

UNFCCC COP 22, CMP 12, CMA 1, SBSTA, SBI, APA (7-18 November 2016)

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**(See attached glossary and chronology of UNFCCC institutions and their acronyms)*

The Marrakech meetings attracted ~26,00 delegates: 18,000 from national governments, 1,500 from UN and intergovernmental organizations 5,000 from non-governmental organizations, and 1,500 from media.

Scene set and process:

After Paris, nations expected in Marrakech to celebrate the success of COP 21 and only begin to organize work required to implement the Paris Agreement (PA)—as well as continuing ongoing work under the UNFCCC and Kyoto Protocol. Next milestones requiring substantive decisions were not anticipated until 2018 and 2020, giving nations a few years to mull over preparatory work.

Somewhat surprisingly, PA did enter into force in time for Marrakech to host the first meeting of Parties (CMA 1). Though politically positive, nations scrambled a bit because they were unready now to address decisions on significant issues assigned to CMA 1.

Major challenges and concerns include: how procedures and rules will manifest the ongoing requirement for differentiation between treatment of developed and developing nations; delivering on pledges for finance (and other means of implementation); establishing procedures for future INDCs; defining transparency procedures and rules to report and review progress by nations in achieving their NDCs, and collective progress through global stocktakes; development of markets and other mitigation mechanisms and how procedures under PA interact with those in KP; funding and developing new procedures for adaptation; and a diverse set of issues involving sources of relevant information, relations with IPCC and other intergovernmental bodies, and with non-state actors, including business.

Participants also anticipated that the US election would validate and sustain momentum for international actions under the Paris Agreement.

Issues and process:

CMA: As early as the May meetings of SBs and APA in Bonn, nations began informal discussions of what to do if CMA convened sooner rather than later, because PA and the decision text call on CMA 1 to take several significant decisions. The solution was simply to continue CMA 1 in future sessions at COP 23 and 24 and to complete necessary decisions by 2018. Meanwhile, implementation of the agreement continues under supervision of the COP working through SBI, SBSTA and APA.

Differentiation: While developed nations might have hoped that CBDR will eventually fade away in many areas, language of the Paris Agreement and Decisions continues explicitly to call for differentiated treatment in several areas. This cross-cutting theme permeates many elements under discussion, e.g., mitigation, adaptation, finance and other means of implementation, and transparency procedures for reports and reviews. While

absolute distinctions have begun to soften, CBDR appears likely to remain contentious for years.

Finance: Developed nations intend to provide financial support by mobilizing 100 billion US\$ per year by 2020 from public and private sources—language that raises a complex set of methodological issues e.g. defining “collective” and “mobilize,” and agreeing what to count and how to count public and private sources. Through OECD, developed nations have been working to craft methodologies to substantiate financial efforts. Latest results indicate that existing commitments should result in flows of 67 billion US\$ per year by 2020. Eventually, the UNFCCC will need to agree to these or other methodologies to track flows under PA. They will also debate issues surrounding definitions, eligibility and decision making for finance.

(I)NDCs: To date there is no common framework for the form and content of INDCs, e.g., accompanying information, time frames, reference years or metrics. The current portfolio contains a wide variety of INDCs that cover different years and use different metrics ranging from economy-wide emissions, to sector based approaches, to improvements against business as usual. Consequently, it is challenging to understand individual INDCs and to compare them on a common basis. This complicates efforts to develop transparency procedures, estimates of collective outcomes or comparability of effort. Many developing nations resist efforts to clarify and conform the accompanying information and basis for INDCs, citing the requirement for CBDR.

Transparency and the “Rulebook” for PA: Reliable, credible, and, hopefully, efficient transparency processes will be essential to inform progress under the bottom-up framework of national pledges in PA. These will build from and enhance existing reporting and review procedures now in effect through 2020. Once again, resolution of CBDR throughout, from making INDC pledges through procedures to report and review progress, will be essential to the transparency regime. While nations, companies and others now have extensive experience measuring and reporting emissions through, e.g., IPCC and sectoral guidelines, INDCs and finance under PA include many new concepts that require extensive development and acceptance of new methodologies.

Global Stocktakes and assessments of collective progress. There will be a facilitative dialogue in 2018 to consider collective progress toward long-term goals and preparation of future INDCs. Then, going forward, PA will conduct global stocktakes at 5-year intervals beginning in 2023. Nations face major challenges in deciding how to organize these processes, and what information and sources they will consider. This raises significant challenges also for IPCC and how they will contribute. IPCC has agreed to produce a report as input to the 2018 facilitative dialogue on emissions pathways and consequences associated with limiting warming to 1.5 °C. IPCC will also produce future assessments at five year intervals, beginning with AR6 in 2023, to coincide with the global stocktake. Parties have asked the Presidencies for COP 22 and COP 23 to consult on ways forward and report back at COP 23.

