

# Common Time Frames

Creating Space for Ambition in the Paris Agreement Rulebook



Protest banner at SB46 in Bonn on 11 May 2017

Photo: IISD/ENB | Kiara Worth

Benito Müller  
October 2018

ecbi

European Capacity Building Initiative  
[www.ecbi.org](http://www.ecbi.org)

The contents of this paper are the sole responsibility of the author. Any views expressed are solely those of the author and do not necessarily represent those of ecbi member organisations or funding partners. This paper was written by the author in his personal capacity – therefore it reflects his personal views, and not necessarily those of any institutions he may be affiliated with.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior permission of the ecbi.

The author would like to thank the following people for their valuable comments, with apologies for any omissions: Isabel Cavelier Adarve, Harro van Asselt, Paulo José Chiarelli Vicente de Azevedo, Subhi Barakat, Geert Fremout, Luiz de Andrade Filho, Carlos Fuller, Ziahul Haque, Rueanna Haynes, Martin Hession, Maesela J Kekana, Marianne Karlsen, Kishan Kumarsingh, Felipe De Leon, José Domingos Miguez, Roman Payo, Giovanni Andrés Pabón Restrepo, Orlando Rey, Laura Juliana Arciniegas Rojas, Irene Suarez, Halldor Thorgeirsson, and Harald Winkler. The views expressed in this policy brief do not necessarily reflect the views of the reviewers, or the funding partners.

Edited by Anju Sharma.

## Funding Partner

This policy brief is supported by GIZ, on behalf of BMZ.



Supported by the



## ecbi Member Organisations



# TABLE OF CONTENTS

<b>Executive Summary</b>	<b>2</b>
<b>1. Introduction</b>	<b>3</b>
<b>2. What Time Frames?</b>	<b>3</b>
2.1. Occurrence of the term ‘time frames’ in the negotiations	3
2.2. Conceptual analysis	4
<b>3. Common NDC Timetables</b>	<b>7</b>
3.1. The two tracks of the NDC communication process	7
3.2. The Dynamic Contribution Cycle	10
<b>4. Towards a Decision</b>	<b>12</b>
<b>Annex 1: Literature List</b>	<b>14</b>
<b>Annex 2: The Geneva Negotiating Text</b>	<b>14</b>
<b>Annex 3: The Paris Outcome</b>	<b>15</b>
<b>Annex 4: APA-SBSTA-SBI Joint Reflections</b>	<b>16</b>

## EXECUTIVE SUMMARY

In order to discuss advantages and disadvantages of common time frames meaningfully, one needs to clarify what ‘common time frames’ are being referred to. In the context of Nationally Determined Contributions (NDCs), there are two possible interpretations: **material** and **procedural**. The material interpretation is about time intervals associated with the NDCs – or to be precise, about **target periods** and **implementation periods**. The procedural interpretation is about **timetables** for the processes of communicating and updating NDCs.

Harmonising either of these can have beneficial effects on NDC ambition. This policy brief, however, focuses on the procedural interpretation, following an initial conceptual analysis in Section 2. Section 3 highlights some of the problems with the NDC communication and updating process, as currently defined in paragraph (§) 23 and §24 of Decision 1/CP.21. It also summarises the advantages, for enhancing NDC ambition, of combining the two paragraphs into a common procedural time frame that has come to be known as the **Dynamic Contribution Cycle** (DCC).

As described in Section 4, in practical terms, such a combination could be achieved simply by:

- Requesting **all Parties in 2025 to update their 2030 NDC and communicate an (indicative) 2035 NDC**, and to do so every five years thereafter;

or, to use the textual proposals by the presiding officers of the Ad Hoc Working Group on the Paris Agreement (APA), Subsidiary Body of Scientific and Technological Advice (SBSTA), and Subsidiary Body for Implementation (SBI) (see **Annex 4**), by deciding that:

- *common time frames referred to in Article 4.10 for nationally determined contributions communicated in accordance with Article 4.9, shall be five years; and*
- *Parties, in communicating their nationally determined contributions in accordance with Article 4.9 and paragraph 1 above, are requested to update their previously communicated NDC to take into account the outcome of the latest global stocktake [GST] and communicate a new NDC.*

# I. INTRODUCTION

The [Paris Agreement](#), in Article 4.10, calls on the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA) to “*consider common time frames for nationally determined contributions*” at its first session. A year later, in Marrakech, the CMA agreed to refer the matter to the SBI. Subsequently in 2017, [SBI47](#) invited Parties and observers to submit, by 31 March 2018, “*their views on common time frames for NDCs ... including on, but not limited to, the usefulness of and options for common time frames and the advantages and disadvantages of those options, for consideration at SBI48 (April-May 2018)*”.

The question, however, is: what exactly are ‘common time frames’ for NDCs?

While there is little doubt that the commonality in question refers to NDCs and thus to Parties of the Paris Agreement, it is not self-evident what exactly the term ‘time frame’ refers to. So, it may be most fruitful to begin by looking at what sort of ‘time frames’ could be involved, in order to be able to proceed with evaluating their usefulness in a meaningful manner.

## 2. WHAT TIME FRAMES?

### 2.1. Occurrence of the term ‘time frames’ in the negotiations

#### *The Paris Outcome*

The Paris Agreement mentions ‘time frames’ just once: Article 4.10 refers to “*time frames for NDCs*”. Meanwhile, [Decision 1/CP.21](#) refers to NDCs containing time frames up to a certain end year (2025 and 2030, respectively) in §23 and §24. Also, §27 specifies that Parties may wish to include information on “*time frames and/or periods for implementation*” while communicating their NDCs.

#### *Article 6 Negotiations*

The notion of ‘time frames’ is not explicitly referred to in the current Article 6 negotiations, as reflected in the [Informal Notes](#) by the co-chairs of negotiations on SBSTA agenda item 11. However, there are related concepts that are being used in that context, which could be relevant. In particular, the guidance elements for the use of Internationally Transferred Mitigation Outcomes (ITMOs) towards an NDC distinguish between “*single year NDCs*” and “*multi-year NDCs*”. In the context of the former, there is a reference to an “*NDC target year*”, and both cases refer to the “*NDC implementation period*”.

