A] using the idea of a 'mid-term review' of §24 NDCs illustrated in Figure 2 (b) and
- [B] augmenting it with the request that §24-Parties also communicate a new NDC every fiveyears.

All the COP would need to do to introduce this enhancement of the Contribution Framework is to: urge/request Parties in 2025 to communicate a 2035 NDC and to update their 2030 NDC, and do so every five years thereafter.



The idea of §24-Parties submitting NDCs every five years may seem puzzling, but it is perfectly possible. To explain this in concrete terms, take the case of the EU NDCs. Given the INDC submission, it stands to reason that the EU will adopt a §24-track 10-year time frame for its NDCs, beginning with a 2030 NDC of a 40 per cent reduction with respect to the 1990 baseline between 2021 and 2030,



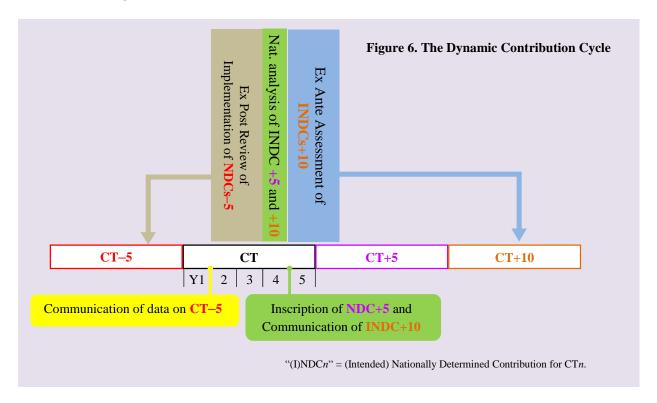
meaning that the *average annual EU emissions over that time frame* will not exceed 60 per cent of 1990 emissions. The point is that it would be perfectly possible for the EU in 2025 to communicate a 2035 NDC with a ten-year time frame, a reduction of, say, 60 per cent below the 1990 baseline, in the sense of average annual emissions between 2026 and 2035 not exceeding 40 per cent of 1990 levels.

In other words, it is possible to make *mid-term* communications of new NDCs under a ten-year time frame track because there is no reason, in principle, why time frames cannot overlap, as illustrated in Figure 2 (b).

It is important to highlight that this is possible without harmonizing the different time frames that were the reason for the two-track formulation in the first place. In particular, in 2025, it would be perfectly possible for Parties with a ten-year time frame preference to communicate a 2035 NDC with a 2026 to 2035 time frame. Of course it would probably simplify things if they would put forward a 2031 to 2035 time frame, but that is not a prerequisite for the inter-track harmonisation (*) proposed in the Executive Summary. The "Dynamic Ambition Mechanism", thus defined, (see Figure 5) would be able to harness all the advantages of the DCC proposal without prejudice with regards to the length of time frames.

Appendix I. The Dynamic Contribution Cycle¹⁴

The DCC, proposed by senior developing country negotiators participating in the 2014 ecbi Oxford Fellowship and Seminar, is a five-year cycle with a rolling ten-year horizon. It is based on five-year "Contribution Terms" (CTs), with which it overlaps. Consider the situation illustrated in Figure 6, where "CT" designates the "current" Contribution Term.

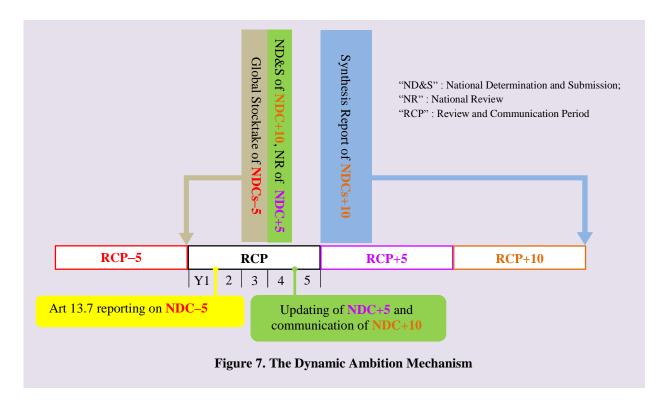


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¹⁴ This Section is based on the OCP/ecbi 'Dynamic Contribution Cycle - Summary Brief'

- [1] The DCC begins at the beginning of the second year (Y2) of the **CT** with the communication of data on the preceding contribution term (**CT-5**).
- [2] In years two and three (Y2 and Y3) there is an *ex post* implementation review regarding the NDCs of preceding contribution term (NDCs-5).
- [3] At the end of year four (Y4), Parties
 - (i) communicate an *Intended* Nationally Determined Contribution (INDC+10) for CT+10, and
 - (ii) inscribe an NDC for the next contribution term (CT+5) on the basis of the INDC+5 communicated five years earlier, the implementation review, and the *ex ante* assessment of INDCs+5 carried out five years before.
- [4] During the final two years of the DCC covering the last year of the CT (Y5) and the first year of CT+5 an *ex ante* assessment of the communicated INDCs+10 is carried out.

Figure 7 illustrates the close similarities between the Dynamic Ambition Mechanism, proposed above, and the DCC.



Appendix II: The relevant Paris Outcome Language

The Agreement

Article 4.9 (Communication Cycle)

Each Party shall communicate a nationally determined contribution every five years in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement and be informed by the outcomes of the global stocktake referred to in Article 14.

