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KEY OUTCOMES

During a very instructive session on “negotiating tips and tricks” for new negotiators, at an [ecbi training workshop](#) before the Katowice Climate Conference, an experienced climate negotiator offered advice on ways to find compromises and common “landing zones” between the positions of countries, to reach consensus under the UN Framework Convention on Climate Change (UNFCCC). A participant asked, very pertinently, whether compromises between countries will be enough to address climate change.

The responses to this question from experts at the workshop pointed to the various benefits of multilateralism, from the lack of alternatives to solve global problems; to giving equal voice to all countries; and to greater efficiency than bilateralism. At a time of mounting global challenges, multilateralism is under increasing threat, and its defence is necessary. Global agreement on anything in this current chapter of human history is a triumph. Expectations were especially low in the run-up to Katowice, given the lack of trust between key country groups. Many feared that Katowice would end without a result, like the climate conferences in Copenhagen in 2009, and The Hague in 2000.

While these fears were not realised, and the Conference ended with a celebratory leap by the President, the question asked by the rookie negotiator deserves to be revisited in the aftermath: *did the compromises that had to be made to accommodate the varied interests of 197 countries in Katowice add up to an adequate response to climate change?*

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Despite repeated calls, the IPCC special report on 1.5°C was not on any of the agendas at COP24. The Caribbean Community and SIDS had to insert references under various existing agenda items.

Carlos Fuller,
Caribbean Community

The 24th Conference of Parties (COP24) to the UNFCCC was an important milestone for the international climate change regime, expected to further animate the Paris Agreement by adopting the detailed rules for its implementation. It was rendered even more critical by a clear message from the world’s scientists just two months before: the Intergovernmental Panel on Climate Change (IPCC) Special Report on *Global Warming of 1.5°C* stated clearly that the emissions reductions offered by countries under the Paris Agreement so far will not limit global warming to 1.5°C, even if they are supplemented by very challenging increases in the scale and ambition of emissions reductions after 2030. Countries will need to increase their ambition significantly *before* 2030 to limit temperature rise to 1.5°C.

Global average temperature has already risen by over 1°C above pre-industrial levels. 2018 saw extreme weather events, including wildfires, droughts, heat waves and floods in the Northern Hemisphere causing heavy casualties and huge economic losses. The means to enable effective adaptation, and to address climate-related loss and damage are therefore critical elements of success for any global climate negotiation.

The Katowice Conference was expected to be the COP that signalled a switch from generally negotiating the climate change regime, to implementing climate action with the seriousness and commitment called for by the IPCC special report. The success of Katowice, beyond achieving multilateral agreement, can therefore be measured by the extent to which it catalyses ambition within a narrow window of opportunity, and delivers the means to make this ambition possible.

This summary of outcomes considers key Katowice outcomes, in search of answers. In particular, it considers the three main elements of COP24 that aimed to deliver early ambition (in order of the COP decision): the Paris Agreement rulebook; pre-2020 ambition; and the Talanoa Dialogue.

Calling out science sceptics

The first week of the Katowice Conference ended on a low note, as four countries – the US, Saudi Arabia, Russia and Kuwait – opposed “welcoming” the IPCC’s special report on *Global Warming of 1.5°C*.

This was more than simple breach of etiquette. By questioning the contents of the report, these countries sought to dilute the urgency and momentum that the report was creating, and kill any support in the negotiations to firmly move the spotlight firmly on the hitherto aspirational 1.5°C limit of the Paris Agreement, from the less ambitious 2°C goal.

In the end, the Conference welcomed the “timely completion” of the report. This incident, derided by commentators, is an indication of the odds against which the Paris Agreement Rulebook was agreed.

“You are not mature enough to tell it like it is,” 15-year old Greta Thunberg, a young activist from Sweden, told conference participants in a scathing address. “Even that burden you leave to us children.”



PARIS AGREEMENT RULEBOOK

The Paris Agreement, adopted in 2015, provides a general framework for the international climate change regime. To reach agreement, however, important elements were left deliberately vague and deferred to a later date. Many of these issues have been subsequently addressed under the Paris Agreement Work Programme (PAWP). The Katowice Conference was tasked with finalising the PAWP by adopting detailed rules on the implementation of the Paris Agreement (the so-called “Paris rulebook”).

To a large extent, the conference formally delivered on this, as substantive decisions were adopted in all areas of the Paris Agreement – with the exception of the market and non-market mechanisms under Article 6. However, in many areas, decisions on sub-items were deferred – including, for instance, the development of common reporting tables for Nationally Determined Contributions (NDCs) and national inventory reports (to November 2020); the rules of procedure of the Article 15 Committee (November 2020); and further guidance on features of NDCs (the end of 2024).

This section summarises some of the key elements of the agreed rulebook, in particular as they relate to overall ambition.

I. NDCs and mitigation

The Paris Agreement focuses on Parties’ reporting requirements around the reduction and mitigation of greenhouse gas (GHG) emissions. As part of the PAWP, Parties had to develop further guidance on the features of their NDCs, the additional information to be provided by Parties to facilitate clarity, transparency, and understanding of their NDCs; accounting; the operation of the registry that records the NDCs and several other issues.

Scope and content of NDCs

The Paris outcome called for further guidance on features of the NDCs to be developed, for consideration and adoption by the first Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA1). This proved contentious, as many Parties felt that the issue of NDC features has already been adequately addressed in the Paris Agreement, and did not warrant a further discussion. There was also little agreement on what common features NDCs should have, and whether and when to continue consideration of further guidance (reflecting, once again, the deeper dispute between “top down” and “bottom up” approaches). Unsurprisingly, no consensus could be found, and the topic was deferred to 2024, while acknowledging that the features of NDCs are already outlined in the Paris Agreement.

Questions related to the content of NDCs related to the information NDCs should contain, and how this information should be presented. Should they contain information only on mitigation, or also on other elements such as adaptation and finance? Parties’ positions differed considerably, and it was eventually **agreed** that the information necessary for clarity, transparency, and understanding (ICTU) in an NDC is “*without prejudice to the inclusion of components other than mitigation*”. Parties can thus provide other information – in particular, adaptation communications can be submitted as a component of, or in conjunction with, NDCs, using guidance related to the adaptation communications (see adaptation section).

