# Briefing

## Climate change, Law

Keywords:

Climate change governance, Least Developed Countries (LDCs), Paris Agreement, Conference of the Parties (COP) 23, renewable energy

iied

**Issue date** October 2017

# Policy pointers

## COP23 must see

significant progress in the Paris Agreement 'rulebook' if negotiators are to meet the 2018 deadline.

# **COP23** negotiations

must take the global temperature goal seriously and facilitate an urgent upwards spiralling of commitments to reduce emissions.

# **Developed countries**

should support the preparation and implementation of National Adaptation Plans and Nationally Determined Contributions through more funding and targeted technical assistance.

# All countries must

significantly scale up the climate finance available for poor nations to implement their pledges under the Paris Agreement, meet their adaptation needs and address climate-related loss and damage.

# Action, ambition, investment: what success at COP23 looks like for LDCs

As delegates from 197 governments head to Bonn, Germany, for the 23rd annual UN climate talks (COP23), the need for climate action has never been clearer: a year of devastating hurricanes, extraordinary monsoon flooding and record-breaking heatwaves has left millions feeling the brute force of climate change. The main order of the day in Bonn will be advancing the long-term goals of the Paris Agreement and making progress on a set of guidelines to implement it. For the Least Developed Countries, this means getting all countries to step up their action, ambition and investment, and put the world on a path towards a safer and more prosperous future for all. To do that, delegates in Bonn will need to focus on progressing the design of a 'rulebook' to implement the Paris Agreement, which will go a long way to advancing work on four other priority areas: meeting the global temperature goal, helping vulnerable countries address climate change impacts, mobilising climate finance and moving towards sustainable clean energy.<sup>1</sup>

Following a year of extreme weather of unprecedented scale and frequency that has caused devastation across the globe, the need to tackle climate change has never been clearer. The past six months alone have seen a brutal hurricane season ravage the Caribbean; heavier than usual monsoon rains flood more than a third of Bangladesh and Nepal; and record-breaking heatwaves ignite wildfires across more than eight million acres in the United States.

The science is just as clear about the direct link between man-made emissions and climate change. Given the number of people already being affected by climate change, it is clear that comprehensive action is needed to protect the lives and livelihoods of present and future generations. What exactly needs to be done, and

how, will be the subject of the UN's annual climate talks next month in Bonn, Germany. The talks, officially called the 23<sup>rd</sup> Conference of the Parties (COP23) to the UN Framework Convention on Climate Change (UNFCCC), will take place from 6–17 November 2017. Presided over by Fiji — the first ever small island country to host a COP — they will see negotiators from 197 governments work to advance the aims and ambitions of the Paris Agreement that came into force last year, and to make progress on agreeing a set of guidelines for implementing it.

Among those present will be the group of 47 Least Developed Countries (LDCs) that are spread across Africa, southern Asia, the Caribbean and the Pacific.<sup>4</sup> These countries are the poorest in the world. With a history of negligible emissions, they

have done the least to cause climate change
— and yet they suffer some of its worst impacts
due to their low social and economic development;

The facilitative dialogue needs to lead to an increase in ambition by all countries to meet the temperature goal

severe financial, technical and institutional capacity constraints; and vulnerable geographical locations.

Even so, the LDCs are among those countries taking some of the strongest action to combat climate change.<sup>5</sup> In their

Addis-Ababa LDC Ministerial Communiqué on Climate Change, Ministers and Heads of Delegation from LDCs affirmed their commitment to strengthening efforts to implement the UNFCCC and the Paris Agreement, and furthering the interests and aspirations of poor and vulnerable countries and peoples. Chair of the LDC Group, Mr Gebru Jember Endalew of Ethiopia, hopes to deliver on these messages at COP23 and says the LDC Group intends to use the COP to step up the ambition and investment in climate action and chart a clearer course towards fair and ambitious outcomes that curb the growing threat climate change poses to people and the planet.<sup>6</sup>

In particular, the LDC Group will work to deliver progress in five areas that it considers critical to the task ahead (see Table 1).

# Designing the Paris 'rulebook'

The Paris Agreement may be in force, but it still requires a set of clear, comprehensive and robust rules to ensure it is implemented effectively — and this 'rulebook' is currently under negotiation. With a 2018 deadline for the rulebook fast approaching, it is vital that negotiators start to make substantive progress on it as soon as possible. Rushing to a frantic conclusion in 2018 could lead to lowest common denominator compromises to simply deliver a rulebook and not necessarily an ambitious and effective one.

