



Strengthening capacity for inclusive negotiations

# COP28 expectations

Legal Response International



# PLAN

- Loss and damage
- Global stocktake
- Finance
- Mitigation
- Adaptation
- Just transition
- Cooperative approaches (Article 6 PA)

# COP28 in Dubai 30 Nov ~ 12 Dec

- SBSTA59 and SBI59
- COP28 – currently 23 items
- CMA5 – currently 24 items
- CMP18 – currently 16 items

# Loss and damage



L&D explainer

# Santiago Network

- Set up at COP25 (2019) to catalyse technical assistance of organisations, bodies, networks and experts
- Network's functions agreed at COP26
- Operational modalities and structure agreed at COP27
- Structure:
  - Hosted Secretariat
  - Advisory Board to guide and supervise secretariat
  - Network of organisations, bodies, networks and experts (OBNEs)

# Santiago Network

## What to expect at COP28/CMA5

- ➔ Selection of a host for the Secretariat
- ➔ Election of members of Advisory Board
- ➔ More clarity on funding arrangements for the Network

# Warsaw International Mechanism (WIM) – other issues

- **Governance of the WIM** - under authority and guidance of ... COP or CMA **OR** COP and CMA
- Consideration of the **2023 Report of the Executive Committee of the WIM**

# Operationalization of funding arrangements for responding to L&D, including a fund

- COP27 and CMA4 decided to establish new funding arrangements, including a fund, to assist particularly vulnerable developing countries to respond to L&D, to include sources, funds, processes and initiatives under and outside the Convention and Paris Agreement
- 24-member Transitional Committee tasked with making recommendations on operationalization for consideration and adoption at COP28/CMA5

# Funding arrangements and fund

- Transitional Committee to make recommendations on
  - institutional arrangements, modalities, structure, governance and terms of reference of the Fund
  - elements of new funding arrangements
  - Identifying and expanding sources of funding
  - Ensuring coordination and complementarity with existing funding mechanisms
- Transitional Committee met 5 times this year

# Funding arrangements and fund – main issues

- **Who will be the beneficiaries ?**

- The most vulnerable countries OR
- All developing countries, with priority for the most vulnerable

- **Who will be the contributors ?**

- Industrialised and other high income developing countries
- Industrialised countries and other developing countries, the latter on a voluntary basis
- Industrialised only

- **What will be the main funding sources?**

- Public v private, loan v grant, etc.

## TC5: Adoption of Co-Chair's proposal

- **Three-part package:** draft decision to operationalize Fund and funding arrangements; draft Governing Instrument of the Fund (Annex I); draft recommendations for the funding arrangements (Annex II)
  - **Beneficiaries:** developing countries that are particularly vulnerable to adverse effects of CC
  - **Contributors:** developed countries “urged” to continue to provide support, “other Parties” are encouraged ... “on a voluntary basis”
  - **Host:** World Bank as « interim » host of independent secretariat based on meeting certain conditions; review after 4 years
  - LDF = operating entity of the Financial Mechanism of the Convention that also serves the PA
  - **Scope:** economic and non-economic loss, incl. extreme weather and slow-onset events, especially in context of ongoing and ex-post (rehabilitation, recovery and reconstruction)
  - **Board:** small majority of developing countries (14 v 12); has legal personality and capacity
  - **Deferred decisions:** definition of any windows/sub-funds, allocation system to prioritize vulnerabilities
  - **Unresolved issues:** scale
- **What's next:** possible scenarios at COP28/CMA5

