



Diplomatic obligations fulfilled, but political leadership lacking



A first assessment of the
Climate Change Conference COP23 in Bonn

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From 6 to 17 November, the 23rd Conference of the Parties to the United Nations Framework Convention on Climate Change (COP23) was held in Bonn under the presidency of Fiji. Among the key issues addressed at the conference were defining implementation rules for the Paris Agreement, support for countries in the Global South in dealing with the effects of climate change and preparation of the first global review of climate action in time for COP24 in Katowice, Poland, at the end of next year. COP23 was naturally overshadowed by the announcement that the US intends to withdraw from the Paris Agreement. The Wuppertal Institute research team closely observed the climate change negotiations during the two-week conference and can now present their initial analysis of the conference outcomes.

The Wuppertal Institute will publish its in-depth analysis of COP23 in December. The report will take a close look at the various issues addressed at the conference and at other related topics.

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1 Introduction

The 23rd Conference of the Parties (COP23) to the United Nations Framework Convention on Climate Change, UNFCCC, was held in Bonn from 6-17 November 2017 under the presidency of Fiji. The conference focused in particular on developing rules to implement the Paris Agreement and on raising ambition for climate protection. Since this was the first “Oceanic” COP, special attention was also given to supporting the countries of the Global South in their efforts to reduce emissions, adapt to climate change and deal with the unavoidable impacts of climate change.

2017 has been marked by extreme weather-related disasters. These ranged from a series of devastating hurricanes in the Caribbean and the Gulf of Mexico to severe flooding in South Asia to catastrophic drought and extensive forest fires in Portugal. There was little sense of this in the negotiations, however – apart from the warnings issued by Fiji and other vulnerable countries. Nobody took over the reins of leadership, which the US had dropped following the change in administration. On the positive side, fears¹ that the US under its new administration might sabotage proceedings did not in fact materialise: the US delegation was extremely small and kept low profile.

Nevertheless, the change of administration in the US has left a vacuum in leadership, which was neither filled by the European Union (EU) nor by China. The EU was too preoccupied with its own affairs, Germany was disoriented due to post-election negotiations and France lacked the power to lead, despite an impressive performance by President Macron. And although the People’s Republic of China showed leadership among the group of middle-income nations, it primarily used this to pursue its own interests, without focusing on the bigger picture.

As a result of this lack of political leadership, only the “obligatory” part of the programme was fulfilled at COP23: although some progress was made in terms of technical details, the diplomats’ work in preparation for the decisive COP24 Climate Change Conference in Poland next year was not facilitated as had been hoped for. The “Talanoa dialogue”, which the Fijian presidency got off the ground, is one ray of hope. It is a negotiating process that will last all year under the leadership of Fiji and Poland.

However, the most important events of COP23 took place away from the diplomatic arena: one such event was an impressive appearance by the “other America”, a US-American alliance of states, cities, corporations and initiatives, which intends to compensate for Donald Trump’s announced withdrawal from the Paris Agreement by introducing their own climate protection measures. Another example was the foundation of an alliance to phase out coal, founded by around 20 countries (along with a few US states and individual Canadian provinces).

¹ For an analysis of the US situation, see Ott, Hermann E., Lukas Hermwille, Wolfgang Obergassel (2017): International Climate Policy: Trumping Trump. Wuppertal: Wuppertal Institute for Climate, Environment and Energy. <https://epub.wupperinst.org/frontdoor/index/index/docId/6789>

The following brief analysis sums up the main developments and results of the conference. The Wuppertal Institute will publish a more detailed analysis in December.

2 A weak tailwind behind the rule book

One key objective of the Bonn conference was to push ahead with negotiations on the rules for implementing the Paris Agreement. The aim was to enable these to be adopted at the next Climate Change Conference in Katowice (Poland) in December 2018. The Paris climate agreement only establishes the objectives and basic mechanisms of climate policy, but the concrete rules of how to implement the agreement are not formulated, e.g. how the countries are supposed to report on the actual realisation of their contributions in order to ensure comparability of the various efforts made.² The requirement of the Bonn conference was to agree an initial negotiating text for this rule book as a basis for further negotiations next year. This requirement was only fulfilled in part.

