



UNFCCC Secretary  
c/o Executive Secretary, Ms. Patricia Espinosa  
United Nations Framework Convention on Climate Change  
UN Campus  
Platz der Vereinten Nationen 1  
53113 Bonn  
Germany

25th January 2021

Dear Executive Secretary,

On behalf of Climate Action Network and its more than 1,300 member organisations in over 130 countries, please allow me to express our sincere wishes that 2021 will be a peaceful and healthy year for you and the entire UNFCCC Secretariat, in which we, as a global community, are able to take meaningful steps towards a just and safer future.

To ensure a safe future for all, urgent climate action is essential and mandatory. In this regard, CAN would like to express its deepest concerns with regards to the updated NDC submitted by Brazil on the 9th of December 2020. As the sixth-largest global GHG emitter, Brazil has an important role to play in tackling climate change. Being a regional leader and an important economy in Latin America, it has the needed resources to step up climate action. Instead, the country chose to submit an NDC that fails to increase its ambition and in fact is a regression from the previous NDC<sup>1</sup>, in the following respects:

1. **Allowing much higher absolute emissions in 2025 and 2030 than the previous NDC**, due to the revised emissions levels in inventory in the 3rd National Communication, indicated as the likely baseline in the current NDC. The previous NDC provided an explanation of the emissions reductions in absolute terms from the 2005 baseline of 2.1 GtCO<sub>2</sub>e based on Brazil's second inventory report. The recently submitted NDC uses emission levels reported in the Third National Communication, which in 2005 were 2.84 GtCO<sub>2</sub>e. This increase in the baseline of 740MtCO<sub>2</sub>e allows an increase of emissions levels of almost 40% above both the previous 2025 target and the 2030 indicative target. The new target for 2025 with a 37% reduction is 1.76 GtCO<sub>2</sub>e, compared to the previous 2025 target of 1.3 GtCO<sub>2</sub>e, while the new 2030 target with a 43% reduction translates to an absolute target of 1.6 GtCO<sub>2</sub>e, 400 MtCO<sub>2</sub>e higher than the indicative target in the previous NDC (1.2 GtCO<sub>2</sub>e). Taking into account the full period of 2021 to 2030, this could mean several billions of tonnes of CO<sub>2</sub>e extra emissions and an emissions trajectory associated with current high levels of deforestation.

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<sup>1</sup> Climate Observatory, 2020. NDC and the carbon trick maneuver: how Brazil reduced the ambition of its goals under the Paris Agreement: <http://www.oc.eco.br/wp-content/uploads/2020/12/NDC-analysis-EN.pdf>  
Climate Action Tracker, 2020. Climate target updated tracker - Brazil: <https://climateactiontracker.org/climate-target-update-tracker/brazil/>

WWF Brazil, 2020. Nova NDC Brasileira reduz ambição climática do país, contra o espírito do Acordo de Paris: [https://www.wwf.org.br/informacoes/noticias\\_meio\\_ambiente\\_e\\_natureza/?77489/Nova-NDC-Brasileira-reduz-ambicao-climatica-do-pais-contra-o-espirito-do-Acordo-de-Paris](https://www.wwf.org.br/informacoes/noticias_meio_ambiente_e_natureza/?77489/Nova-NDC-Brasileira-reduz-ambicao-climatica-do-pais-contra-o-espirito-do-Acordo-de-Paris)  
NDCs We Want: [https://wwf.panda.org/discover/our\\_focus/climate\\_and\\_energy\\_practice/ndcs\\_weWant/](https://wwf.panda.org/discover/our_focus/climate_and_energy_practice/ndcs_weWant/)

Brazil's new NDC raises the possibility of using figures from a more recent inventory as the baseline. The government delayed the submission of its 4th National Communication, which reported 2005 emission levels of 2.5 GtCO<sub>2</sub>e, until after the submission of its most recent NDC, despite being finalized several months ago. Using these figures would still result in a target allowing a 20% increase in emissions over the previous NDC.