Types and sources of information: As discussed at more length in my report from the Bonn meetings earlier this year, the timely availability of reliable, properly vetted

information from official sources will pose a major challenge for new 5-year cycles to report on, review and update (I)NDCs and to take stock of collective actions. By the time information from official national and international procedures, such as the IPCC, becomes available, it is typically out of date by at least a year. As well, review of actual outcomes of initial INDCs will not be possible until ~2027 or later, while updates are already required in 2020 and 2025. This, perhaps, provides an opportunity for credible, authoritative, less formal processes, such as reports, workshops and symposia— involving academia, business, participants from governments, the UNFCCC and others— to provide invaluable and more timely, albeit unofficial, input and perspectives, e.g., on progress, trends and relevant developments that would otherwise be unavailable.

Methods and Mechanisms for Mitigation: The Kyoto Protocol enshrined emissions trading and offsets mechanisms as fundamental components of carbon/GHG markets that were further elaborated in the EU ETS and other national and subnational cap and trade systems. PA provides no such comprehensive structure for carbon markets. Article 6 opens the door for nations to cooperate voluntarily including through use of internationally transferred mitigation outcomes (6.2), and establishes a new mechanism for offsets that mitigate GHG emissions and support sustainable development (6.4). As well, (6.8) and (6.9) establish a non-market approaches to promote mitigation. Not surprisingly, discussions of (6.4) became enmeshed in consideration of how CDM might evolve to become the new mechanism, and to consideration of how CERs might be relevant to PA. Negotiations in SBSTA have become deeply intertwined, i.e. progress on (6.2) cannot move faster than progress on (6.4) or (6.8). Also, there are important cross cutting issues, e.g. on assuring environmental integrity and no double counting that need to be resolved. Progress is slow, especially considering questions of “prompt start” and “lead time” for projects that might count in 2020. (*Aside: article 6.7 called for CMA 1 to adopt rules for the new Mechanism!*)

Champions, Lima-Paris Action Agenda (LPAA) and Global Climate Action Agenda (GCAA): Peru and France stimulated creation of LPAA to encourage and showcase voluntary actions by non-state actors. Those by companies and cities have received special attention and cited as supporting ambitious climate action. Following PA the Champions (Ms. Laurence Tubiana, appointed by France, and Ms. Hakima El Haite by Morocco) developed GCAA to catalyze further action by non-state actors to assist in implementation of PA. Issues arise concerning the ongoing viability of these programs, in particular, whether they need institutional support to remain viable and aligned with developments under the UNFCCC, e.g., to develop recognized procedures to report on and review progress. In Marrakech work of the Champions came under question by some delegates as to whether they were exceeding their mandate by acting in areas, such as technology, that overlapped with responsibilities of other UNFCCC institutions.

Role of non-state actors: Non-state actors, especially business, played a very supportive role at COP 21, yet they received little positive mention in the Agreement itself. SBI will convene a workshop at SBI (May 2017) on opportunities to enhance the effective engagement of stakeholders with a view to strengthening implementation, and requested written input from Parties and observer groups no later than 28 February 2017. At the same time some governments and non-state actors are calling for certain businesses,

sectors and groups to be excluded from participation, even as observers, at UNFCCC activities because of an alleged conflict of interest.

US elections: The utterly unexpected victory of Donald Trump in the US election was a “shock to the system” that affected delegations and individuals who had expected a continuation of the policies and demeanor of the current administration. Despite this, government and UN leaders tried to present a united front that this would not derail the “momentum” from COP 21 and entry into force of the Paris Agreement. While it remains far too early to know just how the election will affect participation of the U.S. in international climate processes and its implications for other nations, there is little doubt that they will be significant—whether or not the U.S. government remains engaged in the UNFCCC and PA.

Summary: The Paris Agreement established a bottom up, voluntary approach to mitigation based on INDCs—an approach that encouraged near universal participation. If achieved, initial pledges will result in modest mitigation outcomes through 2030, compared with very ambitious aspirational long-term goals. Progress will depend on voluntary decisions and actions of future governments. For this PA provided a timeline but not a process.

Marrakech now launches the effort to define procedures and methodologies, notably those for transparency and evolution, e.g. pledges, reports and reviews; those relevant to counting and accounting for emissions and international transfers and the sustainable development mechanism; and to conduct stocktaking of collective progress. CBDR must be elaborated in many areas. Success will require efforts to enhance cooperation and build trust, especially in handling differentiation that continues to be an explicit requirement of the agreement.

Next steps: APA, SBSTA and SBI convene in Bonn 8-18 May 2017. Under the Presidency of Fiji, COP 23 meets in Bonn 6-17 November 2017. Poland (city TBD) will host COP 24 3-14 December 2018. Meanwhile IPCC has begun work on its Special Report on 1.5 °C and related issues, and preparations for its next assessment.

Nations must also consider their individual actions, given the Agreement, developments during the UNFCCC preparatory phase and in national politics, including elections in several key nations.