Guidelines for national contributions

In the run-up to Paris, it had not been possible to agree on stringent guidelines for the content of the nationally determined contributions (NDCs). The NDCs therefore differ considerably in their approach and are barely comparable. Part of the negotiations regarding the rule book is therefore to agree on stricter guidelines for future NDCs. The various positions on this point were only reconciled to a minor extent, the end result of the conference being a text with more than 180 pages giving different alternative options, containing numerous duplications and redundancies.

The Transparency Framework

The negotiations on the Transparency Framework were characterised by the question of whether and to what extent developing country Parties should be allowed more flexibility in terms of reporting and the international assessment of the information submitted than was afforded to developed country Parties. In spite of political controversies surrounding this question, it was possible to agree on a relatively concise document, which will be used as a basis for discussion in the process of further negotiations. In Bonn, however, it was not possible, due to a lack of political leadership, to significantly reduce the number of possible formulations and options for the future transparency framework. It can be expected that the design of the transparency rules will still provide plenty of issues to discuss in the run-up to the forthcoming negotiations in Katowice.

² For a detailed analysis of the Paris Agreement, see Wolfgang Obergassel, Christof Arens, Lukas Hermwille, Nico Kreibich, Florian Mersmann, Hermann E. Ott and Hanna Wang-Helmreich (2016): Phoenix from the ashes: an analysis of the Paris Agreement to the United Nations Framework Convention on Climate Change. Part I: Environmental Law & Management, Vol. 27 (2015), No. 6, pp. 243-262. Part II: Environmental Law & Management, Vol. 28 (2016), No. 1, pp. 3-12.

Cooperative Mechanisms

A robust elaboration of the new mechanisms under article 6 of the Paris Agreement, which offers countries the option of internationally transferring mitigation outcomes and of using them to achieve their nationally determined contribution, is also essential for retaining environmental integrity. The negotiations on this point were particularly difficult, as it had not even been possible before the conference in Bonn to decide which headings the prospective rule book should have.³ Although there is still a lot of controversy in this area, all the proposals are now available in a written, structured format at least regarding the headings, which can be considered progress. On this basis, the discussion leaders of these partial negotiations are expected to produce a proposal for a consolidated text by the spring, which could bring the negotiations a significant step further once the text has been compiled and organised.

Global Stocktake

The countries' nationally determined contributions that have been announced so far are clearly too low to keep the rise in temperature under 2°C: even if all countries were actually to deliver on their commitments, the expected increase in global mean temperature would be more than 3°C. This is why discussions under the Paris Agreement are scheduled to take place every five years on how much progress the global efforts have made and how they can be intensified. After this stocktake, the countries are supposed to announce new increased contributions. The rule book needs to clarify how this stocktake is to be carried out in concrete terms. In Bonn, the delegates discussed "building blocks" of the discussion process. They envisaged a preparatory, a technical and a political phase.

Outlook

Overall, the conference in Bonn did not set the scene particularly well for COP24 in Katowice. On the contrary, in 2018 there will still be substantial work to do in order to produce the text in a form that is ready for adoption. The prospects for the effective implementation of the Paris Agreement therefore remain uncertain, especially since the next climate change negotiations in Katowice will be held under Polish presidency. The Polish government shows little ambition in terms of climate policy, and many observers therefore fear that the next summit will take place under more difficult conditions. Thus, everything must be done over the next few months under the Fijian presidency to prepare the decisions for Katowice in the best possible way. The Bonn conference has already noted that an additional preparatory meeting may be necessary in 2018.