A critical qualifier for ICTU in the rulebook is that Parties “shall” provide this information “as applicable” to their NDC. Thus, while the guidance applies to all Parties (without differentiation, as some Parties had wanted), they have the flexibility to determine which ICTU is applicable to their NDC. The use of “shall” clarifies that the application of the guidance on ICTU is binding on Parties.

Within this caveat, it was agreed that elements of ICTU in the second and subsequent NDCs should include quantifiable information on, for example: the starting point for mitigation contributions; timelines for their implementation; further scientific assumptions; whether a multi- or single-year target is applied; and methodological approaches. While these ICTU rules will apply from the second NDC, Parties are “strongly encouraged” to provide this information in relation to their first NDC, including when communicating or updating it by 2020. This means that comparability between NDCs will be increased from 2030 onwards – and possibly before, if several Parties use the new ICTU rules for updating or communicating their NDCs in 2020.

The Paris Agreement (Article 4.10) calls for the consideration of common timeframes for NDCs. This is not simply a procedural issue but **key to unlocking ambition**, and **promoting fairness**. However, in the lead-up to the Katowice Conference there were significant disagreements on: whether the common timeframes should be five years, ten years, five or ten years (based on the choice of the Party), or five years plus an indicative NDC for a second five-year period (“5+5”); whether timeframes should be nationally driven; and whether flexibility would be granted for developing countries.

While some progress was made in whittling down the text on common timeframes in Katowice, Parties failed to agree on a specific solution. Instead, **they requested** the Subsidiary Body for Implementation (SBI) to continue the consideration of this matter in June 2019 to make a recommendation to the CMA. The text does not stipulate that this has to be the next session of the CMA in 2019, but Parties decided that the common timeframes *shall* apply from 2031.

Emissions accounting and reporting of mitigation policies

A further task for the rulebook was to provide guidance for accounting for NDCs. As in the discussions on features and ICTUs, there were diverging views on whether common guidance should apply to all countries, or whether there should be separate guidance for developed and developing countries. In the end, Parties **agreed** on a common set of guidance – binding on all Parties – and decided against the strict formal distinction between developed and developing Parties that had been applied under the Kyoto Protocol. This guidance will also apply from the second and subsequent NDCs, though countries may elect to apply it for their first NDCs (as agreed in Paris).

It was agreed that Parties will account for their NDCs in biennial transparency reports (BTRs). They shall account for anthropogenic emissions and removals in accordance with methodologies and common metrics assessed by the IPCC and adopted by the CMA. These are to be updated by the CMA once the IPCC provides new methodologies. Parties whose NDC cannot be accounted for using IPCC methodologies will have to provide information on the methodology used. Moreover, the same global warming potentials are to be applied by all Parties for conversions between different GHGs.

Parties should strive to include all categories of anthropogenic emissions or removals in their NDCs, and provide an explanation if any category has been excluded. Once a source, sink or activity is included, it should continue to be included in future NDCs. Also, all mitigation policies are to be reported.

A review, and if necessary update, of the guidance for ICTU and accounting will be initiated in 2027, with a view to adopting a decision in 2028. This means that such an update will only inform new NDCs in 2030.



We worked extremely hard to secure comprehensive and robust accounting rules, and a mechanism that works for host countries in the new context, under Article 6. However given the positions of some other Parties, and the potential loopholes involved, a resolution proved impossible. In the end we were forced to conclude no rules would be better than bad rules, at least under Article 6. Hopefully we can work to resolve the outstanding problems this year.

Martin Hession,
European Commissioner

Public registry

The modalities and procedures for the operation and use of the public NDC registry, called for in Article 4.12 of the Paris Agreement, were hotly debated in the run-up to COP24. The main issues of contention were whether there should be one registry or two, and whether there should be an advanced search function. In the end, it was **agreed** that the **interim public registry** prepared by the secretariat will serve as the public registry, following any necessary revisions, subject to confirmation by CMA2 in November 2019. It will consist of a registry portal with two parts, one for NDCs and another for adaptation communications.

The secretariat is requested to develop a prototype and present it to Parties in June 2019, to enable CMA2 to take a decision. An annex lays out the modalities and procedures for the operation and use of the public registry. The registry will contain all previously submitted NDCs, but while it will allow sorting and searching for specific NDCs, no advanced function will be available for searching within and across NDCs.

Response measures

The issue of negative impacts of “response measures” (economic or social losses triggered by the implementation of mitigation policies in other countries) has traditionally been a side-stream of mitigation-related negotiations. At COP24, the CMA confirmed the Paris decision that the Forum on the Impact of the Implementation of Response Measures under the Subsidiary Bodies (SBs) will serve the Paris Agreement.

The modalities, development of a six-year work programme, and functions of the Forum were **agreed**. A key task for the Forum is to develop modelling tools and methodologies to assess the impacts of mitigation policies. A Katowice Committee of Experts on the Impacts of the Implementation of Response Measures was established, with 14 members, to support the work of the Forum. Two members will come from intergovernmental organisations (a new feature of a UNFCCC body). The first meeting of the Committee will be held for two days, in conjunction with the SB sessions starting from their fiftieth sessions (June 2019). Parties are invited to submit nominations for the committee and suggestions for the workplan by 15 April 2019.

2. Cooperative approaches

The most visible gap in the Paris rulebook was caused by the failure to agree on the rules for the Article 6 mechanisms of the Paris Agreement: cooperative approaches under Article 6.2; the mechanism for mitigation and sustainable development under Article 6.4; and the non-market mechanism under Article 6.8.

Substantial progress was made during an unprecedented number of negotiation hours, and the following areas of agreement existed before the text was “buried”:

- On governance, there was agreement that the Article 6.2 mechanism would not to be subject to international oversight, while the Article 6.4 mechanism would be run by a supervisory body similar to the current Executive Board of the Clean Development Mechanism (CDM).
- Parties participating in Article 6.2 would need a registry, but the UNFCCC would provide a joint registry for those countries unable/ unwilling to set up their own registry.
- Article 6.4 would include a grievance mechanism.
- Accounting would be subject to a technical expert review along the lines of the review agreed under Article 13. Accounting would be done against inventories, not NDCs.
- Non-CO₂ units could be used, requiring a buffer registry.
- Corresponding adjustments could be limited to the end of the NDC period.
- Overall mitigation of global emissions would be purely voluntary, and no discount of units would be done.
- Each Party would have to describe in its BTR why reference levels and baselines would be stringent and below business as usual.
- Upscaling of mechanisms beyond projects and programmes would be possible.

