

India's Submission on Further Guidance for the Nationally Determined Contributions (NDCs) under the Paris Agreement

In accordance with para 23 of the Report of the third part of its third session of Ad Hoc Working Group on the Paris Agreement (APA 1-3) (FCCC/APA/2017/2) on Agenda Item 3 regarding further guidance for the Nationally Determined Contributions (NDCs) under the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC), and taking into consideration the contents of the informal note prepared by the co-facilitators on APA agenda item 3, India makes the following focused submissions.

General Overview:

The Paris Agreement of the UN Framework Convention on Climate Change (UNFCCC) aims to fulfil the objective of the Convention and is guided by its principles. NDCs is the most important vehicle through which this aim would be fulfilled. The content of NDCs must therefore considered the gamut of actions that are necessary to fulfil the Convention's objective. Needless to add, the objectives of the Convention can be achieved only if the NDCs and the guidance thereof, reflect the principles and provisions of the Convention and Paris Agreement.

Further, Article 2 of Paris Agreement contextualises the response to climate change in the context of sustainable development and poverty eradication, which is a priority for governments of all developing country Parties.

Context

Scope and Differentiation:

1. Article 3 of the Paris Agreement lays the comprehensive ambit of the full scope of NDCs. Article 3 informs parties that as part of their NDCs, they should communicate their efforts as defined in Articles 4 (mitigation), 7 (adaptation), 9 (finance), 10 (technology), 11 (capacity building), and 13 (transparency) based on CBDR-RC. Clearly, mitigation is treated as just one of the features of NDCs. Its holistic concept comprising all pillars mentioned above.
2. Article 3 further mandates that the above-mentioned efforts need to be set in the context of the purpose as recognised by Article 2 *i.e.* sustainable development and poverty eradication.
3. Article 2.2 states that the Agreement's implementation will reflect equity and principle of CBDR-RC&NC. This article, along with the Preamble Para 3 of the Agreement, mandate that differentiation must be upheld. Given the national circumstances and development priorities of developing country Parties like India, differentiated guidance to developing country Parties must be provided.

4. While the developed country Parties have to take the lead, arising out of historical responsibility, a differentiated guidance framework will ensure that developing country Parties retain the space necessary to pursue their sustainable development goals.

3.a Guidance on Features

General reflections

1. The co-facilitators' note accurately identifies 'National Determination' as the key feature of NDCs, and (again, accurately) comprehends the sentiment among the Parties that guidance should not lead to re-negotiation of the Paris Agreement.

Meaning of Features?

2. Features of NDC would mean the different aspects that defines a NDC. In other words, it is a set of attributes which a NDC shall possess. These attributes are identifiable from the full scope of the Agreement, as defined in Article 3.

Whether new features are needed?

3. All features of NDC must flow from the Agreement itself. Country driven nature of the NDCs imply that it should be left to the countries to add features, if any, in their submissions. Adding new features from the top would mean going beyond the agreed ambit of the Paris Agreement, and would amount to re-negotiating the Agreement.

How elements of guidance would apply?

4. The elements of further guidance would be applied in the context of Article 2 of the Agreement *i.e.* in a differentiated fashion and in the context of sustainable development.

Elements

List of existing Features and elaboration

1. **National Determination** is a key feature of the NDC. Each country will determine the content and extent of its NDC and ambition. Guidance on features should not, in any way, alter this key feature.
2. **Full scope of NDCs** is yet another core feature. Article 3 gives the full scope of the NDCs as actions under Articles 4 (mitigation), 7 (adaptation), 9 (finance), 10 (technology), 11 (capacity building), and 13 (transparency). Clearly, mitigation is treated as just one of the features of NDCs, and therefore NDCs cannot be treated as mitigation-centric.
3. The NDCs shall also take into account the global effort to achieve sustainable development and poverty eradication.
4. Developed country Parties taking a visible and demonstrable lead in implementation of the Agreement is an integral feature of the Paris Agreement. The Agreement thus enshrines

differentiation and equity as a core feature, and is evidenced in Preamble Para 3 and 16, Articles 2.2, 4.4, 4.5, 9.1, 9.3, 9.5, 9.7, 10 and 11 of the Agreement. The communication, preparation, and implementation of NDCs of developing country Parties must be supported by developed country Parties.

5. Subsequent NDCs shall represent a progression in ambition over previous NDC. While reflecting the principle of CDDR-RC as per Article 4.3 read along with Articles 3 and 4.4, it is evident that Developed country Parties should also demonstrate the lead while indicating their progression in ambition.
6. Periodicity in communication of NDCs is yet another feature enshrined in Articles 4.9 and 4.10 of the Agreement.

