

LaRutadelClima

COP28: Taking Stock While the Planet Sizzles

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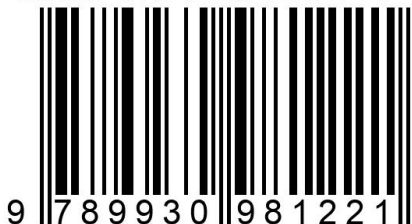
COP28: Taking Stock While the Planet Sizzles by Asociación La Ruta del Clima
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Authors: La Ruta del Clima

Graphic Design: Mariana Cerdas

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The 2023 United Nations Climate Change Conference (COP28) will take place from November 30 to December 12 at Dubai's Expo City. This year's host, the United Arab Emirates (UAE), will preside over the conclusion of the first Global Stocktake (GST) and key negotiations leading to the operationalization of the loss and damage fund that was agreed to last year at COP27 in Sharm EL-Sheikh, Egypt.

Finding common ground on the phasedown of fossil fuels will be a priority for many at Dubai after parties failed to strengthen language from the Glasgow Pact at COP26. Also key will be advancing adaptation talks that **nearly collapsed** at the Bonn meetings this June and laying the framework for a New Collective Quantitative Goal (NCQG) on climate finance at COP29. The Loss and Damage Fund is the point of contention with proposals from the Global North to change the nature of the fund and take over its functioning. Human Rights as always in the table as negotiations develop again in a hostile environment with no Civic Space.



Source: Shutterstock

AL-JABER PRESIDES

The UAE presidency marks the first time a Gulf state has hosted COP since negotiations were held in Qatar back in 2012. In a **letter to parties**, UAE announced four paradigm shifts it would be promoting:

1. Fast tracking the energy transition and slashing emissions before 2030
2. Deliver old promises and set the framework for a new deal of finance
3. Put nature, people, lives and livelihoods at the heart of climate action
4. Mobilize for the most inclusive COP

In January, the UAE selected Sultan Al Jaber to lead the COP 28 talks. While Al Jaber is the country's Minister of Industry and Advanced Technology, Special Envoy For Climate Change, and founding CEO of Abu Dhabi's renewable energy firm Masda, he also heads the Abu Dhabi National Oil Company.

His selection drew sharp criticism from activists and politicians alike. 133 elected officials from the United States and European Union, including high profile figures such as Bernie Sanders and Elizabeth Warren, **penned a letter** calling for climate talks free of fossil fuel interference and pushing for the

withdrawal of Al Jaber's appointment as COP28 President.

"This is a truly breathtaking conflict of interest and is tantamount to putting the head of a tobacco company in charge of negotiating an anti-smoking treaty," **said** Romain Ioualalen, Global Policy manager at Oil Change International.

The UAE's approach to the negotiations **was even described** as "very dangerous" and a "direct threat to the survival of vulnerable nations" by former UN Climate Chief Cristiana Figueres, following Al-Jaber's **call** to "phase out fossil fuels emissions" last May. The phrasing was deemed problematic because Al-Jaber was viewed as making overtures to carbon capture and storage (CCS) technology by focusing on emissions from fossil fuels rather than on fossil fuels themselves.

At the Bonn talks, Al Jaber did take on fossil fuels more directly.

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"The phasedown of fossil fuels is inevitable. The speed at which this happens depends on how quickly we can phase up zero carbon alternatives, while ensuring energy security, accessibility and affordability,

- Al-Jaber

Image credit: Dr. Sultan Al-Jaber

”

The UAE has been highly conscious of its public image heading into COP28, **contracting** top public relations firms to bolster its climate image. A document leaked to **The Guardian** reveals a list of wide-ranging, “touchy and sensitive” issues concerning this year’s COP. The government has focused on a series of “strategic messages” to counter negative coverage, from oil and gas production to human trafficking.

At the same time, **Politico reports** that the host country is considering a multibillion dollar fund to fuel clean energy investments. The report mentions this figure could potentially top at least \$25 billion.

As COP28 approaches green washing from oil companies will be accompanied by an undue influence in the UNFCCC process. This develops as the failure to stabilize emission reaches a state of existential threat and the claim for climate reparations for loss and damage is at the core of discussions.

