COP23: A Critical Assessment of the Conference's Outcomes

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January 2018

A Climate Institute Publication
1400 16th Street, Suite 430, Washington DC 20036

1.Introduction

The 23rd Conference of Parties (COP23) of the United Nations implementation of the Paris Agreement, and to Framework Convention on Climate Change (UNFCCC) held in Bonn between November 6 and 17 recently came to a close. As could be expected, COP23 was largely dedicated to the definition of the work program for the developing a roadmap to 2020. This article provides an overlook of the most salient outcomes of the negotiations, highlighting the main drawbacks and achievements and highlighting the ways COP23 brought public attention onto innovative elements of climate change governance. As we will see, considerable progress was made, but several fundamental questions left open after COP22, particularly regarding financial flows and loss and damage, were left unaddressed.

2.The Increased Role of Non-State Actors in Climate Change Governance

COP23 began under uncertain circumstances. Significant changes have afflicted the UNFCCC regime since COP22: Among the most consequential of these is the election of US President Donald Trump and the successive announced US withdrawal from the Paris Agreement, which deprived the treaty regime of the US leadership seen during Obama's presidency. Despite this shadow looming over COP23, positive signals regarding climate leadership emerged from the conference. As the Washington leadership faded - with the United States not having a pavilion at a COP for the first time in history - COP23 marked a strong stabilization of the role of non-State actors in climate change governance.

Since the approval of the Paris Agreement in 2015, multi-stakeholder initiatives involving cities and local governments have intensified, propelled by the growing realization that non-State actors will have a key role in implementing the Agreement and in meeting the 2° target.[1] COP23 contributed to this trend in two ways. Firstly, the event marked the institutionalization of non-State actors participating in the UNFCCC processes, providing them with a forum for discussion with national governments.[2] A greater role for non-governmental organizations was advised by the Subsidiary Body

for Implementation (SBI) in May 2017, and at COP23, this took the form of the Open Dialogue between Government Parties and non-State Actors, launched by the Fijian COP President Bainimarama along with UNFCCC Executive Secretary, Patricia Espinosa.[3] This forum stimulated a rich discussion of the role of non-State actors in climate change governance; the Polish presidency of COP24 would do well to replicate this effort.

Secondly, COP23 marked the emergence or strengthening of several non-State initiatives. Among them, one that clearly stands out is America's Pledge on Climate Change, an initiative launched jointly by California Governor Jerry Brown and the United Nations' Special Envoy for Cities and Climate Change Michael Bloomberg.[4] This project unites numerous US local governments, business, Universities and private citizens in showing a new face of US climate leadership, this time guided by non-federal efforts. The potential of this initiative should not be underestimated. In fact, US non-Federal actors constitute the third largest economy in the world, and their climate change mitigation potential is significant. A similar initiative that gained momentum at COP23 is the United 2 Coalition, an organization that brings together 205 local governments from 43 countries, representing 1.3 billion people and 40% of the global economy. The members share the ambitious goal of reducing their GHG emissions by 80-95% from 1990 levels by 2050.[5] Similarly, the C40, representing a group of some of the largest cities in the world, was present at COP23. The group delivered an ambitious pledge, stating that by 2020 each C40 city will have approved an ambitious emissions reduction plan, with the largest 25 cities, representing 150 million citizens having already done so.[6]

In conclusion, COP23 marks a significant advancement in the role of non-State actors in climate change governance. As States' commitments through NDCs are still falling short of the 2° target, the stepping-up of politically relevant non-State actors may be a fundamental trend in the coming years, and it is hence vital that the UNFCCC regulatory framework begins to embrace this movement towards bottom-up governance.

3. Towards a Global Stocktake: The Talanoa Dialogue

Ongoing scrutiny and continuous progress are at the heart of the mechanism devised by the 2015 Paris Agreement. For this reason, the Agreement introduced a procedure known as the Global Stocktake, a moment every five years where all parties to the Agreement take stock of its implementation, to assess what has been achieved and what needs to be done in the future.[7] While the Agreement calls for the first global stocktake to be undertaken in 2023, paragraph 20 of the 1/CP.21 Decision adopted in Paris calls for a 'facilitative dialogue' to be held in 2018, to take stock of current progress and to inform the new round of Nationally Determined Contributions (NDCs) that will be submitted in 2020.

The form and mode of this facilitative dialogue were addressed at COP23, and under the Fijian presidency, its name was changed to 'Talanoa Dialogue'. Talanoa is a Fijian word which represents the idea of an 'inclusive, participatory and transparent dialogue',[8] which should lead to decisions adopted for the public good. In addition, the Talanoa Dialogue should evolve in a non-adversarial way, characterized by cooperation among States. The dialogue will revolve around three main questions: Where are we? Where do we want to go? How do we get there? While in principle the Talanoa Dialogue is characterized by a non-political, idealistic approach, it also carries significant practical weight. In fact, the Talanoa dialogue will be highly evidence-based, resorting to the use of the IPCC report on global warming of 1.5°C which will be released in 2018, will use an online platform where non-party contributors will be able to participate and inform the dialogue, and will lead to the drafting of several outcome documents.