# Global stocktake



# Mandate: Article 14 Paris Agreement

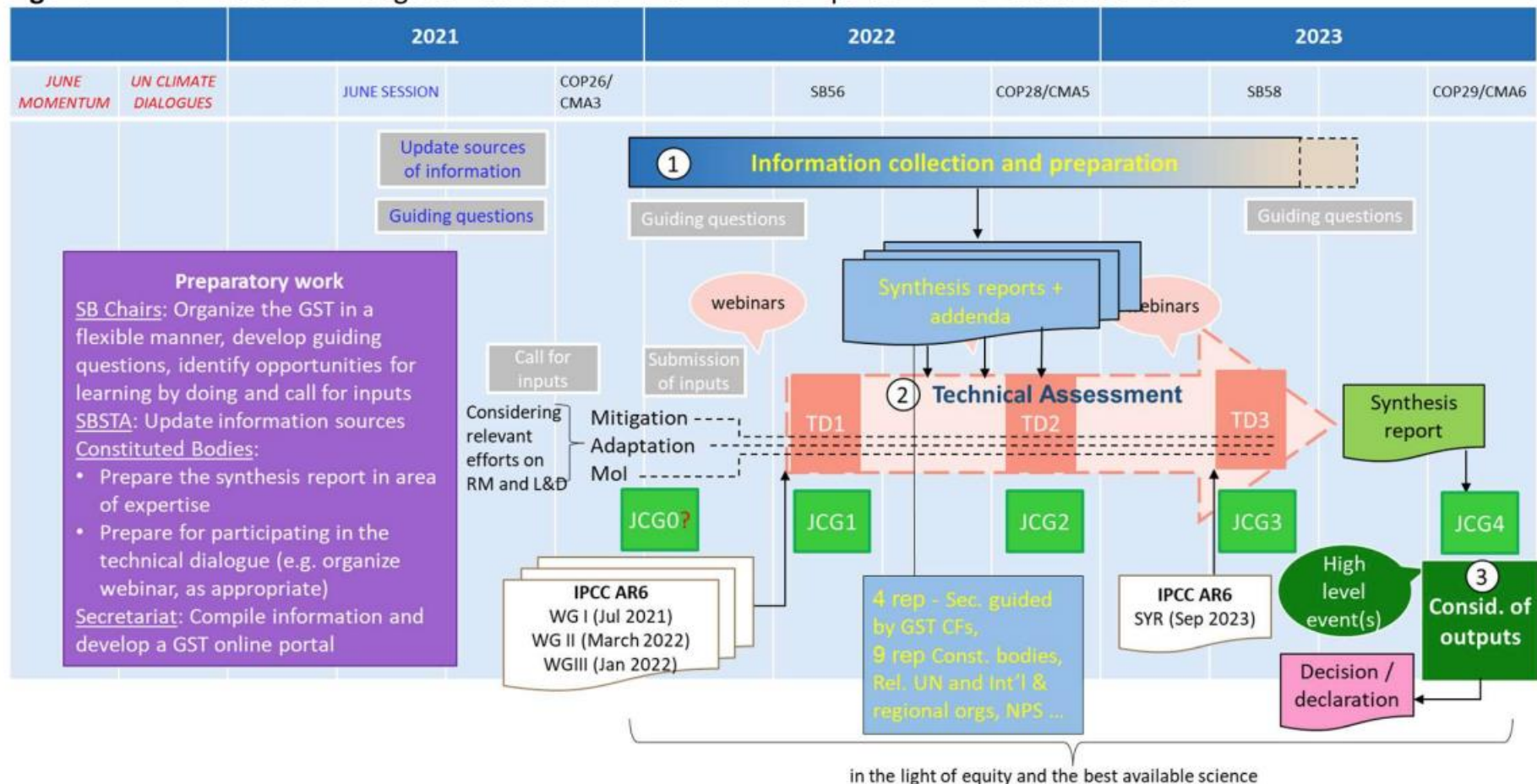
## Requirements:

- Comprehensive and facilitative manner; in light of equity and best available science.
- Thematic areas: mitigation, adaptation and means for implementation. Decision 1 CP/19 added loss and damage and response measures.
- GST 1 to be taken in 2023 and then every 5 years.
- Conducted by CMA with assistance of SBSTA and SB's.
- The “outcome” shall inform parties in their NDCs and international cooperation.

“The Conference of the Parties serving as the meeting of the Parties to this Agreement shall periodically take stock of the implementation of this Agreement to assess the collective progress towards achieving the purpose of this Agreement and its long-term goals (referred to as the “global stocktake”).”