However, some critical stumbling blocks remained. Differences between certain emerging economies (especially Brazil) on one side, and least developed countries (LDCs), the Independent Association of Latin America and the Caribbean (AILAC), Environmental Integrity Group (EIG), and most industrialised countries on the other side regarding the need for robust accounting and the role of activities and credits from the Kyoto Mechanisms under the Paris Agreement could not be overcome.

The straw that broke the camel’s back was the exemption of non-NDC sectors from corresponding adjustments sought by Brazil. Further remaining differences included:

- the scope of the mechanisms, particularly the coverage of sectors outside the NDCs (including deforestation), and the use of units for mechanisms outside of the UNFCCC regime (such as the Carbon Offsetting and Reduction Scheme for International Aviation, CORSIA);
- the adaptation charge on Article 6.2 (opposed by industrialised countries); and
- whether baselines should be defined by best available technologies or by benchmarks and the duration of crediting periods.

It should also be noted that paragraph 77(d) of the Katowice decision on the modalities, procedures and guidelines for the transparency framework specifies that a corresponding adjustment is necessary for both: the use of units for the achievement of NDCs; and for international mitigation purposes other than the achievement of NDCs (such as for CORSIA compliance).

In the end, the Article 6 decision was **deferred** to CMA2 in November 2019, with the negotiations to be resumed from a relatively early version of text (issued on 8 December 2018). Texts issued by the Presidency in the second week were seen by many Parties as not fully reflecting consensus, and the texts issued on the last day of negotiations (L.24, L.25 and L.26) were opposed so strongly by many Parties that they were deleted from the UNFCCC website.



If we keep kicking the can down the road, we not only risk losing the can, we risk losing our way. In decades to come we will all be historically responsible. Who do we blame then and who take responsibility? If the ship is sinking we can't say that we are OK because our cabin has no water.

Kishan Kumarsingh,
Trinidad and Tobago

3. Adaptation

A key concern for developing countries has been to ensure that adaptation is given as much importance as mitigation (along with means of implementation) in the climate negotiations. Hence, for instance, the push for adaptation communications and the inclusion of adaptation elements in the NDCs. However, while the rulebook contains a fair amount of text on the adaptation components the Paris Agreement, it lacks the granularity and specificity of the rules for mitigation. The focus is still very much on “take it or leave it” guidance on reporting; seeking metrics to measure adaptation action; timidly considering ways to facilitate support; and “urging” support from developed countries for LDCs and other developing countries.

Adaptation Communications

Article 7.10 of the Paris Agreement provides that Parties can voluntarily submit and update adaptation communications, that may describe national priorities, needs, actions and efforts. COP24 elaborated further guidance for these adaptation communications, “...including, *inter alia*, as a component of nationally determined contributions”. It was agreed that the purpose of the adaptation communication is to:

- increase the visibility and profile of adaptation and its balance with mitigation;
- strengthen adaptation action and support for developing countries;
- provide input to the global stocktake; and
- enhance learning and understanding of adaptation needs and actions.

The flexibility provided to Parties in the Paris Agreement is maintained, including in the choice of communication or document in which a Party may submit its adaptation communication. While the decision itself calls for *ex ante* information, Parties may additionally choose to include *ex post* information, such as information on progress, results achieved, and monitoring and evaluation.

Parties that choose to submit their adaptation communication as part of National Communications or National Adaptation Plans (NAPs) may take into consideration the guidelines that exist for these documents. In addition, the Adaptation Committee, with the engagement of the IPCC, is tasked with drafting supplementary guidance for voluntary use by Parties by June 2022. This will be considered at the 57th meeting of the Subsidiary Bodies in November 2022, and if necessary, revised in 2025, following a stocktake.

The decision further contains provisions inviting relevant bodies/institutions to support developing countries in the preparation and submission of adaptation communications, and in the implementation of their adaptation plans and actions.

Public Registry

The adaptation communications will be stored in the public registry mentioned before, which will have two parts, for NDCs and adaptation communications respectively.

Assessing adaptation needs

It was agreed that the Adaptation Committee, in collaboration with the LDC Expert Group (LEG) and others, will develop and regularly update an inventory of relevant methodologies to assess adaptation needs related to action, finance, capacity-building, and technological support by June 2020. Following submissions by Parties

and observer organisations by February 2020, the Adaptation Committee, with the IPCC, will prepare a technical paper on methodologies to assess adaptation needs and their application, related gaps, good practices, lessons learned and guidelines, for consideration and further guidance by the 57th session of the Subsidiary Body for Scientific and Technological Advice (SBSTA57) in November 2022. The Paris Committee on Capacity Building (PCCB) is also invited to facilitate access to, and implementation of, methodologies for assessing adaptation needs in the context of providing support for building adaptation capacity.

Recognition of adaptation efforts

While some developing countries have pushed for greater recognition of their efforts to deal with the impacts of climate change for several years, a concrete way of doing so has proven elusive. At COP24, it was **agreed** that the synthesis report prepared by the secretariat for the global stocktake would include information on the adaptation efforts of developing countries (including an assessment of support needs for adaptation). The information will be drawn from “*the most recent documents that may contain adaptation information*”, which could include adaptation communications, NAPs, National Communications, NDCs, other reports prepared under the transparency framework, and reports of the IPCC and other relevant scientific bodies.

Coherence of institutional arrangements

At COP24, it was **agreed** that the Adaptation Committee and the LEG will serve the Paris Agreement. Institutional arrangements related to finance, technology development and transfer, and capacity-building, are encouraged to strive for a balance between adaptation and mitigation. The Consultative Group of Experts and the LEG are invited to work together on training for assessing vulnerability and other aspects of adaptation. The Adaptation Committee is invited to continue making recommendations on ways to enhance collaboration, and promote coherence and synergies of adaptation-related institutions.