CREATING A TRULY “INCLUSIVE” COP

Al-Jaber has taken a different tone from last year's host in terms of participation, prioritizing inclusivity as the foundation for one of four paradigm shifts.

“Inclusion will be the foundation of our Presidency, the tool that will enable us to collectively achieve ambitious outcomes at COP28,” wrote Al-Jaber in the letter to Parties. “We will continue to work in collaboration with women, Indigenous Peoples, local communities, youth, people of determination, subnational actors, and faith-based organizations to ensure their contributions throughout our programs and outcomes.”

These broad overtures by the COP28 Presidency and UNFCCC Secretariat were met with skepticism by human rights organizations who pointed to the country's track record when it comes to freedom of assembly and freedom of expression. There are **strict legal constraints** in freedom of assembly with unauthorized political protests subject to police dispersal. The

gestures of peaceful assembly in the host country **have been criticized** as “profoundly flimsy” and there have been calls to guarantee the safety of protestors at risk of reprisal.



*“The fact that the hosts of this crucial climate meeting felt the need to highlight that some form of free assembly and expression will be allowed during COP28 serves only to highlight the normally restrictive human rights environment in the United Arab Emirates and the severe limits it places on the rights to freedom of expression and peaceful assembly,” **said** Heba Morayef, Amnesty International's Regional Director for the Middle East and North Africa.*



Image credits: Heba Morayef, X

We are left to wonder, if as in past COPs, inclusion will mean more sponsorships of Oil Companies, undue influence and a governance process where talk is cheap as it's paid by petrodollars.

IPCC AND GUTERRES SOUND THE ALARM

In April, the UN Intergovernmental Panel on Climate Change published its **Sixth Assessment** (AR6) Synthesis Report, an urgent call to action ahead of COP28. The Synthesis Report provides a high-level overview of findings from the assessment reports produced by each of the three Working Groups, as well as three special reports.

While the report does not present new scientific findings, it highlights the need to accelerate fossil fuel phaseouts, brings into focus the key issue of loss and damage, and urges countries to commit to tougher targets. The report urges policymakers to target solutions rooted in "climate resilient development" that integrate mitigation and adaptation to "advance sustainable development for all."



"Mainstreaming effective and equitable climate action will not only reduce losses and damages for nature and people, it will also provide wider benefits," said IPCC Chair Hoesung Lee.

"This Synthesis Report underscores the urgency of taking more ambitious action and shows that, if we act now, we can still secure a liveable, sustainable future for all."

Image credits: United Nations



Hailing the report as a “survival guide for humanity,” UN Secretary General Antonio Guterres **released a video** proposing a Climate Solidarity Pact to the G20 and ramping up an Acceleration Agenda at the Climate Ambition Summit to fast track net zero deadlines. The agenda seeks to end new coal plants and actively phase out coal by 2030 in OECD countries and by 2040 in all other countries.

As Guterres raises alarm in this boiling planet it might be time for him to seat at the table with negotiators. The UNFCCC Secretariat is a long way from a human rights approach and of enabling a civic space in its conferences. We cannot afford a UN System with different levels of commitment to the climate crisis and Human Rights.

CONTENTIOUS TALKS IN BONN

The Bonn Climate Change Conference (5B58), which set the stage for COP28, was held June 5-15 in Germany this year.

On the topic of loss and damage, the Second Glasgow Dialogue took place among relevant stakeholders and

and organizations to discuss the arrangements of funding for loss and damage. Parties were also supposed to agree on a host for the Santiago Network on Loss and Damage (SNLD), which was created with the vision of bringing together various actors to catalyze technical assistance on loss and damage. However, talks broke down when the group of 135 developing countries (G77) and China failed to **find common ground** on where its Secretariat will be hosted. Whether it will be hosted at the Office for Project Services in the UN Office for Disaster Risk Reduction in Nairobi, Kenya or the Barbados-based Caribbean Development Bank will be determined at a later date.

Negotiations about a Global Goal on Adaptation (GGA) were extremely contentious, but a last minute compromise prevented the talks from derailing completely. SB58 talks on adaptation feature four major components: GGA, the Adaptation Committee, the Nairobi work programme, and national adaptation plans (NAPs).