#### *Party Submissions Referring to Time Frames as Target Periods*

- **India**, in a submission on 18 April 2018, states that ‘common time frame’ essentially means the target period of NDCs.

#### *Party Submissions Referring to Time Frames as Periods of Implementation*

- The **Independent Association of Latin America and the Caribbean** (AILAC), in a submission on 30 October 2017, calls for “*timeframes*” (understood as periods of implementation) “*to be considered by the CMA in light of the Paris Agreement’s ambition architecture and its ability to deliver on its long-term goals*”.
- The **LDC Group**, in a submission on 4 April 2018, “*proposes a dynamic NDC cycle of 5+5 years in which Parties communicate a 5-year NDC for an upcoming 5-year implementation period and simultaneously provide a subsequent indicative NDC for the following 5-year implementation period*”.

- **Bangladesh** in a submission on 3 April 2018, states: “In common sense as well as in accordance with paragraph 27 of decision 1/CP.21, time frames for NDCs means periods for implementation of NDCs”.
- **South Africa**, in a submission on 16 March 2018, states: “It is desirable to have a single common time frame and/or period for implementation – for clarity, transparency and understanding; to understand the aggregate effects of NDCs; for consistency in market mechanisms, and several other reasons. South Africa is of the view that a ‘common’ period of implementation means a single time frame”.

### Party Submissions Referring to Time Frames as Timetables

- **Indonesia**, in a submission on 18 September 2017, states: “Taking into consideration different timeframes on the submitted NDCs, Indonesia proposes having a common timeframe of 1 January 2021 as a starting point for implementing NDCs”.
- **Brazil**, in a submission on 23 April 2018, states: “As NDCs are to be successive, the lack of common time frames would result in a cumulative problem: NDCs with end points further from the year of communication would be prepared further detached from the GSTs. Longer time frames thus undermine the potential for impact of the GSTs in informing, every 5 years, enhanced ambition of future efforts, thus undermining the effectiveness of the agreement itself and the usefulness of future editions of the GST. Potentially, longer time frames may lead to questioning the 5-year periodicity of the GST mandated in the Agreement”.
- **Trinidad & Tabago and Belize**, in a submission on 29 March 2018, states: “Given paragraphs 23 and 24 of Decision 1/CP.21, this dynamic NDC cycle could be brought about by simply **requesting all Parties in 2025 to update their 2030 NDC and communicate an indicative 2035 NDC, and to do so every five years thereafter**”.

## 2.2. Conceptual analysis

Let us now analyse the possible meaning of the phrase ‘time frame’ and its relation to the other concepts mentioned above.

### (a) Target Periods

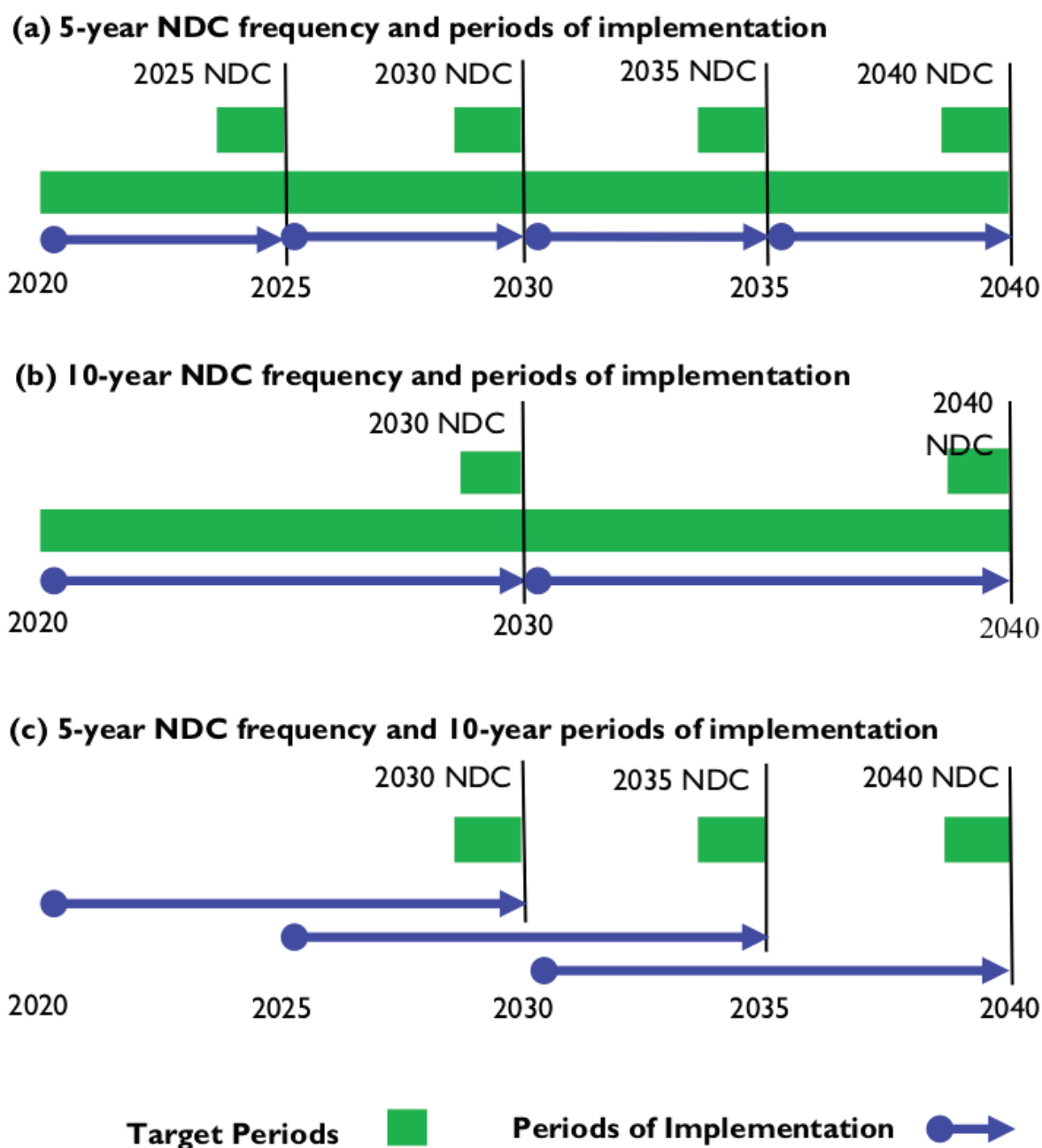
As mentioned in Section 2.1, the Article 6 discourse distinguishes between single-year and multi-year NDCs. The fact that there is a reference to a ‘target year’ in the case of the former suggests that the reference is actually to the duration of an NDC target period. No reference was made to an analogue of ‘target year’ in the case of multi-year NDCs, but it stands to reason that we are talking about a continuous (multi-year) time period, with a **beginning** and an **end** (time/date), as with the Kyoto Protocol’s commitment periods.