# GST Cycle in the GST1

Figure 1: Timelines of the first global stocktake and some of its inputs and mandated activities



Abbreviations: ICP – information collection and preparation; TD – technical dialogue; JCG – joint contact group of the SBSTA and the SBI on the global stocktake; IPCC – Intergovernmental Panel on Climate Change; AR6 – Sixth Assessment Report of the IPCC; SYR – synthesis report; RM - response measures; L&D – loss and damage; GST CFs – the GST’s co-facilitators; WGI, II, and III – the Working Groups I, II and III of the IPCC

Source: UNFCCC, ‘Preparing for the first Global Stocktake’, Non-Paper by the Chairs of the SBSTA and SBI, 2021.



# The GST1: phase 1 - information collection and preparation

- Submissions by parties, negotiation groups and non-party stakeholders.
- Reports by constituted bodies.
- Reports by the secretariat.
- Culminated in Bonn, June 2023.
- Submission portal: over 1,100 documents.



# The GST1: Phase 2 - Technical Assessment

- Technical dialogues with parties and non-party participation (three meetings and other events).
- ‘Synthesis report by the co-facilitators on the technical dialogue.’ (Sept 2023)
  - 17 Key findings organised under context/mitigation and response measures/ adaptation and L&D/ means of implementation.
  - Backward and forward looking.
  - Structure is only indicative.
- Synthesis Report ‘Views on the elements for the consideration of outputs component of the first global stocktake’ (October 2023)
  - Submissions by parties and non-parties in preparation to Phase 3.



# The GST1: Phase 3 - consideration of outputs

## Draft structure for GST1 CMA5 decision (SB58)

- A. Preamble
- B. Context and cross-cutting considerations
- C. Collective progress towards achieving the purpose and long-term goals of the Paris Agreement, in the light of equity and the best available science, and informing Parties in updating and enhancing, in a nationally determined manner, action and support
  - C.1 Mitigation (Art. 2.1a, 4)
  - C.2 Adaptation (Art. 2.1b, 7)
  - C.3 Finance flows (Art. 2.1c) and means of implementation and support (Art. 9,10,11)
  - C.4 Efforts related to loss and damage (Art. 8)
  - C.5 Efforts related to response measures (Art. 4.15)
- D. Enhancing international cooperation for climate action
- E. Guidance and way forward



# The GST1: Phase 3 - consideration of outputs

- High-level summit Abu Dhabi, 12-14 October 2023
  - Output: bullet points for a potential draft decision: not fleshed out, contradictory views in the text or highly controversial points (I.e. references to SD, support for all developing countries/certain developing countries, calls for finance with different contributors base; acknowledgement of non-UNFCCC reports)
  - Follows the proposed structure with alternatives headings:  
***[Alt 1C.3 Finance flows and means of implementation and support***  
***Alt 2C.3 Means of implementation and support, including finance flows***  
***Alt.3C.3 Means of implementation and support***  
***Alt.4C.3 Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate resilient development***  
***C.3bis Means of implementation and support]***
- Intersessional 16 of November 2023:
  - Parties commented on the text and the process.
  - Not yet clear how outputs will be captured: decision/declaration/technical annex.
  - Chairs clarified there will be 5 joint contact groups during COP 28 and that high level meetings will inform the 'political decision'.



## Intersessional discussions evidence:

- Most parties agree on keeping backward looking/forward looking approach but developed countries want a more positive view of the efforts and ‘shared’ commitments in the forward-looking element.
- **Cross-cutting:** some developed countries oppose inclusion of references to sustainable development and references to principles and other parts of the Convention. They want a strong link to PA commitments.
- **Mitigation:** disagreement on the references to equity and CBDR/RC, use of historical emissions and current and projected emissions in the decision.
- **Adaptation:** developing countries want a balanced outcome and more emphasis in maladaptation.
- **Finance:** developing countries want recognition of the failure to deliver the \$100b goal and references to developed countries commitment to take the lead / developed countries want to see commitments for some developing countries. Developed countries want finance to be contained in the respective heading (there are references to finance in other headings).