³ Cf. Obergassel, Wolfgang (2017): Shaping the Paris Mechanisms Part III - An Update on Submissions on Article 6 of the Paris Agreement. Wuppertal: Wuppertal Institute for Climate, Environment and Energy. <http://www.carbon-mechanisms.de/en/2017/submissions-iii/>

3 In the slipstream: little solidarity with the Global South

Although, geographically, Bonn was the venue for the conference, the host in terms of content was Fiji. Therefore, this "Pacific" or "Oceanic" COP focused heavily on topics that are of great relevance to the developing countries in general and small island states in particular.

Loss and damage

With Fiji holding this year's COP presidency, the expectations were particularly high regarding progress in the area of impacts of climate change where adaptation is no longer possible (loss and damage). These range from deaths during hurricanes to the loss of settlement areas due to sea level rise. Fiji thus represented the small island developing states that are particularly severely affected by the impacts of climate change.

The topic of loss and damage was recognised as the third pillar of necessary climate actions in the Paris Agreement, along with emissions reduction and adaptation to climate change. It is being negotiated under the Warsaw International Mechanism for Loss and Damage, WIM, which is part of the Paris Agreement.

In Bonn, an ongoing 5-year work plan was agreed for the WIM, which aims to achieve an increase in active knowledge sharing. However, the question of financing for any potential insurance protection against climate-related damage was left unanswered. While the Climate Change Conference highlighted the importance of loss and damage, the specifics hoped for were lacking, thus leaving it up to each individual country to decide the extent to which it will address the prevention and handling of loss and damage. In May 2018, a working group will prepare recommendations with a view to limiting the causes of migration in connection with the negative impacts of climate change. In addition to this, an expert dialogue will address the question of support in the handling of loss and damage. This dialogue will also tackle the issue of financing.

Financing

How ambitious climate protection measures can be financed worldwide has been a hotly contested issue for years – and it came up again in Bonn with unexpected severity. One crucial question is what really applies as climate financing and how to report both the level of resources provided by developed countries and their use in developing countries. As expected, no decisions were made in this regard.

However, an important decision on the future architecture of international climate financing was made in Bonn. The Adaptation Fund, originally set up under the Kyoto Protocol, will also come under the umbrella of the Paris Agreement in the future. The dispute about this was only resolved long into the last night of the conference. This means that the continued existence of this important fund is secured in the future. However, the sources that are to contribute to the fund in the future remain unclear. As the proceeds from the Clean Development Mechanism (CDM) have all but come to a standstill, the Adaptation Fund has had to rely on voluntary contributions from developed countries for years.

This year, Germany already pledged EUR 50 million for both the Adaptation Fund and the Least Developed Countries Fund respectively on the first day of the conference, followed by Sweden with an additional 19 million for each of the two funding mechanisms, with Belgium pledging a further 10.25 million for the Least Developed Countries Fund.

4 Under steam: reinforcing climate protection efforts

Climate protection before 2020

The negotiation mandate agreed at the United Nations Climate Change Conference in Durban in 2011 involved two negotiation tracks: first, the negotiation of a comprehensive agreement for the period after 2020, which was concluded with the adoption of the Paris Agreement in 2015. Secondly, achieving an increase in efforts, especially on the part of the developed countries, for the period up to 2020. This negotiation process has not delivered any tangible results so far. A number of *Technical Expert Meetings* were held in the context of a *Technical Examination Process*, which examined the reduction potentials and policy options available for several sectors. This process delivered valuable analytical results. However, there were no visible, specific reinforcements of efforts on the part of the countries.

In Bonn, the topic was, unexpectedly, at the top of the agenda again. The reason for this is that the main building block of the efforts to be made before 2020 has not come into force yet, namely the Doha Amendment containing the second commitment period of the Kyoto Protocol covering the period from 2013 to 2020. In particular, the EU was caught in the cross-fire of criticism here, as it has not even managed to ratify the Doha Amendment due to the abstention of Poland. Furthermore, the developing countries have not seen any visible progress in the implementation of the commitment by the developed countries to increase their financial support to at least USD 100 billion per year by 2020. Developing countries thus demanded that "climate protection before 2020" should be an agenda item in itself, which the developed countries initially rejected.

