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COP28: Too Big to Fail?

The World Climate Conference: A Litmus Test for the Paris Climate Agreement and Guiderail for Future Climate Policy

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- The biggest climate conference of all time, COP28, faced criticism of the organisers and has probably raised the highest expectations since the Paris Climate Agreement was signed.
- The negotiations got off to a strong start thanks to good preparation and were quickly able to claim some initial successes, such as operationalisation of the the *Loss and Damage Fund*.
- Tough, tedious negotiations characterised the further course of the COP, which almost collapsed before an agreement in key areas was surprisingly reached.
- On the key issue of fossil fuels, an agreement was reached on "transitioning away" from fossil fuels, thereby falling short of the call for a "phase-out", but sealing the end of the fossil fuel era for the first time – a remarkable step in comparison to previous climate conferences.
- In the shadow of this major point of strife, no breakthrough was achieved on other issues: no progress was registered in negotiations on emissions trading, adaptation and financing.
- In view of the considerable financial pledges made by the host country, the UAE, COP28 marks the first time that a country not designated “industrialised” by the UNFCCC has contributed to international climate financing, a development which could serve as a beacon going forward.
- At this COP, climate negotiations were characterised by new frontrunners as well as shifting alliances. While traditional heavyweights were less at the forefront, a number of new groupings, like the Climate Club or the Nuclear Alliance, are blazing a trail on certain issues, while new alliances are emerging between industrialised and vulnerable countries.
- In the run-up to next year's COP29 in Azerbaijan, the task at hand is to prepare an agreement on issues that have so far fallen under the table.

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High expectations

With over 97,000 UN-accredited delegates and observers[1], this year's COP28 in Dubai was not only the biggest climate conference of all time, but also the COP giving rise to probably the highest expectations since the conclusion of the Paris Climate Agreement. Why? Because the *Global Stocktake (GST),* scheduled to take place at COP28, was supposed to not only assess progress towards targets to date, but also spell out a framework for the global community's upcoming future commitments, including the next round of *Nationally Determined Contributions* (NDCs) to be submitted in 2025.

The balance sheet on progress made to date in the implementation of the Paris Climate Agreement is mixed at best: while the warming of up to 2.9 degrees Celsius currently being projected is a significant improvement in comparison with the four degrees of warming targeted as recently as 2015, it nevertheless remains well above the mark of 1.5 degrees – and hence the apex that would at least check the most catastrophic effects of climate change.

In order to still attain this target, global greenhouse gas emissions would have to be cut significantly and swiftly – by 43 per cent by 2030 compared to the 2019 level – a target that is out of range with the measures currently being implemented and pledged.[2]

The pressure on this year's COP28 and on the host country, the United Arab Emirates (UAE), to elevate the level of ambition, forge an agreement on divisive issues – above all how to deal with fossil fuels and climate financing – thereby also demonstrating the legitimacy of climate conferences, was therefore running high.

Respectable gains at the outset

Mindful of these expectations, the conference president, Emirati Minister of Industry and Chairman of the Abu Dhabi National Oil Company (ADNOC) Sultan Ahmed Al-Jaber, who had been widely criticised in the run-up to the conference, scored an initial success right off the bat: a consensus on the modalities for operationalising the *Loss and Damage Fund*, which was adopted last year at COP27 in Sharm el-Sheikh, Egypt, to help countries affected by climate change to respond. Very few observers had expected such prompt concord on the initial day of the conference. Contrary to broad expectations, the UAE demonstrated that it could produce results through skilful preparation of negotiations – a skill that was put to the test in the further course of the negotiations.

The UAE, together with Germany, kicked off the financial pledges by contributing USD 100 million each, placing them among the largest contributors, topped only by Italy and France with EUR 100 million each (around USD 108 million). The negotiating parties were unable to reach an agreement regarding mandatory contributions to the fund by non-industrialised countries, however, as some countries called for. Nor are the total resources of the new fund sufficient, yet. Pledges totalling around USD 700 million have been received – far below estimated needs for developing countries to cope with climate change-related damage and losses, but nonetheless an important building block.

