
COP19 Warsaw

THE CLIMATE GROUP



COP19 WARSAW THOUGHTS AND EXPECTATIONS

Insight Briefing | Analyzing the issues that matter to the Clean Revolution

This is part of
THE CLEAN REVOLUTION

ABOUT

This briefing provides an overview and introduction to the process and key issues expected to shape UN climate talks at COP19 in Warsaw from November 11–22. The paper is part of our regular 'Insight' series, which can be found [here](#). This briefing will be complemented by blogs and a post-COP briefing to be produced during and after Warsaw respectively. More details on our COP coverage can be found [here](#).

INTRODUCTION

This year's UN climate conference ('COP19') takes place in Warsaw, Poland from November 11–22. Although in some senses a low-key COP, progress on a range of issues and clarity on the process moving forward is essential in Warsaw if countries are to agree an effective new global deal in 2015. This short briefing is intended as a primer on COP19. It recaps the main outcomes from last year's COP in Doha, the progress made since then, the key issues facing negotiators in Warsaw and the likely road ahead.

OUTCOMES FROM DOHA

COP18 in Doha last year delivered a number of important milestones in the UN climate negotiation process. The package of decisions, elaborately referred to as the 'Doha Climate Gateway', included:

- Successful completion of negotiations under the Kyoto Protocol establishing a second commitment period from 2013 to 2020.
- Termination of parallel negotiations, originally established at COP13 in Bali, on 'Long-term Cooperative Action' (aka the 'LCA' or 'Bali Roadmap' negotiations).
- Transfer of a range of issues from the LCA negotiations to the UNFCCC's permanent Subsidiary Bodies for further development.
- Agreement to consider the issue of 'loss and damage' in developing countries, such as through an 'institutional mechanism'.
- Additional shape and direction provided to the 'Durban Platform' negotiation process tasked with agreeing a new global climate deal in 2015.

Importantly, and perhaps most significantly, the decisions terminating the Protocol and LCA negotiations also meant that countries left Doha with a much more streamlined negotiating process. After five years of trying to coordinate two and then three parallel negotiating tracks², post-Doha negotiators are now focused on a single track—the 'Ad-hoc Working Group (AWG) on the Durban Platform for Enhanced Action'—or 'ADP' for short.

¹The '19th Conference of the Parties'

²The Kyoto track negotiations on a second commitment period were established at COP11 in Montreal in 2005; the Convention track 'LCA' negotiations in Bali in 2007; and the Durban Platform track at COP17 in 2011.

THE ROAD TO WARSAW

Negotiators have only met twice this year for formal talks on the ADP, firstly in April for a week and then again in June for two at the UNFCCC's regular mid-year Subsidiary Bodies meeting. Both ADP meetings were based around workshops and roundtable discussions, rather than being conducted in a negotiating mode. The intention behind this was to allow for a free and open exchange of views and ideas in order to build understanding between Parties.

Reporting from these meetings (see for example the Earth Negotiations Bulletin [here](#) and [here](#)) indicated that despite a willingness for dialogue, Parties have not moved greatly from familiar positions on a range of key issues. This applies to both developed and developing countries and probably reflects negotiating strategies as Parties seek to establish strong initial positions ahead of the start of formal negotiations. From an external perspective, such posturing seems counterproductive, given the amount of work to be done in the coming two years and the need to quickly focus on substance.

A (RUSSIAN) BEAR DISRUPTS PROCESS

Adding to the challenge facing negotiators has been a distracting spat over process. At the June meeting, Russia, supported by the Ukraine and Belarus, effectively closed down talks under the Subsidiary Body on Implementation (SBI) for the entire two week period by refusing to agree to the adoption of the draft agenda. The trigger behind this was an incident in Doha where Russia's objection to the decision establishing a second Kyoto commitment period was ignored and the decision gavelled through by the COP President.

Russia's refusal to work with the various compromises offered by the SBI chair and other Parties was clearly intended to send a political signal. Whether Russia continues to obstruct the process in Warsaw remains to be seen. Its argument that the decision making process of the COP needs reform is generally acknowledged, but is also recognized as extremely challenging to execute in practice.³ Having made its point, however, it is hoped that Russia will pull back from its unaccommodating position.

