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PAPUA NEW GUINEA SUBMISSION ON FURTHER GUIDANCE FOR THE NATIONALLY DETERMINED CONTRIBUTIONS UNDER THE PARIS AGREEMENT

Papua New Guinea (PNG) is pleased to provide its views on the questions on further guidance for the nationally determined contributions (NDCs) under the Paris Agreement referred to in the draft conclusions and informal note on Item 3 of the agenda of the Ad Hoc Working Group on the Paris Agreement (FCCC/APA/2016/L.4, paragraph 9).

We would also like to advise that this submission intends to complement the initial APA Submission from PNG before on the 23rd of September 2016. In that initial submission, PNG tried to be precisely brief as possible by pointing out common features that can be potentially explored and discussed when really considering the development of further guidance on information contained in NDCs. PNG as much, as possible kept itself clear from lengthy narrative, in an attempt to sensitively respect the sovereign capacities of parties in their ability to determine what was entirely feasible, without imposing ideologies for them. This submission; is an extension of that compiled submission; which seeks to further elaborate on the importance of the initial submission as well

I. Views on Important Global Principles

A. Political Trust

It is important to note that the Paris Agreement was intended to build on from the Durban Platform on Enhanced Action which was established by Decision 1/CP.17 of the COP during its seventeenth session, in Durban, South Africa. One of the most important principles enshrined in the Paris Agreement, which is supposed to guide the actions of all Parties is the consideration that responsible measures are needed, in order to avoid the implications of

whatever impacts faced by parties as a result of the measures they undertake to address climate change

This fundamental principle, guided the actions of parties, and gave political confidence to our political leaders during the 21st session of the Conference of the Parties, in Paris. As such, the Paris Agreement was decided upon the trust, that any measures undertaken by Parties will not have adverse impacts on the party's ability to continue address climate change or continue to be resilient against adverse climate change impacts. As such the Paris Agreement sets itself upon the foundations of Political Trust, that needs to be observed and respected when moving forward with the development of the Modalities, Procedures and Guidelines (MPGs) required for mitigation under Article 4 especially on the 'additional features of the NDCs'

B. National Relevance

The second principle is the issue of domestic relevance. This we believe, may have also been emphasised during the domestic ratification process of many parties, whereby the constitutional requirements of their countries, are expected to be respected and addressed accordingly during the implementation of the Paris Agreement, and the development of MPGs on further guidance relating to any Article of the Paris Agreement including Article 4.

This is an important principle, as it compels parties to also respect each other, and not assume that one party knows another party's requirements better than they themselves do. It also compels parties to move away from theoretical assumptions about what is meaningful and relevant for other parties, while compelling them to focus on what they can specifically offer, as a result of the practical implementation measures and progress from their own domestic arrangements.

PNG believes, that this is an important principle that needs to be observed during the development of "further guidance in relation to the mitigation section of decision 1/CP.21" for various reasons, including the fact that it may not legally apply to countries, when taking into consideration their ratification requirements.

For Papua New Guinea, a Ratification Law was enacted during the ratification process, in compliant with Section 117 of the PNG National Constitution, which legally binds PNG to the provisions of the Paris Agreement but not the CP/21 decision in its entire framework; as

such, we are not compelled to adhere to every provision of the CP/21 decision but where applicable, we adopt only those that are relevant to our national circumstances. These domestic requirements, are real and evident and have to be complied with and they are those that will need to be reflected when thinking through the development of further guidance in relation to paragraph 26 of the CP/21 decision. However, given that the CP/21 decision does not legally apply to PNG, PNG has flexibility to either take the mandate into consideration or work within the boundaries of the Paris Agreement as it already has

However, to assist the APA Co-Chairs progress this work under the APA Agenda Item 3 for the upcoming Bonn, Session, PNG is only willing to suggest some practical considerations for guiding contributions to Parties when dealing with the agenda item 3 under the APA

II. How to Guide Contributions from Parties : Further Guidance on Features of NDCs

C. Domestic Experience & Practical Realities

When progressing discussion on further guidance relating to features of the NDCs, parties should be compelled to share their experience on how they understand the legal application of NDCs within the context of their national legislative and policy requirements. Parties must be encouraged to move away from theoretical assumptions, and provide practical suggestions based on their domestic experiences.

This will be useful in informing progress, but it will also be respectful in fostering a common dialogue where one party does not impose its ideologies and suggestions on another party or on all parties. Furthermore, parties must be encouraged to look broadly beyond the Paris Agreement, and provide their conceptual understanding and application of the what they know and understand as features of NDCs.