Other positive news – albeit less weighty – in the first few days of the conference also shaped the picture: the UAE announced a new investment fund called *Altérra* with a volume of USD 30 billion, with the aim of funnelling capital into climate-friendly energy transition projects, new climate protection technologies and the decarbonisation of industry with a focus on developing countries. By leveraging private capital, the idea is to grow the fund to USD 250 billion by 2030. The topic of health in connection with climate change was also put on the COP agenda for the first time as a separate priority topic and was also given a major boost by the *Declaration on Climate and Health* signed by 128 countries and outfitted with pledges of over USD 1 billion for programmes in this field. In addition, the topic of food security was elevated to a prominent place upon the opening of the conference and as part of an initiative sponsored by the host country in collaboration with the Gates Foundation. Announcement of the Climate Club by German Chancellor Olaf Scholz and numerous other initiatives revolving around decarbonisation of the economy were also well received.

The staccato of announcements as the conference got under way along with fresh initiatives injected a positive stimulus into the conference. Nevertheless, the medium-term effectiveness of such initiatives depends on whether they can expand the scope beyond previous measures, as well as their subsequent implementation. In the past, initiatives heralded at climate conferences have often fallen short of these ambitions.

Deep rifts

Nor can these successes hide the fact that the climate negotiations have been taking place in a context of hardened fronts, both in terms of climate and geopolitics, with far-reaching dissension on many key issues.

The fossil elephant in the room

This is particularly evident with the issue of phasing out fossil fuels. While the topic has already been the subject of heated debate at previous climate conferences, it came to the fore more than ever at this year's COP28, against the backdrop of increasingly clear forecasts on the necessary reduction of greenhouse gases and in the context of the *global stocktake*. Deep rifts are emerging, particularly between those countries among the *High Ambition Coalition*, which includes Germany, the EU and many developing countries, and exporters of fossil fuels such as Saudi Arabia, Russia and Iraq. Both in the run-up to and during COP28, the debate on the phase-out of fossil fuel was particularly heated between representatives of civil society and climate activists on the one side of the fence and representatives of the fossil fuel industry on the other – strongly colouring perception of the COP.

Grappling for the right level of ambition

The phasing out or reduction of fossil fuels was negotiated at this COP in the shape of a package comprising three elements: In addition to turning away from fossil fuels, there were also calls to triple renewable energy capacities and double energy efficiency efforts. Demands in connection with renewable energies and energy efficiency, dubbed *double down, triple up,* are widely accepted. The sticking point was the first point and hence the question of whether the international community could agree on a compromise to move away from fossil fuels.

While the EU, many European countries and in particular developing countries hardest hit by climate change are calling for a complete and obligatory phase-out of fossil fuels – in conjunction with measures to cushion its social and economic consequences – countries dependent on the export of fossil fuels are willing to continue using them while taking measures to reduce the resulting emissions.

In the negotiations, these positions were reflected in different wordings in the preliminary text versions. For instance, various countries referred to a complete *phase-out*, others to an end to fossil fuels without any reduction of emissions ("*unabated*"). Textual versions in the intervening period also included a "*no text*" option for the clause, which would also have resulted in targets for expanding renewable energies and boosting energy efficiency not being adopted. Saudi Arabia in particular, but also China and Iraq, vehemently opposed the inclusion of a phase-out of fossil fuels in the negotiations, threatening to derail them entirely.

A question of technology?

One important and contentious item in the debate in this context is technologies for the capture and storage of CO_2 emissions (*carbon capture, utilisation and storage*, CCUS) as well as *carbon dioxide removal* (CDR) technologies. While it is undisputed on the basis of scientific findings that such technologies are indispensable if we are to achieve the 1.5 degree target, the role that various actors ascribe to them varies greatly. Exporters of fossil fuels view CCUS as an opportunity to continue exploiting their raw material deposits in a climate-friendly manner and assume a correspondingly optimistic stance with regard to technological development and broad application in all areas of the economy, including the energy sector. The Arab Gulf states are particularly active in this regard, along with the USA driving the issue forward.

Europe and many developing countries are taking a more critical view of the issue: the EU's position merely envisages the use of such technologies in energy-intensive economic sectors that are difficult to decarbonise, such as steel and cement. The technological feasibility and profitability of technologies, which have remained very expensive to date, are also questioned: a report recently issued by the International Energy Agency (IEA), for example, raised questions about the capacities that will realistically become available in coming years for the capture, storage and utilisation of CO_2.[3]
Above and beyond these technical uncertainties, however, the discussion ranging around the use of CCUS and other technologies is often based on the suspicion that proponents are merely using CO_2 capture and storage as a "fig leaf" for the continued use of fossil fuels.