Unfortunately, the impact of Russia's tactic in June will reverberate through Warsaw and perhaps beyond. As noted above, the Subsidiary Bodies⁴ picked up a number of major issues from the LCA negotiations in Doha. In SBI's case, this included the important 2013-15 'Review Process' on the adequacy of climate action, as well as aspects of mitigation and technology, and the increasingly high profile subject of 'loss and damage' (see later section for detail). None of these are minor issues and progress on them in the SBI is seen as crucial to the speed and ambition of the ADP negotiations. The loss of two weeks of substantive discussions in June will be keenly felt in Warsaw.

BOX 1. UN CLIMATE TALKS: FRUSTRATING BUT NOT WITHOUT IMPACT

It is perhaps easy to be cynical of the UNFCCC process given the slow progress towards securing a new global deal over recent years. While there is much to criticize in the lack of ambition shown by countries to date, we must also remember that the negotiations have had their successes too. Important and tangible achievements since COP15 in Copenhagen include:

- Securing mitigation pledges covering over 80% of global emissions, including those from all the major emitters.
- Adoption of the 2°C degree limitation goal.
- Establishment and operationalization of new institutions for finance, technology and adaptation.
- Substantive progress on a range of issues including monitoring, reporting and verification ('MRV'), new market mechanisms and capacity building.
- Establishment of a formal review process in 2013 to assess the level of collective climate action ambition.

Although much remains to be done in the next two years to secure a new global deal, the fact that progress has been made in the past underlines that countries can work together if they choose to.

³The UNFCCC's 'Rules of Procedure' drafted in 1996 have never been formally adopted as Parties could not agree over Rule 42 dealing with 'Voting'. However, the draft rules are 'applied' at each meeting with the exception of Rule 42.

⁴The UNFCCC's other subsidiary body is the 'SBSTA' which provides 'Scientific and Technological Advice'

POSITIVE DEVELOPMENTS BEYOND THE UNFCCC BELTWAY

Outside of the UNFCCC process, the past 12 months have seen a variety of positive developments that have the potential to add momentum and ambition to talks in Warsaw.

New domestic climate initiatives in both China and the US underline that substantial efforts towards reducing emissions in the world's two largest economies are gathering pace, even if much remains to be done. The bilateral agreement in June to cooperate on a range of climate and energy issues, not least the phase out of HFC gases⁵, could also be transformational. A similar bilateral arrangement between the US and India will hopefully bolster what appears to be a growing appetite to deal with HFCs through the Montreal Protocol. India's positioning here is likely to be pivotal. Currently, it plays a lead role in a group of countries that believe HFCs should only be dealt with under the UNFCCC, a position that is seen by many other Parties as a brake on progress.⁶

New initiatives such as the plurilateral, Climate and Clean Air Coalition (CCAC), established to address short-lived climate pollutants (such as black carbon and methane), also appear to be gaining momentum. The original six founding countries have now been joined by another 25 as well as a range of NGOs and business groups. The work and success of the CCAC is particularly pertinent to ADP discussions on raising the ambition of climate action before 2020.

Agreement in October by Parties to ICAO,⁷ the UN's aviation body, to establish a global market mechanism in 2020 for addressing international aviation emissions, is another positive development. Countries have agreed to develop the design of the mechanism, which will cover all international airlines, by 2016. Talks on how to address aviation emissions have been ongoing ever since ICAO was handed the responsibility by the Kyoto Protocol in 1997. Disagreement between developed and developing countries over whether mitigation action should apply to all airlines (i.e. as per standard ICAO policy application) or developed countries only (i.e. inline with the UNFCCC principle of common but differentiated responsibility or 'CBDR') has always been the nub of the problem. The agreement that all airlines should be covered from 2020 is thus a major step towards collective action that will hopefully impact debate within the UNFCCC.

Finally, and most significantly, the publication in September of the first part of the Fifth Assessment Report from the Intergovernmental Panel on Climate Change (IPCC) has provided a timely reminder to governments and negotiators of what the level of ambition must be in the new global deal. The clear and effective communication of the physical climate science by the IPCC and its authors has effectively settled debate about the need for action among mainstream decision makers. It is now the responsibility of climate negotiators to act on this.

⁵HFCs or Hydrofluorocarbons are a group of very powerful greenhouse gases. Their use has increased considerably in recent decades as they replaced HCFC gases that have been phased out under the Montreal Protocol due to HCFCs' role in destroying the earth's ozone layer.