# Finance



## Several topics on COP and CMA agendas

- **Long-term climate finance**: goal to mobilize jointly \$100b per year by 2020 likely to have been met in 2022 (according to OECD)
- Matters related to **Standing Committee on Finance**: report on work on definitions of climate finance + on doubling of adaptation finance + review of Committee's functions
- **GCF and GEF**: consider reports, and give guidance
- 7<sup>th</sup> review of Financial Mechanism
- **Biennial communications** of information related to **Article 9.5, PA**
- Matters related to the **Adaptation Fund**

# New collective quantified goal on climate finance

## Decision 1/CP.21:

“Also decides that, in accordance with Article 9, paragraph 3, of the Agreement, developed countries intend to continue their existing collective mobilization goal through 2025 ( ...); prior to 2025 the [CMA] shall set a new collective quantified goal from a floor of USD 100 billion per year, taking into account the needs and priorities of developing countries;”

## Decision 9/CMA.3:

consideration of goal would “take into account the **needs and priorities of developing countries** and include, inter alia, **quantity, quality, scope and access features**, as well as **sources of funding**, of the goal and **transparency arrangements to track progress** towards achievement of the goal ...”

## Other finance items...

- Sharm el-Sheikh dialogue on the scope of Article 2.1(c), PA and its complementarity with Article 9, PA
- Urgently scaling up financial support from developed countries in line with Article 4.5, PA to enable implementation by developing countries

# Mitigation

# Mitigation work programme (MWP)

“Nationally  
Determined  
Contributions”

- Context:
  - new or revised **NDCs** had to be submitted before COP26
  - 1.5°C better than 2°C
  - the “critical decade” to 2030
  - assessments of the new or revised NDCs showed plans were insufficient



## Mitigation work programme (MWP) cont..

- During COP26 (CMA3, decision 1) in Glasgow, countries:
  - stress the urgency of enhancing ambition, affirming 1.5°C target
  - establish the mitigation work programme
  - call for “phasedown” of coal & “phase-out” of inefficient FF subsidies
  - urge Parties that have not, to submit new or updated NDCs before CMA4 (Nov 2022)
  - request Parties (that have) to revisit and strengthen their 2030 targets in their NDCs by the end of 2022



## Mitigation work programme (MWP) cont..

- In the lead up to COP27, less than 30 countries stepped up
- During COP27 (Decision 4/CMA4) in Sharm el-Sheikh, countries
  - **repeat calls** made during COP26
  - agree the MWP will start immediately after the conference and
  - consist of at least two global dialogues/y & investment focused events
  - decide the MWP **outcomes** will **not be prescriptive or punitive**, but facilitative and respectful of national sovereignty and national circumstances; and will **not result in new targets or goals**
  - consistent with PA procedures and timelines for NDC submission



## Mitigation work programme (MWP) cont..

- At SB58:
  - MWP was at the centre of an epic “agenda fight”
  - No agenda item -> discussions captured in “an informal note prepared by the SB chairs under the own authority”
- At SB59/CMA5:
  - consider secretariat report on the global dialogues (on just energy transition) to recommending a decision for adoption by CMA
  - Language on "phasedown of fossil fuels"? Tripling global renewable energy productions?

# Adaptation



## Global Goal on Adaptation (Article 7.1 PA)

"1. Parties hereby establish the global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to contributing to sustainable development and ensuring an adequate adaptation response in the context of the temperature goal referred to in Article 2."

- Not yet defined
- Progress on the GGA was slow until the establishment of the Glasgow–Sharm el-Sheikh (GlaSS) work program under Decision 7/CMA.3 in 2021 at COP 26.

# The Glasgow-Sharm el-Sheikh Work Programme

CMA3 launched a two-year programme on the GGA.