According to *Climate Home*, the G77 and China **were pushing** for a draft text that outlined specific adaptation targets but were met with fierce

resistance from developed countries. To prevent these talks from tanking, the body's chairs drafted a **GGA agreement** that includes these specific targets as a footnote. It also aims to end all international public and private funding of coal and ensure net-zero electricity generation for all developed countries by 2035 and by 2040 for the rest of the world.

The talks also featured the third "technical dialogue" on the Global Stocktake (GST), with the first two taking place at the Bonn talks last year and COP27 in Egypt. The technical dialogue provided a place where state and non-state actors could sit down together to discuss and process information collected during the first phase of the GST.

During the second week of the talks, a vague **draft framework** was published for the GST, setting the stage for COP28. This half-page document identifies five areas of focus for identifying collective progress toward achieving the purpose and long-term goals of the Paris Agreement: mitigation, adaptation, finance flows and means of implementation and support, efforts related to loss and damage, and efforts related to response measures.

OPERATIONALIZING THE LOSS AND DAMAGE FUND

Perhaps the most consequential decision at COP27 was the move to establish the Loss and Damage Fund (LDF) as well as funding arrangements, for responding to climate-induced losses and damages. Decisions 2/CP.27 and 2/CMA.4 broke 30 years of deadlock on this contentious issue, a major win for developing nations.

This year's negotiations will build on the work of the 24-member Transitional Committee, which was tasked with fleshing out the structure of the fund, areas of funding, sources of finance, and comprehensiveness of the fund.. As we mentioned in our report, **A Mandate from Sharm**: Unpacking the Transitional Committee on Loss and Damage, for a successful outcome at COP28, the TC's work must pave the way for the swift operationalization of "new, additional, predictable, precautionary and adequate" financing.

For many nations, a successful outcome in Dubai will be riding on the LDF negotiations. In the Loss and Damage Collaboration's **report**,

The Loss and Damage Finance Landscape, the authors lay out a path for meaningful progress:

“The TC’s work must culminate in a consensus charter or governing instrument for the LDF for Parties’ consideration and approval at COP 28 in Dubai. Such a charter or governing instrument should provide core details on the Fund’s objectives, guiding principles, governance and institutional arrangements, eligibility, funding windows and structure, access modalities, allocation- and programming and approval processes as well as highlighting monitoring, evaluation and accountability features and mechanisms and detailing stakeholder/observer participation and engagement opportunities.”

The work of the TC has allowed extremely limited participation to civil society and no contact with vulnerable communities. Civil Society Organization during TC3 issued **complaints** about the lack of effective participation and enabling conditions:

- “The framing of public participation as an impediment to progress stands in strong contrast to the role civil society, Indigenous Peoples, women and youth groups and other observer constituencies have

made throughout the TC process, including in proposing good practice operational Fund modalities, and the best available science confirming that public participation leads to more effective climate policies.

- The possibility that a substantial part of TC3 will be closed, meaning not only excluding active participation and engagement by non-party observers, but likely also not webcast (for discussions in closed sessions), given the crucial nature of this meeting in advancing draft recommendations to COP28, deprives the broader public of accountability and transparency needed for the legitimacy of decisions and recommendations taken by the TC, keeping the interest of affected communities at the core.
- The active discouragement of and limitations to effective, inclusive and meaningful participation set a bad precedent for the expected strong involvement of affected communities and non-party observers in the further operationalization and operations of the Loss and Damage Fund, including the design, implementation, and monitoring

and evaluation of its policies and activities, as well as in improving their involvement in institutions and processes determined to be part of the broader funding arrangements.

- These restrictions come in addition to structural constraints for effective in-person participation related to the repeated late notifications about meetings and related nomination processes. This is making it difficult and in many cases impossible to make travel arrangements and secure related documents and which significantly increases travel costs, and therefore impeding participation, particularly from the Global South and from youth groups."

