

APCEL FIRESIDE CHAT: COP28 – THE KEY TAKEAWAYS

On 15 January 2024, APCEL hosted a panel discussion about the United Nations Climate Change Conference that took place in Dubai in November–December 2023 (COP28). Jolene Lin and Linda Yanti Sulistiawati from APCEL were joined by Rose-Liza Eisma-Osorio (University of Cebu School of Law) and Beatriz Garcia (Sorbonne University, Abu Dhabi).

Dr Lin began by introducing the panellists, and noting that the APCEL ‘fireside chat’ about COP outcomes, now in its third year, has become something of an annual tradition, and is also notable for providing a developing-country perspective on the COP.

Dr Garcia then outlined the main pillars of the UAE consensus, with special emphasis on the need for conserving and restoring nature. Moving on to the situation in Brazil, she described President Lula’s commitment to put Brazil on the path of zero deforestation by 2030, and his emphasis on the need for global commitment and action to limit global warming to 1.5°C above pre-industrial levels. Dr Garcia noted that under President Lula, compared to the previous regime, there has been progress on various environmental fronts, but on a less positive note, a highway construction project is under way which cuts through the Amazon rainforest. Brazil has also just joined the OPEC+ group of oil-producing countries and is considering oil-drilling in the Amazon basin.

Professor Eisma-Osorio noted that one of the key takeaways from COP28 seems to be the waning global popularity of fossil fuels. She characterised Paragraph 28 of the Global Stocktake Decision as a stark warning to investors to avoid potential stranded investment in fossil fuel assets, while at the same time noting that it remains to be seen how important or influential this message will prove to be.

She discussed the Loss and Damage Fund which has been one of the headline outcomes from COP28, welcoming the impetus to assist vulnerable developing countries like the Philippines. At the same time, she noted that we also need to look at the source of the problem which is the unabated sale of fossil fuels and the consequent greenhouse gas emissions. Like Brazil, Philippines climate action has been a mixed bag; the country is seen as a potent source of renewable energy in future and has signed a pledge to reduce fossil fuels, but at the same time, plans to ramp up liquified natural gas production which threatens to undermine the pledge. She also noted that it would be unfair to single out the Philippines; many nations plan to expand rather than scale down fossil fuel production, which tells us that we are, perhaps, a long way from taking truly significant action.

Dr Sulistiawati began by providing some background to COP28, which provided reasons for hope including a fruitful meeting between the US and China, the Glasgow pact and the Sharm el-Sheikh Implementation Plan, etc. Another hopeful event at the beginning of COP28 was the operationalisation of the Loss and Damage Fund, designed to aid developing nations to meet unavoidable impacts of climate change.

However, COP28 did not quite live up to its promise. For example, the language in Paragraph 28 of the Global Stocktake Decision – ‘transitioning away from fossil fuels’ – is quite vague. Likewise, the language in the Global Goal on Adaptation is also quite weak.

Moving on to Indonesia, she outlined and discussed three key dilemmas. Firstly, Indonesia is one of the largest coal exporters in the world. Secondly, Indonesia is projected to reach a ‘population bonus’ in 2045 which, notwithstanding the projected economic benefits, will probably make it harder to achieve emission reductions and other environmental goals. Finally, deforestation remains a problem. Indonesia has set an ambitious target of reaching net zero emissions by 2060 or sooner, but concrete action still seems to be lacking.

In her summary remarks, **Dr Lin** zoomed out to look at the big picture of what COP28 means for international climate negotiations and politics. She noted that we are in a climate emergency and there is deep frustration among civil society, youths, activists and indigenous people. The record temperatures in 2023 took even climate scientists by surprise.

2023 has been a very difficult year for global politics, and the US-China relationship having reached a low point has cast a shadow on climate negotiations. The controversy surrounding COP28 since the announcement of the host country and chair also proved distracting.

In light of all that, Dr Lin’s conclusion was that COP28 was an outcome of pragmatism and highlighted the limitations of the COP process in driving the kind of transformation that we need.

The global stocktake confirmed what we knew – that we are a very long way from making the kind of cuts that are needed to reach net zero. The COP process alone will not get us there; we also need persistent pressure on governments and stakeholders. By way of example, Dr Lin referred to climate litigation, whether inter-state or domestic, as an emerging means for galvanising climate action.

On a positive note, she highlighted that in COP28, agriculture has been put under the spotlight as a major source of emissions. Moreover, while many people have been critical of the lukewarm language in Paragraph 28, this is the first time that fossil fuels have been explicitly put under the spotlight, not least because of where the COP was hosted. Ultimately, she opined that COP28 was better than we expected, though not as good as we needed.

The event concluded with a Q&A segment between panellists and attendees, which focused on topics such as multilateralism, lessons learned from COP28 that can be carried forward to COP29, choice of hosts, and structural problems with the COP process including the representation of Small Island States.

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(From top left: Jolene Lin, Rose-Liza Eisma Osorio
From bottom left: Beatriz Garcia de Oliveira, Linda Yanti Sulistiawati)