Parties should be given the flexibility to choose an interpretation that fully allows them in their sovereign capacity to embrace the meaning and understanding of Nationally Determined Contributions and how that goes beyond to empowering parties to take full political ownership at the domestic front in fully determining their own national contributions without being imposed further concepts, on what they need to do without causing them to act outside of their sovereign mandate

D. Flexibility for Parties

There needs to be a certain degree of flexibility given to parties when discussing “further guidance on the features of NDCs”. This flexibility should come in the form of allowing parties to freely choose to suggest what are their significant Nationally Determined Contributions; and why do they choose to identify that. This we believe have already been outlined in the mandate of the CP/21 decision paragraph 31 and 32

This is very important; because it will then guide the scope of the discussions as well on the features of the mitigation component of the NDCs, so as to avoid duplicative suggestions of categories of anthropogenic emissions or removals; or even suggestions on the scope of sectoral reporting within the NDCs

When developing the features of the mitigation component of the NDCs, parties must be aware of paragraph 31 and must be encouraged to avoid suggesting duplicative measures, unless there is merit in associating or referencing it to practical implementation outcomes that have been accounted for already within the context of their own domestic implementation

E. Understanding Article 4 and What is Required within NDCs

Article 4.1 reminds all parties of their Obligation under Article 2 and Article 3; and the efforts they all need to undertake through addressing their anthropogenic emissions by sources and sinks. The important thing to note here is that; Article 4.1 also emphasises on the principle of equity, and need to fairly consider sustainable development and poverty eradication as fundamental, and all this comes before the requirements for NDCs as stipulated in Article 4.2

Article 4.2 has clearly spelt out the domestic obligation of parties in undertaking mitigation actions that will be reported in a progressive manner through their NDCs. The outstanding issue now is determining what type of additional information goes into those NDCs, which is not spelt out in the Paris Agreement except the different obligations of both developed and developing country parties.

As spelt out in Article 4.3; each party's NDC should be a progression beyond their current NDC, and should reflect its highest possible ambition, and common but differentiated responsibilities. PNG believes that we must also note that, these requirements do not undermine the underlying principles in Article 4.1 on sustainable development and poverty eradication, which is important and critical for all Parties.

As such, when developing additional features, of NDCs, parties must be aware of the sovereign context in which the role of the NDCs applies; which will also include

E. Issues of TCU as prescribed by Article 4.8 of the Paris Agreement

When interpreting the application of Article 4.1 on Transparency, Clarity and Understanding (TCU) of information provided in NDCs; TCU must shall not be interpreted as transparency, clarity and understanding for accountability purposes, in a compliance process where other parties can become the 'judge & jury' for all. However, TCUs, should be reflected as part of a party's domestic obligation under Article 13 when communicating their NDC actions under the Transparency Framework, and it should be comparable in the information that they provide, where the elements of accounting shall accompany it

The TCU prescribed under Article 4.8 should not be conceived, as the basis for holding parties, accountable for what they should be obliged to provide as information, which they have compiled and provided through their own respective sovereign mandate without being subjected to another party's ideologies on how to do it. It should be a reflection of each party's capacity to provide information; while upholding the principles enshrined in Article 4.1 which has supreme basis over the requirements set out in Article 4.2

In understanding the requirements for common time frames; parties should be allowed to reflect on what Article 4.9 as presented, compared to what is still required under Article 4.10; and how would those different periods differ from each other in terms of their expectations in different outputs as well.

III. Balance Treatment of all Operational Elements of the Paris Agreement

Although the Paris Agreement in Article 4.2 spells out; the different areas in which the NDC should communicate on; it defeats the purpose of being politically and legally accurate in it's aspirations to promote the real meaning of upholding and conserving the integrity of an NDC. An NDC is nationally determined. Nationally determined, means it's bound by sovereign obligation to reflect the highest and accurate aspirations of parties to promote their relevant and most significant mitigation actions; in which Article 5 and Article 6, should be inclusive in their relevance as well, by reflecting on the aspirations of Article 4.1 and Article 4.2

As such, Article 3 of the Paris Agreement should not be interpreted devoid of the principles of Article 4.1. Parties when discussing the features of the NDCs, parties should be allowed to reflect on their sovereign prerogative to clearly articulate the most significant and most relevant mitigation measures undertaken without being imposed what mitigation measures are relevant for them through the additional guidance on the features of the NDCs.

