

# ‘Common Time Frames’: What & Why?

## A CONTRIBUTION TO THE DEBATE ON ARTICLE 4.10 OF THE PARIS AGREEMENT

### Discussion Note<sup>1</sup>

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## 1. Introduction & Background

At COP 21 in Paris (2015), it was agreed that the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA) “shall consider common time frames for nationally determined contributions at its first session”[Art. 4.10]. In Marrakech, the year after, the CMA agreed to refer the matter to the Subsidiary Body for Implementation (SBI) which, in 2017 in Bonn (SBI 47), “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 SBI 48 (April–May 2018)”[[SBI 47 conclusions](#)].

But what exactly are ‘common time frames’ for NDCs? While there is little doubt that the communality 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 the options for (common) time frames, in order to be able to proceed with evaluating their usefulness in a meaningful manner.

## 2. What Time Frames?

### 2.1. Initial Evidence

#### (a) *The Paris Outcome*

The Paris Agreement mentions to ‘time frames’ just once, namely in Art. 4.10, which refers to “*time frames for NDCs*”.

[Decision 1/CP.21](#), in paras. 23 and 24, refers to NDCs containing time frames up to a certain end year (2025 and 2030, respectively). Paragraph 27 specifies that Parties may wish to include information with regards to “*time frames and/or periods for implementation*” in communicating their NDCs.

#### (b) *Article 6 Negotiations*

The notion of ‘time frames’ is not explicitly referred to in the current Art. 6 negotiations – as reflected in the [Informal Notes](#) by the co-chairs of negotiations on SBSTA agenda item 11. However, there are a couple of concepts that are being used that 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*”.

#### (c) *Submission by Parties*

[AILAC](#): AILAC 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.

[Indonesia](#): The common time frame is necessary to monitor and review the effectiveness of NDC implementation as well as to aggregate the global number of emission reduction. Taking into consideration different timeframes on the submitted NDCs, Indonesia proposes to having a common timeframe of 1 January 2021 as a starting point for implementing NDCs, so that they can be updated at the same time and be applied over the same period as stipulated by Decision 1/CP21, paras 23 and 24.

## 2.2. Conceptual Analysis

So, let us turn to analyse the possible meaning of the phrase ‘time frame’ and its relation to the other concepts in this context (as mentioned above).