The LDC Group will be advocating for substantive progress to be made at COP23, meaning final decisions on some key issues and a skeletal decision text on others. This includes, for example, reaching a decision that the Adaptation Fund will definitively serve the Paris Agreement. It is important that this fund be linked strongly to the agreement, to help mobilise financial support for adaptation plans and actions in vulnerable countries. Until the need to link them is agreed, negotiators cannot consider the more important question of how the link can be articulated in the rulebook to ensure the fund serves the Agreement as best as it can.

Another critical area for progress at COP23 is developing the rules for implementing the Paris Agreement's transparency framework to

Table 1. Priority areas for negotiation at COP23 and what the LDCs want to emerge from it

| Priority area for negotiation                    | What success looks like for the LDCs  |
|--|---|
| Designing a Paris rulebook                       | Final decision linking the Adaptation Fund to the Paris Agreement   |
|  | <ul> <li>Progress from concepts to actual text on all issues, including a skeletal decision text to provide<br/>a basis for further negotiations in 2018</li> </ul>   |
|  | <ul> <li>Roadmap for completing the rulebook by 2018</li> </ul>   |
| Meeting the temperature goal                     | Upwards spiralling of commitments to reduce global emissions faster and starting sooner   |
|  | <ul> <li>Increased support for climate-resilient sustainable development</li> </ul>   |
|  | • Effective mechanisms for enhanced accountability, such as reporting and review requirements   |
|  | <ul> <li>Clarity around the design (purpose and format) of the 2018 Facilitative Dialogue</li> </ul>  |
| Helping countries address climate change impacts | <ul> <li>Increased financial support and targeted technical assistance to support National Adaptation<br/>Plans (preparation and implementation)</li> </ul>   |
|  | Establishment of a clearing house for risk transfer to help address loss and damage   |
|  | <ul> <li>Increased profile and visibility of loss and damage, including by giving the Executive Committee of the Warsaw International Mechanism the financial and technical resources it needs to effectively fulfil its mandate of addressing loss and damage</li> </ul> |
| Mobilising climate finance                       | <ul> <li>Scaled-up and predictable finance that matches actual needs (significantly above and beyond<br/>the existing US\$100 billion annual target)</li> </ul>   |
|  | <ul> <li>Rules for matching finance mobilised with finance received</li> </ul>  |
| Moving towards clean energy                      | <ul> <li>Shared experience and cooperation around a global transition towards clean energy and how it<br/>can be achieved</li> </ul>  |
|  | <ul> <li>Increased awareness of, and collaboration with, the LDC Renewable Energy and Energy<br/>Efficiency Initiative</li> </ul>   |

effectively monitor countries' progress and identify areas for improvement. This is important to ensure accountability and ongoing, ambitious efforts to implement the Paris Agreement. Other areas needing further development include: guidelines and rules for countries' nationally determined contributions (NDCs), the process for the global stocktake to monitor how countries collectively implement the Paris Agreement, and mechanisms to support its implementation and promote compliance.

There will also be much work to be done on the rulebook between COP23 and COP24 (in Poland next year), so the LDC Group will be pushing for a clear plan for progressing the work in 2018.

# Meeting the global temperature goal

The Paris Agreement sets a goal of keeping the average global temperature rise to well below 2°C above pre-industrial levels, and pursuing efforts to limit the temperature increase to 1.5°C.7 Acting now to reduce emissions is critical to preventing an increase in the risks of severe, pervasive and irreversible impacts, and to minimising the need for countries to adapt to climate change or deal with unavoidable loss and damage later — both of which are often beyond the capacity of LDCs.

But even if all the emissions reduction pledges made by countries in their current NDCs are fully implemented, average global temperatures are still projected to increase by 3–3.2°C.8 They have already risen 1.2°C — with catastrophic effects.9 Nine of the LDCs are also small island developing states for which even a 1.5°C temperature rise could mean they will be lost due to rising sea levels. Countries must take the temperature goal more seriously to limit global warming to 1.5°C above pre-industrial levels.

Under the Paris Agreement, countries must submit new contributions that represent a 'progression' beyond current commitments every five years. At COP23, the LDC Group will be calling for mechanisms that can facilitate an upwards spiralling of commitments that is both fair and proportional to the task at hand. This includes mechanisms to enhance accountability among countries, such as reporting and review requirements that enable countries' actions to be scrutinised against the best available science.