3.b Guidance on Information

General Reflection

1. The guidance should be developed around the identified features of NDCs. The purpose of guidance on information should be to give opportunity for trust building among Parties by allowing the developed country Parties to demonstrate leadership through their NDCs, and at the same time allowing the developing country Parties to put forward ambitious NDCs based on the projected levels of support.
2. Guidance must preserve the nationally determined nature of the NDCs, and must not introduce a common format for all Parties. It should not present an additional burden to Parties, especially developing country Parties.
3. Further, it must apply to the full scope of NDCs *i.e.* action and support, as understood from Article 3 of the Paris Agreement. Developed country Parties must give greater details on the finance and technology they would provide, which would in-turn encourage developing country Parties to accordingly raise their ambition. Guidance should recognise that progression on ambition is co-terminus with progression on support provided.
4. Guidance should also be contextualised in the development needs of the Parties as understood from Articles 2 and 3. The guidance should operationalise differentiation, and recognise the mandate of the Paris Agreement for developed country Parties to take lead in implementation of the Agreement.
5. Relationship between information on NDCs and that relating to Transparency? Guidance must recognise the inherent difference in the nature of NDC information and Transparency information. While the former is *ex-ante i.e.* before the implementation of NDC, the latter is *ex-post i.e.* after the implementation of the actions and that too with some time lag. The details of the information required of NDCs should therefore be less as compared to details of information pertaining to Transparency.

Whether purpose of further guidance on information is enable comparability and aggregation to inform GST?

6. The guidance should recognize that countries will nationally determine the pathways to achieve their respective contributions depending on their development priorities, and therefore the guidance should certainly not aim to convert all Parties NDCs into a single form of absolute form of GHG reductions. Such quantification will alter the 'national' nature of NDCs, and give it a prescriptive nature.
7. We have example in the form of UNEP Emission Gap Reports, where technical experts have demonstrated a method of making the data comparable, obviating the need for guidance on information to make information comparable.

Whether guidance on information should apply to the first or subsequent submission of NDCs?

8. Guidance should apply only to subsequent NDCs to countries who have already announced their NDCs. Para 23 and 24 of 1/CP.21 should guide us in this regard.

Nature of further guidance on information?

9. The difference in capacities of developed and developing country Parties should reflect in the further guidance on information, and should operationalise differentiation between developed and developing country Parties, as recognised in various Articles of the Agreement as listed above. the context of the developmental necessities of developing country Parties. Given the higher level of resources and capacities available with developed country Parties, the nature and type of information should be qualitatively more detailed than that by developing country Parties.

How elements of further guidance would apply?

10. The elements of further guidance on information will apply in a differentiated fashion as stated above.

Whether guidance on information should accommodate different national capacities and national circumstances of Parties, and recognise different starting points?

11. Guidance on information should certainly accommodate different national capacities and national circumstances of Parties, and recognise different starting points if the Agreement has to be implemented in the spirit with which it was negotiated. Along with difference in national capacities, national circumstances, and starting points, further guidance should also recognise the difference in historical responsibilities of Parties.

Elements

Following elements should be considered while developing the guidance under this sub-agenda item:

1. The para 28 of decision 1/CP.21 provides the building blocks for the information to be provided in NDCs:
 - 1.1. Quantifiable information on the reference point (including, as appropriate, a base year),
 - 1.2. Time frames and/or periods for implementation,
 - 1.3. Scope and coverage,
 - 1.4. Planning processes, assumptions and methodological approaches including those for estimating and accounting for anthropogenic greenhouse gas emissions and, as appropriate, removals
 - 1.5. How the Party considers that its NDC is fair and ambitious, in the light of its national circumstances, and how it contributes towards achieving the objective of the Convention as set out in its Article 2: this is an important provision since it signifies that the information on NDCs should cover both action and support and that information is not limited to mitigation component of NDCs.

2. Further guidance for Developed Country Parties:
 - 2.1. All the items listed in para 27 of decision 1/CP.21 especially information to show leadership of developed country Parties.
 - 2.2. **Mitigation:**
 - 2.2.1. Information, as listed in paragraph 27 of decision 1/CP.21, in relation to their absolute economy-wide emission reduction targets and measures relevant to the implementation of their targets at the domestic and international levels;
 - 2.2.2. Information on intention of developed country Parties to use international measures, including the international transferred mitigation outcomes under Article 6 of the Paris Agreement;
 - 2.3. **Adaptation:**
 - 2.3.1. Relevant information on adaptation activities including experience in various aspects of adaptation, considering Articles 7.1, 7.7, 7.9, 7.10, 7.11 and 7.13 of the Paris Agreement, taking into account the outcome of APA agenda item 4.
 - 2.4. **Means of Implementation:** should provide details of the means of implementation provided by them in line with Article 4.5.

3. The developing country Parties would require a differentiated framework in projecting their needs for resources for achieving their NDCs and the different types of contributions. Paragraph 27 of decision 1/CP.21 will serve as a reference list for developing country Parties when preparing their NDCs and providing their information. Information may include several or all of the items listed in paragraph 27 of decision 1/CP.21, taking into account their diversified NDCs, national circumstances, capacities, data availability and support received for preparation and communication of the NDCs.