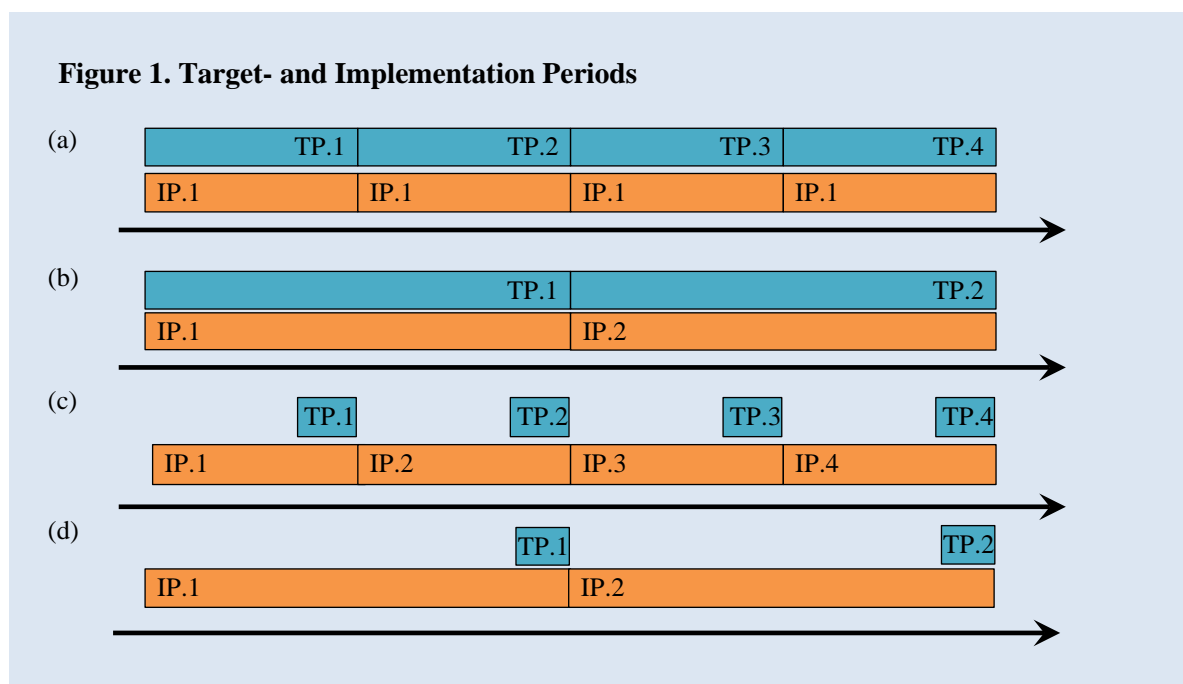
### (a) *Target Periods*

As mentioned in 2.1.b above, the Art. 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 reference 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?

For one, the juxtaposition of “*time frames and/or periods of implementation*” in para. 27 (1/CP.21) suggests that ‘time frames’ is referring to 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 Art. 6. For example, given that the Art. 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.

Moreover, there seems to be consensus in the Art. 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).

### (c) *Timetables*

Up to this point, we have discussed two potential *material* interpretations of the ‘time frame’ concept as used in the ‘common time frame’ debate, namely two types of periods of time associated with NDCs: target periods, and implementation periods. However, the notion of a ‘time frame’ also has procedural interpretations, and to be more precise, it can refer to what is commonly known as ‘timetables’ – defined by the OED 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, for example, requires Parties (Art. 4.9) 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 the Decision says anything as to when this cycle is meant to start.

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 COP 26 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

#### (a) *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 is clearly aimed at implementation periods. Yet, as in the case of the Indonesian submission (see 2.1.c), the paragraphs are really 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 length of their initial period of implementation. The ‘common time frame’ question in this context, therefore is about *the usefulness of, and options for, combining the two timetables and the advantages and disadvantages of those options*, to paraphrase the SBI 47 conclusion (see Section 1).

The OCP/ecbi [Options Note](#) 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 implementation periods of the same duration.

#### (b) § 24 *communication cycle with mid-term updates*

Consider a Party X with an initial 10-year NDC implementation period. What options does X have in light of § 24? In order to simplify the answer, let us not only assume, in conformity with the Indonesian submission, that the X’s initial NDC starts on 1 January 2021, but also that it would keep the 10-year implementation time frame (neither of which is guaranteed by § 24).

