



## What to Watch in Warsaw

By Rebecca Lefton and Gwynne Taraska November 18, 2013

From November 11 to November 22, the annual Conference of the Parties, or COP, to the United Nations Framework Convention on Climate Change, or UNFCCC, is being held in Warsaw, Poland. The parties will begin developing a new global agreement to be finalized in 2015 and will discuss how to reduce greenhouse gas emissions before 2020, the year the agreement will take effect. The success of these negotiations will hinge on navigation around controversial areas such as finance and the issue of loss and damage. This issue brief examines what is on the line for the safety of our planet and what elements we should watch for in Warsaw.

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### Developing the form of a 2015 agreement

While a final agreement on the legal form of the new climate agreement will not be reached for some time, it will be an important topic of discussion in Warsaw. The 2012 Durban Platform—the final outcome of the 2012 COP in South Africa—represented a breakthrough in the UNFCCC process: For the first time, the parties accepted that a global climate agreement should be applicable to all parties to the UNFCCC. The 1997 Kyoto Protocol is the world's only legally binding agreement on emissions reductions, but it covers only about 14 percent of global emissions and requires greenhouse gas emissions reductions from only a small number of developed countries. The 2007 Long-term Cooperative Action, or LCA, track gave rise to the 2009 Copenhagen Accord and the 2010 Cancun Agreements, which stimulated mitigation pledges to cover 80 percent of global emissions, but these pledges are not legally binding. Looking forward, countries must build up from these two processes to ensure the broadest and most ambitious level of participation possible. Obligations must be flexible, allowing for varying commitments by countries at varying stages of development.

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## Setting a timetable or process for making national mitigation commitments

Negotiators in Warsaw will begin to set a concrete work plan for the 2015 agreement over the next two years. To do so, countries must converge on a process and timetable for committing to national mitigation targets and an ensuing review and assessment period prior to the COP in 2015. There is broad agreement among parties for a hybrid bottom-up and top-down approach, wherein countries articulate what they aim to do at the national level and then participate in a period of consultation and review among parties to assess the collective level of ambition.

During the pre-COP from October 2 to 4, when the Warsaw agenda was discussed, there was support for establishing a timeline for the 2015 agreement. On October 23, the European Parliament passed a resolution calling for parties in Warsaw to set a timetable and process for committing all parties to formulate mitigation commitments in 2014, then assess and revise them in 2015.<sup>1</sup> France, the host of the 2015 meeting in Paris, is pushing for mitigation targets to be announced at U.N. Secretary General Ban Ki-moon's climate leaders' summit in September 2014.<sup>2</sup> The U.S. position is that commitments should be made by early 2015, followed by a consultation and review period.<sup>3</sup>

Establishing a timetable and process for the 2015 agreement in Warsaw is a necessary fundamental goal for the UNFCCC negotiations moving forward and for stimulating countries to generate bold national and regional mitigation targets. But regardless of the level of ambition behind the 2015 agreement, it will not take effect until 2020, and experts agree that by then it will be too late to avoid disastrous impacts of global warming.

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## Closing the ambition gap

In the 2009 Copenhagen Accord, parties agreed to the goal of limiting average global temperature increase to 2 degrees Celsius above preindustrial levels by 2050. Scientists agree that this is the level necessary to avoid the worst impacts of climate change. Parties were invited to make national commitments that would facilitate meeting this goal by 2020 in the Cancun Agreements.<sup>4</sup> The most recent analysis of these pledges concludes that additional action will be needed to reach this goal.

According to the 2013 United Nations Environment Programme, or UNEP, Emissions Gap Report, which was released less than one week before the Warsaw talks, the emissions gap in 2020 would be from 8 to 12 gigatons of carbon dioxide equivalent, or GtCO<sub>2</sub>e, per year, even if current mitigation commitments were fully implemented.<sup>5</sup> Global greenhouse gas emissions would be 59 GtCO<sub>2</sub>e per year under a business-as-usual scenario in 2020. Yet if we want to prevent the global average temperature from rising above 2 degrees Celsius, our target range should remain from 38 to 47 GtCO<sub>2</sub>e in 2020.