The Talanoa Dialogue is set to begin in early 2018, and to be concluded during COP24. The first phase will be a preparatory one, in which a number of reports on all major issues relating to the aforementioned three questions will be drafted. The second phase will be highly political, and it will take place during COP24, where the political discussion will move to the stocktake and to what needs to be done[9] The Talanoa dialogue is a significant outcome of COP23, particularly in virtue of its symbolic meaning. Small-island States such as Fiji are extremely vulnerable to climate change, and it is predicted that a large share of the populations of these countries may soon be displaced by changes to the climate system.[10] In this scenario, a Fijian footprint on the facilitative dialogue

may help to keep the public spotlight on small-island States, and to the risk that they are facing as a consequence of climate change.

4. Steps Forward in Tackling Agricultural Emissions

A last significant development that emerged from COP23 concerns the GHG emissions produced by the agricultural sector. Despite a long-standing scholarly focus on the need to address emissions from agriculture and land use, international negotiations have always failed to include this issue. This is easily explained, as most countries consider agriculture a strategic sector, and are reluctant to regulate a sector that is so central to the livelihood of their populations.[11] Further, population growth is placing additional strain onto developing countries, where striking a balance between emissions reduction and food security can be particularly challenging.

For the first time in UNFCCC proceedings, negotiators at COP23 recognized the importance of the agricultural sector in climate change mitigation, and delivered a decision requesting the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation to jointly address the issue through workshops and expert meetings. In addition, COP Parties are invited to submit their views on the matter by March 2018, contributing ideas on methods and strategies to reduce emissions caused by agricultural practices. Finally, the aforementioned subsidiary bodies are asked to report the findings from this process at COP26, which will be held in 2020.[12]

While this decision is only a first step, it finally breaks a deadlock that has lasted for years, and its importance should not be minimized. In fact, on a global level, the agricultural sector contributes to 11% of total GHG emissions;[13] in the United States, that number is even higher at 24% of the country's emissions, second only to the energy and heat production sector.[14] It follows that, as suggested by Wollenberg,[15] the 2°C is not achievable without significant mitigation measures undertook on the agricultural sector, particularly in developing countries, where a large share of global agricultural emissions is produced.[16]

Despite its innovative character, two main shortcomings of this decision deserve further attention. Firstly, the decision delays the reporting of findings to 2020. This postponement seems unnecessary, even more so if we consider the urgent need for effective GHG abatement to meet the 2°C target. Moreover, the importance of the agricultural sector in tackling climate change has been evident for a long time, as is clear from the facts that IPCC has included chapters on agricultural emissions since the fourth assessment report published in 2007 and that agricultural emissions are already included in emission pathways calculations. Hence, connecting the success agricultural mitigation to substantial financial resources could result in an obstacle to future developments.

Even so, the COP23 decision on agricultural emissions represents the beginning of a process aimed at bringing agricultural emissions under international regulation. While it can be expected that this process will be politically difficult, this can be considered a success and a welcome first step towards meeting the 2°C target.

5. COP23: The Remaining Uncertainties

Having considered the positive outcomes of COP23, it is now time to turn to the issues that the Conference failed to address adequately, or where mixed-signals emerged. As could be expected, these topics are both the most politically controversial ones and those where the largest rifts emerge between developed and developing countries.

5.1 Coal Phase-Out

Today, 40% of the global electricity supply comes from coal,[17] making coal one of the largest contributors of GHG emissions globally. Moreover, coal is also recognized to have adverse health effects through air pollution. For example, a recent article by Prehoda and Pearce[18] showed that by substituting its coal electricity with solar PV, the United States could save an estimated 60,000 lives per year.

At COP23, mixed signals emerged regarding the future of coal. First, the United States government held a contested side event, where the US administration promoted coal - and particularly clean coal - as the future of energy supply. Only three days later, the United Kingdom and Canada jointly launched a promising initiative named the Powering Past Coal Alliance, in a partnership with 24 national and regional governments, who are committing to phase-out coal. However, this noble initiative only covers 3% of global coal use, as the largest coal users - including Germany, the hosting country - did not join the partnership.[19] Hence, we leave COP23 with contrasting signals in regards of phasing-out coal. Interestingly, COP24 will be held in Katowice, Poland, in the heart of Poland's coal industry. Whether this will have a positive effect on the phasing-out of coal at the next COP, remains to be seen.