4. Loss and Damage

While there was no specific outcome on loss and damage at Katowice, important advances were made on this issue: references to loss and damage have been included in the transparency mechanism and global stocktake. The rules for the transparency framework state that interested Parties may provide, as appropriate, information related to enhancing understanding, action and support, on a cooperative and facilitative basis, to avert, minimise and address loss and damage associated with climate change impacts. The global stocktake may take into account, as appropriate, efforts to avert, minimise and address climate-related loss and damage.

These two additions came as a result of heavy lifting by small island developing States (SIDS) and LDCs, who argued that the inclusion of Article 8 (on loss and damage) in the Paris Agreement meant that the issue should be considered in the context of overall implementation of the Agreement, including in its review mechanisms.

5. Finance

There were at least four main areas of contention related to finance in the rulebook negotiations:

- *Ex ante* information to be provided by developed countries under Article 9.5 of the Paris Agreement.
- *Ex post* information to be provided by developed countries under Article 9.7 of the



A major outcome of Katowice was the inclusion of reporting on, and consideration of, loss and damage in the transparency framework and in the global stocktake.

Maesela Kekana,
South Africa

Paris Agreement.

- The role of the Adaptation Fund in serving the Paris Agreement, which needed elaboration, and sources of funding.
- The long-term financial goal for the post-2025 period.

Another contentious issue that arose during the negotiations was the elaboration of Article 2.1(c) of the Paris Agreement, which calls on Parties to make finance flows consistent with a pathway towards low GHG emissions and climate-resilient development.

Article 9.5

In Katowice, Parties **reiterated** that the biennial communication under Article. 9.5, which is mandatory for industrialised countries and voluntary for all other countries from 2020 onwards, will include, “*as available*”, projected levels of public resources and methodologies and assumptions for projections, and information on programmes, funding channels, the type of support, proposed evaluation criteria of climate finance providers, lessons learnt, plans to mobilise further funding etc. as well as “*an indication of new and additional resources to be provided, and how Parties determine such resources as new and additional*”. This flexibility to report on new and additional resources has been seen as a signal to developed countries that climate finance is not required to come from new funding streams alone, and criticised by some commentators.

The secretariat is requested to establish a dedicated online portal for the biennial communications; prepare a compilation and synthesis of the information from 2021 to feed into the global stocktake; and organise biennial in-session workshops. These guidelines will be reviewed at CMA6 in 2023.

Article 9.7

The outcome of the discussions under Article 9.7 on the modalities for the (*ex-post*) accounting of financial resources provided and mobilised through public interventions was incorporated into the decision on the rules for the transparency framework in the wider context of information on financial, technical, and capacity building support.

Developed country Parties will have to provide information on, *inter alia*, the amount provided annually, the amount used to mobilise support, the type of intervention (e.g. grant, capacity building) and the relevant sector/s of the economy. (There are, however, still no common guidelines to calculate the climate finance value of loan financing). As part of the underlying assumptions, definitions, and methodologies Parties should also indicate their definition of public and private finance, identify a clear causal link (between public intervention and mobilised private finance), and include information on their efforts to avoid double counting. Acquisition of units under the market mechanisms cannot be counted as climate finance. Parties will also report on their experience regarding policies to incentivise private climate financing and investment.

Role of the Adaptation Fund

It was **decided** that the Adaptation Fund, set up under the Kyoto Protocol, shall serve the Paris Agreement from 1 January 2019. Further, it will exclusively serve the Paris Agreement once the share of proceeds under Article 6.4 of the Paris Agreement become available. It will, however, continue to receive the share of proceeds, if available, from the CDM of the Kyoto Protocol.

Developing and developed country Parties to the Paris Agreement will be eligible for membership to the Adaptation Fund Board (AFB) – this matter will be considered by SBI50 in June 2019, and a recommendation will be forwarded to the fifteenth Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP15) in November 2019.

The AFB is requested to consider the rules of procedure of the Board in this light. Their recommendations will be considered by CMP15, and then by CMA2 in November 2019.

Long-term quantified goal

Although UNFCCC Article 11.3, in 1992, called for the “*determination ... of the amount of funding necessary and available for the implementation of this Convention*”, there has been no progress on this Article in the past, mainly because developed countries were afraid of inflated demands from developing countries. For the same reason, resistance was in evidence, before Katowice, to initiating work on Article 9.3 of the Paris Agreement, which calls for the setting of a new collective long-term quantified goal for climate finance by 2025.

The Paris Agreement, in Article 2.1(c), introduced another finance-related concept that proved highly controversial – in this case mainly for developing countries: that of “*making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development*”.

Remarkably, both taboos are addressed in the Katowice **decision** relating to the new collective quantified goal on finance. It calls for deliberations on the new quantified goal to begin at CMA3 November 2020; and for consideration, as part of these deliberations, of the aim of making finance flows consistent with a pathway towards low GHG emissions and climate-resilient development.

The goal of making finance flows consistent is also mentioned in the annex of the decision related to Article 9.5, which calls for the biennial communications to report on how support provided and mobilised is targeted at helping developing countries in making financial flows consistent with a pathway towards low GHG emissions and climate-resilient development.

(This *quid pro quo* overcoming of taboos on both sides is also reflected in the guidance provided to the Standing Committee on Finance (SCF): it is **requested** to map information on Article 2.1(c); and to prepare a report on the determination of developing country needs related to implementing the UNFCCC and the Paris Agreement, every four years).

6. Technology development and transfer

COP24 **adopted** the scope of, and modalities for, a transparent, inclusive and participatory periodic assessment of the effectiveness and adequacy of the support provided to the Technology Mechanism.

The first periodic assessment will begin at CMA4, in November 2021, and be completed in CMA5. The outcomes should serve as an input to the global stocktake, and guide improved effectiveness and enhanced support to the Technology Mechanism. They will also be considered when updating the technology framework. SBI51 in November 2019



Despite the external challenging environment, Katowice delivered guidelines that promote trust among countries through the enhanced transparency framework and can facilitate further ambition. All stakeholders must ensure that this outcome steers us to greater climate action and benefit the most vulnerable.

Irene Suárez Pérez,
AILAC

is asked to “*consider the alignment between processes*” pertaining to the review of the Climate Technology Centre and Network (CTCN).

