

Warsaw Climate Change Conference - November 2013

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The Warsaw Climate Change Conference took place from 11-23 November 2013 in Poland. It included the 19th session of the Conference of the Parties (COP 19) to the UN Framework Convention on Climate Change (UNFCCC) and the ninth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP 9). The conference also included meetings of three subsidiary bodies: the 39th sessions of the Subsidiary Body for Scientific and Technological Advice (SBSTA 39) and the Subsidiary Body for Implementation (SBI 39), and the third part of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP 2).

Marking the second time that UN climate change negotiations have taken place in Poland, the conference drew over 8,300 participants, including 4,022 government officials, 3,695 representatives of UN bodies and agencies, intergovernmental organizations and civil society organizations, and 658 members of the media.

Negotiations in Warsaw focused on the implementation of agreements reached at previous meetings, including pursuing the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action. Concluding 27 hours after its scheduled closing time, the meeting adopted an ADP decision that invites parties to initiate or intensify domestic preparations for their intended nationally-determined contributions, and resolves to accelerate the full implementation of the Bali Action Plan and pre-2020 ambition. Parties also adopted a decision establishing the Warsaw international mechanism on loss and damage, and the "Warsaw REDD+ framework," a series of seven decisions on REDD+ finance, institutional arrangements and methodological issues.

The Summary of this meeting is now available in PDF format at <http://www.iisd.ca/download/pdf/enb12594e.pdf> and in HTML format at <http://www.iisd.ca/vol12/enb12594e.html>

A BRIEF ANALYSIS OF THE WARSAW CLIMATE CHANGE CONFERENCE

"We're on a road to nowhere
Come on inside"

- Talking Heads

Last year, Typhoon Bopha ravaged the Philippines during the Doha Climate Change Conference, prompting the Philippines' Naderev Saño to ask "If not us, then who? If not now, then when? If not here, then where?" A year later, the Warsaw Climate Change Conference opened as Supertyphoon Haiyan, the strongest storm to ever make landfall, ravaged the Philippines yet again and Saño chose actions over words, undertaking a voluntary fast, joined by over 200 supporters, until a meaningful outcome was reached in Warsaw. The fast, the supertyphoon, and the many marches and protests,

became touchstones of the urgency of climate action, backed by alarms sounded by the scientific community leading up to COP 19.

Heading into Warsaw, the scientific community issued a “clarion call” that climate change is unequivocal and its effects are evident in many parts of the world, including flooding in the Middle East and Europe, and prolonged droughts in the US and Australia. Two months before the COP, IPCC Working Group I concluded that human influence on the climate system is clear and limiting climate change will require substantial and sustained reductions of GHG emissions. The World Meteorological Organization confirmed that 2013 has been among the top ten warmest years on record and that melting ice caps and glaciers, in part, brought global sea level to a new record high.

While these reports outlined the already-evident effects of climate change, others showed how paltry the international response currently is. The UNEP Emissions Gap Report showed an increase in emissions in 2013, noting that the opportunities for reaching the 2°C goal are closing and warning against the costs of inaction.

Against this backdrop of urgency—for ambitious mitigation, earnest adaptation, and resolute efforts on loss and damage—COP 19 convened in Warsaw. In striking contrast to reality on the ground and in the atmosphere, a sense of resolve was notably absent at the Warsaw National Stadium, the venue for the conference. Halfway along the road between Durban and Paris, this brief analysis takes stock of the COP’s ability to fulfill expectations, the ADP’s progress towards a 2015 agreement and enhancing pre-2020 ambition, and the UNFCCC’s ability as a process to respond to the grave challenge posed by the changing climate.

MODEST EXPECTATIONS FOR A STOP ALONG THE ROAD

Before the opening of the conference, many expected Warsaw to be a “Finance COP,” or an “Implementation COP.” Yet, by the end of the meeting, those wondering if COP 19 could be a “REDD+ COP” were ultimately proven correct. Parties approved a package of decisions, heralded by many as an overdue success, creating the Warsaw Framework for REDD+ that addresses a series of methodological questions, institutional arrangements and results-based finance. COP 19 also reached relatively timid decisions on some issues, such as long-term finance, and loss and damage.

At COP 19, financial issues proved thorny, ultimately tied to diminishing trust among parties in the climate process. Pledges made in Warsaw, including US\$40 million by the Republic of Korea to the Green Climate Fund (GCF) and US\$72.5 million by seven European governments to the Adaptation Fund, were insufficient to build confidence among developing countries that the 2009 promise of US\$100 billion per year by 2020 would be realized. Developing countries point to the fact that climate finance pledged through multilateral funds decreased by 71% in the last year, and the GCF contains only US\$6.9 million donated by only ten countries. With the GCF in large part still an “empty shell,” many developing countries worried that pledges would not materialize into actual deposits to realize the 2020 goal. Thus far, developed countries have explained that their finance ministers are leery of sending funds to an institution lacking finalized operating procedures. In Warsaw, with the operationalization of the GCF, several developed countries expressed willingness to pledge, yet the pledges did not necessarily raise developing countries’ confidence that the funds will actually materialize.