⁶See for example [http://theenergycollective.com/nrdcswitchboard/295231/mixed-signals-and-missed-opportunities-india-puts-brakes-hfc-phase-down-talks?utm_source=feedburner&utm_medium=feed&utm_campaign=The+Energy+Collective+\(all+posts\)](http://theenergycollective.com/nrdcswitchboard/295231/mixed-signals-and-missed-opportunities-india-puts-brakes-hfc-phase-down-talks?utm_source=feedburner&utm_medium=feed&utm_campaign=The+Energy+Collective+(all+posts))

⁷International Civil Aviation Organization

BOX 2. POLAND: AN INTRIGUING COP PRESIDENT

For the second time in just five years⁸, Poland will again be hosting a UN climate conference and acting as COP President. For many environmental groups, Poland's decision to step into the role has been viewed with some suspicion. Within the EU, Poland has been the member state most opposed to setting ambitious emission reduction targets for 2030 and for much needed reforms to region's emissions trading scheme. Reliant on low grade (and cheap) coal for 90% of its electricity, the Polish government has been slow to embrace renewables and had hoped to develop shale gas resources until reserve estimates were slashed earlier in the year.⁹ With such reliance on coal, it is perhaps unsurprising that the government will be co-hosting a clean coal summit with the World Coal Association during COP—a decision which has raised eyebrows not just among environmental groups.

Whether Poland's objective is to water down the ambition for Warsaw is a point open to debate, however. As COP President it has considerable influence in the success or otherwise of the conference, but like any host, Poland will not wish Warsaw to be remembered for failure. What does seem clear, however, is that it is seeking to shift the focus of the negotiations. Having only recently emerged from a period of economic transition following the collapse of communism, it sees commonalities with both developed and developing countries. As a result it is less keen for the EU to take an ambitious leadership role and more willing to call on major emerging countries to play a part. Interestingly, it has also been very active in engaging business, inviting corporate representatives to the crucial pre-COP ministerial meeting in October for the first time. This enthusiasm for the role of business is encouraging, but could also reflect a desire by the current Polish government to deflect attention away from a strong government role in climate action. Whatever Poland's objectives are for Warsaw, it will be an interesting and intriguing COP presidency to follow.

THE KEY ISSUES FOR WARSAW

Like every COP, Warsaw will deal with the perennial core issues of the UNFCCC: mitigation, adaptation, technology, finance and capacity building. Unlike Cancun, Durban or Doha, however, Warsaw does not need to deliver any precise outcomes, such as the establishment of a new fund, mechanism or process.

This does not mean that it is unimportant. Far from it, in fact. Warsaw has perhaps three essential roles: it must build confidence and trust (a given for any COP); it must add substance to the informal exchanges that have already taken place this year; and it must map out in more detail, including key milestones, the process through 2014 to a new global deal in Paris the following year.

BOX 3. THE 2015 DEAL: ELEMENTS AND ISSUES FOR NEGOTIATION

Beyond a general consensus that the aim of the ADP talks is to reach a new global deal in 2015 covering all countries, there is little clarity yet about the precise shape and content of such a deal. Even at the most general level, the eventual agreement is still officially described as "a protocol, legal instrument or other outcome with legal force". In addition to this ambiguity about legal form, there are a variety of other elements for which various options remain on the table. For example, is the deal to be 'top-down' or 'bottom-up' in nature, i.e. will obligations be set prescriptively through targets and rules agreed through the negotiations, or will it be a much looser arrangement driven by voluntary national actions and legislation? Alternatively, should it be a hybrid of the two approaches? What about the types of commitments for countries – should the new deal maintain the 'Annex 1 v Non-Annex 1' distinction between developed and developing countries, which is based on the level of Parties' economic development in 1992? Or should there be a new approach recognizing a spectrum of responsibilities and capabilities among countries? And how should mitigation action be determined? By targets and timetables a la Kyoto Protocol or through sectoral commitments or carbon budgets? The process for answering these and other questions will stretch out over the next two years, but Warsaw must kick this process off.

⁸Poland hosted COP14 in Poznan in 2008.

⁹<http://www.reuters.com/article/2013/07/31/us-energy-poland-lignite-analysis-idUSBRE96UOL920130731>

THE ADP WORKSTREAMS

The obvious focus of attention will be the two workstreams of the ADP process. The job of workstream 1 is to negotiate the 2015 deal, while the objective of workstream 2 is to agree how the level of climate action ambition can be raised before 2020.