TC3 took place in Dominican Republic and our NGO also faced this challenges. La Ruta del Clima representative did not received a invitation to participate despite being formally nominated by the ENGO Constituency. La Ruta del Clima **formal complain** to the UNFCCC Secretariat mentioned:



"We find extremely appalling the way the participation process has been conducted by the UNFCCC Secretariat in the Transitional Committee process. It is unacceptable that after being duly nominated to observe the TC3 meeting in Dominican Republic by CAN Intl. to this day we were not notified any type of confirmation for TC3 from the Secretariat to attend the meeting. It is a recognized right to be notified of the conditions to participate within a reasonable timeframe. It is not possible for a global south NGO to embark into an UNFCCC meeting without an invitation as establish on the Rules of Procedure applicable to the UNFCCC. It is also noted that in communication ADPT./NOTIF./PART/TC.3 the Secretariat has taken steps to disincentivize observers to be in the meeting, which also hinders our right to effectively participate and influence the decision-making process.

We also take note of communications TC3/2023/2 were all the meetings during the 29-30 of August are closed."



Current proposals by key negotiating groups broadly mention the development of mechanism for input and participation. This is a lost opportunity as there are many existing structures that could be specifically included in the report.

These barriers to minimum participation established on the TC process and the lack of consultation with rightsholders raises alarms that the outcome will not fit the rights and need of communities suffering due to loss and damage. The UNFCCC and related instruments place obligations to States and the adverse effects of climate change generate human rights violations. Communities and people affected by this transboundary harm have a right to reparations and the Loss and Damage Fund should guarantee this right.

Current submissions by developed countries on participation do not reflect existing structures of other financial mechanisms or funds related to the UNFCCC.



Source: Senne Ben Brahim

Public Participation

Financial Mechanism	Engagement or Participation Policy	Engagement or Participation Principles	Observer Accreditation Process	Considers effective or meaningful participation	CSO Dialogue as a standing alone agenda item	Considers marginalized communities	Receives inputs of Observers	Sufficient timeframe notification of meetings	Measures to ensure effective participation	Stakeholder inputs in design, development and implementation of projects
Green Climate Fund	●	●	●	●		●	●	●	●	●
Adaptation Fund			●		●	●	●	●	●	●
Global Environmental Facility	●	●		●			●	●	●	●

Developed country submission on the Loss and Damage Fund raises red flags as they suggest to:

- Do not mention the principle of Common but Differentiated Responsibilities and Respective Capabilities.
- Having the World Bank host the Loss and Damage Fund which would subject the fund operations to the Banks policies.
- Promote to expand the donor that would attempt to change financial responsibilities in a manner different to what is stated in the UNFCCC and Paris Agreement.
- Earmark financial contributions to specific sub-funds according to the will of who provides the funding.

This structural details can significantly define the manner on how the Loss and Damage Fund functions. The World Bank as a host raises alarm from many NGOs of the Global South that have seen the negative effects of this banks policies in their society's. Furthermore, the World Bank as a host would put the Loss and Damage Fund under the control of those countries that are the largest financiers of the bank, displacing the possibility of having an

open and equitable decision making process. Developed countries responsible for generating Loss and Damage to the most vulnerable communities in the world would have undue influence over the Loss and Damage Fund.

HIGH LEVEL SUMMITS YIELD MIXED RESULTS

A series of high-level summits and bilateral talks have helped pave the road for this year's COP in Dubai.

The Summit for a New Global Financial Pact was held in Paris from June 22 to 23 to help forge a new consensus for a more inclusive financial system. It built on the momentum generated by the Barbados' Bridgetown Initiative that calls for reforming the Global Financial Architecture.

During the Summit, the International Monetary Fund said that it had reached its \$100 billion target in making special drawing rights available to climate vulnerable nations. The World Bank stated it would suspend debt repayments to developing nations hit by climate disasters. What's more, French President Emmanuel Macron

announced that the long overdue \$100 billion climate finance pledge had finally been achieved by developed nations, although these numbers have yet to be confirmed

In July, G20 countries met in India with hopes of moving forward on climate at a time when countries around the world were dealing with record-setting temperatures and other extreme weather events. While G7 nations have **already agreed** to the phaseout of fossil fuels, talks among the G20 to cut fossil fuels **failed** due to Saudi-led opposition.

“With temperature records being set daily around the world and the impacts of climate change spiraling out of control, the world needed to hear a clarion call to action,” Alden Meyer, Senior Associate at E3G **told** the Financial Times. “Instead, what we got was very weak tea.”