Another key COP 19 agenda item, loss and damage, was also unable to restore developing countries’ confidence that the UNFCCC process can meet their expectations. Last year in Doha, it was agreed that COP 19 would establish “institutional arrangements, such as an international mechanism,” to address loss and damage in countries that are particularly vulnerable to the adverse effects of

climate change, and elaborate its functions and modalities in accordance with the role of the Convention. This issue proved to be one of the most contentious of the conference.

Loss and damage results from slow onset or extreme weather events that cannot be prevented by even the most ambitious mitigation action. Due to the extreme, and sometimes permanent, nature of the damage and losses involved, loss and damage cannot be adequately addressed through adaptation either. For developing countries, particularly members of AOSIS and the African Group, it was therefore crucial that the mechanism's specific functions and modalities include provision of support and that funding for actions on loss and damage come from a dedicated source separate from adaptation finance. Conversely, developed countries repeatedly emphasized that, as part of the Cancun Adaptation Framework, arrangements on loss and damage should not duplicate or add layers to the existing institutional framework.

In the end, agreement was only reached during the closing plenary, with the G-77/China squeezing in last-minute amendments in a final attempt to distinguish loss and damage from adaptation, even if only in the preamble. Building to a large extent on the Doha decision, the new Warsaw international mechanism provides for enhancing knowledge, action and support for loss and damage, as well as strengthening dialogue among relevant stakeholders. Yet it merely "requests" developed countries to provide developing countries with financial support. Provisions on the 2016 review of the mechanism's structure, mandate and effectiveness came as a last-ditch effort by developing countries to get a better deal; however, with three more years to go before the review could potentially strengthen the mechanism, it could be a case of too little, too late for those already suffering from climate change-related loss and damage.

While parties found minimal agreement on finance and loss and damage, they were unable to achieve consensus on other key issues, including markets, agriculture, response measures, and Articles 5, 7 and 8 (methodological issues under Protocol). A standout among these issues was work related to non-market-based approaches, the new market mechanism and the framework for various approaches, which seek to elaborate common rules for all mitigation efforts, market and non-market based, to ensure environmental integrity. COP 19 inherited the politically difficult issues of markets from the Ad Hoc Working Group on Long-term Cooperative Action. Developed countries point to the need for a variety of tools, such as market mechanisms, to "stretch" their ambition. Developing countries, however, have a fundamentally different view, pointing to sputtering carbon markets and low prices for carbon credits as proof of the need for greater mitigation ambition. Despite the COP President's attempt to intercede during the second week and find a way forward on the issue, parties could not reach agreement, finally forwarding this highly political issue to its technical body to address next year.

Amid what many called "mixed" or "disappointing" results, REDD+ stood out as perhaps a singular achievement. After eight years of negotiations, and extra time allotted to negotiate technical REDD+ issues in June, parties finally completed a package agreement. Still, institutional arrangements and finance proved difficult. Both institutional and financial issues had to contend with the myriad of REDD+ initiatives and projects currently underway outside the UNFCCC process. While negotiators worked for years to secure common MRV guidance and financial arrangements, a multitude of bilateral and multilateral, public and private initiatives sprung up. Various parties and other stakeholders were already invested with a particular set of arrangements and unwilling to shift midway through their REDD+ process, which weakened the decisions on REDD+ institutional arrangements and finance. The institutional arrangements decision amounts to annual meetings between national focal points and funding agencies. The decision on finance creates yet another REDD+ information hub. It falls short of establishing the market mechanism envisioned by those who

brought deforestation back to the UNFCCC agenda in 2005. Instead, it leans toward a fund-based approach, which could, by some estimates, require US\$30 billion annually.

Aside from the relative success of the REDD+ package, COP 19 really did not even meet its modest expectations. For some, solely meeting the bare minimum was a further sign of increasingly diminishing confidence in the process, as issues of trust among parties led to sober reflections on the process itself.

CONDUCTING A PROCEDURAL DIAGNOSTIC: GREASING A SQUEAKING WHEEL

Since Copenhagen, concerns over transparency and process have cast a shadow over the UNFCCC. The need to rebuild both trust among parties and legitimacy of the process is dire. To some extent, more transparent and inclusive talks in Cancun and the Durban “indabas” did manage to restore a certain degree of confidence. Yet, acrimonious discussions returned again in Warsaw as the fragile feeling of trust dissipated. Developing countries complained of “broken promises” and made desperate calls for implementing agreed commitments on finance, while mutual accusations of backtracking were thrown around. Some controversial statements made during a press conference sparked a finger-pointing session between the Like-Minded Developing Countries (LMDCs) and the EU, which some even described as “negotiating through the media.” With trust issues like these, the road to Paris is likely to be a bumpy one.