To be sure, in principle there is nothing preventing Parties from adopting NDCs with ‘point (in time) targets’ – for instance, by referring to renewable capacity installed at the stroke of midnight on 31 December 2025. Hence ‘target time frame’ might be more appropriate than ‘target period’, but given that the former is already in use,<sup>1</sup> and so as not to pre-judge what we mean by ‘time frame’, we shall keep with the established practice and continue to use ‘target period’.

### (b) Implementation Periods

The notion of an ‘implementation period’, or more descriptively of a ‘period for implementation’, is used in the Paris outcome as an alternative to ‘time frames’. So, the assumption is that NDCs can have time frames and/or periods of implementation. What else can we gauge from the discourse used in the negotiations about what these implementation periods are, and in particular, how they relate to target periods?

**Figure 1. Target Periods, NDC Frequency and Periods of Implementation**



For one, the juxtaposition of “time frames and/or periods of implementation” in §27 of Decision 1/CP.21 suggests that ‘time frames’ means target periods, because some NDCs do not actually have targets. The best place to look for evidence with regard to the relationship between target and implementation periods is probably the negotiations on Article 6. For example, given that the Article 6 [guidance elements](#) refer to implementation periods of NDCs with a definite description (“the NDC implementation period”), it can be argued that while an NDC can have several distinct targets, it only has one continuous period of implementation, with a single beginning and end date.

### (c) NDC Frequency

The key feature of NDC target periods is their end-point (year). They are not only commonly used to identify the NDCs, as illustrated in **Figure 1**, but they also coincide for obvious reasons with the end-points of the relevant periods of implementation. While there are no formal restrictions on how these end-points are to be temporally distributed, the implicit assumption seems to be that they have a five- or ten-year periodicity, starting in 2025 or 2030, respectively. In order not having to introduce yet another ‘period’, let us refer to these patterns loosely as 5-year and 10-year NDC ‘frequency’.<sup>2</sup>

It is important to highlight in this context that, as illustrated in **Figure 1**, there are wide variety of possible combinations of target periods, periods of implementation, and NDC frequencies.

**Figure 1(a)** illustrates the use of five-year- and one-year (‘point’) target periods in the context of 5-year periods of implementation and NDC frequency. **Figure 1(b)** does the same in the context of 10-year periods of implementation and NDC frequency. **Figure 1(c)**, finally illustrates the important point that NDC frequencies need not coincide with periods of implementation. In particular, it is possible to have ten-year implementation periods in the context of a five-year NDC frequency (which is important in the context of certain concerns that have been raised – see Section 6.3 in L.8<sup>3</sup>).

Moreover, there seems to be consensus in the Article 6 negotiations that implementation periods not only end with their targets, but that they begin after the end of the preceding target period. Indeed, in practice, only the following options are recognised: implementation periods coincide with their target periods, which can be either five- or ten-years long (**Figure 1(a)-(b)**); or in the case of ‘single-year NDCs’ the one-year target period coincides with the final year of the respective implementation period (**Figure 1(c)-(d)**).

### (d) Timetables

Up to this point, we have discussed *material* interpretations of the ‘time frame’ concept as used in the ‘common time frame’ debate, namely three types of periods of time associated with NDCs: target periods, implementation periods, and the periods between successive end-points (NDC frequency). However, the notion of a ‘time frame’ also has procedural interpretations, and can refer to what is commonly known as ‘timetables’ – defined by the Oxford English Dictionary as “*plan[s] of times at which events are scheduled to take place, especially towards a particular end.*”

The Paris Agreement introduces a number of periodical processes to do with NDCs, including periodic **communications** and **stocktakes** which are often collectively referred to as the Agreement’s ‘**ambition mechanism**’. Both the processes mentioned not only run on a common timetable, insofar as communications of NDCs are scheduled to take place at the same time for all Parties, as are the stocktakes, but they are also synchronised, in that both are on a five-year cycle. However, not everything is, as yet, fixed. The Paris Agreement's Article 4.9, for example, requires Parties to “*communicate an NDC every five years in accordance with Decision 1/CP.21*”, which itself stipulates (§25) that NDCs are to be submitted “*at least 9 to 12 months in advance of the relevant session of the [CMA]*.” However, neither the Agreement nor Decision says anything as to when this cycle is meant to begin.

This lacuna is exactly what the Indonesian submission is meant to fill, by stipulating that the first NDC implementation period for all Parties should start on 1 January 2021. Accordingly, the first ‘relevant COP’ would be COP26 in November 2020, with subsequent communications in 2025, 2030, etc. Note in this context that, while the Indonesian submission talks about a starting point for implementing NDCs, it is not about having a common implementation period, but about a **common timetable for NDC communications**.