There will also be a 'Facilitative Dialogue', to be held in 2018. During the pre-COP Ministerial Dialogue held in Fiji from the 16–18 October, the incoming Fijian Presidency dubbed this the 'Talanoa' Dialogue to link it to the Pacific Island tradition of cooperation and sharing stories as part of collective decision making. The format of

the dialogue is still being designed, but the LDCs will be calling for clarity around its purpose and structure at COP23. From an LDC perspective, the facilitative dialogue needs to lead to an increase in ambition by all countries to meet the temperature goal — it needs to do this by gauging where we are with global mitigation efforts, where we need to be to achieve the goals of the Paris Agreement and how we can collectively get there.

# Helping vulnerable countries address climate change impacts

Helping vulnerable countries adapt to climate change impacts is fundamental to ensuring an effective global response to climate change. These impacts are particularly acute in the LDCs, where climate change poses a significant threat to sustainable development and hinders efforts to reduce poverty and hunger, grow sustainable cities, build climate-resilient infrastructure, or improve health, education and prosperity.

Under the UNFCCC, countries can articulate their adaptation needs through a National Adaptation Plan, or NAP. The LDCs have spent considerable time and effort developing NAPs and it is important that these plans, as well as other adaptation communications, are adequately supported so that countries can prepare their economies, infrastructure and social support structures to deal with the unavoidable impacts of climate change.

In Bonn, the LDCs will be looking for increased financial support and targeted technical assistance to implement the projects and strategies presented in their NAPs, as well as agreement on a more definite mechanism for dealing with unavoidable loss and damage (see Box 1).

# Mobilising climate finance

Without scaled-up and predictable climate finance, as well as technical and capacity building support, the LDCs and other developing countries that have made ambitious pledges

# Box 1. A clearing house to support loss and damage

No adaptation plan can stop all the negative impacts of climate change. That means that, no matter what they do, many vulnerable countries will face unavoidable loss and damage. The Paris Agreement already recognises loss and damage as a key action area in the international community's response to climate change. But the idea of loss and damage is still expressed in general terms; more work is needed to turn the loosely worded provision into a fully elaborated tool that delivers help on the ground to those that need it.

For the LDCs, that includes establishing a 'clearing house' for risk transfer that stores data and information on comprehensive risk management strategies. Access to the clearing house will help developing countries increase their understanding of, and access to, risk management tools, such as insurance and contingency funds, that can be used to address loss and damage.

under the Paris Agreement will not have the means to implement them.

Developed countries have already committed to mobilising a minimum of US\$100 billion a year in climate finance by 2020 to help developing countries reduce their emissions and cope with the impacts of climate change. But the level of support received by LDCs and Small Island Developing States (SIDS) falls far short of this. The Green Climate Fund, for example, was promised US\$10.3 billion to date;10 yet less than half of this sum has been deposited so far11 and even less has been disbursed.12 Meanwhile, the LDC Fund also sits practically empty with a backlog of approved projects. Even when the money is there, a lack of capacity combined with high fiduciary risk management requirements and severe bureaucratic standards means many vulnerable countries find it hard to access. That makes improving the mechanisms for disbursing climate funds just as important as increasing the overall level of finance.

At COP23, the LDC Group will be looking for progress in both areas. First, that means agreeing how to scale up climate finance — above and beyond current annual commitments. Some estimates indicate that around US\$90 trillion will be needed over the next 15 years for green infrastructure globally, to transition to a low-carbon, climate-resilient global economy, and that most of this will be needed in developing countries.9 The LDCs alone will need upwards of US\$93.7 billion each year to carry out plans submitted under the Paris Agreement,13 which makes the existing annual target of US\$100 billion for all developing countries woefully inadequate. Second, LDC negotiators will look to develop rules for matching finance provided and mobilised with finance received, to ensure that support reaches those countries that need it most.

# Moving towards clean energy

Economic development that aligns with the goals of the Paris Agreement is both sustainable and climate resilient. That means it is driven by modern,

clean and efficient energy systems. Renewable energy has the power to place the world on a path to a cleaner, fairer and more prosperous future.

The LDCs are ready and willing to harness that power and move towards low- to zero-carbon energy systems that combine development with ambitious climate action. They are looking to COP23 to share experiences and cement cooperation around a global transition towards clean energy. In particular, the LDCs plan to advance their Renewable Energy and Energy Efficiency Initiative<sup>14</sup> and galvanise support for this collaborative effort to use modern, distributed renewable energy systems to deliver universal energy access, stimulate new jobs and contribute to the Sustainable Development Goals.