COP24 also **adopted** the Technology Framework established under Article 10.4 of the Paris Agreement, to be implemented by the Technology Executive Committee (TEC) and the CTCN, under CMA guidance. The TEC and CTCN will report progress in their joint annual reports. The Framework will, *inter alia*:

- provide overarching guidance to the work of the Technology Mechanism; and
- play a strategic role in improving the effectiveness and efficiency of the work of the Technology Mechanism (which consists of the TEC and CTCN).

Towards this end, the TEC and CTCN are required to incorporate the guidance contained in the technology framework into their respective work plan and programmes of work. It was agreed that the Framework can also facilitate the strengthening of financial support for technology development and transfer. The key themes of the Framework include implementation; enabling environment and capacity building; collaboration; and stakeholder engagement and support.

7. Capacity building

The PAWP did not include further work on capacity building, as the PCCB was established at COP21. However, language on capacity building was added to the decision providing guidance on Article 4 on mitigation, and was key to unlocking agreement on guidance to ICTU and accounting. Capacity building was also a key concern for developing countries in the transparency discussions, and this is reflected in the guidance decision.

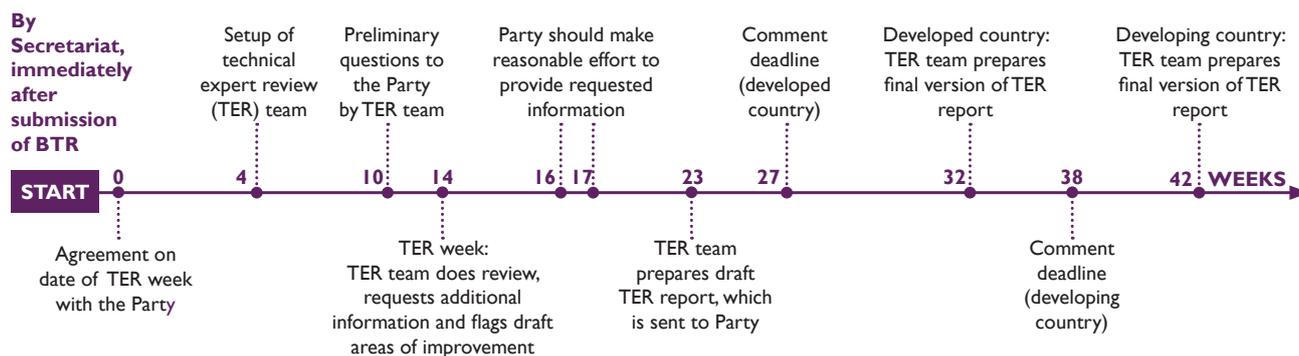
8. Transparency

The transparency arrangements for action and support, through which countries report back on their efforts to address climate change, are a “top-down” element of the Paris Agreement that allows an assessment of otherwise “nationally determined” action. The key area of disagreement in the transparency discussions related to whether reporting rules for countries should be uniform but with some flexibility for those developing countries that need it on the basis of their capacities; bifurcated as in the Kyoto Protocol regime; or include a more nuanced differentiation between developed and developing countries.

In Katowice, Parties **opted** for a common set of rules with flexibility for those Parties that need it. The modalities, procedures and guidelines (MPGs) state that the application of flexibility for those developing countries that need it in the light of their capacities will be self-determined. Developing countries should, however, clearly indicate the provision to which flexibility is applied, clarify capacity constraints, and provide estimated timeframes for improvements in relation to those capacity constraints. The application of flexibility provisions by developing countries cannot be reviewed by the technical expert review teams. The US and a few of the Umbrella Group countries had hoped to put a time limit on this flexibility, but did not succeed. LDCs and SIDS can apply the transparency rules “*at their discretion*”.

Flexibility, where it is needed, will not apply across the board: the MPGs specify the provisions for which flexibility is available. This includes, for example, the scope, frequency and level of detail of reporting; and the format of the technical expert review (whether it is in-country, or centralised). Provisions are also made to facilitate improved

Transparency arrangements under the Paris Agreement rulebook



reporting and transparency over time, including the identification of capacity building support needs, and the provision of support. Developing countries using flexibility are encouraged to report on how they will improve over time.

Parties are expected to submit their first BTR and national inventory report (NIR) (if submitted as a stand-alone report) at the latest by 31 December 2024. This means that the 2023 Global Stocktake will be based on existing (and less comprehensive) reporting requirements. The Global Environment Facility (GEF) is to provide financing for BTRs of developing countries, and for building their transparency-related capacity.

BTRs are expected to cover a number of elements. Some of these, such as the submission of GHG inventory reports, information on progress towards implementation and achievement of NDCs, use of market mechanisms, and support provided by developed countries, are mandatory, whilst others (information on adaptation and support received) are not. In addition, countries may submit information related to enhancing understanding, action and support, on a cooperative and facilitative basis, to avert, minimise and address loss and damage associated with climate change impacts.

Countries will have to report using common reporting tables and tabular formats to be developed by SBSTA, and adopted by CMA3 in 2020, taking into account the existing common tabular formats and common reporting formats. The application of flexibility for those developing countries that need it in the light of their capacities relates to key aspects of the BTRs/NIRs, as indicated in the Table below.

Flexibilities in BTRs/NIRs		
	All Parties	Developing countries using flexibility
Key category threshold	95%	85%
Significance threshold	0.5 Mt CO ₂ /0.05% national emissions	1Mt /0.1%
Gases covered	7 gases	CO ₂ , CH ₄ , and N ₂ O
Time series	1990 – 2 years bp*	2020 – 3 years bp*
Emission projections	15 years beyond next round year	Voluntary, until end of NDC period
Climate finance provided	Mandatory	Voluntary
Uncertainty assessment	Quantitative and qualitative estimates	Qualitative estimate for key categories
* before present year		



The COP24 outcome highlights the extent to which the international politics of climate change is wildly out of sync with global technological capacity to actually address the problem. It also exposes the willful ignorance of the multilateral process in relation to the scientific consensus on the scale of the climate problem and the limited timeframe left for meaningful action. Consequently, even though the COP24 outcome delivered the key elements to make the Paris Agreement operational, it did not secure the ambition required to make it worthwhile.