## 3. COMMON NDC TIMETABLES

### 3.1. The two tracks of the NDC communication process

The NDC communication process of the Paris Agreement runs along two parallel tracks, defined in the following paragraphs of Decision 1/CP.21:

**§23.** *Requests* those Parties whose INDC ... contains a time frame up to 2025 to **communicate** by 2020 **a new** nationally determined contribution and to do so every five years thereafter... .

**§24.** *Also requests* those Parties whose INDC ... contains a time frame up to 2030 to **communicate or update** by 2020 these contributions and to do so every five years thereafter... .

Both paragraphs refer to ‘time frames’, and in both cases, the reference clearly involves a material interpretation of the phrase – namely the end-points of intended NDC (INDC) target periods/periods of implementation. Yet, as in the case of the initial *Indonesian submission* (see Section 2.1), the paragraphs are really procedural instructions about timetables for communicating and updating.

In other words, each of the two paragraphs defines an NDC communication and/or updating timetable pertaining to Parties that are identified by reference to the end-point of their INDCs. The ‘common time frame’ question in this context is therefore about *the usefulness of, and options for, combining the two timetables and the advantages and disadvantages of those options*, to paraphrase the SBI47 conclusion (see Section 2).

The OCP/ecbi *Options Note* [L7] on the review and communication cycles of the Paris ambition mechanism analyses the options of not only combining these two timetables, but also of the leeway given in either paragraph for interpretation by the relevant Parties: the fact is that the two paragraphs fail to specify a common timetable, even for Parties with the same INDC end points.

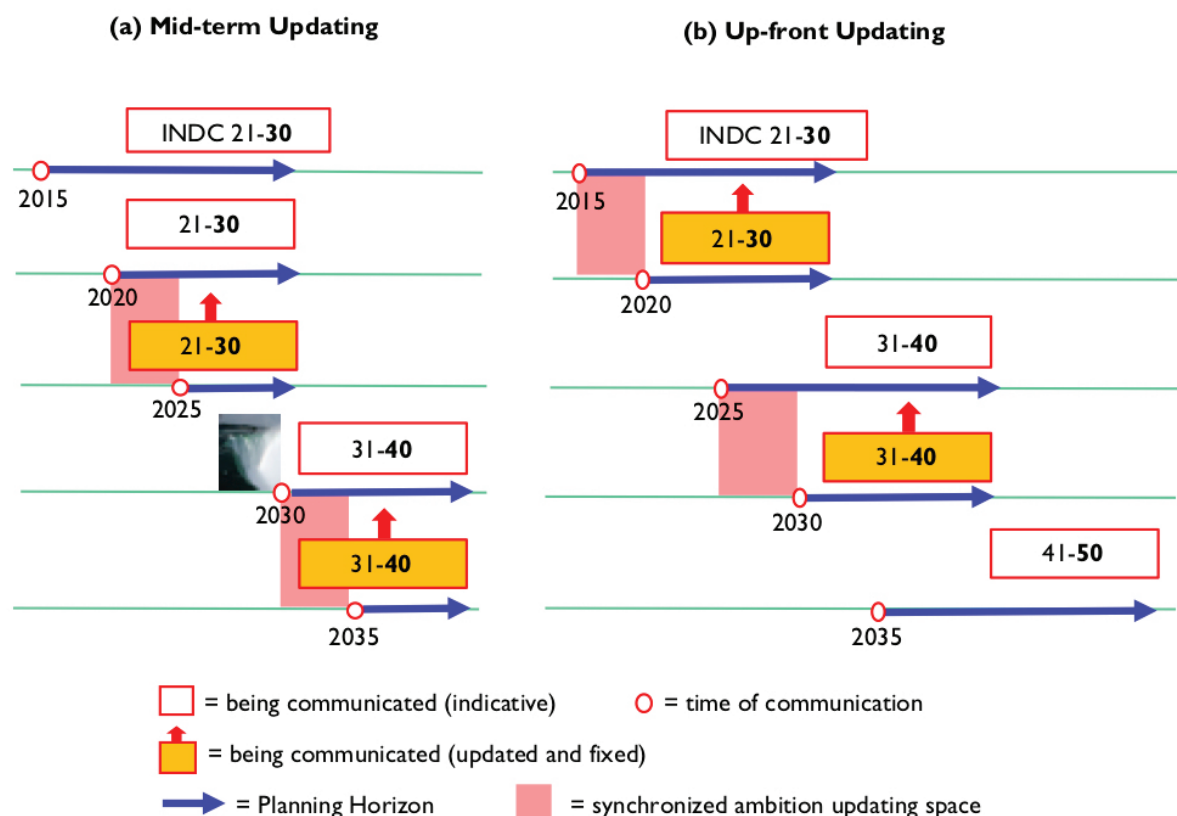
To illustrate the variety of options and arising issues, consider two possible operationalisations of §24, as illustrated in **Figure 2**, one with ‘mid-term’ updating, the other with ‘up-front’ updating.

Thus, consider a Party X with an INDC ending in 2030. What options does X have in light of §24? In order to simplify the answer, let us not only follow the consensus among the submissions and assume that X’s initial NDC target period starts on 1 January 2021, but also that it would keep to the ten-year ‘time frames’ (target period/period of implementation end points), neither of which is guaranteed by §24.

#### (a) §24 ‘mid-term’ updating

**2020.** Given that X will already have communicated a 2030 INDC, in 2020 it will have a choice between fixing it as its 2030 NDC or starting its communication cycle with an update.<sup>4</sup> Assume that the former is chosen, as depicted in **Figure 2(a)**. This means that in 2020, the relevant stakeholders have a fixed medium-term (ten-year) planning horizon.

**Figure 2. §24 Communication and Updating Cycles**



**2025.** According to §24, the next slot in X's communication/updating timetable is 2025, by which time X is meant to 'communicate or update' its NDC. In light of X's 2020 choice, this means the choice between communicating the next (2040) NDC, or updating the concurrent (2030) one. Assume the latter option, that is a 'mid-term' (i.e. 'mid-implementation/target period') update, is chosen. There would then be a lock-in of (hopefully) an enhanced 2030 ambition, which at that time will deliver a short-term (five-year) planning horizon.