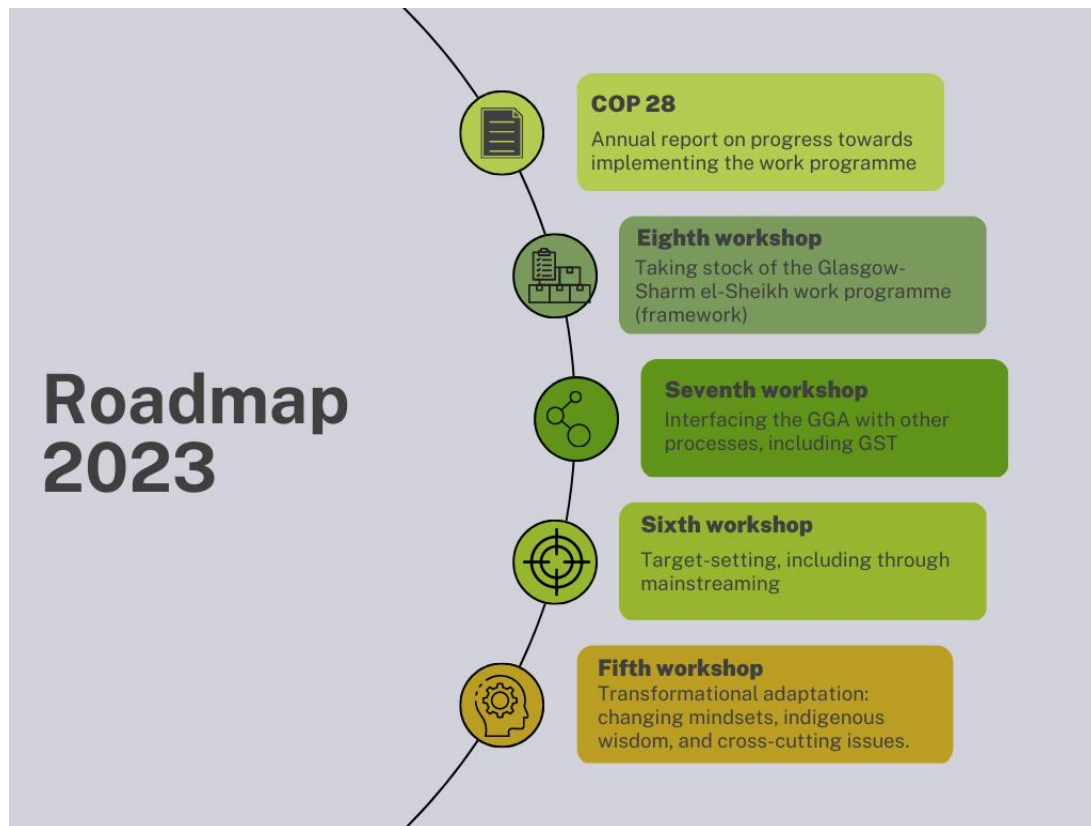
Carried out jointly by SBSTA and SBI.

- 8 objectives related to: full implementation of the Paris Agreement adaptation pillar (1), develop understanding and methodologies associated to the GGA (2), contribute to the GST (3), enhance national adaptation action (4), enable communication of adaptation commitments (5), facilitate monitoring and evaluating systems (6), strengthen implementation of adaptation actions in vulnerable developing countries (7) and enhance understanding of how communication and reporting instruments already established can complement each other and avoid duplication of efforts (8).

# The Glasgow-Sharm el-Sheikh Work Programme

- Programme includes 8 workshops (4 per year).
- Themes determined by chairs of SBSTA and SBI.
- 2022: nature and characteristics of the GGA, good practices for goal setting across contexts, relevant metrics, indicators and targets, support on adaptation, reporting on adaptation, linkages to other conventions and the relationship between the GGA and the GST.

# The Glasgow-Sharm el-Sheikh Work Programme



From the third session onwards much of the discussion has been focused on developing the framework and its operationalization (Summary report from the 8th session held in September 2023)

Parties decided at COP 27 to use the last year of the GlaSS to finalize a GGA framework with a view to adopting it at COP 28.

