

# OUTCOMES OF THE U.N. CLIMATE CHANGE CONFERENCE IN MARRAKECH

22nd Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 22)

November 7-18, 2016



Despite looming uncertainties following the election of Donald Trump as the new U.S. president, governments meeting in Marrakech, Morocco, pushed forward with the freshly-minted Paris Agreement on climate change, setting 2018 as their deadline for completing the nuts-and-bolts decisions needed to fully implement the agreement.

Parties arrived in Marrakech buoyed by the agreement's unexpectedly rapid entry into force, which took place November 4, only to be shocked a mere four days later by the election of Republican candidate Trump, who vowed during the campaign to "cancel" the Paris Agreement.

Questions and speculation about the implications of a Trump presidency dominated hallway chatter and media reporting. But inside the conference rooms and plenary halls, negotiations proceeded apace, with little evidence that the election results significantly altered the outcomes of the Marrakech conference.

In a high-level **Marrakech Action Proclamation**, parties collectively declared that the "extraordinary momentum on climate change worldwide... is irreversible." Similar messages were sounded continuously throughout the conference by businesses, cities, states and NGOs, and by heads of state and ministers from Africa, China, Europe, Latin America and elsewhere, including U.S. Secretary of State John Kerry.

The Marrakech meeting was the 22nd Session of the Conference of the Parties to the U.N. Framework Convention on Climate Change (UNFCCC), known as COP 22. It also served as the first meeting of the governing body of the Paris Agreement, known by the acronym CMA.

In the long evolutionary arc of the U.N. climate effort,

Marrakech was an important transitional moment, pivoting from the years of negotiation that produced the Paris Agreement to a new phase focused on implementation.

Even apart from the new uncertainties injected by the U.S. election, it was clear in Marrakech that the transition is a challenging one, as perennial issues resurfaced in new guises. Chief among them is the nature of differentiation between developed and developing countries, with some developing nations pressing the kinds of bifurcated approaches that developed countries believed the Paris Agreement had laid to rest.

There was no expectation heading into Marrakech that such issues would be resolved there. Rather, the aim was to better understand the many issues involved in fleshing out the Paris architecture, delineate the areas of convergence and divergence, and adopt a work plan to get to final decisions by 2018 – goals that were largely achieved.

With no clear signal from President-elect Trump or his team whether he indeed plans to abandon the Paris Agreement, parties headed home from Marrakech hoping the United States remains at the table when negotiations resume in Bonn, Germany, in May.

Following are background on the negotiations and a summary of key outcomes:

## CONTEXT: FROM AGREEMENT TO IMPLEMENTATION

The landmark Paris Agreement adopted in December 2015 marked a dramatic turn in the global climate effort, establishing a new framework combining "nationally determined contributions" (NDCs) with new multilateral

mechanisms aimed at ensuring transparency and accountability and promoting greater ambition over time.

Although the agreement was designed to apply from 2020 onwards, the unprecedented political momentum on display in Paris carried into 2016, with countries moving more quickly than anticipated to ratify the agreement and bring it into force. In the case of the United States, President Obama was able to accept the agreement through executive action, without seeking Senate advice and consent, because it elaborates the UNFCCC (which received Senate approval) and is consistent with domestic law, and because countries' emission targets are not binding.

The threshold for entry into force – formal acceptance by 55 countries accounting for at least 55 percent of global emissions – was reached October 4 and the agreement took effect one month later. By the close of the Marrakech conference, it had been ratified by 111 countries representing more than three-fourths of global emissions.

The agreement defines parties' basic obligations and establishes new procedures and mechanisms. But for these to be fully operational, their details must be further elaborated. This requires the adoption by parties of an extensive set of decisions known loosely as the "Paris rulebook."

## ELABORATING THE PARIS RULEBOOK

Further decisions are required on a wide range of topics, including mitigation, adaptation, finance, transparency, a new "global stocktake" process, market mechanisms, and implementation and compliance.