Furthermore, the report finds that if we wait to act, high-carbon-emission infrastructure will continue to be built, which would veer us further from the path toward 2 degrees. It will also be more expensive because of the faster transition from fossil fuel-based economies toward clean energy economies that will be required and the high price tag of climate change impacts. Over the past two years, climate-related extreme storms, floods, heat waves, droughts, and wildfires killed more than 1,100 people and caused \$188 billion in damages in the United States alone.<sup>6</sup>

The urgency of this situation requires negotiators to turn their attention to closing the gap between parties' pledges to reduce emissions by 2020 and the reductions required to keep the 2 degree target in sight. This is known in the climate talks as the "ambition gap."

To narrow the gap, the UNEP report quantifies further emissions reductions that could be achieved by enhancing current pledges and additional international and national measures, such as improved practices in the agricultural sector and fossil fuel subsidy reform. It also recommends international cooperation on energy efficiency and renewable energy.

The process of identifying areas of mitigation potential and pathways for achieving reductions is an important step toward closing the ambition gap. A proposal by the Alliance of Small Island States, or AOSIS, would institutionalize this in the UNFCCC process.<sup>7</sup> The United States supports the AOSIS proposal in its ambition submission.<sup>8</sup> The institutions of the COP can be harnessed to facilitate the process, such as the Clean Technology Center and Network, or CTCN, which can provide technical assistance to increase capacity for cost-effective mitigation efforts in developing countries.<sup>9</sup> An important outcome of the Warsaw COP will be the full implementation of the CTCN.

But as the Center for American Progress has said, we also must look outside the UNFCCC to stay on track for the 2 degree target.<sup>10</sup> Bilateral cooperation and multilateral cooperation on climate and clean energy in other forums is necessary. For example, we must ramp up action in the Climate and Clean Air Coalition, in which more than 30 governments work together with businesses; U.N. bodies; the World Bank; and nongovernmental organizations, or NGOs, to tackle super pollutants—greenhouse gases such as black carbon and methane that are more powerful than carbon dioxide but remain in the atmosphere for a shorter period of time.<sup>11</sup>

The most significant opportunity to reduce emissions in the near term is through a phasedown of hydrofluorocarbons, or HFCs—super pollutants that are hundreds to thousands of times more potent than CO<sub>2</sub>—in the Montreal Protocol.<sup>12</sup> A phasedown of HFCs in the Montreal Protocol can avoid 1.9 GTCO<sub>2</sub>e by 2020 and more than 95 GTCO<sub>2</sub>e by mid-century. There is no time to waste. Just last week, the World Meteorological Organization reported that the amount of greenhouse gases in the atmosphere reached a new record high in 2012, an upward trend that is expected to continue under business-as-usual conditions.<sup>13</sup>

The United States, Canada, and Mexico have submitted a proposal to phase down HFCs in the Montreal Protocol every year for the past five years; Micronesia has done the same, most recently at the annual Meeting of the Parties in Montreal. Momentum for a phasedown has never been higher. Most recently, the G-20 expressed support for using the Montreal Protocol to phasedown HFCs in September in Russia.<sup>14</sup> But despite a presidential agreement to cooperate on HFCs between President Barack Obama and President Xi Jinping of China, and despite India's participation in the G-20 summit, these countries opposed moving forward with a phasedown in Montreal.<sup>15</sup> It is critical that there is no backsliding on HFCs at the COP in Warsaw.

Making progress on the 2015 agreement and closing the ambition gap will depend on whether controversial issues can be resolved swiftly without impeding progress on other issues.

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## Meeting climate finance commitments

In 2009, developed countries committed to mobilizing \$100 billion annually from public and private sources for climate mitigation and adaptation by 2020. Countries also agreed to the creation of the Green Climate Fund, or GCF, which would provide a significant portion of the \$100 billion commitment. Now, parties must look toward operationalizing the GCF and capitalizing it.

Developing countries have been pushing for a clear road map to \$100 billion annually by 2020 and scaled-up financial resources between now and 2020. In the October statement from Brazil, South Africa, India, and China, or BASIC, “Ministers stressed that finance is key to the success of the Warsaw Conference.”<sup>16</sup> The countries also added that public sources should be the primary source of funding and that private-sector finance should be supplementary.