## The Glasgow-Sharm el-Sheikh Work Programme

➤ SB 58 draft decision structure for CMA 5:

(a) Preamble;

(b) Acknowledgement of progress and conclusions under the Glasgow–Sharm el-Sheikh work programme on the global goal on adaptation;

(c) Establishment of the framework for the global goal on adaptation;

(d) Elements of the framework for the global goal on adaptation: (i) Purpose; (ii) Dimensions; (iii) Themes; (iv) General and cross-cutting considerations; (v) Enabling conditions (option developed countries) or means of implementation (option developing countries); (vi) Reporting;

## The Glasgow-Sharm el-Sheikh Work Programme

- (e) Overarching targets and specific targets, indicators and metrics (developing countries) or shared adaptation priorities under the framework for the global goal on adaptation (developed countries);
- (f) Link to the global stocktake;
- (g) International cooperation and the role of stakeholders;
- (h) Follow-up work (option 1) or no section on follow-up work (option 2);
- (i) Finance and budgetary provisions (option 1) or no section on finance and budgetary provisions (option 2).

# Global Goal on Adaptation: country positions

	Developing countries	Developed countries
Objective of the GGA	<p>Develop a global goal to guide action and support.</p> <p>Reinforce measuring system (indicators, metrics and methodologies).</p> <p>Follow global progress on adaptation.</p>	<p>Linkages between adaptation and mitigation.</p> <p>Reinforce sharing of good practices and experiences and methodologies.</p> <p>Collection of local practices of adaptation.</p> <p>It is premature to think of quantified global goal with indicators.</p>
Establishment of the framework	<p>Stablish a centralized framework with clear objectives and a clear goal to guide collective efforts.</p>	<p>Demand for further clarity in the framework, targets and operation in relation to the adaptation cycle.</p>
Means of implementation	<p>Putting in place a systems for effective technic and financial support.</p>	<p>Purpose of the means of implementation?</p>

## National Adaptation Plans

- SB 58 considered "information on progress, challenges, gaps and needs in relation to the formulation and implementation of national adaptation plans and related information provided by the Adaptation Committee and the Least Developed Countries Expert Group at this session" but was unable to agree a decision and decided to continue discussion at COP 28.
- Submissions for the GST stress the need to provide adequate support for development and implementations of NAP at the national level.
- Inventory of methodologies for assessing adaptation needs in the context of national adaptation planning and implementation.

# GGA and GST

The GGA framework is expected to provide the system, or the plan and processes, for the GST to assess collective progress on adaptation on a 5-year basis.

- Finance for adaptation:
  - Proposal for a finance goal: 400 bn/year by 2030 for adaptation in GST submissions.
  - Request for balance between adaptation and mitigation finance.
- Establishment of early warning systems and climate service coverage (consensus in GST submissions)
- Addressing maladaptation.
- Proposal for a review of the Adaptation Committee.

# Just transition



# Just transition work programme

- A 'confidence building measure' arising from COP27 (Decision 1/CMA4)
- At SB58: \*\*joint item
  - countries discussed its scope, objective, modalities, inputs and outputs, and outcomes
  - broad programme of economic transition that requires substantial \$€£  
vs narrow programme focused on the FF industry that only entails sharing of knowledge & best practice
  - no agreement -> informal note captures views



## Just transition work programme cont...

- Intersessionally: Parties and observers submitted views on the work programme, secretariat published a [synthesis report](#) on these (15 Nov), and they are supposed to hold a workshop on this basis before SB59 (!)
- At SB59/CMA5: countries will continue work on this matter with a view to recommending a draft decision on the matter for consideration and adoption at CMA5



## Just transition work programme cont...

- **Decision** with main elements to allow the work to start
- **Scope** – given in para. 52 of Decision 1/CMA.4
- **Objective** – improve understanding and enhance equity and climate ambition
- **Function** - share knowledge (including best available science), best practices, lessons learned and experience
- **Modalities** – timeframe, co-chairs, number of meetings, submissions on discussion topics
- **Inputs and outputs**





Article 6 explainer bitly

# Cooperative approaches (Article 6)

## Cooperative approaches – Article 6.2

“Internationally  
transferred mitigation  
outcomes”  
*Decision 4/CMA.3*

- Direct cooperation between parties transferring ITMOs.
- Countries are elaborating processes for reporting and reviewing information, and the infrastructure for such information to be recorded and for the tracking of ITMOs.
- Reporting requirements
  - “Initial Report”, “Regular Report”, “Annual Report” - called the "Agreed Electronic Format" (AEF).
- The reports will be subject to review by technical experts.