# Committed to action

In Bonn this November, the world will be watching for world leaders to take serious action on climate change. As negotiators, it is up to us to harness the momentum behind the Paris Agreement and finalise decisions in each of the five priority areas outlined earlier so that we can live up to the world's expectations.

The COP23 president, Fiji Prime Minister Frank Bainimarama, has set out his goals for the conference, which include "forg[ing] a grand coalition to accelerate climate action before 2020 and beyond between civil society, the scientific community, the private sector and all levels of government, including cities and regions." <sup>15</sup> The LDC Group has shown it is committed to achieving the same goal, and working with the Fijian Presidency and all partners towards just, equitable and ambitious outcomes on all issues arising at the conference.

# Achala C Abeysinghe, Brook M R Dambacher, Rebecca Byrnes, Gebru Jember Endalew and Subhi Barakat

Achala C Abeysinghe is a principal researcher at IIED. Brook M R Dambacher is a legal consultant with IIED. Rebecca Byrnes is a legal consultant with IIED. Gebru Jember Endalew is the chair of the LDC Group. Subhi Barakat is a senior researcher at IIED.



# Knowledge Products

The International Institute for Environment and Development (IIED) promotes sustainable development, linking local priorities to global challenges. We support some of the world's most vulnerable people to strengthen their voice in decision making.

The Least Developed Countries are 47 nations that are especially vulnerable to climate change, with the least capacity to respond to its impacts, but who have done the least to cause it. They work together at intergovernmental negotiations to further the interests and aspirations of poor and vulnerable countries and people, and demand wealthier nations act in accordance with their responsibility for creating the problem and their capability for addressing it.

### Contact

Achala C Abeysinghe achala.abeysinghe@iied.org

80-86 Gray's Inn Road London, WC1X 8NH United Kingdom

Tel: +44 (0)20 3463 7399 Fax: +44 (0)20 3514 9055 www.iied.org

IIED welcomes feedback via: @IIED and www.facebook.com/theiied

This material/production has been financed by the Government of Sweden. Responsibility for the content lies entirely with the creator. The Government of Sweden does not necessarily share the expressed views and interpretations.



### **Notes**

Least Developed Country messages and positions in this briefing reflect statements made by the LDC Group that can be accessed here: https://ldcclimate.wordpress.com / ² Gettleman, J (29 August 2017) More Than 1,000 Died in South Asia Floods This Summer. The New York Times. www.nytimes.com/2017/08/29/world/asia/floods-south-asia-india-bangladesh-nepal-houston.html / ³ National Interagency Fire Center, Daily statistics. www.nifc.gov/firelnfo/nfn.htm (accessed 3 October 2017). / ⁴ IlED works to strengthen the position of LDCs in international climate negotiations; see: IlED, Supporting climate change negotiators from Least Developed Countries. www.iied.org/ supporting-climate-change-negotiators-least-developed-countries / ⁵ Endalew, GJ (4 May 2017) Marching into May talks: LDCs lead the way on climate change. www.iied.org/marching-may-talks-ldcs-lead-way-climate-change / ⁵ See: https://ldcclimate.wordpress. com/2017/10/09/ministers-from-least-developed-countries-commit-to-ambitious-climate-action-and-call-for-global-community-to-step-up-support-at-un-climate-change-negotiations / ⁻ UNFCCC, The Paris Agreement. http://unfccc.int/paris\_agreement/items/9485.php / ⁵ UN Environment, Emissions Gap Report. www.unep.org/emissionsgap/download-emissions-gap-report-2016 / ⁵ World Bank, Climate Change. www.worldbank.org/en/topic/climatechange/overview / ¹ ¹ See: Green Climate Fund, What We Do. www.greenclimate.fund/what-we-do/portfolio-dashboard / ¹¹ See: World Bank, Green Climate Fund (GCF). http://fiftrustee.worldbank.org/Pages/gcf.aspx / ¹² See: www.greenclimate.fund/documents/20182/24871/GCF\_in\_Numbers.pdf/226fc825-3c56-4d71-9a4c-60fd83e5fb03 / ¹³ See: Rai, N et al. (2015) A fair climate deal in Paris means adequate finance to deliver INDCs in LDCs. IIED, London. http://pubs.iied.org/17333IIED / ¹⁴ LDC Group at UN climate change negotiations, Least Developed Countries Launch Renewable Energy and Energy Efficiency Initiative, Join Global Partnership-to-rapidly-scale-up-clean-energy-and-energy-efficiency-initiative-join-glo