**2030.** Given the choices made in 2020 and 2025, X really only has one option in 2030, which is to communicate the next (2031-2040) NDC. While this will again provide a medium-term planning horizon, it will do so under 'cliff edge' conditions – that is to say that between 2025 and 2030, the publicly available planning horizon could decrease to a single year.<sup>5</sup>

**2035.** Re-start as in 2025.

### **(b) §24 'up-front' updating**

**2020.** If in 2020, X decides to communicate an updated INDC as its initial NDC, then as illustrated in **Figure 2(b)**, there will again be a medium-term planning horizon, but with an enhanced ambition (compared to the mid-term updating scenario).

**2025.** While X could carry out a second mid-term update of its initial NDC at this stage, under an ‘up-front’ updating scenario, it would instead be communicating a new 2031-2040 NDC, thus providing a long-term (15 year) planning horizon.

**2030.** Under the up-front updating scenario, the time has now come to update the 2031-2040 NDC.<sup>6</sup>

**2035.** Re-start as in 2025.

These two ways of operationalising the §24 process instructions reveal a number of positive and problematic features that need to be kept in mind in the debate on common time frames, in the sense of common timetables.

### **(c) Ambition Spaces**

Both operationalisations have the advantage of providing ‘**ambition spaces**’, that is an environment that enables Parties to collectively maximise their ambition.

As stated in the most recent [Brazilian submission](#) of 23 April 2018, “Parties will only be in a position to consider progressively enhancing their efforts if they have assurances that other Parties will also consider enhancing theirs”. In the absence of such assurances, Parties can at best adopt what might be called ‘**maximum unilateral ambitions**’, that is to say ambition levels that can be domestically defended if one assumes that the ambition of others will, at best, be lacklustre. In the absence of an assurance that others will also be doing their fair share, it would be courageous to take a leap of faith and adopt a level of ambition that, if the others are not following, will be regarded by some domestic stakeholders as putting them in a competitive disadvantage. What is needed to overcome this obstacle to maximum ambition is a space where the relevant stakeholders can discuss their ambition intentions, and negotiate with or cajole each other to ratchet up their ambitions in a manner which is regarded as sufficiently fair by all concerned.

The first prerequisite for this to happen is that one knows about each other’s ambition intentions. The second prerequisite is sufficient time not only to ratchet up the ambitions, but also to take into account any unforeseen change of national circumstances that could justify an ambition increase. In both of these operationalisations, NDCs are communicated five years before they are updated, which should provide a sufficient space to allow for a collective ambition enhancement. However, there are still a couple of factors that impede a collective ambition **maximisation**.

For one, the process only works if one is talking about ‘the same ambition,’ meaning the ambition of NDCs with the same end-point. That is the case for those §24 Parties that choose mid-term updating, and also for those that choose up-front updating, but clearly it is not the case between the two types of updating scenarios. Why does this matter? It is a matter of simple probability that the larger the number of Parties involved in such an updating exercise, the higher the chances of greater overall ambition.

Also, even though, according to Article 4.11, any Party “*may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition,*” experience with the [Copenhagen Pledges](#) suggests that no one will stick their neck out to initiate such a process if it is not expressly requested. If there is an explicit request by the CMA for Parties to consider updating certain NDCs according to a specified timetable, we have the set up for a **synchronised** ambition enhancement which can lead to a genuine ambition maximisation.<sup>7</sup>

It is for these reasons that the existing common timetable for global reviews (global stocktakes) needs to be complemented with a truly common timetable for the communication and updating of NDCs, where everyone

does the same thing at the same time. Accordingly, I fully concur with the view expressed in the [AILAC submission](#) that “a critical part of the effective implementation of the Paris Agreement's ambition mechanism relies on the periodic review and updating of contributions, actions and support.”

#### **(d) Planning Frequency and Horizons**

The two operationalisations of §24 discussed here illustrate the different planning horizons, that is the time-span to the end of the last communicated NDC, stakeholders may be facing with Parties that have chosen to adopt a ten-year INDC. On one end of the spectrum, the planning horizon can be 15 years (**Figure 2(b)** 2025, 2035). At the other end there is the rather unhelpful cliff-edge scenario where the planning horizon can be less than a year, as illustrated in **Figure 2(a)**, in the case up to 2030. So, the ‘mid-term’ procedure does have a serious flaw which does not occur in the ‘up-front’ version. Having said that, it needs to be pointed out that the planning horizon of the latter also varies between ten and 15 years.

**Figure 2** highlights another important lesson for §24 Parties: something needs to be done **every five years**. Party X may have opted for an initial implementation period of ten years, in the hope of not having to go through painful internal target determinations every five years. Yet this hope was dashed in Paris, at least for Parties participating in good faith: updating a previously communicated NDC does not necessarily mean adopting a more ambitious target, but it does mean that not doing so is the outcome of genuine internal deliberations and not just a matter of ‘going through the motions’ with a foregone conclusion.

As regards the issue of common time frames, it could thus be argued that it was unfortunate that INDCs were submitted before Paris, and that had Parties known about the inevitable five-year obligation to communicate or update, they might well all have opted for an initial five-year implementation period, in which case Decision 1/CP.21 would probably have combined §23 and §24 by requesting Parties simply **to update their INDC or to communicate a new NDC by 2020 and to do so every five years thereafter**, which leads smoothly to another proposal that has been gaining traction in the negotiations (see, for example, submissions by the [LDCs](#) and the [African Group of Negotiators](#)).

