

# Delivering on the Paris Promises: Combating Climate Change while Protecting Rights

Recommendations for the Negotiations of  
the Paris Rule Book

## NEGOTIATIONS OF THE PARIS RULE BOOK: COP-23 UPDATE

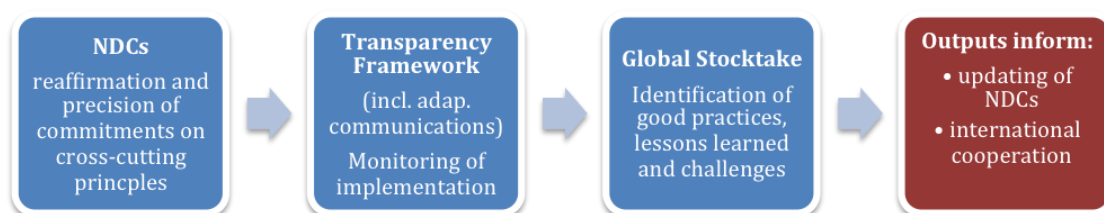
### Nationally Determined Contributions (APA Agenda Item 3)

#### *Further guidance in relation to the mitigation section of decision 1/CP.21*

The guidance provided by the COP to parties for the preparation of NDCs is critical as this will inform the scope of the implementation of the Paris Agreement. Also elements included in the NDCs will inform the type of information that parties will need to consider under their reporting obligations and would thus inform the scope of the global stocktake.

Some parties have tabled interesting proposals, the most interesting being from Norway (human rights, just transition, gender, indigenous peoples involvement) and Canada (stakeholders participation), with interesting elements also included in the Chinese (social development) and EU (stakeholders) submissions.

**For the COP-23, it would be crucial to gather support by parties and civil society organizations around proposals to integrate considerations related to human rights, gender equality, just transition, food security, public participation and related issues in information that parties are invited to include in future NDCs.**



From the perspective of the integration of rights in this agenda item, there are three key elements that the guidance for NDCs could do:

1. Request parties to provide information regarding how the rights obligations and principles have been considered in the design of the NDCs and how these principles will be integrated throughout the implementation of the actions listed in the NDC.

2. Request parties to provide information regarding the stakeholders consultations for the NDCs – including regarding the participation of women, indigenous peoples, youth...

It is important to stress that these demands build on the experience of the INDCs. While the provisional guidance related to the preparation of the first round of NDCs submitted before Paris did not specify what information governments were required to include, many governments have however included information in their NDCs relating to Human Rights (24 NDCs), Indigenous Peoples (19 NDCs), Public Participation (71 NDCs), Food Security (97 NDCs), and Gender Equality (59 NDCs).

## **Process**

Parties were invited to provide written submissions prior to the COP23. A roundtable was held on this agenda item during the first day of the COP.

The co-facilitators for this agenda item have produced a very long and comprehensive [non-paper in late October capturing convergence, divergence and options](#) from the

In the information related to the “planning process”, the non-paper lists the following issues:

*Information on the (domestic) planning processes conducted in the design of the NDCs; and to achieve the objectives of the NDC, incl. considerations related e.g.: ▪ how different public agencies and levels of government helped design the NDC; ▪ institutional responsibilities; ▪ development of implementation measures; ▪ stakeholder consultations; ▪ indigenous peoples and local communities; ▪ elders and youth; ▪ just transition; ▪ gender; ▪ human rights; ▪ other important considerations*

## **Negotiating Context**

The negotiations have centered around the paragraphs 26-28 of the Paris COP Decision. One of the main issue is that this agenda item is the only where the scope of NDCs and their “features” are being discussed. But the APA agenda adopted last year explicit refers to this as a mitigation-focused agenda item.

This has held to a divergence of views between parties (mainly developed countries) that would rather focus only on the features of the mitigation component of the NDCs (target year, gases) and other countries (in particular the LMDCs) that would like to make sure that features include all aspects of the parties’ obligations under the Paris Agreement.

Additionally there are also divergences regarding how much additional information is necessary and whether features and guidance should be mainly limited to existing provisions of the Paris Agreement and Paris.

The second aspect of agenda item 3 relates to accounting.

## **Submissions by parties prior to the COP-23:**

### **Norway: 4. Planning process**

- Planning process for NDC, for example stakeholder consultations.
- Considerations related to just transition, gender, human rights, indigenous peoples involvement and other important considerations. (Not mandatory)

**India:** 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.

The NDCs shall also take into account the global effort to achieve sustainable development and poverty eradication.

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. Its holistic concept comprising all pillars mentioned above.

**Iran (for the LMDCs):** NDCs should be prepared and implemented in the context of sustainable development and poverty eradication, in line with Article 2.1 of the Paris Agreement.

**China:** According to Article 2.1 of the Paris Agreement, the NDCs should be prepared, communicated and implemented in the context of sustainable development and efforts to eradicate poverty.

In line with relevant preambles of the Paris Agreement, other co-benefits resulting from the Parties' NDCs are encouraged, including economic transition, job creation, energy security and transformation, health, food security, poverty eradication, biodiversity and environment protection, sustainable life styles and sustainable patterns of consumption and production.

**Indonesia:** Adaptation feature portrays the country's strategy on climate resilience, such as in the areas of economic, ecosystem, livelihood, disaster management and landscape.

National conditions: contains description of population, economic development, geographical situation and vulnerability to climate change, as well as general commitment in NDC.

**Canada:** *Planning processes* Information on planning processes should describe, as appropriate, how different public agencies and levels of government helped design the NDC; how Indigenous peoples and local communities participated; and how stakeholders and the general public engaged in the process, including women, elders and youth.

**European Union:** Description of planning processes related to the NDC; e.g. development of implementation measures (intended or proposed) institutional responsibilities, stakeholder consultations and other processes to achieve the objectives of the NDC;

- If applicable, how the NDC relates to other development plans or strategies;

### ***Interventions and submissions by parties up to May 2017:***

**Norway** had listed just transition in its submission for the May 2017 session. **China** had already mentioned the importance of including social benefits of climate actions. **COMIFAC** had mentioned gender equality as an element for the features of NDCs. **EU** had suggested that Up Front Information could include information related to stakeholders consultations.

### ***Acronyms used in the context of this agenda item***

**CTU**      *Clarity, Transparency and Understanding*  
**ICTU**     *Information necessary for clarity, transparency and understanding*  
**TACCC** *Transparency Accuracy Completeness Comparability Consistency*  
**UFIs**     *Up-Front Information*