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## N O R D I C   W O R K I N G   P A P E R S

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### **Assessment and Review under a 2015 Climate Change Agreement: Lessons Learned and Ways Forward**

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## Assessment and Review under a 2015 Climate Change Agreement: Lessons Learned and Ways Forward

*Harro van Asselt, Håkon Sælen and Pieter Pauw*

### Key messages

- *Ex ante* assessment and review (A&R) of Intended Nationally Determined Contributions (INDCs) under the UNFCCC would likely help ensure fairness and ambition. Assessments by observer organizations and informal discussions among Parties could complement that process. Periodic reviews of collective efforts can further help achieve global climate objectives.
- Subjecting different types of contributions (beyond just mitigation) to A&R increases transparency, but might decrease political feasibility and administrative efficiency. Ensuring some form of A&R of the delivery of means of implementation – a priority for developing country Parties – could help forge a consensus on the 2015 agreement, whether it is done together with A&R of mitigation contributions or separately.
- For transparency and political feasibility, A&R must cover all Parties. However, it would be fair and practical to require less scrutiny of the contributions of some smaller and poorer Parties (e.g. Least-Developed Countries and Small Island Developing States).
- It is unlikely that Parties will agree to substantive criteria for A&R (e.g. equity, ambition) under a 2015 agreement. However, applying procedural criteria (e.g. transparency) in A&R would already be an important step towards clarifying Parties' ambitions.
- The importance of domestic politics in developing INDCs points to the need for clarifying and enhancing the role of non-governmental actors in A&R. Involving such actors could prove particularly valuable if there is no formal assessment of individual INDCs, and could further strengthen A&R of implementation of the contributions.

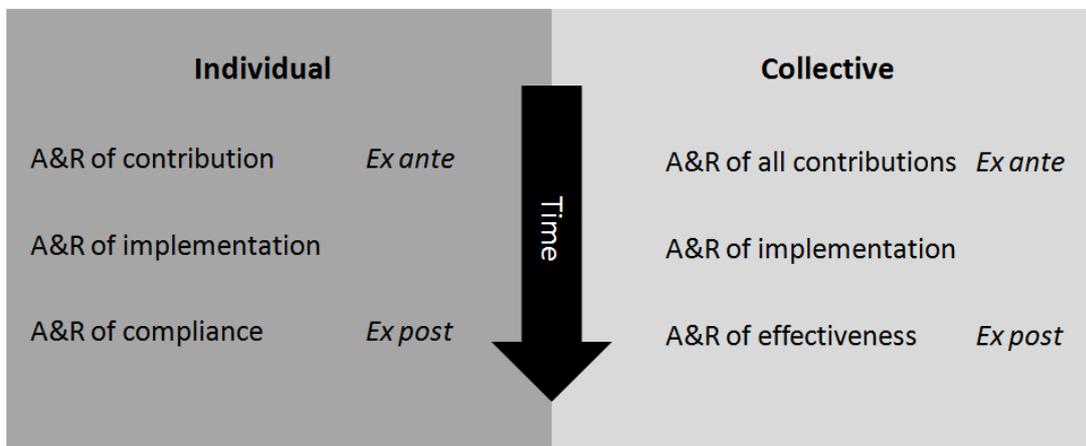
## 1. Introduction

At the 19th Conference of the Parties (COP19) to the United Nations Framework Convention on Climate Change (UNFCCC) in Warsaw, Parties were invited to prepare and communicate their Intended Nationally Determined Contributions (INDCs) under a 2015 international climate change agreement, which is due to be concluded in Paris in December.

Assessment and review (A&R) can help ensure that these contributions are in line with internationally agreed objectives and principles. It can further help establish and enhance transparency, trust and accountability between Parties by creating a shared understanding of Parties' intended contributions, as well as the underlying information, data and assumptions. Moreover, A&R could increase ambition by providing an opportunity for feedback and exchange of ideas and approaches, and by encouraging additional reciprocal actions.