Last-minute agreement
In view of these deep rifts and widely divergent positions, there was even a risk of negotiations collapsing on the final scheduled day of the climate conference, 12 December 2023. In contrast to previous versions of the text, the provisional text of the resolution presented by the COP28 presidency contained significantly watered down wordings, merely providing for options for action "reducing both consumption and production of fossil fuels, in a just, orderly and equitable manner so as to achieve net zero by, before, or around 2050". The text was harshly criticised from many sides, being described as "disappointing" and "unacceptable" by among others German Foreign Minister Annalena Baerbock and EU chief negotiator Wopke Hoekstra. Representatives of vulnerable states even described it as a "death sentence"[4].

Following all-night discussions, however, a breakthrough was achieved on the morning of 13 December 2023: the COP28 presidency presented a new text on the *global stocktake,* which had little in common with the previous draft text in many controversial points. When no vetoes were cast by negotiating parties in the final plenary session, the text was adopted by consensus.

The final text, dubbed the *UAE Consensus*, calls on countries to take action "transitioning away" from fossil fuels. The position of emerging economies is taken into account by making reference to different national conditions and development paths. The wording falls short of the demands of many countries for a phase-out of fossil fuels. Compared to the previous draft text and all previous COP final texts, the wording is a remarkable step, however. For the first time, a transition away from fossil fuels is specifically mentioned. The text also includes targets for tripling capacities for renewable energy generation and doubling energy efficiency.

With regard to the promotion of technologies for the capture and storage of emissions, the addition of "in hard-to-abate sectors" constitutes a retrenchment reflecting the position of the EU and other countries. Nonetheless, the text implies a position lenient toward fostering these technologies, which are a necessary part of the solution if a 1.5 degree scenario is to prevail. Many observers have criticised Article 29, which underscores the role of transitional energies for the energy transition and security, however. Vulnerable countries are apprehensive that this will be taken advantage of by producers as a loophole allowing continued use of fossil fuels. The discussion about an agreement on an apex point for emissions – a vital factor in limiting global warming according to the IPCC – has also come to nothing once again. While the previous draft text still envisaged 2025 as the point for emissions to peak out, this target is no longer mentioned in the final text.

In contrast, recognition based on current findings of the need to cut emissions in order to achieve net zero emissions can be seen as a positive sign. By stating a necessary emissions reduction of 43 per cent by 2030 and 60 per cent by 2035 compared to 2019, the resolution is in tune with scientific findings in this regard. Net zero emissions are to be attained by 2050.

Adaptation: a disregarded challenge?

Much less salient in the debate, but scarcely less contentious, is the *Global Goal on Adapt*ation (GGA), which was laid down in the Paris Agreement to encourage political measures and funding to support developing and emerging countries in adapting to climate change. Developing countries, including many of the most vulnerable countries, want to see significant progress in this area, with clearly specified, time-bound targets for adaptation measures and concrete funding commitments on top. They also aim to have topic of adaptation firmly placed on the agenda of future climate conferences.

Many developing countries criticise commitments made to date for adaptation to climate change as being inadequate. It was hoped that this year's COP would result in progress in this respect. In the end, however, developing countries were disappointed by the strong focus on discussions about phasing out fossil fuels, and the associated lack of attention being devoted to other issues such as adaptation – which, according to developing countries, has always been a shortcoming characterising the position of the industrialised countries. One of the reasons cited by industrialised countries for this is the difficulty of setting out concrete targets, as the impact of many specific adaptation measures is difficult to assess. In contrast to financing for projects to mitigate climate change, there is often no recognisable "business case" for adaptation measures. The USA for one is singled out by many as dragging its feet in this regard.

While Germany is already the largest donor in this area, having pledged EUR 60 million to the UN Adaptation Fund at COP28, the total pledges of USD 187.7 million fall far short of the USD 300 million needed. At the same time, according to a report recently published by the UN Environment Programme (UNEP), the financing gap for adaptation continues to mount and is now estimated at between USD 194 billion and USD 266 billion – a figure that is also mentioned in the *Global Stocktake* text.[5] Total adaptation financing provided and pledged through various bilateral, multilateral and private financing instruments up to COP28 was only around USD 24.6 billion, however. A pledge made by industrialised countries in 2021 to double adaptation financing to around USD 40 billion per year by 2025 is therefore a long way off.

In view of this inauspicious point of departure and a lengthy impasse in the talks on adaptation, which also jeopardised the success of the *Global Stocktake*, the agreement hammered out in the closing stages of the COP on the work programme for the Global Adaptation Goal came almost as a surprise. The final text calls on the Parties to raise their level of ambition while intensifying their measures and support for climate change adaptation, identifying seven areas in which this should take place, including water supply, climate-resilient food systems, climate-related health impacts, poverty reduction and ecosystem conservation. It also sets out objectives for the development, implementation and monitoring of national adaptation plans and issues an appeal for greater funding for adaptation.