Workstream 2 is not a negotiation per se, but rather a means of identifying and encouraging voluntary action, both individually and collectively in the interim period before the new global deal comes into effect in 2020. In this respect, workstream 2 is arguably the more important forum. This is in part because of the need to peak global emissions by or ideally before 2020, and also because it helps build the confidence and trust between Parties that is essential for delivering a robust and effective treaty in 2015.

LIKELY ORGANIZATION AND CONTENT OF DISCUSSIONS

In a recent note to Parties, the Co-Chairs of the ADP have confirmed two main goals for the process in Warsaw:

- Advance work on defining the content and elements of the 2015 agreement (workstream 1);
- Reach clarity on the outcome(s) of the work on raising ambition in the pre-2020 period (workstream 2).

Parties have already agreed that they will “consider elements of a negotiating text” no later than COP20 next year and that a draft negotiating text will be made available before May 2015. With this timeframe in mind, the ADP Co-Chairs have proposed that Parties “advance and intensify” their work in “open-ended consultations” in Warsaw. The aim of the Co-Chairs is to move from “an exchange of views” on issues to a “candid conversation and dialogue”. Exactly how these two approaches differ is perhaps clear only to the Co-Chairs and their fellow negotiators, but it does underline that a switch to formal ‘negotiating mode’ is unlikely.

Under workstream 1, Parties will discuss a familiar set of issues—mitigation, adaptation, finance, technology development and transfer, transparency (of action and support) and capacity building. In addition, reference in the Co-Chairs’ note to “any other elements Parties consider essential” leaves open a Pandora’s box worth of other possible issues for inclusion.

The similarity of workstream 1’s agenda to the now defunct LCA negotiations has led to observations (and fears) that it could simply become a resurrected LCA. As noted earlier, the repetition of well-known positions at the April and June meetings lends some weight to this concern. To help head-off this possibility, the ADP Co-Chairs have proposed a set of key questions to guide discussions. This includes one that asks what processes, mechanisms, plans etc are already in place or being developed, and what needs to be strengthened or added (see for example Box 1). In short, reminding Parties what they have agreed already under the LCA and what genuinely needs to be built on.

Workstream 2 will pick up the range of issues Parties considered in June. Ideas under discussion then for raising ambition included: increasing the 2020 emission reductions pledges of developed countries into the 25–40% range; eliminating fossil fuel subsidies; supporting technology transfer; and phasing out HFCs.

KEY DELIVERABLES IN A NUTSHELL

But what exactly does all this exchanging of views and dialoguing actually boil down to?

According to UNFCCC’s Executive Secretary, Christiana Figueres, the ADP in Warsaw needs to deliver on two crucial points:

- it needs to come up with a decision that lays out agreed steps for the submission of proposed commitments from Parties under the new global deal,
- it should reach agreement on recognizing the contribution of other initiatives outside of the UNFCCC process to international climate action (particularly relevant to workstream 2).

In doing so the ADP in Warsaw will lay solid foundations for progress in 2014, which in Christiana Figueres’ view is the “critical year” for delivering the new global deal in Paris the following year.

SOME IMPORTANT COMPLEMENTARY ISSUES

COPs are seldom, if ever, monolithic in their structure or objective. Progress in one area is almost invariably dependent on progress in another. This will certainly be true of Warsaw even with the streamlining of talks into a single negotiating process. The reality is that advances in the ADP will depend on positive progress on other issues now being dealt within the Subsidiary Bodies or directly under the main plenary agendas of the Convention and the Kyoto Protocol.

RATIFICATION OF THE KYOTO PROTOCOL'S SECOND COMMITMENT PERIOD

Although Parties agreed in Doha to the amendment of the Protocol establishing the second commitment period, ratification remains outstanding. Despite being a shadow of its former self covering mainly EU countries and just 15% of global emissions, the formal entry into force of the new commitment period still has some political weight and symbolic value. In addition it also provides the legal basis for the ongoing use of the Protocol's flexibility mechanisms, such as the CDM¹⁰.

CLIMATE FINANCE

No COP would be complete without some kind of major push, negotiation or announcement on climate finance. In Warsaw, the issue will again be high on the agenda for many countries. The essential issue now is around the capitalization of the Green Climate Fund (GCF). Established at COP16 in Cancun and designed and developed through subsequent COPs and committees, the GCF is generally recognized as the vehicle for collecting and distributing the US\$100 billion a year in climate finance that developed countries pledged to "mobilize" by 2020 in Copenhagen in 2009.