The Paris Agreement and an accompanying COP decision assigned responsibility for developing these decisions to multiple bodies, chief among them the newly established Ad Hoc Working Group on the Paris Agreement (APA). (Others include two standing bodies: the Subsidiary Body for Scientific and Technology Advice, or SBSTA, and the Subsidiary Body on Implementation, or SBI.)

In most cases, however, the Paris Agreement did not specify a deadline for completing the decisions, saying only that they were to be adopted at CMA 1 – the first meeting of the agreement's new governing body. With

the agreement now in force, CMA 1 had to open in Marrakech, but no decisions were ready for adoption. To finesse this unanticipated procedural wrinkle, parties decided to extend CMA 1 beyond Marrakech. They also resolved that the decisions are to be ready "at the latest" when CMA 1 resumes at COP 24 in 2018. The COP and CMA will meet jointly at COP 23 in 2017 to review progress.

In subgroups, parties engaged in extensive informal consultations on the issues, offering initial, and in many cases conflicting, views of how different provisions should be elaborated. The only concrete outcomes, however, were procedural in nature, with parties adopting work plans for carrying the discussions forward. These will entail new written submissions from parties, technical workshops and facilitated roundtable discussions.

## MITIGATION

The Paris decision calls for further guidance to parties on: the features of NDCs, the up-front information to be provided by parties when communicating future NDCs, and parties' accounting of their NDCs. One major challenge is how to develop guidance that takes into account the different types of NDCs parties have put forward (e.g., absolute emission targets, intensity-based targets, etc.). Some developing countries argued that in some areas, such as up-front information, requirements should be different for developed and developing countries, a view strongly opposed by developed countries.

## ADAPTATION

Within the APA, parties began discussing the periodic "adaptation communications" they are encouraged to submit under the Paris Agreement, outlining their adaptation needs and/or efforts. They discussed the possible elements of these communications and their potential links to the transparency system and the global stocktake. In parallel, the Adaptation Committee began considering how developing country adaptation efforts will be "recognized," and how to regularly assess the adequacy and effectiveness of adaptation efforts and support.

## FINANCE

The Paris Agreement requires developed countries to provide biennial reports on financial support provided

or mobilized through “public interventions,” and on projected levels of future support. In Marrakech, SBSTA began considering how to account for public finance. Issues include whether the accounting should apply only to flows from developed to developing countries or to broader flows of public finance.

## TRANSPARENCY

The Paris Agreement establishes an enhanced transparency framework with reporting and review obligations for all parties and “built-in flexibility” for developing countries with limited capacity. This framework is to build on existing UNFCCC transparency processes, which are different for developed and developing countries. A major issue is whether the “flexibility” built into the Paris framework will continue this bifurcated approach – a view advanced by some developing countries and adamantly rejected by developed countries. This promises to be a major point of contention through 2018. A related issue is whether requirements should instead be tailored to different types of NDCs.

## GLOBAL STOCKTAKE

The Paris Agreement establishes a “global stocktake” every five years starting in 2023 to assess collective progress toward the agreement’s long-term goals. The stocktakes will set the stage for parties’ submission of successive rounds of NDCs. In Marrakech, parties began discussing how to structure the stocktake, including its format, inputs, timeline, duration, and output, and its linkage to other elements of the Paris architecture.

## IMPLEMENTATION AND COMPLIANCE

The Paris Agreement establishes a new 12-member expert committee to “facilitate implementation” and “promote compliance” in a “facilitative” and “non-punitive” manner. The APA began considering issues including:

- The scope of the mechanism – for example, whether it will consider only parties’ binding procedural obligations or the achievement of NDCs, which are not binding;
- How the mechanism will be triggered – for example, whether a party can ask the committee to examine another party’s compliance; and

- How parties’ varied circumstances and capabilities will be taken into account.

## MARKET AND NON-MARKET MECHANISMS

SBSTA began consideration of two market-related provisions of the Paris Agreement: a requirement that parties using internationally transferred mitigation outcomes (ITMOs) to meet their NDCs ensure no double counting of transferred units; and the creation of a new mechanism contributing to mitigation and sustainable development that may, like the Kyoto Protocol’s Clean Development Mechanism, generate tradable emission units. The Paris Agreement also calls for a framework for non-market approaches, and parties began exploring what it could encompass. Ideas included some type of coordination of policies such as feed-in tariffs and fossil fuel subsidy reforms.