### **3.2. The Dynamic Contribution Cycle**

At the end of Section 3.1, it was suggested that if all Parties in Paris had submitted a five-year INDC, §23 and §24 might have been amalgamated into a single paragraph, requesting Parties:

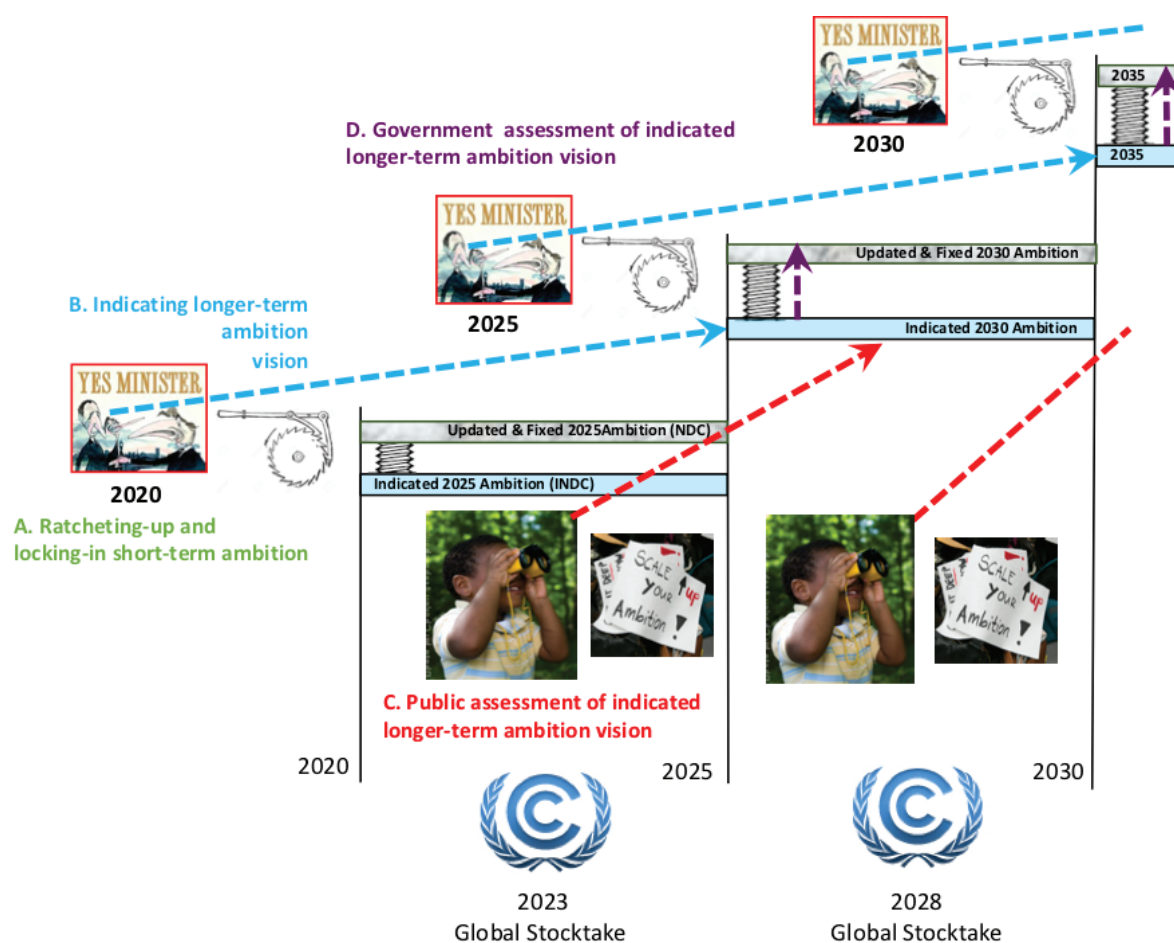
[1] *to update their INDC or to communicate a new NDC by 2020 and to do so every five years thereafter.*

Yet even that would not have delivered a common communication and updating timetable. The ambiguities inherent in §23 and §24 would still be present:

- §23: it would still not be clear whether the ‘new NDC’ refers to a 2025 or 2030 NDC; and
- §24: it would still be left to Parties to decide what they would want to start with – communicating or updating.

What to do?

**Figure 3. The Dynamic Contribution Cycle**



In 2014, the answer proposed by ecbi Fellows<sup>8</sup> was, in a nutshell, “**both!**”. That is to say:

[2] *by 2020, update the 2025 NDC and communicate a new (indicative) 2030 NDC.*

The reason was, in essence, to provide a common timetable for both communicating and updating NDCs. This would avoid cliff edges, give a longer-term ambition vision, and thereby create the conditions for maximum enhancement of ambition.

**Figure 3** illustrates the different steps of the DCC in somewhat more detail (see **Annex 1**, in particular [L4] and [L7], for more details). Roughly, these steps can be divided into two phases: one, encompassing the first two steps (A and B, **Figure 3**) to provide shorter-term ambition certainty and longer-term ambition vision; and a subsequent one (C and D, **Figure 3**) to provide for proper stakeholder consultation and peer review.

### **(a) Provision of Short-Term Ambition Certainty and Long-Term Ambition Vision (A&B)**

**A.** In the final year, say 2020, in the run-up to the next (2025) NDC period, governments are to ratchet up and fix the ambition of that NDC – as previously communicated on an indicative basis.

**B.** At the same time they are to submit an indicative NDC for the subsequent period (i.e. an indicative 2030 NDC), in order to signal their longer-term ‘ambition vision’.

This will not only give both certainty for markets and indicative longer-term planning horizons, but it will also provide the prerequisites for the second phase, which is where enhanced ambition originates.

### **(b) Stakeholder Consultation and Peer Review (C & D)**

As mentioned in Section 2.2(d), the Paris outcome envisages that NDCs are to be submitted at least 9-12 months in advance of the relevant session of the CMA. But even if such submissions were to be merely indicative, it is highly unlikely that 9-12 months will be sufficient for interdepartmental government processes to arrive at an updated version of the submitted indicative NDC, let alone for stakeholders to have their say.

**C.** As alluded to in Section 3.1(c), stakeholders, which in this context includes other Parties, will need to be consulted in order to create the preconditions for governments to be as ambitious as possible. In particular, there needs to be an assessment of the fairness of the proposed indicative targets (see [L5]), so governments can legitimately claim that, in light of what others propose, their updates are fair.