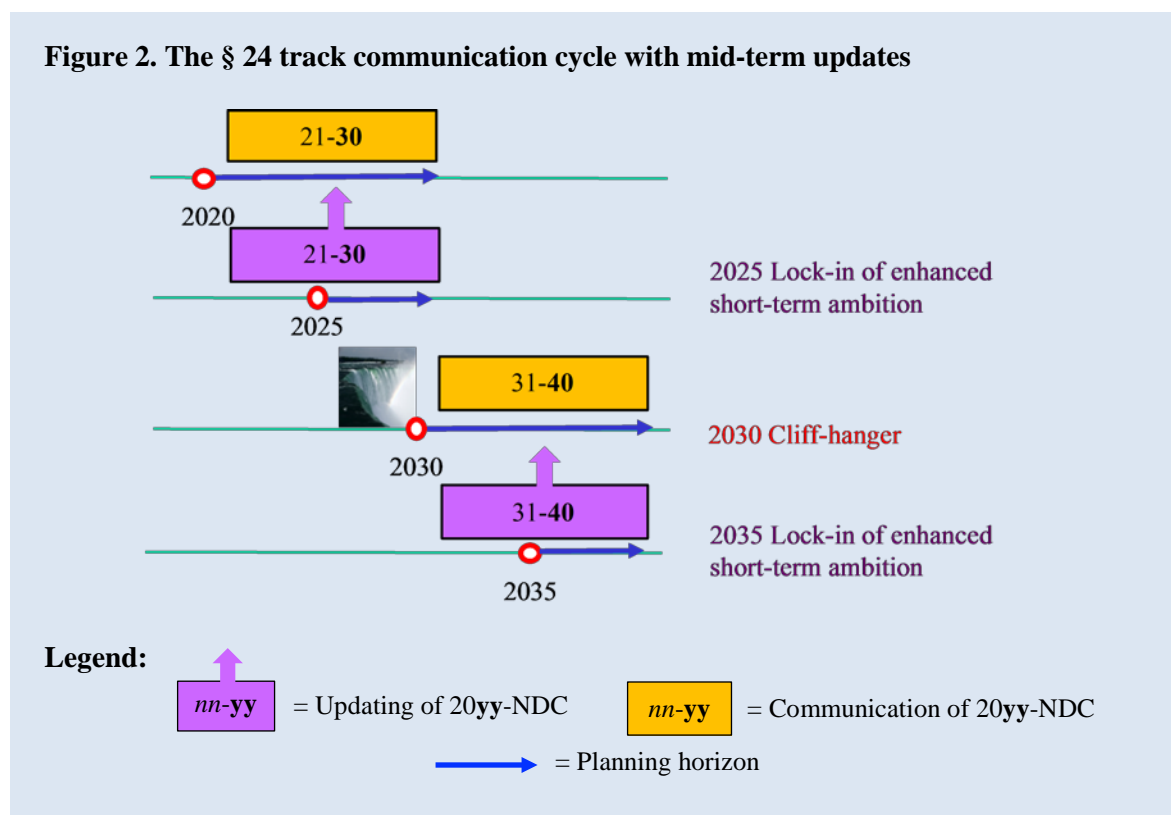
**2020 Options.** Given that X will already have communicated an initial (2030) INDC, in 2020 it will have a choice between fixing it as its 2030 NDC, or starting its communication cycle with an update (the fact that the latter option exists clearly illustrates that the § 24 cycle has no common timetable where everyone subject to it does the same thing at the same time). Assume that the former is chosen, as depicted in Figure 2. This means that in 2020, the relevant stakeholders have a fixed medium-term (ten-year) planning horizon.

**2025 Options.** According to § 24, the next slot in X’s communication/updating timetable is 2025, by which time it 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 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 Options.** Given the choices made in 2020 and 2025, X really only has one option in 2030, namely to communicate the next, i.e. 2040 NDC. While this will again provide a medium-term planning

horizon, it would do so under ‘cliff-hanger’ conditions – that is to say that between 2025 and 2030, the publicly available planning horizon could decrease to a single year.

**2035 Options.** [Da capo](#) (2025).



Apart from illustrating the cliff-hanger problem, Figure 2 also highlights an important feature of the §24 track communication cycle, namely that something needs to be done *every five years*. Party X may have opted for an initial implementation period of 10 years, in the hope of not having to go through painful internal target determinations every 5 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 a genuine internal deliberation and not just a matter of ‘going through the motions’ with a foregone conclusion.

As regards the issue of common time frames, it could therefore be argued that it was unfortunate that INDCs were submitted before Paris, and that had Parties known about the inevitable 5-year obligation to communicate or update, they may well all have opted for an initial 5-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*.

### (c) *Simultaneity and ambition*

It is important to keep in mind the fact that the communication cycle described in the preceding section is just one variation that Parties with 10-year initial NDCs could follow. In particular, there is no requirement that all the Parties concerned should update at the same time, as suggested in the Indonesian submission. Why should this be of importance in the current context?

Even though, according to Art. 4.11, any Party “*may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition,*” the experience with the [Copenhagen pledges](#) suggests that no one will stick their neck out to carry out such spontaneous enhancements on their own, without having an assurance that their peers/competitors will follow suit. The fear of accusations of giving unfair advantages to foreign competitors will outweigh the best intentions with regard to climate ambition.

