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Reflections on COP24, Katowice 2018

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by Carol Yuen, Eric Bea, Jamie Lee and Sarah Lu

Introduction

Between 2nd and 14th December 2018, NUS and Yale-NUS sent a number of students to attend the COP24 held in Katowice, Poland as observers. This COP was regarded as crucial for setting in stone a rulebook to advance the implementation of the Paris Agreement. Among the students who went were four NUS Law students and members of the Environmental Law Students Association, the student group under the purview of APCEL. Carol Yuen ('19), Eric Bea ('19), Jamie Lee ('20) and Sarah Lu ('21) write about their experiences at COP24.

Developed versus developing states

The differences between the experiences and stances of developed and developing states were apparent from the first day of negotiations. While parties had plenty of time to make their views heard, they tended to not address other parties' concerns. When reviewing the work done on response measures such as an economic modelling workshop held in Bonn, developing parties, most vocally represented by South Africa and the Maldives, expressed clear concerns that the workshop opportunities were limited and there was a lack of support for implementation and no case studies on transboundary impacts.

In contrast, developed parties like the EU and New Zealand sang praises of the efficiency of sharing of views on just transition and economic diversification at workshops. The disagreement on the effects of the workshops eventually culminated in parties spending a lot of time disagreeing on whether to capture any recommendations or even content stemming from the day's discussion.

A similar divide persisted throughout the negotiations on the market mechanisms. "Double-counting" became a watchword amongst Article 6-focused observers - this refers to whether a state (especially developing states) which has sold carbon offsets to another state, or an individual in another state, can still claim the offset in its national greenhouse gas inventory when making its Biennial Reports to the UNFCCC secretariat. Essentially, some developing states wanted a transition period where double-counting is allowed, and to make "corresponding adjustments" at the end of this period. Not surprisingly, this was met with overwhelming opposition from many other countries as it would distort the true state of the climate through what they saw as accounting sleight-of-hand.

This impasse was a sign of what was to come for much of the conference, as parties pushed opposing agendas with little response to the other side, at least in informal consultations for much of the conference.

Despite pronounced differences, parties still had some sense of humour, frequently drawing a parallel between the need for more commitment and ambition in issues such as climate finance to the Green Climate Fund and the Adaptation Fund, with attendees' efforts tapping a VISA card at a booth in the main hall to donate €3 each time and watch a rainforest grow. One wittily commented to the VISA staff on duty that "money can't solve everything".

Polish Presidency's approach to negotiating the Rulebook

A wise man once said, "laws are like sausages. It's better not to see them being made". This probably applies with equal force to international law. But what if you aren't even allowed to see the sausage being made?

At the start of the second week, it emerged that the Katowice Rulebook for the Paris Agreement was nowhere near completion, despite having an unprecedented two intersessional meetings (Bonn in April, and Bangkok in September) between COP23 and COP24. Thus, the Polish Presidency had taken it upon itself to take charge of negotiations - but in a setting closed to observers. (Or at least, to observers accredited by observers. Those who received accreditation from their governments were sometimes allowed to observe.)

This proved particularly frustrating for some observers following negotiations on elements of the Rulebook which were in fact floating further away from conclusion. This included the market and non-market approaches for international co-operation, otherwise known as Article 6 of the Paris Agreement.

At the start of the second week, a drastically shortened text which removed some of the technical details was released. These details were important as it would safeguard the integrity of the market mechanism in Article 6.4 from "hot air" (ie prospective claims of carbon offset achievement which do not fully materialise) and "double counting". Thus, when the conclusion of the COP24 was delayed for a whopping 33 hours, it was with some relief that state parties agreed to postpone the conclusion of Article 6 rules to COP25. Hopefully this gives negotiators some time to report back and to look at Article 6 with new eyes, taking into account the positions of other state parties. Meanwhile, when one door closes, another opens -- there was much talk of regional; "carbon clubs"

– smaller clusters of states collaborating to build their own carbon markets, following the examples of the European Union and the Western Climate Initiative, that have much potential to thrive, despite this outcome.

Role of observers

Through press conferences, side events, pavilion events and newsletter publications, observers educated other observers and delegates about the situations in their respective communities, and made their hopes for the conference known. In general, observers were hopeful about the ministerial Talanoa Dialogue's conclusion being useful for the consideration of Nationally Determined Contributions (NDCs) and transparency and accountability building more commitment and progress toward the 1.5 degrees promise. One particular aspect is ensuring a robust domestic multi-stakeholder process in the determination and implementation of NDCs. Civil society in Singapore could probably be more involved in the determination of NDCs for the country, as serious public participation on this matter was absent.

Much of the discussion among observers also revolved around Katowice and Poland, known for having a coal-driven economy, being the host. Katowice (despite featuring a pavilion with coal as its centrepiece) seemed very earnest to portray itself as transitioning to a greener economy and cityscape, as the city government organised several free tours to green and historical areas on eco-friendly hydrogen buses. The tour to Nikiszowiec mining area depicted the history of change of Katowice from a coal mine to cultural centre for music and the arts, epitomised by the presence of the futuristic Spodek (which is Polish for “(flying) saucer”, describing its exterior design), built on a former mining waste dump site.

