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Climate Change Law Specialist Group blog series

62nd Meeting of the subsidiary bodies of the UNFCCC: stalling negotiations and deferrals to Belém

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With COP 30 upon us, it is useful to reflect on the outcomes of the negotiations during the 62nd meetings of the Subsidiary Bodies to the UNFCCC (SBs) in Bonn. Looking back at the sessions, WCEL CCLSG member Mara Wendebourg discusses the main hurdles faced during the negotiations and why they seemed disconnected from the mounting challenges states are facing with keeping the 1.5℃ goal within reach. Dr Mara Wendebourg, Legal Officer at Legal Response International and Visiting Research Fellow at Utrecht University, participated in the sessions and shares a summary in this blog post.

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Climate Finance

Following the disappointment of many developing states with the adoption of the New Collective Quantified Goal (NCQG) decision, which kept questions on the financial obligations of developed states open, climate finance remained an important topic, delaying the start of the opening plenary and of the negotiations. Indeed, two proposals were submitted by Bolivia – on behalf of the Like-Minded Developing Countries (LMDC) – to add agenda items that would lead to substantive consultations on the implementation of Article 9.1 (financial obligations of developed states) and on climate change-related trade-restrictive unilateral measures. Developed states opposed these additions, resulting in an 'agenda war' and the suspension of the opening plenary for two days, while informal consultations were held to resolve this issue.

An agreement was reached to remove the proposals and instead to address climate change-related trade-restrictive unilateral measures in related issues, including the Just Transition Work Programme (JTWP), adding a footnote to the agenda to this effect. Meanwhile, SB chairs would hold substantive consultations on the implementation of Article 9.1 and take stock on those and report back to SB 63, with a view for Parties to determining a way forward, with potentially a standalone item on this matter. Under these substantive consultations, developing countries expressed their enduring concern since Baku that the NCQG fails to clarify the scope of financial obligations of developed states. LMDC suggested establishing a working programme specifically on Article 9.1 and the inclusion of a stand-alone agenda item on the topic. Meanwhile, the Environmental Integrity Group (EIG) proposed addressing finance obligations more broadly, considering Article 9 Paris Agreement (PA) under the CMA; Article 4 of the UNFCCC under the COP; and matters related to finance in preparation to COP and CMA under the Subsidiary Body for Implementation (SBI). The substantive consultations on Article 9.1 thereby offered a space for Parties to air out their views on the interpretation of financial obligations of developed states.

Further considering the climate finance negotiation stream, one awaited mandated event concerned the Baku to Belém Roadmap to 1.3T, which was created in paragraph 27 of the NCQG decision, with the aim to 'scaling up climate finance to developing country Parties […]' in order to meet a target of 'at least USD 1.3 trillion per year by 2035' (paragraph 7 of the NCQG decision). To meet this target, the decision calls on all actors to scale up financing for climate action – from public and private sources – to developing parties. The decision further requests the Presidencies of both Baku and Belém COPs to produce a report summarising the work at CMA 7.

At SB 62, the Presidencies of COP 29 and 30 held consultations with Parties and stakeholders to gather support from multilateral development banks and the COP 30 Circle of Finance Ministers in fostering climate action. It is still unclear whether the Roadmap will lead to a negotiated outcome, let alone a decision as the NCQG decision only calls for a summary to be produced, not for it to be considered at CMA 7.

Climate Mitigation

Under the mitigation negotiations, Parties discussed how the Sharm-el-Sheikh Mitigation Ambition and Implementation Work Programme (MWP) could be a 'safe space for overcoming barriers and take actionable solutions'. Some developing states stressed that the MWP would be such a space if it respected its mandate to be 'non-prescriptive, non-punitive, facilitative, respectful of national sovereignty and national circumstances, take into account the nationally determined nature of nationally determined contributions and will not impose new targets or goals' (decision 4/CMA.4 para 2). Differently, AOSIS, AILAC, LDC and developed countries stressed the need to consider the GST decision within the MWP to ensure the latter fulfils its purpose. Much of the time allocated to the mitigation negotiation stream, though, was spent debating on the digital platform, with some negotiators weary that it would deviate from the mandate of the MWP. The digital platform – noting there is no consensus on its content and use – would aim to facilitate the implementation of mitigation action through enhancing collaboration between governments, financiers and other stakeholders for the purpose of developing investable projects in a country-owned and nationally determined manner (Decision 2/CMA.6 para 13).

Climate Adaptation

Under the adaptation agenda item, Parties discussed the list of indicators that would help track progress on achieving the global goal on adaptation (GGA) and guidance with criteria to refine the consolidated list in order to reduce it from nearly 500 to a maximum of 100 indicators, which will be considered at COP 30. After prior disagreement, Parties agreed that the indicators would also include means of implementation, and cross-cutting issues like human rights and gender.

The Global Stocktake

Concerning the Global Stocktake (GST), SB 62 considered improvements to the GST cycle, which should have concluded at CMA 6 in Baku. The GST allows for the combined impact of Nationally Determined Contributions to be assessed at a collective level and constitutes an important part of the compliance mechanism of the Paris Agreement. The GST is done through cycles, with the first one having been concluded at COP 28 in 2023. The inertia of the GST negotiation stream continued, with concerns in the discussions on procedural and logistical elements of the GST cycle that the second GST cycle would not reflect the best available science, if the seventh Assessment Report of the IPCC is delayed and excluded from the GST. Some Parties used this opportunity to undermine the work of the IPCC, as biased towards the Global North. The same issue was raised under the research and systemic observation (RSO) negotiation stream, which enable states to promote research and research cooperation. The wording on how to include the work of the IPCC and the WMO *State of the Global Climate 2024* report led to prickly discussions, with some states questioning the inclusion of the phrase "1.5°C aligned pathways" and cautioning against "alarmist" wording if Parties were to note "with great concern" the report of the WMO.

Gender Negotiation

Similar focus on wording seemed to have beset the discussions under the gender negotiation stream. Thereunder, Parties considered the development of a new Gender Action Plan (GAP) to be adopted in Belém and questioned the language both on financing and the gender terminology used. Regarding the former, some Parties wanted the inclusion of reference to financial support for the implementation of the GAP. Turning to the latter, Paraguay and Argentina asked for a binary definition of gender and Saudi Arabia for the removal of references to "gender-diverse" individuals. As a bridge between the different views on gender, the Holy See proposed to use a language that would reflect these different views on gender.

Conclusion

In sum, many of the negotiations stalled, deferring substantive progress to COP 30 in Belém, including inter alia over the Mitigation Work Programme, the governance arrangements of the Adaptation Committee, National Adaptation Plans and the third review of the Warsaw International Mechanism for Loss and Damage. Frustrations and disagreements of Parties transpired throughout negotiations streams, leading to informal notes and conclusions with little agreements, interspersed with caveats being adopted during the closing plenary, many states voicing their reservations on them. Bearing in mind the agenda war that affected the start of the session and the slow progress of the negotiations, Executive Secretary Simon Stiell emphasised the need for trust in the negotiations, in his words, 'just as we have no planet B, there is no process B'.

This blog was written for the Climate Change Law Specialist Group, IUCN WCEL, as part of a series that aims to map activities, events, and panels related to Climate Change Law around the year.

If you wish to learn more, please contact ***Marina Dutra Trindade****, executive assistant of the WCEL Climate Change Law Specialist Group.*