## Cooperative approaches – Article 6.2 cont..

- Infrastructure to record info and track ITMOs:
  - The Secretariat will set up an **international registry** that countries can use (access to a registry required to track ITMOs).
  - **Article 6 database** to record and compile information submitted and to support the review of information submitted by parties.
  - A “centralised accounting and reporting platform”, **CARP**, public



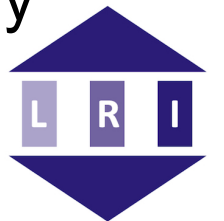
# Cooperative approaches – Article 6.2 discussions

- Consideration of the special circumstances of LDCs and SIDS;
- On [reporting](#), includes:
  - final AEF version to be deliberated at CMA5;
  - sequencing and timing of reporting & review;
  - **ITMO authorization process**, including possible changes;
  - how the **timing of the first transfer** of ITMOs will work;
  - implications of converting non-GHG metrics to CO2 equivalent;
  - developing a manual to aid reporting which should be available at the end of the year, and capacity building for reporting.



# Cooperative approaches – Article 6.2 discussions cont..

- On **review**, including:
  - Modalities for reviewing confidential information
  - Scope of reviewers' actions in cases of inconsistent information submitted and process to correct the data
- On **recording** and **tracking infrastructure**, including:
  - Accounts of the International Registry and Administrator's role
  - Information to be submitted by countries using the International Registry
  - How to connect A6.2 International Reg. & A6.4 Mechanism Registry
  - Using common nomenclature (naming conventions) for registries



# Cooperative approaches – Article 6.4

"Article 6.4  
Emissions Reductions"  
*Decision 4/CMA.3*

- A market-based mechanism that issues “A6.4ERs”
- Successor to the Clean Development Mech. under the Kyoto Protocol
- Governed by a Supervisory Body, tasked among others with
  - approving methodologies for the activities
  - registering them
  - approving issuance of A6.4ERs



# Cooperative approaches – Article 6.4 discussions

- By the SBSTA/CMA:
  - Responsibilities of the SB and of parties that host Article 6.4 activities
  - Whether Article 6.4 activities could include **emissions avoidance**
  - **Linkages** between the Mechanism Registry, the International Registry, and other registries
  - Timing, relevant information and any revisions of the **host party statement authorizing A6.4ERs**



# Cooperative approaches – Article 6.4 discussions

- By the Article 6.4 Supervisory Body:
  - Elaborating requirements for **activities involving removals**
  - Elaborating **methodologies** for Article 6.4 activities
  - **Transition** of certain CDM activities to the Article 6.4 mechanism



# Cooperative approaches – Article 6.8

"non-market approaches"

- Decision 4/CMA.3
  - contains the [work programme](#) under this framework
  - confirms NMAs are “voluntary cooperative actions that are not reliant on market-based approaches and that do not include transactions or quid pro quo operations”
  - establishes the [Glasgow Committee on NMAs](#) to develop and implement the framework for NMAs and a work programme

## Cooperative approaches – Article 6.8 cont...

- During COP27 (Decision 8/CMA4), Parties adopted a schedule for implementing the work programme in two phases:
  - First phase (2023–2024): to identify and frame all relevant **elements of the work programme activities** and operationalize a **UNFCCC web-based platform**
  - Second phase (2025–2026): to **fully implement the work programme activities** by, among others, drawing on inputs from the first phase

# Cooperative approaches – Article 6.8 discussions

- SB58: 3<sup>rd</sup> meeting of the Glasgow Committee on NMAs took place. **Draft conclusions were agreed**
- SB59/CMA5: 4<sup>th</sup> meeting of the GC to implement the WP activities, CMA5 consider report of the GC and **provide guidance on the framework and the work programme**, and take any appropriate action



Strengthening capacity for inclusive negotiations



# THANK YOU FOR WATCHING!

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