Eight South American countries met in August for a summit of the Amazon Cooperation Treaty Organization hosted by Brazilian President Luiz Inacio Lula da Silva to step up regional cooperation efforts to protect the Amazon. Parties **agreed** to a **set** of policies and measures that assert indigenous rights and protections, and agreed to cooperate on key issues

such as water management, health, common negotiating positions at climate summits, and sustainable development. The roadmap also establishes a science body to hold yearly meetings and produce scientific reports on the Amazon rainforest.

Unfortunately, the parties **came up short** because they could not agree on a unified goal for ending deforestation, with Lula **failing to convince** Venezuela and Bolivia to meet Brazil's commitments by 2030. Colombia President Gustavo Petro's **push** to end new oil and gas contracts was also shut down at the summit as he **slammed** his detractors' “progressive denialism.”

The world's two largest greenhouse gas emitters, the United States and China, also resumed talks, with U.S. Climate Envoy John Kerry **meeting with** Chinese diplomat Xie Zhenhua in July. The talks are the first “**significant**” bilateral ones on climate since August last year, when China **halted** climate talks with the U.S. following U.S. Representative Nancy Pelosi's visit to Taiwan.

THE FIRST GLOBAL STOCKTAKE CONCLUDES

The Global Stocktake, established by Article 14 of the Paris Agreement, is designed to periodically assess the collective progress toward meeting the Agreement and its long-term goals. The GST helps parties update and inform their Nationally Determined Contributions (NDCs) and other climate action plans, as well as enhances collective action. The first GST will conclude this year at COP28, and there will be a new GST every five years.

Phase 3 of the GST will take place at COP28, where negotiators will discuss the results of the GST's three technical dialogues and produce a summary of important political messages that will inform the COP28 cover decision. These foundations will be key to determining the direction of the third iteration of NDCs and negotiations going forward.

A key technical report **published** in September presents 17 key findings and shows significantly more action is needed "on all fronts" to meet the goals of the Paris Agreement.

The NGO E3G outlined a **10-point roadmap** for an effective response to the conclusion of the GST. The collective failure to meet the targets of the Paris Agreement could lead to more ambitious 2030 and 2035 targets to cut emissions by 60% by the end of this decade, a shift away from fossil fuels to clean energy, scaled up adaptation finance, and transformation of the international finance system to be a better fit for scaling up climate action.

A PHASEDOWN OF FOSSIL FUELS?

Heading into last year's conference, many parties looked to expand upon language in the **Glasgow Pact** the previous year, which called for "accelerating efforts towards the phasedown of unabated coal power and phase-out of inefficient fossil fuel subsidies." These efforts came to a screeching halt in the final hours of COP27 when countries, including Saudi Arabia, Iran, and Russia, **blocked** language proposed by India calling for the phasedown of all fossil fuels.

A failure to find common language on fossil fuels at the G-20 summit and

Al Jaber's references to an "**inevitable**" phasedown and phasing out fossil fuel emissions have helped throw cold water on the hopes that a proposed phasedown of all fossil fuels will make it into this year's cover decision.

However, a phasedown remains a top priority, as the conclusions from the IPCC report show. While global renewable capacity is **growing** at an unprecedented rate, trends show fossil fuels are headed in the "**opposite direction**" required to meet the Agreement's goals. Fossil fuels reign supreme with oil and gas **accounting** for 82 percent of the world's total energy supply, down only 5 percent from three years ago, as global energy demand continues to grow.