**D.** In light of all the information obtained during the next (2025) NDC period – including not only public assessments but also the mid-period (2023) global stocktake and informal consultations with other Parties – governments are to assess the ambition of their indicated 2030 NDCs, hopefully with the result that they feel comfortable to enhance that ambition, and start again with step A.

It should be noted that this idea is by no means new. It has been around from well before Paris, as witnessed by the literature listed in **Annex 1**, and in the relevant passages of the *Geneva negotiating text* (see **Annex 2**).

## **4. TOWARDS A DECISION**

This policy brief highlights some of the problems with the NDC communication and updating process, as currently defined in §23 and §24 of Decision 1/CP.21. It also summarises the advantages, for enhancing NDC ambition, of combining the two paragraphs into a common procedural time frame known as the **Dynamic Contribution Cycle**.

During the 2018 ecbi Oxford Seminar, language based on [2] in Section 3.2 emerged, which could be used to encapsulate the DCC in a common time frames decision:

[3] *The CMA requests **all Parties in 2025 to update their 2030 NDC**<sup>[9]</sup> and communicate an [indicative] 2035 NDC*, and to do so every five years thereafter.

Why brackets? During the most recent Bangkok round of negotiations on common time frames at SBI48.2 in Bangkok, South Africa circulated a *proposal* for inclusion in the conclusions of SBI48.2, which characterised the DCC in terms of “*firm and indicative NDCs*”. This apparently led to some confusion, and in the end neither ‘firm’ nor ‘indicative’ appeared in the final *list of bullet points by the co-facilitators*.

However, while I completely agree that introducing a new category of ‘firm NDCs’ must be avoided – that was never the intention<sup>10</sup> – it might be useful, particularly for less capacitated countries – to introduce ‘indicative NDCs’ as an information ‘light’ version of an NDC, in the sense that they only require the bare minimum of information necessary for an aggregation.

On 16 October 2018, the presiding officers of the APA, SBSTA, and SBI issued a Joint Reflections Note with draft language options for COP24 on common time frames for NDCs (reproduced in **Annex 4**). To capture the idea of the DCC, the addition of three paragraphs might be useful:

§1. (Option 1): *Decides that common time frames ... shall be five years.*

§3. *Further decides that Parties shall update their submitted nationally determined contributions to take into account the outcome of the latest global stocktake ... that has taken place;*

§4. *[Requests][Invites] Parties ..., when communicating their nationally determined contributions in accordance with paragraph 1 above, to communicate one nationally determined contribution or two successive nationally determined contributions simultaneously.*

The first thing to keep in mind is that by themselves, these three paragraphs will not determine a common timetable. The minimum that is needed is a start-up provision clarifying the five-year provision of §23 in Decision 1/CP.21, to ensure that everyone is in the same position in 2025, by stipulating that

[4] those Parties whose NDC ... contains a time frame up to 2025 to communicate by 2020 a nationally determined contribution containing a time frame up to 2030.

This, together the stipulation that common time frames are five years (§1), would ensure that the following amalgamation of §3 and §4 introduces the DCC:

[5] *Parties, in communicating their nationally determined contributions in accordance with Article 4.9 and paragraph 1 above [shall/are requested to] update their [submitted/previously communicated] NDCs to take into account the outcome of the latest GST and communicate a [new/second successive] NDC.*<sup>11</sup>

## ANNEX 1: LITERATURE

The following publications may be of further interest:

1. Benito Müller, Xolisa J. Ngwadla, and Jose D. G. Miguez, with contributions by Isabel Cavelier Adarve, Carlos Fuller, Tosi Mpanu-Mpanu, and Nagmeldin G. Elhassan (2014). *A Dynamic Contribution Cycle: Sequencing Contributions in the 2015 Paris Agreement*. October.
2. Benito Müller (2016). *'Maillot Jaune' for the Dynamic Contribution Cycle*. February.
3. Benito Müller with contributions from Harro van Asselt, Cristina Carreiras, and Kaveh Guilanpour (2016). *A Dynamic Ambition Mechanism for the Paris Agreement*. March.
4. Benito Müller (2016). *From Contribution Framework to Ambition Mechanism: How to enhance mitigation ambition under the Paris Agreement*. April.
5. Anju Sharma (2016). *Justice is still critical in the post-Paris world of "nationally determined" climate action*. October.
6. Clare Shakya and Benito Müller (2016). *Why an effective Ambition Mechanism is vital to deliver the Paris Agreement*. October.
7. Benito Müller and Xolisa Ngwadla, with contributions by Cristina Carreiras, Geert Fremout, Carlos Fuller, Kishan Kumarsingh, Jose Miguez (2016). *The Paris Ambition Mechanism: Review and Communication Cycles – Options Note*. October.
8. Benito Müller (2018). *'Common Time Frames': What & Why? A contribution to the debate on Article 4.10 of the Paris Agreement*. OCP/ecbi Discussion Note, June.

## ANNEX 2: THE GENEVA NEGOTIATING TEXT

### **FCCC/ADP/2015/1, 25 February 2015**

**§71.** *Option (b):* Commitments shall be inscribed every five years, beginning in 2015. All Parties shall communicate proposed commitments in the 12 to 18 months prior to their inscription. The commitments will cover a five-year period, ending 10 years after the inscription year. Parties may also propose an indicative commitment covering a further five-year period, which can be confirmed or enhanced five years later, when formally inscribed (2020);

*Option (c):* Every five years, indicating the commitment / contribution / action for the subsequent five-year period as well as an indicative commitment / contribution / action for the following five-year period;

*Option (f):* Every five years for the upcoming period and an indication for the following period only for mitigation: annual or biennial time frame for means of implementation in line with national budgets; different time frame for adaptation;

*Option (k):* The mitigation component of each contribution pursuant to section D shall include a five-year contribution term and a five-year consecutive indicative term;

**§71 bis.** [Each Party shall revise and update the mitigation component of its first nationally determined contribution no later than five years after the entry into force of this agreement, by adjusting and/or confirming the consecutive five-year contribution term and communicating a new consecutive five-year indicative term, taking into account the aggregate consideration process referred to in paragraph 76 below.]