The United States is committed to maintaining current levels of international climate finance. During a speech at Chatham House in London on October 22, Todd Stern, the U.S. special envoy on climate change, said that “no step change in overall levels of public funding from developed countries is likely to come anytime soon. The fiscal reality of the United States and other developed countries is not going to allow it.”<sup>17</sup> The United States and other donor countries have focused on the need to use public resources to leverage larger private flows. This is reflected in the U.S. submission on scaling up long-term finance.<sup>18</sup> The U.S. submission calls for developed countries to provide technical assistance and risk-reduction tools, as well as to facilitate low-cost debt financing to attract investments. It also calls for financing to close the “viability gap” between high-carbon and clean technologies.

There is a High-Level Ministerial Dialogue on Climate Finance scheduled to take place in Warsaw this year during which countries will discuss how to mobilize and scale up climate finance, ensure effectiveness, and leverage private investments.

Looking forward, the world should seek to streamline finance, as there is a convergence of U.N. intergovernmental processes, including the post-2015 development agenda and financing for development and the creation of a new set of Sustainable Development Goals. These processes must not compete with one another. The goals of poverty eradication and environmental sustainability are inextricable. Indeed, climate change threatens to undo development gains.<sup>19</sup>

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## Loss and damage in the UNFCCC talks

Adverse impacts of climate change are already causing substantial harm to natural and human systems. These impacts may take the form of severe weather events, such as Typhoon Haiyan, which ravaged the central Philippines on November 8, or slow-onset events, such as sea-level and temperature rise. They may cause either reparable damage or permanent loss, such as loss of life, livelihood, culture, goods, ecosystems, or territory.

The parties created a Work Programme under the Subsidiary Body for Implementation, or SBI, during the 2010 climate talks in Cancun to consider methods of addressing loss and damage in developing countries that are vulnerable to harmful climate impacts.

After two years of studies and meetings, the parties in Doha agreed that this COP in Warsaw should establish “institutional arrangements, such as an international mechanism ... to address loss and damage associated with the impacts of climate change in developing countries that are particularly vulnerable to the adverse effects of climate change.”<sup>20</sup> Parties also requested that developed countries “provide developing country Parties with finance, technology and capacity-building.”

To date, the topic of loss and damage has set developed and developing countries at odds. Two questions about what the institutional arrangement to address loss and damage should look like have caused particular controversy: Should the loss-and-damage mechanism constitute a third pillar in addition to adaptation and mitigation? And should the loss-and-damage mechanism include compensation for economic losses, rehabilitation of damage, and even reparations for noneconomic losses?

Residual loss and damage—that is, the loss and damage that occurs even despite mitigation and adaptation measures—is emerging as a central concern among developing countries and international NGOs. It is argued that just as the UNFCCC once expanded its focus to include adaptation as a standalone issue in addition to mitigation, so too must it now expand its focus to include loss and damage as a standalone issue instead of subsuming it under the adaptation framework.<sup>21</sup>

During last year's talks in Doha, AOSIS called for a compensation mechanism, as did Bolivia on behalf of itself and Ecuador, China, El Salvador, Guatemala, Thailand, the Philippines, and Nicaragua; Gambia on behalf of the Least Developed Countries Group on Loss and Damage; Ghana; and Swaziland on behalf of the African Group.<sup>22</sup>

The United States, on the other hand, energetically opposed a compensation mechanism in Doha, and the European Union stated that “loss and damage should be seen in the context of mitigation and adaptation and not as a separate issue.”<sup>23</sup>

As of November 13, there have been four submissions to this COP on loss and damage. The submission from the European Union includes a call to mobilize financial support, as did the decision of the parties in Doha, and—in contrast to its previous submission on loss and damage—no longer explicitly states that loss and damage is not a separate issue from mitigation and adaptation.

Although the submission from the G-77—a group of developing countries—and China does not mention compensation, it does call for “the provision of new, predictable, and reliable financial support for the assessment of, and responses to, loss and damage,” which may cause conflict among the parties. The decision in Doha asked “developed country Parties to provide developing country Parties with finance,” but it did not specify whether this finance would be new or come from existing sources of international climate finance for adaptation and mitigation.