Observers criticise the text, however, for falling far short of developing countries' demands. No concrete end dates or indicators for measuring progress are mentioned for the targets in the various areas, for instance. There are also merely general appeals for funding, but no specific plan on how the necessary funding is to be provided.

Due to a dearth of support in this year's negotiations, further elaboration has been postponed to the future – in a two-year work programme, to be more precise.

No consensus on emissions trading

In contrast to the sometimes surprising last-minute breakthroughs on other issues, this year's COP once again failed to produce any result on the issue of emissions trading. In Article 6.2 of the climate agreement, the details on how countries can trade CO_2 certificates among themselves in future have yet to be spelled out.

In particular, there is no guiderail for how projects whose CO_2- reductions may be sold in the form of certificates are to be registered and certified and how transparently they are to be traded. The EU and the USA in particular have highly divergent views on how future emissions trading could be structured.

As with its own EU emissions trading scheme, the EU wants the highest possible standards, above all strict, verifiable certification rules and registration to take place with a government agency that provides information about projects in a transparent manner. The USA, on the other hand, wants the private sector to be able to register itself and companies to be allowed to classify some information as confidential instead of disclosing it publicly.

The USA was supported in its position favouring more flexible emissions trading by the majority of countries in the negotiations, particularly the *Likeminded Developing Countries*, such as China and Saudi Arabia. Fronts remained deadlocked throughout the negotiations, resulting in the EU negotiators, supported by Mexico and the Latin American states of the AILAC group (*Independent Association of Latin America and the Caribbean*), ultimately rejecting the USA proposal, asserting that no deal is better than a bad deal. The fact that the EU did not want to see its own emissions trading undermined by a lax global system is also likely to have played a role here, however.

Complex financing challenges

As with other topics, the issue of climate financing at this year's COP28 continued to be overshadowed by the mammoth issue of how to deal with fossil fuels. Thus, at the close of the climate conference, it was criticised that the necessary level of ambition and the required hike in financial commitments to reach the agreed targets in order to be able to bid farewell to fossil fuels while increasing renewable energies and energy efficiency were not achieved, nor was the growing finance gap in the area of adaptation narrowed.

In its evaluation of implementation of previous financing commitments by industrialised countries, the *Global Stocktake* notes that the financing target of USD 100 billion per year from 2020 onward was not achieved in 2021, either. The text accordingly calls on industrialised countries to redouble their efforts to achieve this financing target by 2025. An initial estimate by the OECD assumes, however, that the financing mark for 2022 has been reached for the first time.[6]

A new *Collective Quantified Goal on Climate Finance* (NCQG) is to be adopted at COP29 next year for financing from 2025 onwards. Negotiations at this year's COP were meant to define the direction for this. The targets mentioned on this issue in the *Global Stocktake* text remain very vague, however, including with regard to the linkage to financial resources for climate impact adaptation. Negotiations in preparation for and during COP29 will therefore have to sound out how high the level of ambition for this new long-term financing target will turn out to be.

Current discussions contemplate a demand for industrialised countries to contribute one per cent of their economic output to climate financing in future.

With its USD 100 million pledge for the new Loss and Damage Fund and the announcement of the USD 30 billion Altérra Fund, the UAE has sent a strong signal underscoring its role in climate finance – no doubt also in part to demonstrate its willingness to play a constructive role as host of COP28. These pledges are particularly noteworthy, as this is the first time that a country not categorised as an industrialised country in the UNFCCC scheme (*non-Annex 1 country*) has made such a contribution to international climate financing. Against the backdrop of the still-ongoing heated debate on the contribution of developing countries to climate finance, this could be an important message. So far, however, no other countries in this category have followed suit with a pledge along the lines of the UAE.

At the same time, however, in all these discussions about increasing funding, it must not be forgotten that this funding needs to flow into the right projects and be used in a responsible manner by governments and other stakeholders. After all, "more transparency and accountability in the expenditure of funds is also a must".[7] Too often, poor governance or corruption diminishes or thwarts the impact of existing funding - and the solution to this is not to constantly increase climate financing.

Old and new alliances

In the context of deep rifts on key negotiating points, new momentum in cooperation and in some cases new alliances can be perceived at this year's COP. Instead of clear and predictable groupings, an increasingly complex picture of changing cooperation structures based on issues can be seen to be emerging.