Rueanna Haynes,
St Kitts and Nevis

The MPGs also cover the process of reviewing information submitted by Parties, which includes two aspects: a technical expert review (of mandatory information submitted in the BTR and NIR) that will take one year; followed by a facilitative, multilateral consideration of progress (FMCP) towards implementation and achievement of a country's NDC and its efforts under Article 9. The technical expert review may take different forms: centralised; in-country; desk-based; or simplified.

Countries and intergovernmental organisations are invited to nominate experts for the roster of experts. The secretariat will produce synthesis reports of BTRs, technical expert review reports, and records of FMCP. These will be published on the UNFCCC website. The GEF is tasked with assisting developing countries in meeting their increased reporting requirements. There is also a role for the Consultative Group of Experts, who will now also serve the Paris Agreement, to assist by facilitating the provision of technical advice and support to developing countries.

9. Global Stocktake

Areas of disagreement on the global stocktake (GST) during the Katowice Conference related to the operationalisation of equity; the scope of the GST; whether loss and damage should be in a separate workstream under the technical dialogue, or if it should be addressed under the adaptation workstream; the modalities of the GST; and the participation of stakeholders.

Although **agreement** was reached on these issues at the very end, some were disappointed at what they saw as a weak outcome. "As it is now, the stocktake is not set up to measure individual and collective contributions under the Paris Agreement," commented one negotiator. "That means the GST can derail into a meaningless 'exchange of experiences'."

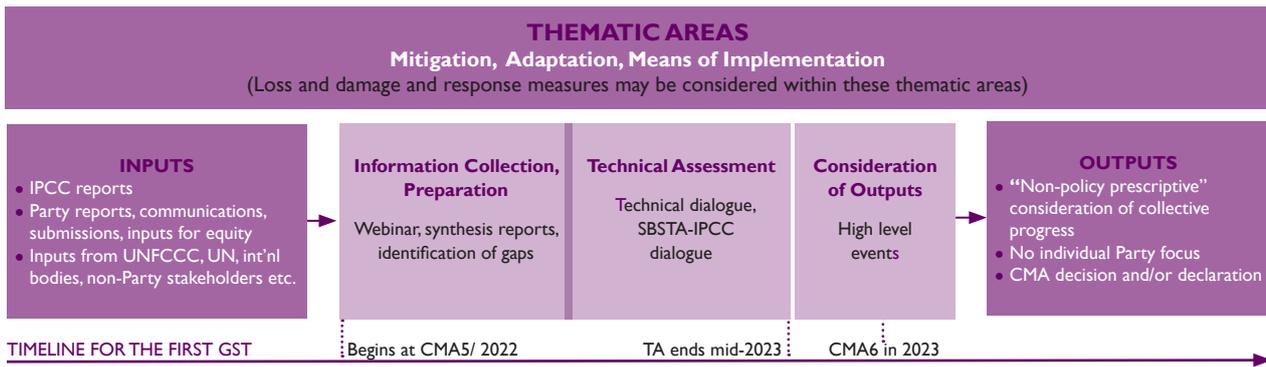
Modalities

The GST will consider three thematic areas: mitigation; adaptation; and means of implementation and support. However, the technical dialogue between Parties may consider loss and damage and response measures within these thematic areas; and inputs may include information on loss and damage.

The stocktake will have three stages:

- **Information collection and preparation:** This will begin one session before the start of the second component (the technical assessment), and end six months before the final consideration of outputs. During this stage, the secretariat will organise a webinar to clarify methodologies and assumptions used to aggregate inputs, and prepare synthesis reports on: the state of GHG emissions and mitigation efforts undertaken by Parties; the state of adaptation efforts, experience and priorities; the overall effect of NDCs; and financial flows. The SBSTA and SBI Chairs will then identify information gaps and request additional input.
- **Technical assessment:** This stage, which can overlap with the first, will take stock of implementation; assess collective progress; and identify opportunities for enhanced action and support. For the first GST, this component will take place during the two (or depending on the timing of the publication of the IPCC reports, three) successive SB sessions preceding CMA6 in November 2023. The discussions should be balanced, holistic and comprehensive; consider linkages; and take into account equity considerations and the best available science. **A technical dialogue** between Parties, through in-session round tables, workshops or other activities, will

Global Stocktake under the Paris Agreement rulebook



be organised thematically, on mitigation, adaptation, and means of implementation and support (and in this context, efforts to address the social and economic consequences and impacts of response measures; and to avert, minimise and address climate-related loss and damage). The dialogue co-facilitators will summarise outputs for each thematic area, taking into account equity and the best available science.

- **Consideration of outputs:** This stage will consist of high-level events to present the technical assessment findings and discuss implications, with a view to informing Parties in updating and enhancing their actions and support in the light of equity and the best available science. For the first GST, this will take place at CMA6 in 2023. During this stage, challenges and opportunities will be identified; and key political messages will be summarised and be referenced in a decision for consideration by the CMA, and/or a political declaration.

This cycle will repeat every five years, following reviews based on experience gained in the first and subsequent GSTs. The SBSTA and SBI Chairs are requested to develop guiding questions for the GST, including specific thematic and crosscutting questions. The GSTs will be Party-driven, with the participation of non-Party stakeholders. The latter may make submissions, but cannot participate in the consideration of outputs. All inputs will be fully accessible by Parties, including online.

Inputs

The GST will consider information at a collective level on:

- GHG emissions and mitigation efforts undertaken by Parties;
- the overall effect of NDCs and overall progress made by Parties towards implementing NDCs;
- the state of adaptation efforts, support, experience and priorities;
- finance flows (including information from the latest SCF biennial assessment);
- efforts to enhance understanding, action and support, on a cooperative and facilitative basis, related to averting, minimising and addressing climate-related loss and damage;
- barriers and challenges, including finance, technology, and capacity-building gaps faced by developing countries;
- good practices, experience and potential opportunities to enhance international cooperation on mitigation and adaptation; and
- fairness considerations, including equity, as communicated by Parties in their NDCs.

The sources for this information will include: reports and communications from Parties; IPCC reports; reports from the SBs, and other bodies under or serving the Paris Agreement and UNFCCC; synthesis reports by the secretariat; reports from UN agencies and other international organisations; voluntary submissions from Parties, including on inputs to inform equity considerations; relevant reports from regional groups and institutions; and submissions from non-Party stakeholders and UNFCCC observer organisations.