3c: Accounting for Parties' Nationally Determined Contributions

General Reflections

Meaning of Accounting

1. Plain understanding of the term 'accounting of NDCs' would mean Parties being responsible for their 'Nationally Determined Contributions' with the purpose to promote transparency of action and support with a view to enhance the mutual trust among Parties. The information is of ex-ante nature, i.e., before the NDCs are implemented.

Relationship between guidance on accounting on NDCs and that of Article 13?

2. Further guidance must recognise the inherent difference in the nature and purpose of NDC accounting and Transparency accounting. While the former is ex-ante i.e. before the implementation of NDC, the latter is ex-post, i.e. after the implementation. The details of the information required of NDCs can therefore be less as compared to details of information pertaining to Transparency. Moreover, the purpose of NDC accounting is to give a sense of the planned actions by Parties, which can be then evaluated against actuals in the transparency framework.

Nature of guidance on accounting

3. Guidance on accounting will have to a natural extension of the information provided by the Parties in their NDCs. Since differentiation is a key feature of NDCs, the information framework has to be differentiated, and therefore, by extension, the accounting framework also has to be differentiated with differentiated guidance.

How to draw from existing approached under the Convention and KP?

4. The guidance should flow from the existing provisions of Convention and its Kyoto Protocol, the latest IPCC guidelines and the best experiences drawn from national communications. The existing guidelines are well established and are already differentiated for developed and developing country Parties based on the principle of CBDR-RC.

Whether guidance on information should accommodate different national capacities and national circumstances of Parties, and recognise different starting points?

5. Guidance on accounting should certainly accommodate different national capacities and national circumstances of Parties, and recognise different starting points if the Agreement has to be implemented in the spirit with which it was negotiated. Along with difference in national capacities, national circumstances, and starting points, further guidance should also recognise the difference in historical responsibilities of Parties.

Elements

1. Accounting for developing country Parties' NDCs should be nationally determined with consideration to general guidance provided in para 31 and 32 of decision 1/CP.21.
2. The differentiated framework of accounting guidance for developed country Parties needs to be rich in nature of information being accounted, types of information being accounted, and the level of details of the information being accounted. The information sought needs to be reasonable and commensurate to the capacities of the developed country Parties. Such a framework will ensure that developed country Parties are able to demonstrate the lead that they have been mandated to take under Articles 4.4 and 9.3. These levels of details will also inspire confidence in developing country Parties to undertake further ambitious NDCs.
3. Regarding the timing of application, in accordance with paragraph 32 of decision 1/CP.21, Parties shall apply the guidance for accounting for NDCs to their subsequent NDCs.
4. Continuous and adequate support shall be provided to developing country Parties to increase their relevant capacities on implementing the guidance for accounting.
5. For developed country Parties, following elements should be considered:
 - a. Developed country Parties should apply the IPCC 2006 guidelines and continue taking the lead in applying any updated good practice methodologies accepted by the IPCC and ensure methodological consistency, including base years, baselines, reference levels, and assumptions, between the communication of NDCs and inventory and report on progress.
 - b. Methodologies and methodological consistency on other aspects of mitigation component of NDCs including domestic emissions, policies and utilization of international transferred mitigation outcomes, and to ensure methodological consistency between the communication of NDCs and reporting on implementation.
 - c. Categories of emissions and removals – to account for their economy-wide absolute emission reduction targets, with a view to ensuring all gases, sectors, sinks and activities included.
 - d. LULUCF related accounting – to apply relevant rules under the Convention and its Kyoto Protocol and guidelines accepted by the IPCC.

- e. Developed country Parties should account for their NDCs on financial support provided to developing country Parties in accordance with the modality to be developed referred to in paragraph 57 of decision 1/CP.21, in order to ensure the requirement of “new and additional” and avoid double counting on financial support.
 - f. Similarly developed country Parties should account for their NDCs on technology development and transfer and capacity-building in accordance with the modalities and methodologies to be further developed under this sub-item.
6. For developing country Parties, following elements should be considered:
- a. Developing country Parties to follow the IPCC methodology by choosing the most appropriate IPCC guidelines in light of their different capacities and circumstances.
 - b. On Methodologies and methodological consistency on other aspects of mitigation component of NDCs, developed country Parties should be allowed to utilize their own methodologies and approaches to explain other references, parameters and other aspects of content in their NDCs, as appropriate, while making their best endeavor to ensure methodological consistency between communication and implementation. They should also be allowed to choose the categories of emissions and removals, including sectors and gases covered in their NDCs, in a nationally determined manner.
 - c. Forest related accounting for developing country Parties – may account for their actions on forest and REDD+ in accordance with the relevant arrangements under the Convention if their NDCs include such aspects, without implicitly or explicitly leading to any requirement to undertake mitigation actions in agriculture

India supports the submission made by Like Minded Developing Countries on “Further Guidance for the Nationally Determined Contributions under the Paris Agreement”.

India reserves the right to make additional submissions and present further views on the relevant issues connected with this Agenda item of the APA.