Climate Club

One of the coalitions of ambitious countries, the Climate Club, was officially launched by German Chancellor Olaf Scholz at COP28. The club is intended to help jump-start the decarbonisation of industry through international cooperation. To date, 35 countries, plus the EU Commission, have already joined the club, among them Japan, Canada, Indonesia and the USA. The Climate Club accounts for around 30 per cent of greenhouse gas emissions caused by the ten countries with the highest emissions. India, China, Russia, Brazil and Iran – which are not yet members of the Climate Club – account for the remaining 70 per cent. So if the Climate Club wants to have a real impact outside its current membership, further efforts need to be made to involve these countries.

The Climate Club stresses cooperation over competition to tackle global climate challenges and is to operate according to the following principles: Countries can work in sectors of their choice, where they can maximise emissions reductions based on their given capabilities and commitments.

Through these sectoral working groups, countries seeking climate neutrality in their core sectors – for example steel, aluminium, cement, fertilisers and the automotive industry – can work closely together, including by coordinating decarbonisation pathways. Closer cooperation between politics and industry to obtain standardised solutions will also be key to effective implementation.

Most vulnerable countries

Vulnerable countries, including the small island nations, but also many African countries, officially belong to the G77+China grouping – the group of developing countries. As recently as COP27 in Sharm el-Sheikh, however, it had already become abundantly clear that the most vulnerable countries are increasingly banking on flexible and issue-based alliances to attain their goals. While they stick to the traditional context of the G77+China when it comes to adaptation, for instance, it is evident that some countries in the G77 group are seeking closer dialogue and alliances with countries in the *High Ambitions Coalition* about certain issues. This reflects the tremendous diversity of the G77+China grouping, which includes major emerging economies such as China, India and Brazil that oppose a rapid departure from fossil fuels due to their economic development trajectories, but also encompasses the most vulnerable countries, which have a higher level of ambition in this area.

Nuclear alliance

Another new alliance forged at COP28 is the Nuclear Alliance of 22 countries calling for a tripling of global nuclear energy capacity by 2050 and mobilisation of commensurate sources of financing. This Alliance aims to strengthen the role of nuclear energy, including new forms such as modular nuclear reactors, to achieve the 1.5 degree target, displaying a growing interest among many players in nuclear power in the context of the energy transition. In addition to the USA, the alliance has been joined by numerous European countries such as France, the UK, the Netherlands and Sweden, as well as Morocco, the UAE and Ghana. Major nuclear powers such as China, India and Russia have not yet joined the alliance, however.

Important agreement, next steps

As is so often the case, assessments of the results by various actors in the wake of international climate conferences vary: while some call it a historic step, others grumble that the results merely constitute the absolute minimum.[8] This criticism of the lack of ambition of the agreement is just as unsurprising as it is logical with an agreement attained by consensus between 198 negotiating parties in a multilateral format. It is also evident, however, that the adoption of a target for an end to the use of fossil fuels for the first time is an important signal, regardless of unresolved issues and details in many areas. This is all the more true as this year's agreement successfully completes the Global Stocktake, a key element in connection with the Paris Climate Agreement. Agreements in this text have to be taken into account by all signatory states in the preparation of their new Nationally Determined Contributions (NDCs) by 2025. The agreement also shows that, despite growing geopolitical and climate policy rifts worldwide, there is still a will to cooperate at a multilateral level, and the oft-criticised COP forum can continue to produce results for the global community.

The task at hand is now to consistently drive forward the goals that have been set and to underpin them with appropriate measures and funding. In addition, further work needs to be done to bridge the deep rifts in the discussions following the COP in order to shift attention toward negotiations over concrete steps and measures in key areas of climate policy instead of ideological debates on fundamental principles.

Groupings of ambitious countries, such as the Climate Club, can help to drive forward efforts in various areas in a particularly resolute manner and thus perhaps also motivate less ambitious countries. In this context, it is also to be hoped that the financial commitments made by the host country, the UAE, will herald a turnaround and that other financially strong non-industrialised countries will also contribute to climate financing in the future.

There is still a lot to do in the run-up to COP29 in Baku next year. With regard to previously unsolved or insufficiently resolved issues, including the global adaptation target, the new long-term financing target and emissions trading, urgently needed decisions have to be prepared. The coming twelve months leading up to COP29 will be an important phase in which targeted work and negotiation processes need to create a basis to eventually facilitate an ambitious and clearly defined agreement in these areas at next year's climate conference.

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