IV. Legitimising the meaning of “Further Guidance” and Possible Elements to Consider

When we respectfully consider the need to respect the sovereign obligation of country parties to own their NDC development process, PNG tried to abstain from being prescriptive about what Parties can do within the context of “further guidance on NDCs”; we hope it would be valuable to start with some broad elements where all Parties can have some meaningful space to discuss on; which includes the following consideration;

F. Possible Broad Features of updated mitigation section of NDC submissions;

1. ***Flexibility on Reporting on all Sectors and Gases*** taking into consideration of the important principles outlined in Article 4.1, should they wish to when developing, submitting and confirming their initial NDCs
2. ***In every Periodic Update, all parties should have the flexibility to Commence on a their most significant mitigation sector which is also their largest emissions source,*** and volunteer to further include others with developed country parties taking into account Article 4.2 on obligation differences. This should be accompanied with an

explanation on how they plan to reduce this either through ‘real-reduction’ using technological advancement and adoption of low-emission strategies or programs or through ‘voluntary cooperative approaches’; bearing in mind the guiding principles of Article 2 in particular promoting sustainable development

3. **Baselines** should be set by all parties with special consideration and flexibility for any party who cannot meet such requirement, due to economic and geographic capacity and capability constraints
 4. All Parties should include **unaccounted Sectors** with special consideration and flexibility for any party who cannot meet such requirement, due to economic and geographic capacity and capability constraints
 5. **Sectors included in ITMOs transactions** only for those participating in the Article 6.2 cooperative approaches or intending to. This is by linking it to (2) above, where parties should indicate the sources of emissions they will reduce or intend to reduce through ITMOs and the possible sources of sinks they will offer as ITMOs for other parties. The specific accounting issues should be dealt with separately under Article 6 and the reporting component under Article 13 on ‘actions’
 6. **Quantified Capacity Needs Assessment** for developing country parties
 7. **Quantified Technology Needs Assessment** for developing country parties
 8. **Quantified Financial Needs Assessment** for developing country parties
 9. **Annex A: A summary of the mitigation measures undertaken as domestic contributions to reducing emissions on international bunker fuels.** Only for parties, who have domestic mitigation initiatives associated or linked to the IMO and ICAO global initiatives (especially the offset projects/programs) . Parties, who are currently participating in any initiatives under any framework developed by ICAO and IMO or who wish to participate in future, can choose to include this information in a policy narrative and the quantified narrative can be included in the MPGs developed for mitigation reporting under Article 13
- Annex B: A Summary of an Adaptation Communication** . This should be optional and voluntary for those parties, who choose to or wish to provide this information, depending on their priorities, especially, developing country parties, SIDs and LDCs.¹

¹ The outcome of APA agenda 4; on adaptation communication can inform this section

V. Additional Consideration : Annexing a Summary of Sectors or Sources of Sinks allocated for reducing Emissions from International Bunker Fuels (Voluntary Action)

PNG believes that Article 2 of the Paris Agreement does not prejudge how a Party intends to achieve the global goal of holding the increase in the global average temperatures as articulated in Article 2(a). As such it's domestic initiatives and how they are applied to address the global goal articulated in Article 2(a) should not be restricted to reporting actions taken at the domestic level to reduce emissions domestically, but should also have the flexibility to allow parties take into account actions taken at the domestic level to assist reduce global emissions by other sectors globally; which is outside the scope of voluntary cooperative measures, as prescribed in Article 6.2 . These should be specific actions implemented in both developing and developed country parties, to assist reduce emissions from fuel use by the international aviation and maritime

PNG wishes, to clarify that this does not duplicate the role ICAO and IMO will undertake, rather it shall complement the work carried out by those two UN Specialised Agencies, but report specifically on any mitigation action, and or project being used separately to help reduce emissions from international bunker fuels, so as to avoid double accounting for such projects in a country's NDC when reporting under the Transparency Framework

PNG believes that this information, will also be useful in giving clarity on how parties are voluntarily making efforts to assist ICAO and IMO address their global mitigation targets, when it comes to the global stock-take under Article 14. As described above, in updating their NDCs, parties, may volunteer to report is as an annex of their NDCs, in a summary policy narrative, while the specific quantified information be included in the MPGs on reporting for 'action' under Article 13

PNG doesn't see value at this stage to become too prescriptive in defining what a party shall reflect in their NDCs. If Parties, don't have policy or legislative frameworks because their domestic circumstances doesn't allow them to quickly enact these enabling environments, we should respect that and not prescribe it in the features of the NDCs. It could be up to parties to include it in their NDCs, should they wish to

All other information not prescribed here with regards to accounting issues linked to TCU of NDCs should be moved to the Article 13 discussions on MPG developments for the

Transparency Framework for Action and Support. As one fundamental requirement of understanding TCU of NDC implementation, is to allow comparability of information, for ease of reference for reviewers, as well as inform the global stock-take process under Article 14

The government of Papua New Guinea, avails itself its highest consideration and continued support to the APA co-chairs in progressing and moving forward the development of this agenda item