Figure 1 shows general options for A&R. It can focus on Parties' contributions individually or collectively. It can occur before contributions are formalized (*ex ante*); during a contribution period (A&R of implementation); or at the end of a contribution period (*ex post*).

**Figure 1: General options for A&R under a 2015 agreement**



At COP20 in Lima in 2014, Parties opted for only limited *ex ante* assessment prior to the Paris summit, asking the UNFCCC Secretariat to prepare a synthesis report of the INDCs communicated by Parties. Yet there are still many options on the table for the design and implementation of the 2015 agreement. This briefing paper draws lessons from existing review processes in- and outside the UNFCCC, and presents some of the key options.

## 2. Lessons learned from existing review processes

Parties have gained extensive experience with review processes under the UNFCCC and the Kyoto Protocol. Further inspiration can be drawn from review processes outside of the UNFCCC. Although the context of these experiences is different, and any analogies should be made with care, they offer useful insights into how national goals and policies can be reviewed in intergovernmental settings. Tables 1 and 2 summarize the main lessons learned of existing review processes within and outside the UNFCCC.

**Table 1: Review processes under the UNFCCC: lessons learned**

|   |  |
|---|--|
| <b>In-depth review of Annex I National Communications</b>               | <ul style="list-style-type: none"> <li>• Differentiation is possible, i.e. for some Parties with low emission levels.</li> <li>• Publicly available reviews can offer valuable information for other Parties and observers on Parties' emission levels and actions undertaken.</li> <li>• The review process helps build capacity in the reviewer community that can help improve information availability and the quality of reporting.</li> </ul>  |
| <b>Technical review of Annex I greenhouse gas inventories</b>           | <ul style="list-style-type: none"> <li>• Common guidelines for consistency and comparability of mitigation actions.</li> <li>• Annual review of all inventory reports is a resource-intensive process, putting pressure on the capacity of experts, the UNFCCC Secretariat and Parties.</li> </ul>   |
| <b>Technical review of Kyoto Protocol reports</b>                       | <ul style="list-style-type: none"> <li>• An international agreement can combine one-off and more regular reviews.</li> <li>• An expert review process flagging problems with implementation can help facilitate compliance without the intervention of a compliance mechanism.</li> <li>• Annual expert reviews of a large number of reports require a large group of experts and more resources from the UNFCCC Secretariat and Parties.</li> </ul> |
| <b>International Assessment and Review for Annex I Parties</b>          | <ul style="list-style-type: none"> <li>• Different review processes (for inventories, National Communications and Biennial Reports) overlap, and streamlining efforts are made.</li> <li>• Technical expert reviews can be combined with a political process of questions and answers between Parties.</li> </ul>  |
| <b>International Consultations and Analysis for non-Annex I Parties</b> | <ul style="list-style-type: none"> <li>• Review processes for Annex I and non-Annex I Parties can mirror each other, but references to national circumstances and capabilities are likely needed, and the process needs to avoid being seen as overly intrusive.</li> <li>• It is possible to differentiate among non-Annex I Parties (for LDCs and SIDS).</li> </ul>  |
| <b>2013–2015 review</b>   | <ul style="list-style-type: none"> <li>• A review process can focus on global ambition and aggregate effects, without reviewing individual Parties.</li> </ul>   |
| <b>Biennial assessment and overview of climate finance flows</b>        | <ul style="list-style-type: none"> <li>• A mandate for review can be expanded over time.</li> <li>• Input from Parties can be combined with input from relevant observers.</li> <li>• A lack of clarity on the subject matter of the review (i.e. the absence of a clear definition of climate finance) can hinder the review.</li> </ul>  |