## “ORPHAN” ISSUES

One of the most contentious items in Marrakech was how to treat a set of so-called orphan issues that are referenced in the Paris Agreement but not assigned to the APA or another body for further consideration. These issues include whether to establish common timeframes for NDCs (parties adopted different timeframes in the first round); any rules around the adjustment by parties of their NDCs; and the development of a new collective finance goal beyond 2025. Unable to agree on any specific direction, parties simply asked the APA to continue its consideration of “possible additional matters relating to the implementation of the Paris Agreement.”

## OTHER MARRAKECH OUTCOMES

Beyond developing the Paris rulebook, parties took actions and made announcements on a range of other issues, including:

### ADAPTATION FUND

One holdover issue from Paris was whether the Adaptation Fund established under the Kyoto Protocol, which provides adaptation support to developing countries, would continue under the Paris Agreement. Although developed countries would prefer to channel support through the newly established Green Climate

Fund, developing countries pushed very hard to keep the Adaptation Fund alive. Parties decided the fund “should serve the Paris Agreement,” pending decisions on governance and other issues.

## 2018 FACILITATIVE DIALOGUE

In Paris, anticipating that the Paris Agreement would not be in force for several years, parties decided to conduct an early stocktake through a “facilitative dialogue” in 2018. (The next round of NDCs is due in 2019/20.) In Marrakech, parties asked the presidencies of COP 22 and COP 23 to jointly undertake consultations on how to organize the facilitative dialogue, and to report back at COP 23.

## MID-CENTURY STRATEGIES

The Paris Agreement encourages countries to prepare and submit “long-term low greenhouse gas emission development strategies” outlining the kinds of actions needed to achieve much deeper emission reductions. In Marrakech, Canada, Germany, Mexico, and the United States became the first countries to **submit** what have come to be known as mid-century strategies. A new initiative called the **2050 Pathway Platform** was launched, with support from a broad array of national governments, cities, states, and companies, to help other countries develop their own mid-century strategies.

## FINANCE

Heading into Marrakech, developed countries released a **roadmap** outlining how they foresee meeting the goal of mobilizing \$100 billion a year in public and private finance for developing countries by 2020. In Marrakech, the UNFCCC’s Standing Committee on Finance released its second **biennial assessment**, showing that total global

climate finance increased 15 percent in 2013-14, reaching a high-bound estimate of \$741 billion in 2014.

Countries and others announced a variety of new financial pledges, including:

- \$23 million for the **Climate Technology Centre and Network (CTCN)**, which provides technical assistance and capacity building for developing countries.
- More than \$50 million for the **Capacity-building Initiative for Transparency** established in Paris to help developing countries build the capacity to meet new transparency requirements; and
- A doubling of **World Bank** climate finance for the Middle East-North Africa region to \$1.5 billion by 2020.

## LOSS AND DAMAGE

Parties conducted the first review of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM). The mechanism, established as an interim body at COP 19 and subsequently brought under the Paris Agreement, is charged with developing approaches to help vulnerable countries cope with unavoidable climate impacts, including extreme weather events and slow-onset events such as sea-level rise. The next review will take place in 2019, and further reviews will be conducted on a five-year cycle, which could align with the global stocktakes.

## FUTURE MEETINGS

Negotiations will resume at the annual Subsidiary Bodies meeting, set for May 8-18, 2017, in Bonn, Germany. Fiji will assume the COP presidency at COP 23, to be held November 6-17, 2017, in Bonn. Poland will host COP 24, set for November 5-16, 2018.



The Center for Climate and Energy Solutions (C2ES) is an independent, nonpartisan, nonprofit organization working to forge practical solutions to climate change. Our mission is to advance strong policy and action to reduce greenhouse gas emissions, promote clean energy, and strengthen resilience to climate impacts.