5.2 Loss and Damage

A second weak link in the outcomes of COP23 is the lack of progress in addressing loss and damage, an agenda item that is particularly dear to developing countries and small-island States, where climate-induced losses are already a frequent phenomenon. Under the Presidency of Fiji, significant steps on the loss and damage agenda were expected. However, COP23 failed to meet the expectations, delaying any effective progress to COP24.

The idea of loss and damage first appeared in UNFCCC negotiations in 2009 and formally entered the climate change regime in the Paris Agreement, where the latter is spelled out in Article 8; the mechanism is is anchored to the Warsaw International Mechanism for Loss and Damage (WIM), established in 2013. The WIM has been entrusted with the duties of enhancing the understanding of loss and damage, and with developing risk management strategies. In addition, at COP22, parties approved a 5-year working plan,[20] where countries must begin addressing the issue of loss and damage.

At present, loss and damage is still not discussed in UNFCCC political negotiations, and is only addressed in yearly WIM meetings. For this reason, the Group of Least Developed Countries and the Alliance of Small Island States (AOSIS) called for the integration of loss and damage as a

permanent agenda item in the Subsidiary Bodies,[21] a move which would have inevitably brought loss and damage within the UNFCCC political agenda. This proposal was also supported by an emotional speech by the Fijian COP President Bainimarama, who argued that better planning and financial flows are needed to avoid climate-induced deaths.[22] This move was however met with the strong opposition of developed countries. A last-minute compromise was found, and an expert dialogue on loss and damage - named the Suva Dialogue - will be held at the next meeting of the subsidiary bodies.[23] This is an unsatisfactory outcome, even more so if we consider the expectation that came from the Fijian Presidency on the loss and damage agenda; nevertheless, the loss and damage agenda remains alive.

5.3 Financial Flows

A last unsatisfactory outcome of COP23 regards climate finance. The Paris Agreement was considered a success for climate finance, as developed countries pledged to raise a minimum of $100 billion a year in climate finance for developing countries by 2020. However, this effort is still lagging, and as of today, developed countries have only managed to pledge just over $10 billion.[24]

A hardly discussed point at COP23 concerns article 9.5 of the Paris Agreement, which requires developed countries to provide information every two years on their financial effort towards developing countries. As the Article does not specify the mode of this reporting, developing countries pushed for a clear reporting mechanism requiring greater reliability and predictability of climate finance. This was seen as a threat by developed countries, afraid that this may result into a binding bi-yearly financial commitment. In the end, COP23 failed to address the issue, which will probably emerge again at COP24, hopefully with better results.

A further controversial outcome concerning climate finance regards the Adaptation Fund, created in 2001 by the Kyoto Protocol to finance adaptation projects in developing countries. Developing countries demanded for this mechanism to be moved from the Kyoto Protocol to the Paris Agreement, raising the opposition of developed countries.[25] After long negotiations, a middle ground solution was found through a decision which will slowly bring the adaptation fund under

the Paris agreement.[26] Compared to the Green Climate Fund and other funding sources, the Adaptation Fund is comparatively small, having committed only $462 million since 2010; nevertheless, it is strategically significant, as it provides developing countries with funding for projects aimed at building resilience and reducing vulnerability to the impacts of climate change.

Finally, a promising outcome of COP23 in regards of climate finance is the launch of the InsuResilience Global Partnership for Climate and Disaster Risk Finance and Insurance Solutions, bringing together G20 countries and V20 countries (vulnerable twenties) under German leadership. This partnership aims at providing the 49 poorest countries in the world with constant financial flows to face the consequences of climate change, also through the use of insurance mechanisms.[27] While this is merely a first step, it may grow to represent a key protection mechanism for the least developed countries.

6. Conclusions

COP23 represented an important political moment for the UNFCCC regime. Many uncertainties surrounded the conference, particularly after the US declaration of intent to withdraw from the Paris Agreement and with the Presidency held for the first by a small-island State. This article argued that the outcomes of the conference do overall appear positive.

Firstly, COP23 managed to bring to the international spotlight a strengthened leadership by non-State actors, which is likely to be among the most significant trends in the coming years. Furthermore, the Fijian Presidency left its footprint on the facilitative dialogue which will be held in 2018, which will be named the Talanoa Dialogue. This dialogue is indeed well-conceived, and it is likely to provide promising insights. Last, advancements regarding agricultural emissions mark a historic moment for the UNFCCC, as this represents the beginning of a process aimed at bringing this large share of emissions under international regulation.

As this article showed, COP23 delivered mixed or unsatisfactory outcomes regarding some central points of the climate regime, particularly regarding the coal-phase out, where the Powering Past

Coal Alliance only achieved limited membership, and on loss and damage and financial flows, where political divides prevented significant advancements. However, the relevant actors took a few small steps forward, which bodes well for the future.

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Notes

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