**Table 2: Review processes outside the UNFCCC: lessons learned**

|   |  |
|---|--|
| <b>Trade Policy Review Mechanism (World Trade Organization)</b> | <ul style="list-style-type: none"> <li>• Frequency of reviews can link to regime-specific criteria (i.e. share of world trade).</li> <li>• Group reviews may address concerns about resource requirements.</li> <li>• Administrative bodies involved in the review will need to be viewed as independent and respectful of countries' sovereignty.</li> </ul>  |
| <b>Bilateral Surveillance (International Monetary Fund)</b>     | <ul style="list-style-type: none"> <li>• Stringent reviews do not guarantee influence on larger countries, and may put disproportionate burdens on smaller countries.</li> <li>• A review process can combine an assessment of national and global impacts of domestic policies.</li> </ul>  |
| <b>Universal Periodic Review (UN Human Rights Council)</b>      | <ul style="list-style-type: none"> <li>• Information can be provided by non-governmental stakeholders.</li> <li>• Review schedules can help structure and organize the review process.</li> <li>• The review can cover legally binding commitments as well as voluntary pledges.</li> <li>• Subsequent reviews can look at implementation of the outcomes of previous cycles.</li> <li>• The review can offer funding to help smaller, low-income countries participate and implement recommendations.</li> <li>• A fallback clause may be warranted to deal with countries that persistently fail to cooperate with the process.</li> </ul> |
| <b>Implementation Review (Montreal Protocol)</b>                | <ul style="list-style-type: none"> <li>• Linking the outcome of a review to financial and technical assistance enhances the acceptability of the process.</li> <li>• The threat of 'sticks' (e.g. trade suspensions) can help ensure cooperation.</li> </ul>   |
| <b>Peer review (OECD)</b>                                       | <ul style="list-style-type: none"> <li>• The standard of review can range from qualitative/abstract criteria to quantitative/concrete criteria, which can be applied in parallel.</li> <li>• Review processes can be applied to non-members on a voluntary basis.</li> </ul>   |

### 3. Options for assessment and review under a 2015 agreement

Several questions are still outstanding on the design and organization of A&R under a 2015 agreement several questions. Below we review some of the main choices still to be made.

#### ***What exactly should be assessed and reviewed?***

Although the Lima Call for Climate Action offers suggestions for the content of INDCs, there are still several possibilities for what is ultimately included. Contributions could be limited to mitigation, or they might also include information related to adaptation and/or means of implementation (financial, technological and capacity-building support).

Even if these elements are included in the INDCs, they do not necessarily have to be covered by A&R. Including more elements beyond just mitigation in A&R would enhance transparency. Given the emphasis placed by developing country Parties on means of implementation, providing some A&R of that type of contributions – in conjunction with A&R of mitigation or separately – would likely bolster support for a Paris agreement.

Existing experiences with measurement, reporting and verification (MRV) of mitigation and means of implementation shows that A&R of various elements is feasible. However, there may be tradeoffs with administrative efficiency, since examining different elements would likely require a wider range of expertise and more resources.

#### ***Should A&R processes be differentiated, and if so, how?***

Differentiation could be justified from an equity perspective – to avoid overburdening the poorest countries – or for pragmatic reasons, to make the most of limited resources. Should Parties choose to differentiate the A&R process, they could do so based on a Party's status or national circumstances, the nature of a contribution, or both.

The process itself could be applied to only a subset of Parties, the frequency of reviews could be lower for some Parties, or group reviews could be introduced (e.g. for LDCs or SIDS). Differentiation is also possible with respect to the inputs into the A&R. For instance, the information requirements could be more flexible for some Parties, or access to funding for preparing INDCs can be offered to selected Parties.

Further differentiation is also possible in A&R procedures, with some Parties being subject to only a technical review (and not also a multilateral assessment) or exempted from in-country visits, or with observer organizations being allowed to participate in the A&R of only some Parties. Lastly, differentiation is possible for the outputs of A&R, with some Parties given specific (possibly binding) recommendations, for example, but others just broad conclusions. Some Parties could also be offered financial support to implement any recommendations.

While costs could be reduced by allowing some Parties to undergo less extensive reviews (e.g. less detailed, less frequent or group reviews), a basic level of transparency would require a minimum standard of review for all Parties. Nevertheless, the circumstances of some Parties can still be taken into account by providing flexibility in the A&R process.