Norway's proposal on the loss-and-damage mechanism is made on the basis that it “remains an integrated part” of the adaptation framework. Many other countries will agree, on the grounds that human and natural systems that are adversely affected by climate change should be rehabilitated with an eye toward building resilience. Norway proposes a four-year working group on loss and damage, the members of which would come from bodies such as the Adaptation Committee and the Least Developed Countries Expert Group. It would create task forces to address specific issues; these task forces would include outside experts from academia, funding agencies, NGOs, and the like as appropriate. It includes a call for support from the Global Framework for Climate Services, which helps regions create and interpret climate information, as well as many other constructive proposals.<sup>24</sup>

The proposal from Nauru on behalf of AOSIS maintains that funding for the loss-and-damage mechanism “must be separate from adaptation funding and come from a dedicated source, which should take the form of a separate fund ... or a special funding window in one of the operating entities of the financial mechanism.”<sup>25</sup>

In Warsaw, the United States will likely continue to oppose language on compensation in the creation of a loss-and-damage mechanism. Stern said in his October remarks that, “Lectures about compensation, reparations and the like will produce nothing but antipathy among developed country policy makers and their publics.”<sup>26</sup> The inability of developed countries to provide a step increase in funding may provide another reason for them to reject language on liability or compensation.

While all parties agree that it is necessary to mobilize finance to address loss and damage, they will not agree on language regarding compensation or liability. Insistence on it would serve only to incite discord rather than discourse and progress, even if those who insist on it are correct in their assessment of responsibility and moral obligation. Instead, parties should focus on setting up a loss-and-damage mechanism that can make progress on the substance of the issue—which is that developing countries need technology transfer, knowledge sharing, and finance for rehabilitation and adaptation in order to address the real devastation that is caused by climate change.

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## Equity and CBDR continue to percolate in the talks

Countries’ positions on the roles of developing and developed countries in the UNFCCC underlie their positions on these issues to some extent. During the 17th ministerial meeting of BASIC on October 28 and 29 in China, the bloc concluded that the workstreams of developing the 2015 agreement and closing the ambition gap “shall be under the Convention and guided by its principles, in particular the principles of equity and common but differentiated responsibilities [CBDR] and respective capabilities.”<sup>27</sup>

In the past, developing countries have interpreted CBDR to mean that developed countries should be the first to act because of their historical responsibility for greenhouse gas emissions.

Stern affirmed support for the concept of CBDR that allows for varying country commitments based on levels of development, but he warned against the use of the principle to block developing countries from taking on requirements in his October speech in London.<sup>28</sup>

During the UNFCCC intersessional meeting in Bonn, Germany, in June, several NGOs under the Climate Action Network and Gambia on behalf of the Least Developed Countries called for the creation of an “equity reference framework.”<sup>29</sup> An equity reference framework would operationalize CBDR. It would apply the principles of historical responsibility, capability, and development needs in order to inform the mitigation and adaptation targets that each party should adopt for the 2015 treaty. In Bonn, however, several parties worried that an effort to create an equity reference framework would cause discord and end in an impasse.



Stern said in London that the annexes should not “play an operational role in defining the obligations and expectations of a new agreement” unless they “evolved with evolving material circumstances.” Stern noted the changing circumstances of countries since the 1992 classification of countries and cited the UNFCCC-commissioned MATCH study, which estimates that developing countries will surpass developed countries in historical emissions by 2020.<sup>30</sup> Nevertheless, at the October ministerial, BASIC reaffirmed that the UNFCCC already defines the differentiation between developed and developing countries, and this should underlie the structure of a 2015 agreement.

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## Conclusion: Looking ahead

Negotiators in Warsaw must pursue maximum participation and ambition for the 2015 agreement. They must ensure that all global emitters—past and present—act to reduce emissions as far as possible. Obligations should allow for varying commitments by countries at varying stages of development.

Efforts to embolden the distinction between developed and developing countries risk global initiatives to deal with climate change, within and outside the UNFCCC, as we saw most recently with the Montreal Protocol in October. In Warsaw, negotiators need to begin a productive conversation on how to reflect equity—and how to manage controversial issues such as finance and loss and damage—in a way that facilitates progress on closing the ambition gap and creating a maximally strong agreement in 2015.

The road to 2015 is long, but the necessity of greenhouse gas reductions to stabilize temperatures before a global climate agreement would take effect in 2020 demands urgent action. Bilateral and multilateral cooperation on climate and clean energy to close the ambition gap both inside and outside of the U.N. climate talks before the end of the decade is necessary to solve one of the greatest challenges of our time.

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