Admittedly, this assessment is based only on anecdotal evidence and what I believe to be common sense. However, what is a matter of simple probability is that the larger the number of Parties involved in such a synchronised updating exercise, the higher the chances of greater overall ambition. It is for this reason that the existing common timetable for global reviews (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) *The Dynamic Contribution Cycle***

At the end of Section 3.b, it was suggested that if all Parties in Paris had submitted a 5-year INDC, §§ 23 and 24 might have been amalgamated into a single paragraph, requesting Parties:

☆ *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 a 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?

In 2014, the answer proposed by ecbi Fellows<sup>3</sup> was, in a nutshell, “***both!***” That is to say:

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

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

Figure 3 illustrates the different steps of the Dynamic Contribution Cycle in somewhat more detail (for more details see the literature listed in the Appendix 1, in particular [4] and [7]). Roughly, these steps can be divided into two phases: one, encompassing the first two steps (A and B, Fig. 3) to provide shorter-term ambition certainty and longer-term ambition vision; and a subsequent one (C and D) to provide for proper stakeholder consultation and peer review.

#### **I. Provision of shorter-term ambition certainty and longer-term ambition vision**

**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’.

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<sup>3</sup> See [1] in the appended literature list.

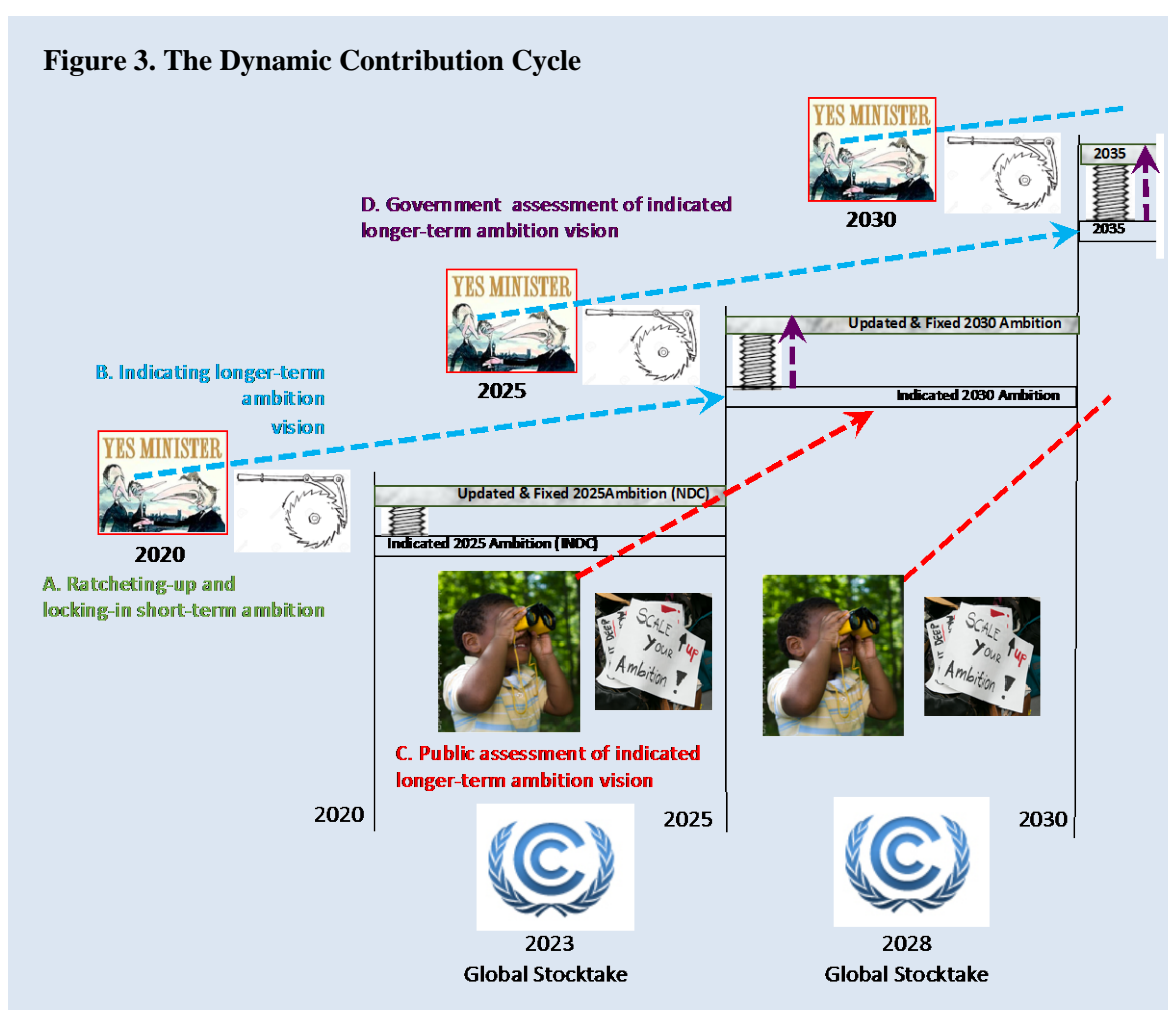


This will not only give both certainty for markets and indicative longer-term planning horizons, but it will also provide the prerequisites for the second phase, which is where enhanced ambition originates.

## II. Stakeholder Consultation & Peer Review (C & D)

As mentioned earlier (Section 2.2.c), the Paris outcome envisages that NDCs are to be submitted at least 9 to 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 would 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.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 [5]), 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 in the literature listed in Annex 1, and in the relevant passages of the [Geneva negotiating text](#) (see Appendix 2).



## 4. Summary

Before one can meaningfully argue about the advantages and disadvantages of common time frames, one needs to clarify what common time frames one is referring to. In the context of NDCs there are essentially two types of possible interpretations of that phrase: a material one, and a procedural one.