#### ***Against which criteria should contributions be assessed and reviewed?***

The criteria chosen for A&R will effectively determine its purpose, and thus merit careful consideration. A distinction can be made between substantive criteria (e.g. ambition/adequacy or equity/fairness), which relate to the objective and principles of the UNFCCC; and procedural criteria (e.g. transparency, accuracy, consistency, completeness, timeliness and comparability), which concern the way in which the information is communicated. The latter

have been applied in most review processes under the UNFCCC and the Kyoto Protocol, while the former have been proposed by various Parties with respect to the A&R of INDCs.

The application of clear review criteria would help improve the transparency of contributions and would likely enhance the ambition of contributions over time. However, although substantive criteria (particularly those related to equity) for individual contributions have been proposed by several Parties, they remain contested; assessing the aggregate effect of contributions may be less contentious.

### ***When should A&R be carried out?***

Regarding the timing of A&R, a distinction can be made between the types of A&R shown in Figure 1. This leads to a range of options:

**Table 3: Options for timing of A&R**

| Individual  | Collective  |
|---|---|
| <b>A&amp;R of contribution</b>  |   |
| <b><i>Future contribution cycles</i></b>  |   |
| <ul style="list-style-type: none"> <li>• On a rolling basis.</li> <li>• When a certain number of Parties have submitted their INDC.</li> <li>• When Parties responsible for a certain share of global emissions have submitted INDCs.</li> <li>• When a double threshold is met (number of Parties and share of global emissions).</li> <li>• Periodically (e.g. every 5 years).</li> </ul> | <p><b><i>Before COP21</i></b><br/>Synthesis report of all INDCs communicated before 1 October 2015 (already decided).</p> <p><b><i>Future contribution cycles</i></b></p> <ul style="list-style-type: none"> <li>• Periodically, before new contributions are communicated.</li> <li>• Periodically, after new contributions have been communicated.</li> </ul> |
| <b>A&amp;R of implementation</b>  |   |
| <ul style="list-style-type: none"> <li>• Periodically, in line with existing or improved MRV processes.</li> <li>• Periodically, as part of a new process.</li> </ul>   | <ul style="list-style-type: none"> <li>• Periodically, in conjunction with IPCC reports or otherwise synchronized with the 2013–2015 review.</li> </ul>   |
| <b>A&amp;R of compliance/effectiveness</b>  |   |
| <ul style="list-style-type: none"> <li>• After the end of a contribution cycle.</li> <li>• Continuously (depending on the mandate of the compliance body).</li> </ul>   |   |

More frequent A&R would enhance transparency and could lead to more ambitious contributions over time, but it could also increase the administrative burden for Parties, experts and other stakeholders. Proposed new contributions are likely to be reviewed in the context of new contribution cycles (e.g. every five years), unless Parties agree that contributions can be submitted (and subjected to A&R) on a rolling basis. A&R of implementation, like existing MRV processes, is more likely to take place on a more regular basis (e.g. annually, biennially, or every four years).

### ***How should A&R be organized, and which actors should be involved in it?***

A&R is likely to involve a range of actors. Table 4 lists the main actors, and offers an indication of the role they could play in A&R under a 2015 agreement.

Although various actors can play a role in A&R, creating an in-depth process for 196 Parties will increase the pressure on the limited available time and resources. The involvement of other stakeholders (notably actors at the national level) would be a welcome development from the perspective of raising ambition, ensuring equity and enhancing transparency, but is likely to meet with resistance from some Parties.