Procedural trepidations, too, never truly left the process. In Cancun, COP President Patricia Espinosa gavelled through the adoption of the Cancun Agreements despite Bolivia’s opposition, leaving many to ponder the meaning of consensus. Just two years later, COP President Abdullah bin Hamad Al-Attiyah gavelled through the adoption of the Doha Amendment notwithstanding Russia’s raised flag. This caused Russia to demand that decision-making be put on the SBI agenda, which resulted in a procedural impasse last June when the SBI was unable to begin its work for two weeks. Following protracted consultations immediately prior to the Warsaw conference, a new agenda item on decision-making in the UNFCCC was introduced under the COP, and informal open-ended consultations were launched. In these informal consultations, parties considered procedural issues that will shape their future discussions.

Although no formal outcome in the form of a COP decision was reached, the creation of a designated window for procedural discussions is significant. Parties appeared to be on the same wavelength on the timeliness of addressing the decision-making process perceived as flawed by many, and “cleaning house” before Paris. The task seems daunting, however, as numerous issues have been added to a laundry list dominated by an overarching concern over legitimacy of the process.

Anxieties surrounding transparency and inclusiveness versus efficiency and effectiveness; the roles of the COP President, the Secretariat and presiding officers; organization of high-level engagement as well as the process for achieving outcomes—all harking back to Copenhagen—have been haunting the UNFCCC process for years. And although COP President Marcin Korolec was hailed for conducting the process in a transparent and party-driven manner, many developing countries’ delegations were spread too thinly to be able to effectively follow the packed agenda. Late nights, too, continued to compromise transparency, efficiency and inclusiveness, which led some to wonder if all-night negotiations could be some parties’ tactic, and to question their good faith.

The avoidance of package deals, too, engendered discussions. With the adoption of the rules of procedure nowhere in sight, package deals have, in the past, been the means to reach consensus. Yet, package deals often mean that parties are forced to accept compromises on issues that, if taken

on their own, they would not agree to. During the informal stocktaking plenary on Saturday morning, COP President Korolec slipped up to mention “a package,” an eyebrow-raising comment he later retracted after the G-77/China and others sought reassurance that each decision would be considered on its face value. Other parties, however, seemed more comfortable with package-deal language. The outcomes of several COPs leading up to Warsaw have been the result of take-it-or-leave-it, not give-and-take, deals. Warsaw prudently showed caution on that front.

ADP: HALFWAY STOP ON THE ROAD TO NOWHERE?

The main expectation for the ADP at COP 19 was to intensify work on the content of the 2015 agreement and on concrete outcomes on pre-2020 ambition, thereby instilling confidence that this process can deliver on both fronts. Despite the best efforts of the Co-Chairs, results were sparse.

The task to “develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all parties” by 2015 to enter into force by 2020, agreed in Durban, has become a touchstone of the UNFCCC’s ability to respond to the urgency of climate change. Progress toward a new agreement is one indication of whether the UNFCCC is still relevant and able to take the necessary action to combat climate change.

At the halfway mark to 2015, with just two years to go, parties seem far from delivering on their goal to complete a negotiating text at COP 20 in Lima.

It appears that the 2015 agreement is developing into a purely “bottom-up” arrangement, meaning that states delineate the extent and nature of their contributions. What seems to be lacking is top-down commitments and a pledge-and-review mechanism to assess the patchwork of national contributions to determine if they represent emission reductions substantial enough to stay within the 2°C target. The controversial reference to “intended nationally determined contributions” that would not prejudge their legal nature was introduced as an oral amendment in the final minutes of the ADP closing plenary. The term “contributions,” as opposed to “commitments,” represented a divide between developed countries and some developing countries, particularly the LMDCs. This effectively left fundamental issues, such as the legal nature of the 2015 agreement and the means to differentiate commitments in an agreement “applicable to all,” unresolved.

Differentiation is also side-stepped in the decision. Many developed and several developing countries supported a discussion on how differentiation could be reflected in the 2015 agreement, which, according to the Durban mandate, should be “applicable to all.” However, LMDCs are hesitant to revisit this issue and argue instead for any future agreement to reflect the Annex I/non-Annex I distinction. Developing countries supporting discussions on differentiation, such as AILAC, felt their voices were drowned out by the rising visibility of the LMDCs as well as the acrimony between the EU and Venezuela, which became a distraction during the final days.