Despite these efforts, observers were usually skeptical about Poland's commitment, with these suspicions exacerbated by the organisation of the conference. Interestingly, the welcome reception featured all meat dishes, with the many vegan and vegetarian participants having to flock to the salad bar. There were also very few free-access spaces for observers to hold their discussions. More jarringly, the Polish president of COP24 only provided the opening remark and then left soon after at the Presidency's Open Dialogue, leaving observers confused and frustrated. Poland was called out not once but twice by Climate Action Network (CAN)'s Fossil of the Day Awards side event, essentially the Razzies of the COP, calling out the State Party which was deemed to have most inhibited progress on climate action in negotiations that day. While the cathartic effect of this should not be underestimated, especially for the NGO observers, it would have been useful to have an award for the best/most ambitious/most committed country as well, to hold up positive examples for the international community to emulate.

Influence of observers on the negotiations

A short footnote deserves to be written about RINGO (ie. the Research/Independent NGO constituency) and YOUNGO (ie. the children and young people constituency), which are two of nine NGO constituencies in the UNFCCC system. The way in which both constituencies approached the conference could not be more different.

Some of us were involved in formulating YOUNGO's position for Article 6 at COP24. However, at the end of the day, it seemed that the positions YOUNGO took were hardly noticed. This was despite YOUNGO having a well-organised policy paper for the first time. (In past conferences, YOUNGO was more focused on organising "actions" (demonstrations) in and outside COPs. However, Poland's decision to implement stringent laws to deter outdoor demonstrations could have meant YOUNGO decided to strategically pivot towards policy-making this year.) Needless to say, parties had already consolidated their positions before coming into COP24.

RINGO's approach, on the other hand, was not to take any positions. Rather, they took the term "observer" rather more literally. Their interventions were focused on the procedural aspects of the negotiations to ensure transparency and an equal playing field for all. Despite their interventions, these remained sorely lacking at COP24. This culminated in RINGO boldly choosing to do away with the customary closing statement given by each NGO constituency. Sometimes, silence speaks volumes.

Future participation of student observers

Throughout the two weeks, friends from the Singaporean environmental groups back home were living vicariously through our social media posts for updates on the COP. Most of the time, we did not have much to report, especially when the negotiations proceeded at a glacial pace. Nevertheless, they shared our hope for positive developments and they were eager to hear from us.

This made us realize that it is a privilege to attend COP negotiations as student observers. Beyond NUS Law and APCEL, we represent the interests of the youths who are invested in collective action for a better climate.

A case should be made for more open participation to the COP, especially for youths around the world. The COP Presidency introduced the Daily Badge and Weekly Badge

systems, where passes given to various delegations (originally meant to be issued to one person for the entire two-week period) could be split on a daily or weekly basis. Both the NUS and Yale-NUS delegations maximized the allocated passes by splitting our attendance such that we would have a comprehensive picture of the developments across the two weeks.

The Daily Badge and Weekly Badge systems are a step in the right direction for greater access to the COP to observers who are invested in its outcome. We encourage this procedure to continue for future COPs so that more people can experience the COP for themselves. Despite this, costs are still a major inhibiting factor, as self-sponsored observers may not have the resources to fly halfway across the world and find reasonably affordable accommodation. We must also recognize that the carbon footprint of each attendee at the COP is immensely detrimental to the very cause of climate change. This makes it all the more compelling for future COP presidencies to provide internet enabled access because it would enhance the sustainability of such a mega-conference. Full social media coverage and livestreaming for all official and unofficial events should be hosted on a common platform. Otherwise, the Climate Action studios and press rooms can also be a platform for youth observers to report back to their peers back home. We need to capitalize on these digital avenues to broadcast our observations effortlessly.

Attending the COP can be overwhelming and underwhelming at the same time. One can easily get lost in the maze of the conference, especially when there is a flurry of side events, negotiations and meetings are happening simultaneously! Conversely, when we find ourselves trapped in uninspiring events, it is an unproductive use of time. Furthermore, being at the final stages of such long-term negotiations puts us at the tail end of the agreement where nothing exciting truly happens. The reality is that it is impossible to cover everything, and so we should pick our battles wisely. Each of us focused on a specific issue or a particular article of the Paris Rulebook, which helped in our determination of what is 'worth attending' and what is 'good to know'. Having the responsibility to report back on our projects will keep us occupied throughout!

First time attendees are bound to be disappointed at the COP if we let ourselves be inhibited by the Observer status. A mentor who has been to previous COPs will help us to manage our expectations and share more optimistic outlooks. For example, we would have thought it is the end of everything if we are asked to leave the room. Our mentor, Melissa Low, shared that it *was actually good* that informal-informal negotiations between parties are happening behind closed doors. Parties can negotiate the text and get to the heart of the contentious areas without being overly conscious of pleasantries for the benefit of the media. In sum, we need to develop a community of student and

alumni COP mentors who can guide newcomers through the halls of COP. Once we have a student community that regularly attends COP, we can become a more prominent contributor to RINGO and YOUNGO!

NUS' institutional support has given us a once in a lifetime opportunity. We represent the interests of Singaporean youth environmentalists and their interests too. We have the responsibility to encourage a ratcheting up of commitments and ambition from the international community, and we also hold our national government accountable to the negotiated text. As the pen is mightier than the sword, observers can leverage the 21st century 'pen' - the livestream video and Twitter - to keep others in the loop. In this way, we become part of the history behind the climate change regime.

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