Ultimately, however, the developed countries relented and agreed with the developing countries to conduct two additional dialogue processes (*facilitative dialogues*) on global emission reductions and provision of support in 2018 and 2019. Furthermore, by 01 May 2018, the states are to submit information on the progress they have made in increasing their efforts. The UN Climate Change Secretariat is to prepare a synthesis report based on this information. In addition, the Parties to the Kyoto Protocol were asked to ratify the second commitment period. Following tough negotiations, Poland has now undertaken to ratify by the end of this year, so that the EU can also join.

Stocktake and increasing efforts

The first review of global efforts was also to be prepared at the Bonn Climate Change Conference and carried out by COP24 in Katowice. After the review, the states are to announce new and increased contributions by 2020. So far, however, it has not been clarified in specific terms how this review is to be carried out. As the Paris Agreement does not come into effect until 2020, this stocktake is being negotiated separately from the *Global Stocktake*. Effectively though, the design of the process in 2018 will set the precedence for the design of the *Global Stocktake*, which is to be carried out every five years from 2023.

In Bonn, a gratifying consensus was reached regarding the first stocktake. The so-called Talanoa Dialogue – named after a Fijian term for a transparent and participatory dialogue – is scheduled to start in January 2018 and will be structured around three questions: Where are we? Where do we want to go? And how do we get there? First, during a "technical" phase up to the end of the year, information on these three questions will be compiled during multiple sessions. An essential point in this regard is that not only states but also sub-national and non-state stakeholders will have the opportunity to contribute information to this process. Another important contribution will be the special report by the IPCC on the 1.5°C target, which is to be published in September 2018. Finally, the Parties are to draw conclusions at ministerial level during the "political phase" at COP24. Fiji and Poland will preside over the dialogue together. This is intended to defuse concerns about the lack of commitment on the part of the Polish government.

5 Close to the wind: pioneer alliances as well as non-state actors and sub-national stakeholders

With great fanfare, outside the formal diplomatic negotiations in Bonn, the founding of an alliance to phase out coal was announced: led by the United Kingdom and Canada, around 20 nations (as well as individual Canadian provinces and US states) set up the "Powering Past Coal Alliance". The member countries of the alliance have agreed to phase out existing traditional coal power and restrict financing for its future use. Fifteen EU member states are part of the alliance along with the United Kingdom, including France, Portugal, Denmark, the Netherlands and Italy. Germany is the only major EU member state to remain outside it so far. By the next COP, the alliance expects to grow to 50 members.

The formation of pioneer alliances is an essential means of advancing the global negotiations that are based on the consensus principle.⁴ Other climate clubs should

⁴ Ott, Hermann E., Christof Arens, Lukas Hermwille, Florian Mersmann, Wolfgang Obergassel, Hanna Wang-Helmreich: Climate policy: road works and new horizons – an assessment of the UNFCCC process from Lima to Paris and beyond; in: 6 Environmental Liability – Law, Policy and Practice (2014), pp.223-238, .235 et seq. Ott, Hermann E.: Internationale Klimaclubs: Endlich auf die Überholspur (International climate clubs: Finally in the fast lane); in: Politische Ökologie 139 (2014), pp. 90-95.

follow, for example for the promotion of renewable energies, for adaptation to climate change or for climate protection financing. Pioneer alliances, in which nations (and sub-national stakeholders) join forces, bring forward new ideas which otherwise would have no chance against the resistance of procrastinating states. A sectoral approach, which breaks down the challenges associated with the transformation of whole national economies into individual sectors is particularly valuable.⁵ The Powering Past Coal Alliance is a loosely knit alliance without an legal basis in international law. For other alliances, such as a genuine decarbonisation alliance for example, there might be a need for a firmer legal foundation.