2. **Lack of clarity around the conditionality of the targets in the current NDC.** Very much to Brazil's credit, the previous NDC clearly stated that "The implementation of Brazil's iNDC is not contingent upon international support". This clarity does not exist in the recently submitted NDC, and some elements of it would suggest that achieving the 2030 goals, and not just the date of reaching net zero emissions, is conditional on support. For example, the final paragraph states that, "As of 2021, Brazil will require at least US\$ 10 billion per year to address the numerous challenges it faces, including the conservation of native vegetation in its various biomes." This appears to state that Brazil will not be able to control its currently high and rising deforestation rates without receiving the funds mentioned. Given that controlling deforestation is essential to meeting the targets in its NDC, this would appear to put the entire NDC at risk if the funds are not delivered. Similarly, the previous paragraph states "in the event of a failure to conclude the negotiations and regulation of Article 6, the entire architecture of the Paris Agreement would be seriously jeopardized, to the detriment of the implementation of its objectives." Is this indicating that Brazil's demands under Article 6 are not met, and thus negotiations under Article 6 are not concluded, Brazil's implementation of its NDC, as an element of the Paris architecture, will be jeopardized? The lack of clarity created by this NDC is a step backwards from the clarity on non-conditionality in the previous NDC.
3. **Less detail on sectoral contributions to meeting the targets in the NDC, as well as lacking adaptation elements;** The previous NDC contained information on sectoral policies and targets that helped to understand and to provide confidence in the government's plans and intentions to implement the NDC. For example, it stated Brazil's intention to achieve zero illegal deforestation in the Brazilian Amazon region by 2030, and to compensate for emissions from legal deforestation, thus achieving net zero emissions from deforestation in the Amazon by 2030. The removal of information about policies and measures to meet the emissions targets in the NDC is in itself a step backwards from the previous NDC. In the context of recent increases in deforestation rates in Brazil, aided and abetted by statements, actions and policies of the current government, this raises questions about its intention to achieve the targets in its NDC, even weakened as they are, and thus its compliance with Article 4.2 of the Paris Agreement.
4. **No reference to adaptation policies, measures or actions.** Brazil's first NDC submission stated that the country was "working on the design of new public policies, through its National Adaptation Plan (NAP), in its final elaboration phase". The Brazilian National Adaptation Plan was approved in 2016 after a broad public consultation process. The new NDC submission has no reference to any commitment or target associated with adaptation.

In addition, the lack of ambition in the targets put forward by Brazil isn't the only problem in the updated NDC: the process to produce the "updated first NDC" totally lacked consultation, transparency and participation. Civil society, scientists and other stakeholders were not, in any way involved in its preparation, in spite of the new NDC submission to cite that "institutional interactions between government and civil society takes place through the Brazilian Forum on Climate change". There was no such interaction in this process.

As the climate crisis worsens and more people are affected by the devastating impacts of climate change, it is imperative that countries significantly enhance the targets and actions in their NDCs. Under no circumstances should regression or backsliding be tolerated.

Paragraphs 4.3 and 4.11 and Article 3 of the Paris Agreement articulates the progression principle, and any regression or backsliding in the ambition of updated or successive NDCs will be a violation of the Paris Agreement. Brazil has submitted its NDC pursuant to Paragraph 23, since its previous NDC had a time frame of 2025. Other countries submitting an NDC with a changed time frame, including going from 2025 to 2030, have submitted it as a Second NDC. Yet Brazil has requested its new NDC be considered an updated First NDC, apparently in an attempt to avoid being considered a "successive" NDC for the purposes of Paragraph 4.3. This legal subterfuge should not be permitted, and the NDC should be re-classified as its Second NDC. But regardless of the classification, the progression principle applies to all new or updated NDCs, and regression or backsliding is a violation of the Paris Agreement.

In this regard, we believe that the UNFCCC has a key role to play, as the gatekeeper that ensures - through the Climate Dialogues, the synthesis report, and other actions - that the ratchet mechanism, an essential part of the Paris Agreement, is functional.

The example of Brazil, which presented an NDC that was in many respects less ambitious and weaker than its previous one, should not be accepted under the UNFCCC and its Paris Agreement, much less welcomed. If such an NDC is welcomed, a worrying signal is being sent to other governments and stakeholders about the level of ambition expected from them.

In order to hold Brazil accountable for its actions, we ask the UNFCCC to explicitly mention the elements of the NDC that are deficient and regressive in the NDC synthesis report expected in February of this year, and to use that opportunity to call on Brazil to present an improved NDC which meets the requirements of the Paris Agreement, prior to COP26.

Yours sincerely,



Tasneem Essop

Executive Director

Climate Action Network International

cc: **Mr. Haseeb Gohar and Ms. Christina Voigt**, Co-Chairs of the Paris Agreement's committee to facilitate implementation and promote compliance under the UNFCCC

**Mr. Archie Young and Huw Davies**, Lead and Deputy Lead Negotiator COP26 Presidency