Outputs

The outputs of the stocktake should summarise opportunities and challenges for enhancing action and support in the light of equity and the best available science, as well as lessons learned and good practices. The overall outputs of the GST should focus on taking stock of the implementation of the Paris Agreement to assess collective progress, with no individual Party focus. It should include “*non-policy prescriptive consideration of collective progress*” that Parties can use to update NDCs and enhance international cooperation for climate action.



*We got a robust Rulebook.
Now let's focus on
ambition.*

Outi Honkatukia,
Finland

The outputs should “*be referenced in a decision for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement and/or a declaration*”. (As in the case of the Talanoa Dialogue, this ambiguity on whether there should be a COP decision could dilute the overall impact of the stocktake process). Parties are then requested to present their NDCs, informed by the GST outcome, at a special event under the auspices of the UN Secretary-General. A “political moment” under the UNFCCC where all Parties are expected to adjust their NDC ambition in response to the GST is not currently envisaged.

In the final plenary, India expressed disappointment with the treatment of equity in the stocktake, particularly in the outputs of the GST. Some other negotiators felt progress was made on this issue, as the equity metrics used by Parties in their NDCs will be used as a source of input and form part of both the technical and political phase. However, there is no clear guidance on how equity will be considered in either the inputs, technical assessment, or outputs. Others expressed disappointment that the equity discussion continued to be framed in the burden-sharing context, rather than in the context of “leaving no one behind” as the world moves to a new, low-emission paradigm of development.

10. Compliance

The basic make-up, size, and – at least partially – mandate of the Compliance Committee for the Paris Agreement’s compliance mechanism (Article 15) was already decided in Paris. The modalities and procedures for its operation **adopted** in Katowice, therefore, repeat the existing arrangements previously agreed and create the process for the election of its members (at the CMA in 2019, 6 members will be elected for 2 years, and 6 members for 3 years). The modalities and procedures will be reviewed at CMA7, in 2024.

The Committee will make every effort to reach agreement on any decision by consensus. If this fails, the decision may be adopted by at least three quarters of the members present and voting. The rules mandate the Committee to develop further procedural rules on its operation (conflict of interest, timelines etc.) for adoption by the CMA in 2020.



While Katowice may not have delivered all we wanted, there must be no more excuses. COP24 has given us guidance to implement the Paris Agreement. Countries must now respond to the findings of the IPCC Special Report on 1.5°C by coming forward with more ambitious nationally determined contributions by 2020 at the latest, building on the learnings from the Talanoa Dialogue.

Kaveh Guilanpour,
Republic of the Marshall Islands

Parties generally accepted that a “self-referral” should trigger the committee’s involvement. A written submission by a Party with respect to its own Paris Agreement implementation and/or compliance will, therefore result in an examination by the Committee.

In addition, the Committee itself can initiate the consideration of issues if Parties did not comply with their basic reporting obligations under the Paris Agreement (e.g. submit an NDC, NIR, BTR, information on support provided and information under Article 9.5) or failed to participate in the FMCP. The Committee is, however, barred from considering the content of the required information (paragraph 23 of the modalities and procedures). Its mandate is limited to the “if”, and does not cover the “how”.

To consider cases of “*significant and persistent inconsistencies*” in NIRs, progress reports, information on support provided and the modalities, procedures and guidelines on transparency in general, the consent of the Party concerned is required. The Committee can issue findings of fact and recommendations, and identify measures such as further dialogue, assistance in the engagement with other bodies or the development of an action plan. It can also bring systemic issues faced by a number of Parties to the attention of the CMA – but in this context, it shall not single out any individual Party. It cannot engage in enforcement or dispute settlement, nor can it levy penalties or sanctions.

PRE-2020 AMBITION

A recent [ecbi policy brief](#) pointed to the importance of pre-2020 climate action, particularly in light of the IPCC special report on *Global Warming of 1.5°C*, and in light of developing country concerns that inadequate action by developed countries in the pre-2020 period would shift an additional, and unjust, burden on developing countries in the post-2020 period. The policy brief highlighted two key elements of pre-2020 action: mitigation action; and finance, to enable mitigation action in developing countries.

At COP24, a stocktake on pre-2020 action was held in two parts: a technical meeting on 5 December 2018, and a high-level meeting on 10 December 2018. In the absence of a mandate to measure precise quantitative (aggregate or individual) progress (the chances for which could perhaps be enhanced if the Doha Amendment receives sufficient ratifications and comes into force), the stocktake process was more in the nature of a “show and tell”.

The Alliance of Small Island States (AOSIS), in a [statement](#), expressed alarm that despite the findings of the IPCC special report on 1.5°C, 2018 [posted the highest emissions on record](#). “We are going in the wrong direction,” the AOSIS Chair cautioned, calling on developed countries to redouble their pre-2020 efforts and provide financial, technological and capacity-building support to developing countries so they too can ramp up pre-2020 action.

On climate finance, the *2018 Biennial Assessment and Overview of Climate Finance Flows* by the Standing Committee on Finance (SCF) found that while overall climate finance flows increased by 17% in 2015-2016 compared to 2013-2014, it was largely driven by high levels of new private investment in renewable energy. Public sector climate-specific flows from developed to developing countries, as reported in biennial reports from countries, amounted to US\$ 38 billion. Climate finance analysts also [expressed concern](#)

that the overall increase in climate finance was due to an increase in the provision of loans, rather than grants.

Another pre-2020 stocktake will take place at COP25 in 2019, but the window for ambition in the pre-2020 period is very near closing.

TALANOA DIALOGUE

In Paris in 2015, the aggregate ambition described in countries' NDCs was insufficient to reach the long-term temperature limitation goal adopted in the Paris Agreement. It was therefore decided to convene a facilitative dialogue in 2018 to take stock of the collective efforts and to inform the preparation of NDCs. Under the Presidency of Fiji, the dialogue was renamed the Talanoa Dialogue. Parties and civil society stakeholders were invited to share ideas and experiences and engage in collective efforts to limit the rise in global average temperatures in line with the Paris Agreement. While only a limited number of Parties made submissions in response to this call, hundreds of civil society organisations made submissions.