The civil society programme in the “Bonn Zone” on the fringe of the diplomatic negotiations was particularly impressive. Especially positive was the strong presence of the “other America” at Bonn. The “We are still in” coalition of US states, cities, businesses and other stakeholders, who wish to remain true to the targets of the Paris Agreement, was a major presence in Bonn. It was very clear that, although the new US President had turned away from the Paris Agreement, at least half the country has not done so. It remains to be seen, however, whether this sub-national, pro-Paris coalition in the United States can really compensate for the dismantling of the national climate policy by the Trump administration.

The Global Climate Action Agenda (GCA) agreed in Paris provides the platform for a large number of initiatives, alliances and concrete measures. A high point of COP23 was the publication of the first Yearbook on Global Climate Action. Particularly important here is that there is a mandate to link these non-governmental activities more closely with the technical examination processes within the framework of the diplomatic negotiations. Early in 2018, there is supposed to be a meeting at which further themes and the inclusion of sub-national stakeholders will be debated.

6 Frames of reference: climate protection in a wider context

It was remarkable to note that climate protection is increasingly seen in a wider context. A large number of side events discussed the connections of climate protection with gender issues, human rights, the fair treatment of employees affected by economic restructuring (*just transition*), as well as the UN Sustainable Development Goals. After a closer connection to these issues was formulated in the preamble to the Paris Agreement for the first time, there are now intensive discussions to decide how these connections can be made concrete.

There was also one success in this regard in the diplomatic negotiations, when the conference adopted a Gender Action Plan. The plan provides for a work programme

⁵ Oberthür, Sebastian, Lukas Hermwille, Gauri Khandekar, Wolfgang Obergassel (2017): Strengthening International Climate Governance: The Case for a Sectoral Approach. Brussels: Free University Brussels.
<https://www.cop21ripples.eu/resources/pb-strengthening-international-climate-governance-the-case-for-a-sectoral-approach/>

for the next two years, including workshops on the question of how gender-sensitive climate policies can be developed.

7 More wind in the run-up to Katowice?

Bonn fulfilled the obligatory programme to make an agreement on the set of rules for Katowice possible, but much more diplomatic work and political leadership will be needed over the next year. And even this is really only the precursor to the real work: the drastic reduction of global greenhouse emissions as quickly as possible. In order to keep the temperature limits of the Paris Agreement, most countries would need to massively increase their climate protection contributions and then implement them. As the now collapsed exploratory talks for a new German Government have clearly shown, in many countries there is massive resistance to introducing and implementing the necessary restructuring of national economies.

International policy can seldom take decisions which have not previously been prepared at the national level. But it can play the role of a pacemaker for national discussions by placing the subject on the political agenda again and again and compelling national policy to account for its actions. The five-year cycle of stocktaking and subsequent resubmission of nationally determined contributions prescribed in the Paris Agreement should precisely fulfil this function.

The first of these stocktakes is set to take place next year with the Talanoa Dialogue. The full calendar of climate diplomacy should contribute to keeping climate protection in the news and high on the political agenda. Already in December 2017, the One Climate Summit will take place in Paris, a conference on climate financing hosted by the French President Macron. In 2018, there will follow the series of events of the Talanoa Dialogue, the negotiating rounds of the UNFCCC in Bonn in May, possibly a further round of negotiations in the late summer, and COP24 in Katowice at the end of the year. In addition, September will see the publication of the IPCC special report on the 1.5° target and the Global Climate Action Summit, hosted by the Governor of California Jerry Brown to further dynamise the sub-national and non-state stakeholders. In 2019, a climate summit is to follow at the level of heads of state and government, hosted in New York by UN Secretary-General António Guterres.

At the moment, process is the most important factor in the implementation of climate policy imperatives. It must be hoped that keeping the theme at the top of the agenda for the years to come will contribute to achieving the urgently needed increase in nationally determined contributions by the 2020 deadline. In Bonn, old clashes of interest emerged, which were covered for a while by the Paris spirit. For success in Katowice next year, it will be essential for all countries to rediscover the central message of the Paris Agreement: that in the face of the coming storms on a finite planet, we are all in the same boat.