The material interpretation is about time intervals associated with the NDCs – to be precise, about *target periods* and *implementation periods*. The procedural interpretation is about timetables for the processes of communicating and updating NDCs.

Both types of time frames might benefit ambition through a harmonisation. But since the debate on target and implementation periods is chiefly centred around the market-based collaborative approaches of Art. 6, it is probably best to leave that issue there and not bring it into the Art. 4.10 debate. That debate, particularly in the context of how common time frames could help enhance NDC ambition, is therefore best focused on the procedural side of things.

This Note 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 that has become known as the *Dynamic Contribution Cycle*. In practical terms, such a combination could be achieved in very simple terms, namely 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.*

## Appendix 1. Literature

The following publications may be of further interest:

- [1] [A Dynamic Contribution Cycle: Sequencing Contributions in the 2015 Paris Agreement](#); by Benito Müller, Xolisa J. Ngwadla, and Jose D. G. Miguez, with contributions by Isabel Cavellier Adarve, Carlos Fuller, Tosi Mpanu-Mpanu, and Nagmeldin G. Elhassan; October 2014.
- [2] [‘Maillot Jaune’ for the Dynamic Contribution Cycle](#); by Benito Müller; February 2016.
- [3] [A Dynamic Ambition Mechanism for the Paris Agreement](#); by Benito Müller with contributions by Harro van Asselt, Cristina Carreiras, and Kaveh Guilanpour; March 2016.
- [4] [From Contribution Framework to Ambition Mechanism: How to enhance mitigation ambition under the Paris Agreement](#); by Benito Müller; April 2016.
- [5] [Justice is still critical in the post-Paris world of “nationally determined” climate action](#); by Anju Sharma; October 2016.
- [6] [Why an effective Ambition Mechanism is vital to deliver the Paris Agreement](#); by Clare Shakya and Benito Müller; October 2016.
- [7] [The Paris Ambition Mechanism: Review and Communication Cycles – Options Note](#); by Benito Müller and Xolisa Ngwadla, with contributions by Cristina Carreiras, Geert Fremout, Carlos Fuller, Kishan Kumarsingh, Jose Miguez; October 2016.

## Appendix 2. The Geneva Negotiating Text

### *Paragraph 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;

***Paragraph 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.]

***Paragraph 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.]

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<sup>1</sup> See “[Accounting for mitigation targets in Nationally Determined Contributions under the Paris Agreement](#)”, OECD/IEA Climate Change Expert Group, Paper No.2017(5)