Many who came to the conference in Katowice expected further political signals on ambition, the need for urgent action in light of the special IPCC special report on 1.5°C, or even a continuation of the Talanoa Dialogue possibly leading into the first global stocktake under the Paris Agreement.

The Dialogue's final political phase took place at COP24 with the participation of ministers, who met in roundtable discussions on 11 December 2018. At the closing meeting of the Talanoa Dialogue on the following day, the Presidencies of COP23 and COP24 (Fiji and Poland) were tasked to provide a summary of key messages from the roundtables.

In their statements to the COP plenary, representatives of the two countries listed an array of issues that were addressed during the discussions, ranging from the need for global cooperation, pursuit of the Sustainable Development Goals, and mainstreaming climate change into law and policy, to carbon pricing and labelling, forests, just transition as well as the adverse effects of climate change, adaptation, human hardship, and indigenous knowledge. However, they did not extract any specific key concerns, conclusions or appeals out of their summary that the COP could have subsequently endorsed, supported, welcomed or noted. Instead, the COP decision merely "takes note of the outcome, inputs and outputs" of the Dialogue and invites Parties to consider these in preparing their NDCs and enhancing pre-2020 ambition. "The outcome should have been a COP decision inviting Parties to update their NDCs by 2020 to meet the 1.5°C target, particularly in light of the IPCC Special Report" says Carlos Fuller, from the Caribbean Community Climate Change Centre.

The ministerial roundtables of the Dialogue were a first for the UNFCCC process. It may be challenging to imagine a group of ministers and senior civil servants equipped with post-it notes in interactive discussions on how to raise mitigation ambition. However, any mediocre facilitator (with a little bit of experience in NGO strategy processes) would have been able to translate the leading themes into clear messages. Perhaps that was already deemed to be politically unachievable?



2019 will be critical to carry forward the momentum from the Talanoa Dialogue and the IPCC 1.5°C Special Report. The UN Secretary-General's climate summit in September 2019 will be an important platform for governments to commit to bolder, stronger, fairer and faster action and support, that will take us towards 1.5°C pathways.

Manjeet Dhakal,
Nepal



The formation of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform was a significant outcome at COP24. For the first time in the history of the Convention, there is equal participation of non-Party and Party representatives in a body governed by the UNFCCC. This is important, because in light of the IPCC 1.5°C report every type of knowledge, including indigenous and traditional knowledge, that enables a rapid transition to a low-carbon world is invaluable.

Annela Anger-Kraavi,
Estonia

The Dialogue appeared to have more impact in the informal sphere. For instance, the “high-ambition coalition” of almost 50 countries issued a **press statement** during COP24, expressing their determination to step up ambition by 2020, informed by the Talanoa Dialogue. The ultimate success of the Dialogue in raising ambition under the UNFCCC can only be judged in 2020, depending on how many countries raise their ambition, and by how much. Meanwhile, there is time for civil society to hold their governments accountable, to implementing the decision they signed on to in 2015 (to use the Dialogue to inform their updates or communication of NDCs); and to heeding the *Talanoa Call for Action*.

OTHER DECISIONS

A few of the other significant COP decisions that were adopted in Katowice, and discussions that took place, are highlighted here.

In the discussions on the Green Climate Fund (GCF) replenishment, a related disagreement centred on asking the SCF to prepare an assessment of funds needed by developing countries to implement the Convention, with a view to help inform the first GCF replenishment process. A reference to the IPCC special report on 1.5°C in the GCF decision was opposed by some countries on grounds that it will lead to focus on mitigation (others felt it would increase the focus on adaptation). The **decision** calls for the replenishment process to conclude in October 2019.

Calls for direct access to funds from the GEF were opposed, on grounds that this would “open the floodgates” for national institutions’ accreditation across different environmental conventions.

The Local Communities and Indigenous Peoples Platform was **further operationalised** in Katowice. A Facilitative Working Group, that will consist of 14 members, including seven representatives from indigenous peoples’ organisations, was established. It will meet twice a year, and propose an initial two-year plan at COP25.

CONCLUSIONS

In Katowice, the international community reached a formal agreement on how to implement most of the elements of the Paris Agreement. This was due to the strong engagement by UN Secretary-General António Guterres, who came to Katowice three times to push for a successful outcome; the flexibility shown by some countries; and the Polish Presidency (particularly towards the end of the meeting). There are still some gaps – such as the market mechanisms and the common timeframes – but they will be gradually filled by the Parties and the designated bodies of the Paris Agreement. With a degree of flexibility, it seems, multilateralism can still succeed.

To come back to the question of the rookie negotiator: does the Katowice outcome solve the climate change problem? No, it does not. Current climate pledges – if implemented – will not limit global warming to 1.5°C or even 2°C. It remains to be seen if the Talanoa Dialogue will result in increasing the ambition of countries, although the prognosis does not look good, especially in the absence of a clear call, or a COP decision. If the Dialogue (and the pre-2020 stocktake) is a preview of the global stocktakes to come, then this

does not bode well for the future of the regime either. Without a specific point of time when all countries are expected to rise up to the task at hand and do their fair share, countries are unlikely to feel any pressure to enhance their pledges. However, a “common pressure point” can still, perhaps, be created through the discussion on common timeframes.

The Paris rulebook is the result of many small compromises, which gives Parties not only flexibility in its implementation but also room for interpretations. As a tool to operationalise a legal instrument that has been described by some academics as “soft law” (especially given the absence of sanctions), it does not provide a robust framework that holds Parties’ accountable for their actions and inactions. Neither does it incentivise or even encourage Parties to “over-perform” and make the ultimate effort in limiting and reducing GHG emissions. It is not, therefore, an adequate response to the climate crisis, or to the clarion call of the IPCC’s 1.5°C report.

Brazil, following the election of its new president Jair Bolsonaro, withdrew its offer to host COP25 in 2019. COP25 will now take place in Santiago, Chile (tentatively from 11-22 November). Chile is a middle-income developing country Party that has traditionally tried to build bridges between the South and North through the AILAC group. The country will perhaps be better placed to make loss and damage a key issue of the meeting, following the review of the loss and damage mechanism; bring together countries on an equal footing; finalise the negotiations on Article 6; and ensure that the negotiators are guided by the urgency to act now.

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