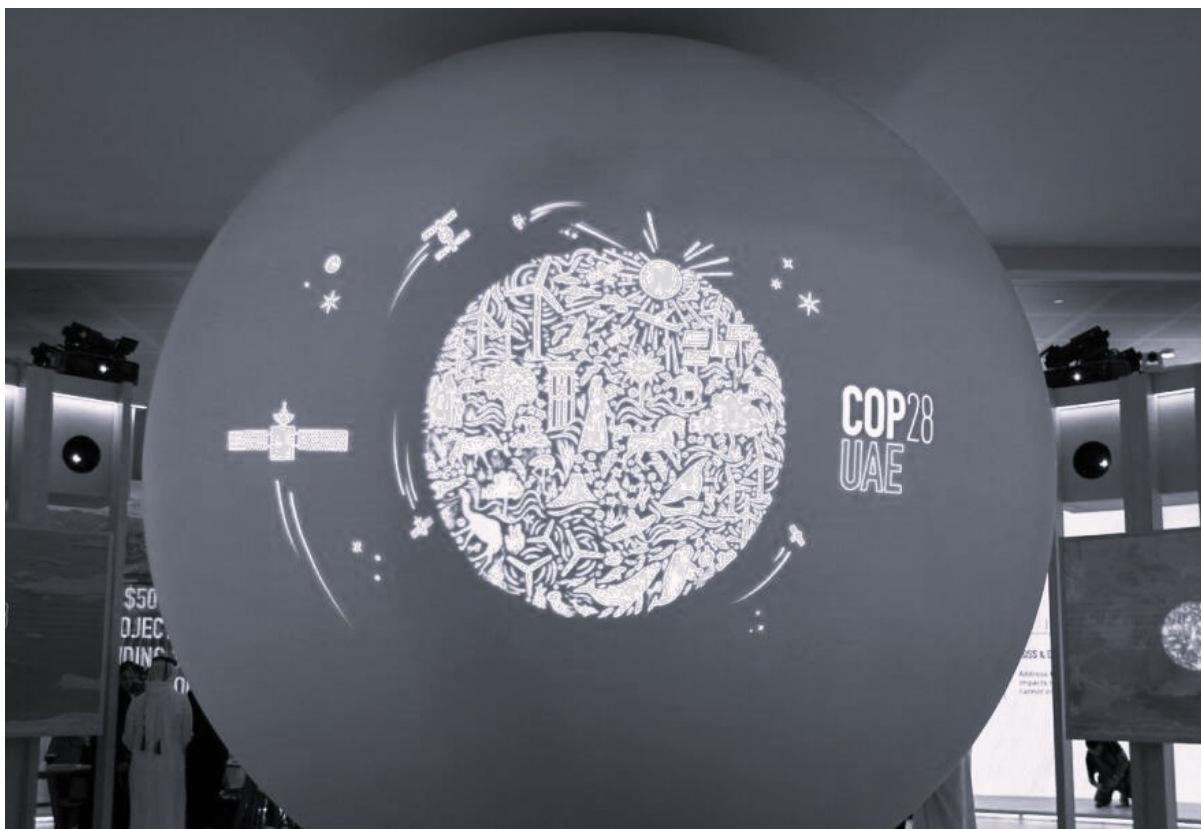
MOVING TOWARD A NEW FINANCE GOAL

Negotiators are in the second year of setting out a path for the NCQG that is scheduled to be set prior to 2025, as stipulated by the COP Decision accompanying the Paris Agreement. Key to the NCQG will be establishing an amount based on the needs and economic realities of developing countries rather than an arbitrary figure dictated by rich nations.

The road to the next collective finance goal will be built through four annual technical expert dialogues (TEDs) and an annual High-level Ministerial Dialogue (HMLD) that began in 2022 and will run through COP29 in 2024. The TEDs allow experts to exchange knowledge and share best practices for building toward collective goals, while the HMLD allows ministers to give their inputs to the NCQG process during COPs 27, 28, and 29.

The first TED in 2023 took place in Vienna last March **to determine** the scope and time frame of the goal, as well as understand how the goal may be structured with quantitative and qualitative elements. The second round of dialogues that **took place** in Bonn focused on how to determine the quantum of the NCQG, ways to frame the mobilization, and provision of financial sources, and charting a way forward. The final two TEDs will be held later this year, with the fourth taking place in Dubai along with the 2nd HMLD.

Also critical to the discussion is the launch of the second replenishment of the Green Climate Fund (GCF). As the National Resource Defense Council's Joe Thwaites notes in his **GCF tracker**, the fund raised \$10.3 billion in pledges



Source: Reuters

from 45 countries in its initial resource mobilization followed by an additional \$10 billion during its first replenishment in 2019. To date, Czechia (€4 million), Austria (€160 million), Germany (€2 billion), Monaco (€3.3 million), Canada (CA\$450 million), Denmark (1,600 million kr. or \$232 million), South Korea (\$300 million), and the United Kingdom (£1.62 billion), have all announced pledges. In April, the United States **also announced** a contribution of USD 1 billion. If fulfilled, it would be the second billion contributed to the fund, but still falls short of President Obama's initial \$3 billion pledge in 2014.

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