As the GCF is now operating as an independent body (albeit under the direction of the COP), discussions in Warsaw will not be concerned with the minutiae of the fund's operation. Rather, debate will likely focus on the timing and volume of contributions into the fund from developed countries. The consensus seems to be that Ban Ki-moon's Leaders' Summit in September next year is the obvious time for confirming and committing funds.

What remains much less certain is the volume funds that are likely to end up in the GCF. Developed and developing countries continue to disagree about what exactly the US\$100 billion constitutes. There is general acknowledgement that it does not represent the sum total of financing needed for effective climate action in the developing countries. A figure of US\$1 trillion a year has been suggested in this regard by some leading figures. Most countries therefore recognize that the US\$100 billion is simply the initial capital for leveraging a far larger sum. The question is where does this US\$100 billion a year come from—strictly government coffers in developed countries or from a mix of public and private sources, including from newly industrialized countries? A dedicated Ministerial 'Finance Dialogue' during the High Level Segment in the second week of the COP will be where this question is most hotly debated, and substantive progress made (or indeed not).

LOSS AND DAMAGE

The issue of loss and damage has been on the COP agenda since Cancun, when Parties established a work program on the subject. Broadly speaking, loss and damage discussions are concerned with how to deal with the impacts of climate change in developing countries that even ambitious adaptation and mitigation measures cannot prevent, given the lock-in already of a certain amount of global warming.

The issue has always been a contentious one because of the implication that developed countries would be held liable for compensation for loss and damage impacts given their role in driving the current level of climate change. Unsurprisingly, developed countries have pushed back against suggestions for compensation mechanisms.

Despite this reluctance from developed countries, the issue had gained such importance for many developing countries (especially small-island and highly vulnerable states), that agreement was reached in Doha last year to consider an 'institutional mechanism' for loss and damage. As noted previously, initial discussions on this matter were supposed to take place under the SBI in June, but in their absence Parties will be under increased pressure in Warsaw to quickly make progress.

¹⁰Clean Development Mechanism

Finding common ground may well prove difficult, not least because of the underlying issue of financial compensation or support. The US for one has made its position clear. Speaking in London in October, Todd Stern the US Climate Envoy stated: "*Lectures about compensation, reparations and the like will produce nothing but antipathy among developed country policymakers and their publics*".¹¹ Other developed countries are almost certain to share this view to varying degrees. Progress, however, will be needed given the totem status that loss and damage has now assumed for the most vulnerable (and least responsible) developing countries. A focus on less contentious issues such as risk management, enhanced cooperation and coordination, access, sharing and use of existing data, will therefore be important to building bridges between country positions.

LOOKING BEYOND WARSAW: KEY DATES IN 2014

As noted earlier, UN climate chief Christiania Figueres has stated that 2014 "is the year" for securing an ambitious deal in 2015. The outcome from Warsaw will clearly influence the direction and ambition of talks in 2014, but a bad or indifferent outcome needn't be fatal to the process if Parties use 2014 wisely. Key dates for 2014 will include:

- **World Economic Forum, Davos—January**
 - WEF has set aside a full day devoted to climate change, providing political, business and thought leaders with the opportunity to give real momentum and encouragement to the UNFCCC process.
- **Release of Parts II & III of the IPCC's 5th Assessment Report—March and April**
 - Dealing with 'Impacts, Vulnerability and Adaptation' and 'Mitigation', the findings in these reports will provide negotiators with the underlying evidence to support ambitious country commitments.
- **UN Secretary General's Climate Leaders' Summit New York—September**
 - Bringing together heads of state and government from around the world, this summit provides the opportunity to solidify political support and direction early enough in the process to anchor ambition and avoid the last minute chaos that defined Copenhagen.
 - The summit is explicitly designed for heads of government to come with basic domestic commitments plus what they could do additionally in the context of a global deal. This would then set the basis for the 'big picture' discussions through 2015. It also means that national processes over the next ten months, such as the EU Council (the regular meeting of EU heads of government) in March, become very important to locking in success in 2015.

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¹¹<http://www.state.gov/e/oes/rls/remarks/2013/215720.htm>