**Table 4: Key actors and their possible role(s)**

| <b>Actor type</b>                            | <b>Possible role(s)</b>  |
|--|--|
| <i>Party under review</i>                    | <ul style="list-style-type: none"> <li>• Provide information through the INDC, national reports, and responses to written and oral questions.</li> <li>• Respond to draft outcome of A&amp;R.</li> <li>• Implement follow-up recommendations/adjustments.</li> </ul>   |
| <i>Other Parties</i>                         | <ul style="list-style-type: none"> <li>• Provide relevant information.</li> <li>• Submit written and/or oral questions.</li> <li>• Propose technical experts.</li> </ul>   |
| <i>UNFCCC Secretariat</i>                    | <ul style="list-style-type: none"> <li>• Synthesize and compile information from contributions; maintain online portal.</li> <li>• Carry out aggregate assessment.</li> <li>• Synthesize and compile information from national reports.</li> <li>• Provide logistical support.</li> <li>• Support experts in the technical analysis.</li> <li>• Organize in-country visits.</li> <li>• Draft technical reports.</li> </ul> |
| <i>Independent technical experts</i>         | <ul style="list-style-type: none"> <li>• Carry out technical analysis and review of contributions.</li> <li>• Carry out in-country visits.</li> <li>• Consult with country under review.</li> <li>• Draft technical reports.</li> </ul>  |
| <i>COP/Subsidiary Bodies/New review body</i> | <ul style="list-style-type: none"> <li>• Hold meetings for multilateral consultations.</li> <li>• Decide on follow-up/adjustment measures.</li> <li>• Draft recommendations.</li> </ul>  |
| <i>International organizations</i>           | <ul style="list-style-type: none"> <li>• Provide input into technical analysis.</li> <li>• Be involved in the technical analysis.</li> <li>• Carry out independent technical analysis.</li> </ul>  |
| <i>Non-governmental stakeholders</i>         | <ul style="list-style-type: none"> <li>• Provide input into technical analysis.</li> <li>• Provide submissions ahead of multilateral assessment.</li> <li>• Submit written questions.</li> <li>• Make oral statements.</li> <li>• Carry out independent technical analysis.</li> </ul>   |

***How should A&R feed into new contributions?***

The outcome of A&R could vary from a demand/request for the provision of further information to a requirement/recommendation for adjustment. A review could also not require or recommend anything at all, or it could lead to the provision of support for implementing the findings.

While a requirement for adjustment or the provision of more information may lead to stronger contributions and improve transparency, it is also least likely to be agreed by Parties. A review that would not require or recommend follow-up, conversely, is less likely to lead to increased ambition or further transparency, but is less contested.

## Policy considerations

- The credibility and effectiveness of the 2015 agreement hinges largely on how it links the domestic and international policy-making spheres. A&R of national contributions and their implementation is a key mechanism to establish such linkages. Some form of A&R of contributions and their implementation is therefore warranted.
- The Lima decision leaves ample room for assessments outside the UNFCCC process by international organizations and civil society as well as informal bilateral or plurilateral discussions among Parties.
- Lessons from the *ex ante* process before COP21 should be captured so that they can inform future A&R processes. If the Parties in Paris decide that anchoring INDCs in the 2015 agreement may also take place beyond COP21 (e.g. in 2016 or 2017), they should reconsider the options for organizing the *ex ante* assessment.
- Not all the questions raised here need to be addressed by COP21. Detailed rules for the organization of the A&R process could be developed in the period up to 2020. However, a basic decision establishing future A&R process – including *ex ante*, implementation and/or *ex post* reviews – as part of a 2015 agreement are needed in Paris. Such a decision would further benefit from clarifying the scope of A&R (i.e. including mitigation or also means of implementation and/or adaptation), the type of differentiation, the timing of review and the involvement of non-state actors. A further decision allowing for differentiation in the A&R process may enhance the efficiency of the process, and could increase Parties’ willingness to agree on A&R in Paris.

This briefing paper was written by Harro van Asselt, of the Stockholm Environment Institute (SEI), Håkon Sælen, of the Center for International Climate and Environmental Research – Oslo (CICERO), and Pieter Pauw, of the German Development Institute/ Deutsches Institut für Entwicklungspolitik (DIE). It is based on the report Assessment and Review under a 2015 Climate Change Agreement, part of the project “Practical Approach to an Assessment of Contributions for the 2015 Agreement”, funded by NOAK (Nordic Working Group for Global Climate Negotiations). The views expressed are solely those of the authors, and do not necessarily reflect the views of NOAK or its member governments.