Article 4.10 (Harmonization of Time Frames)

The Conference of the Parties serving as the meeting of the Parties to the Paris Agreement shall consider common time frames for nationally determined contributions at its first session.

Article 4.11 (Ratcheting of NDCs)

A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.

Article 13.7 (Inventory and other Reporting)

Each Party shall regularly provide the following information:

- (a) A national inventory report of anthropogenic emissions by sources and removals by sinks of greenhouse gases, prepared using good practice methodologies accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement;
- (b) Information necessary to track progress made in implementing and achieving its nationally determined contribution under Article 4.

Article 14 (Global Stocktake)

- 1. The Conference of the Parties serving as the meeting of the Parties to the Paris Agreement shall periodically take stock of the implementation of this Agreement to assess the collective progress towards achieving the purpose of this Agreement and its long-term goals (referred to as the 'global stocktake'). It shall do so in a comprehensive and facilitative manner, considering mitigation, adaptation and the means of implementation and support, and in the light of equity and the best available science.
- 2. The Conference of the Parties serving as the meeting of the Parties to the Paris Agreement shall undertake its first global stocktake in 2023 and every five years thereafter unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.
- 3. The outcome of the global stocktake shall inform Parties in updating and enhancing, in a nationally determined manner, their actions and support in accordance with the relevant provisions of this Agreement, as well as in enhancing international cooperation for climate action.

Article 15 (Compliance Mechanism)

1. A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement is hereby established.

- 2. The mechanism referred to in paragraph 1 of this Article shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.
- 3. The committee shall operate under the modalities and procedures adopted by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session and report annually to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.

The Decision Text

II. INTENDED NATIONALLY DETERMINED CONTRIBUTIONS

20. Decides to convene a facilitative dialogue among Parties in 2018 to take stock of the collective efforts of Parties in relation to progress towards the long-term goal referred to in Article 4, paragraph 1, of the Agreement and to inform the preparation of nationally determined contributions pursuant to Article 4, paragraph 8, of the Agreement;

III. DECISIONS TO GIVE EFFECT TO THE AGREEMENT

MITIGATION

- 22. *Invites* Parties to communicate their first nationally determined contribution no later than when the Party submits its respective instrument of ratification, accession, or approval of the Paris Agreement. If a Party has communicated an intended nationally determined contribution prior to joining the Agreement, that Party shall be considered to have satisfied this provision unless that Party decides otherwise;
- 23. *Urges* those Parties whose intended nationally determined contribution pursuant to decision 1/CP.20 contains a time frame up to 2025 to communicate by 2020 a new nationally determined contribution and to do so every five years thereafter pursuant to Article 4, paragraph 9, of the Agreement;
- 24. *Requests* those Parties whose intended nationally determined contribution pursuant to decision 1/CP.20 contains a time frame up to 2030 to communicate or update by 2020 these contributions and to do so every five years thereafter pursuant to Article 4, paragraph 9, of the Agreement;
- 25. *Decides* that Parties shall submit to the secretariat their nationally determined contributions referred to in Article 4 of the Agreement at least 9 to 12 months in advance of the relevant meeting of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement with a view to facilitating the clarity, transparency and understanding of these contributions, including through a synthesis report prepared by the secretariat;
- 27 Agrees that the information to be provided by Parties communicating their nationally determined contributions, ... 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, ...

TRANSPARENCY OF ACTION AND SUPPORT

91. Also decides that all Parties, except for the least developed country Parties and small island developing States, shall submit the information referred to in Article 13, paragraphs 7, 8, 9 and 10, as appropriate, no less frequently than on a biennial basis, and that the least developed country Parties and small island developing States may submit this information at their discretion;

GLOBAL STOCKTAKE

100. Requests the Ad Hoc Working Group on the Paris Agreement to identify the sources of input for the global stocktake referred to in Article 14 of the Agreement and to report to the Conference of

the Parties, with a view to the Conference of the Parties making a recommendation to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement for consideration and adoption at its first session, including, but not limited to:

- (a) Information on:
 - (ii) The overall effect of the nationally determined contributions communicated by Parties;
 - (ii) The state of adaptation efforts, support, experiences and priorities from the communications referred to in Article 7, paragraphs 10 and 11, of the Agreement, and reports referred to in Article 13, paragraph 7, of the Agreement;
 - (iii) The mobilization and provision of support;
- (b) The latest reports of the Intergovernmental Panel on Climate Change;
- (c) Reports of the subsidiary bodies;
- 101. Also requests the Subsidiary Body for Scientific and Technological Advice to provide advice on how the assessments of the Intergovernmental Panel on Climate Change can inform the global stocktake of the implementation of the Agreement pursuant to its Article 14 of the Agreement and to report on this matter to the Ad Hoc Working Group on the Paris Agreement at its second session;
- 102. Further requests the Ad Hoc Working Group on the Paris Agreement to develop modalities for the global stocktake referred to in Article 14 of the Agreement and to report to the Conference of the Parties, with a view to making a recommendation to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement for consideration and adoption at its first session;

FACILITATING IMPLEMENTATION AND COMPLIANCE

103. Decides that the committee referred to in Article 15, paragraph 2, of the Agreement shall consist of 12 members with recognized competence in relevant scientific, technical, socio-economic or legal fields, to be elected by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement on the basis of equitable geographical representation, with two members each from the five regional groups of the United Nations and one member each from the small island developing States and the least developed countries, while taking into account the goal of gender balance;