Revising differentiation in the 2015 agreement is a key demand of developed countries. Given fundamental changes in the global economy since 1992, some non-Annex I countries, such as the Republic of Korea, China, Brazil and India, are now economic powerhouses with associated increases in GHG emissions. For a long time, their argument for retaining Annex I/non-Annex I differentiation was rooted in their per capita emissions being much lower than those in developed countries and their right to sustainable development. Today, China, the world’s largest emitter in absolute terms, also ranks on par with the EU in per capita terms, prompting those open to differentiation to note the need for the 2015 agreement to look at current and future emissions as those will amount to tomorrow’s historical responsibilities.

Furthermore, several developed countries, currently holding the historical responsibilities for atmospheric concentrations of GHGs, have yet to embrace their leadership role, as evidenced by the gap between the slim pledges and implementation of commitments, and the cuts needed to keep global temperature rise below 2°C.

Meanwhile, pre-2020 mitigation ambition has been slow to emerge. Only four countries—Bangladesh, Barbados, Mauritius and the United Arab Emirates—have ratified the Doha Amendment, which needs 144 ratifications to enter into force. China and the EU did announce their intentions to ratify; however, even with all of the EU member states on board, a further 110 ratifications are needed. Thus, until the Doha Amendment enters into force, parties with quantified emissions limitation or reduction commitments (QELRCs), are not legally bound to fulfill them. Furthermore, the second commitment period covers only about 15% of global emissions, which makes it imperative that other countries contribute to the global mitigation effort if the global temperature goal of 2°C is to be achieved. The COP decision on “Further advancing the Durban Platform” contains no targets for 2020, merely urging states that have not communicated their quantified economy-wide emission reduction target, or nationally appropriate mitigation action, to do so. It further urges developed countries “to implement without delay” their quantified economy-wide emission reduction targets under the Convention, and QELRCs for the second commitment period of the Kyoto Protocol, if applicable.

If anything, the Warsaw COP saw pre-2020 mitigation ambition wane. For example, Japan, one of the few Annex I countries without a QELRC for the second commitment period, announced its new GHG emission reduction target during the first week of the COP. It has pledged to reduce its emissions by 3.8% compared to 2005 by 2020, which, if using 1990 as the base year, results in an increase of 3.1%, whereas under the Kyoto Protocol first commitment period, Japan was supposed to reduce its GHG emissions by 6% compared to 1990 levels.

The COP also decided to intensify the technical examination of opportunities with high mitigation potential next year, building on a technical paper briefly considered at COP 19. This, however, is less specific than the AOSIS proposal for a technical process focused initially on renewable energy and energy efficiency, coupled with submissions and high-level engagement on those issues. The decision offers little to developing countries on the enhancement of pre-2020 ambition on provision of support other than to urge developed countries to increase technology, finance and capacity-building support to enable increased mitigation ambition by developing countries.

Under the ADP, the task of COP 19 was to show progress toward a 2015 agreement and enhancing pre-2020 ambition, and provide confidence that the UNFCCC can deliver on a substantial mandate in a very short time. On both these fronts, results appeared inadequate. In the absence of delineated potential elements of the 2015 agreement, one wonders if at this stage, the ADP is any closer to a 2015 agreement. Progress toward increasing pre-2020 ambition seems stunted despite the growing evidence and calls for urgent action. On the road to Lima, and only two years from the deadline for an agreement in Paris, the Warsaw outcomes provide little reason for high hopes.

ON THE ROAD TO NOWHERE?

Announcing his voluntary fast, Naderev Saño reminded participants of the many criticisms of the UNFCCC process as a “farce [and] an annual carbon-intensive gathering of useless frequent fliers.” But he also tried to instill hope that the process can fulfill its potential to be “the project to save the planet, saving tomorrow, today.” What he did not characterize, and what is increasingly gaining relevance, are the growing number of initiatives, policies and programmes outside the UNFCCC actively addressing climate change. Often, these are borne out of the frustration of subnational

jurisdictions and non-state actors with the lack of progress in the UNFCCC. In some cases, governments eager for progress have turned to other international institutions, such as the Montreal Protocol, or taking unilateral measures. Several hundred civil society representatives, even those usually engaged constructively in the negotiations, walked out of COP 19, demonstrating their deep reservations—also felt by others—on the ability of the UNFCCC to deliver.

The problem, however, may not be only the flawed process, but also the absent political will. Even a preeminent functioning process will fail when facing a lack of political will to move forward and find a solution. The UN Secretary-General's upcoming 2014 UN Climate Summit may be able to inject high-level engagement in the climate change arena lacking since Copenhagen. This engagement may entrench positions, but could also find common ground that is currently elusive, but will be necessary if the UNFCCC is to retain any relevance. Ultimately, the question is if climate change will wait for the UNFCCC. Thus far, the evidence shows the UNFCCC is being left behind.

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