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Additional Documents, Analyses and Commentary

More coverage and official documents are available at

Earth Negotiations Bulletin: www.iisd.ca/process/climate_atm.htm

United Nations Framework Convention on Climate Change: www.unfccc.int

The Paris Agreement and Decisions

<http://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf>

** Please see this very useful document

Progress tracker: Work programme from the relevant requests contained in decision 1/CP.21

http://unfccc.int/files/paris_agreement/application/pdf/pa_progress_tracker_281116.pdf

Brief Glossary and Chronology for UNFCCC Process

For a more extensive set of climate change terms see

<http://www.ipieca.org/publication/climate-change-glossary-terms-5th-edition>

UNFCCC: United Nations Framework Convention on Climate Change

A treaty signed at the 1992 Earth Summit in Rio de Janeiro by more than 150 countries. Its ultimate objective is “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.” The UNFCCC contains an unmet, voluntary goal for Annex 1 Parties (developed countries) to return their emissions to 1990 levels by 2000. The treaty took effect in 1994. In 1995 its Conference of Parties first met in Berlin (COP 1). The Secretariat is based in Bonn, Germany.

COP: Conference of the Parties

The COP is the supreme body of the Convention. It comprises countries that have ratified the UNFCCC. The COP usually meets annually for two weeks in December.

CMP: Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (sometimes COP/MOP)

The COP also serves as the meeting of Parties to the Kyoto Protocol, adopted at COP 3 in 1997, with emissions targets for Annex 1 Parties in the 1st period 2008-2012. CMP comprises only Parties that have ratified or acceded to the Protocol; it meets as a separate decision-making body at the annual joint meetings of the COP/CMP. CMP 1 convened in Montreal in 2005 with COP 11. In 2012 CMP 8 agreed terms for a 2nd period (2013-2020) that has not yet entered into force.

SBs: Subsidiary Bodies

The UNFCCC established two permanent, standing bodies, SBSTA and SBI, that review progress and develop recommendations to further implementation of the Convention and Kyoto Protocol. All Parties are members of the SBs. They operate under mandates set by COP or CMP, depending on the topic, and prepare recommendations for decisions by COP or CMP. SBs typically meet twice a year: in a two-week session in Bonn in June and during the COP/CMP in December.

SBI: Subsidiary Body for Implementation

SBI develops recommendations to assist the COP in assessing implementation of the Convention and Kyoto Protocol. For example, SBI reviews and recommends conclusions regarding financial mechanisms and national communications and oversees the UNFCCC Budget and Secretariat.

SBSTA: Subsidiary Body for Scientific and Technological Advice

SBSTA serves as the link between the COP and CMP and scientific, technical and technological assessments and information provided by external groups, such as the Intergovernmental Panel on Climate Change. For example, SBSTA reviews and recommends methodologies and criteria for national emissions inventories and reports, carbon sequestration in forests, and carbon capture and storage.

A Note on recent Ad Hoc Working Groups

In UNFCCC nomenclature Ad Hoc Working Groups are *temporary* groups in which all participating Parties are members. The three groups established to negotiate the 2nd Kyoto Commitment Period (KP CP2) and longer term action by all Parties have concluded and sunset.

AWG-KP: Ad Hoc Working Group on Further Commitments for Annex 1 Parties under the Kyoto Protocol (2005-2012)

AWG-LCA: Ad Hoc Working Group on Long-term Cooperative Action under the Convention (2007-2012)

ADP: Ad Hoc Working Group on the Durban Platform for Enhanced Action (2011-2016)

COP 21 adopted the Paris Agreement and established a new ad hoc group (APA) to steer its implementation before (and perhaps after) its entry into force leading to establishment of a new permanent plenary body CMA:

APA: Ad Hoc Working Group on the Paris Agreement (2016-)

CMA: Conference of the Parties serving as the meeting of the Parties to the Paris Agreement. CMA 1 convened at COP 22 in Marrakech (2016).

Under the Paris Agreement, nations voluntarily submit Intended Nationally Determined Contributions (INDCs) that contain their pledges for action. Going forward INDCs will renew at 5-year intervals covering the period ten years forward, i.e. pledges in 2015, 2020 and 2030 cover periods through 2025, 2030, and 2035, respectively. Parties will also consider global implications of overall effort beginning with a facilitative dialogue in 2018, followed by global stocktakes at 5-year intervals under CMA starting in 2023. The Agreement includes ambitious aspirational long-term goals to limit global temperature change and reduce net global emissions to zero in the 2nd half of the century.

The Doha Amendment requires ratification by 144 nations—as of 30 November 2016, 74 countries have ratified.

The Paris Agreement requires ratification by 55 parties representing 55% of global emissions. It entered into force November 4, 2016.

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Official documents and other information are available at

United Nations Framework Convention on Climate Change: www.unfccc.int

See also: The International Institute for Sustainable Development (iisd) and their Earth Negotiations Bulletin for coverage between and during meetings: www.iisd.ca