§72 *bis*. [Each Party shall thereafter revise and update the mitigation component of its subsequent nationally determined contributions no later than [12] months before the end of each five-year contribution term by adjusting and/or confirming the next five-year contribution term and communicating a new consecutive five-year indicative term, taking into account the aggregate consideration process referred to in paragraph 76 below.]

## ANNEX 3: THE PARIS OUTCOME

### *The Paris Agreement*

**Article 4.9.** 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 this Agreement and be informed by the outcomes of the global stocktake referred to in Article 14.

**Article 4.11.** 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 this Agreement.

**Article 14.1.** The Conference of the Parties serving as the meeting of the Parties to this 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.

**Article 14.2.** The Conference of the Parties serving as the meeting of the Parties to this 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 this Agreement.

**Article 14.3.** 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.

### *Decision 1/CP.21*

§23. Requests 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. Also 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 session 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;

## ANNEX 4: APA-SBSTA-SBI JOINT REFLECTIONS

### **Decision -/[CMA. I] <sup>12</sup>**

#### **Common time frames for nationally determined contributions referred to in Article 4, paragraph 10, of the Paris Agreement**

*[The Conference of the Parties serving as the meeting of the Parties to the Paris Agreement],*

*Recalling* Article 4 of the Paris Agreement, adopted under the Convention,

#### Common time frames

1. *Option 1 (5 years): Decides* that common time frames referred to in Article 4, paragraph 10, of the Paris Agreement for nationally determined contributions communicated in accordance with Article 4, paragraph 9, shall be five years.

*Option 2 (10 years): Decides* that common time frames referred to in Article 4, paragraph 10, of the Paris Agreement for nationally determined contributions communicated in accordance with Article 4, paragraph 9, shall be ten years.

*Option 3 (5 and 10 years): Decides* that common time frames referred to in Article 4, paragraph 10, of the Paris Agreement for nationally determined contributions communicated in accordance with Article 4, paragraph 9, shall be five or ten years.

*Option 4 (nationally determined): Decides* that common time frames referred to in Article 4, paragraph 10, of the Paris Agreement for nationally determined contributions communicated in accordance with Article 4, paragraph 9, shall be nationally determined.

2. *Decides* that Parties whose nationally determined contributions contain a 10-year time frame shall include an indicative waypoint at the 5-year mark;

3. *Further decides* that Parties shall update their submitted nationally determined contributions to take into account the outcome of the latest global stocktake referred to in Article 14 of the Paris Agreement that has taken place;

4. *[Requests][Invites]* Parties [in a position to do so], when communicating their nationally determined contributions in accordance with paragraph 1 above, to communicate one nationally determined contribution or two successive nationally determined contributions simultaneously;

5. *Decides* that the common time frames referred to in paragraph 1 above shall [apply to all components of every nationally determined contribution;] [only apply to the [mitigation][adaptation][support] component[s] of every nationally determined contribution;]

6. [Placeholder for any other proposals]

#### Timing of applicability of common time frames

7. *Also decides* that paragraph 1 above shall apply for the first time to nationally determined contributions communicated in accordance with Article 4, paragraph 9, of the Paris Agreement by [2025] that have 1 January [2031] as their starting point, and shall apply to nationally determined contributions to be communicated in [2025];
8. *Notes* that any Party can apply the common time frames referred to in paragraph 1 above earlier on a voluntary basis;
9. *Decides* that Parties whose nationally determined contributions contain a 5-year time frame up to 2035 shall communicate by 2030 their respective new nationally determined contributions with a time frame up to 2040 [and continue to do so every five years thereafter] and Parties whose nationally determined contributions contain a 10-year time frame up to 2040 shall communicate or update by 2030 these nationally determined contributions [and continue to do so every five years thereafter];
10. [Placeholder for any other proposals].

## REFERENCES

1. See: Hood, C. & Soo, C. (2017). *Accounting for mitigation targets in Nationally Determined Contributions under the Paris Agreement*. OECD/IEA Climate Change Expert Group, Paper No.2017(5).
2. This is a loose usage of the term in the sense that in the strict (physical) sense it refers to number of occurrences per unit of time.
3. '[L...]' represent cross-references to the literature listed in Annex 1.
4. The fact that the latter option exists clearly illustrates that the §24 cycle has no common timetable where everyone subject to it does the same thing at the same time.
5. According to §25 of Decision 1/CP.21 (see Annex 3), Parties have to submit their NDCs at least 9 months in advance of the relevant session of the CMA, which means that these may not be available until January of the year of communication.
6. Theoretically, a Party could, of course, simply continue to introduce new NDCs, but that would mean the introduction of a 2050 NDC in 2030, a 2060 NDC in 2035 and so forth – clearly not a realistic option.
7. Neither of the above two procedures as described above include such a synchronisation.
8. See Benito Müller, Xolisa J. Ngwadla, and Jose D. G. Miguez, with contributions by Isabel Cavelier Adarve, Carlos Fuller, Tosi Mpanu-Mpanu, and Nagmeldin G. Elhassan (2014). *A Dynamic Contribution Cycle: Sequencing Contributions in the 2015 Paris Agreement*. October.
9. “yyyy NDC” = “nationally determined contribution with a time frame up to yyyy”.

10. The term ‘firm’ – or rather ‘updated fixed’ – as used above was simply meant to indicate that the Parties, having done the update, do not intend to carry out another update. Note also that this formulation assumes that the ‘new NDC’ referred to in §23 is indeed a 2030 NDC, something which may have to be clarified with additional language in the Decision.

11. I am indebted to Kishan Kumarsingh for feedback on this formulation.

12. UNFCCC (2018). *Joint reflections note by the presiding officers of the Ad Hoc Working Group on the Paris Agreement, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation: Addendum 1 (part 2) Matters relating to Article 4*. APA-SBSTA-SBI.2018.Informal.2.Add.1(part 2). 16 October.