Research Article

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Development of UN Framework Convention on Climate Change Negotiations under COP25: Article 6 of the Paris Agreement perspective

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Abstract: Development of the UN Framework Convention on Climate Change Negotiations (UNFCCC) is based on the Conference of the Parties meetings. The Paris accord is a political act setting goals to, operationalize the rulebook agreement. The 24th Conference of the Parties to the United Nations Framework Convention on Climate Change in Poland agreed on a set of guidelines for implementing the landmark 2015 Paris Climate Change Agreement. Katowice was a major step forward for operationalizing the Paris Agreement perspective though the negotiations were incomplete. The Article 6 chapter- *market and non-market cooperative approaches*- is being sent for completion to the next COP in Santiago. The present research has stressed that in COP25, article 6 would increase high level engagement of countries to finalize guidance with a perspective to prepare a decision by the end of the COP.

Keywords: UNFCCC, Paris agreement, COP24, COP25, Article6

1 Introduction

The Paris Accord (PA) is the result of a quarter-century of global climate diplomacy begun at the Earth Summit in Rio de Janeiro with the United Nations Framework Convention on Climate Change (UNFCCC). Once more, global leaders accepted the historic Paris Agreement at COP 21 in Paris and on December 12, 2015. The deal is a combination of the Kyoto “top-down” strategy and the Copenhagen and Cancun “bottom-up” approach (“History of UN Climate Talks | Center for Climate and Energy Solutions”, 2019). 177 countries and 144 states have signed the Paris Agreement as of April 2017. On November 4, 2016, it did not enter into force. The states are invited on a temporary basis to apply a national plan for dealing with rising greenhouse gases (Seo, 2017). To be more exact in this regard, Under the Paris Agreement, the 194 Members to the United Nations Framework Convention on Climate Change agreed to changing the trajectory of the planet towards sustainable development and “making the global average temperature rise well below 2 ° C above pre-industrial levels and promoting efforts to limit the temperature rise to 1.5 ° C above pre-industrial levels.” To accomplish this goal, all member nations must set national goals for reducing GHG emissions – nationally defined contributions (NDCs). The next evaluation of the NDCs will happen in 2020, and states will need to boost their motivation to meet the objectives of the Paris Agreement, recognizing that this would substantially decrease the risk and effects of climate change. The adoption of Article 6 of the Paris Agreement is one of the steps to this growing commitment (“Article 6: What is it and why is it important? - ICC - International Chamber of Commerce”, 2019). Since Article 6 is one of the few pieces to be concluded in the Paris Rulebook, at COP24 in Katowice, Poland, countries were unable to include guidance on this Article into the Paris Agreement, With the exception of paragraph 77(d) which specifies how, under Article 4, a Party engaging in collaborative methods involving the use of internationally transferred mitigation results (ITMOs) to its NDC and permits the use of mitigation effects for objectives other than achieving the NDC’s document on such use in

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a formal overview of the accountability process of the Paris Agreement. States will work to finalize Article 6 instruction with a perspective to producing the text of the decision by the end of Santiago COP25 in Chile (Climate Action Network, 2019). Thus, while this significant article of PA was not realized and completed in COP 24, the main question asked by the researcher of this paper deserves to be answered and reconsidered in the aftermath of Katowice negotiations:

RQ: how Article 6 of the Paris Agreement would be reflected at the Climate Change Conference -COP25- in Chile by 2019?

The Author demonstrates that importantly, Article 6 contributing to COP 25, as an element for many nations would draw considerable attention and will most certainly be the subject of much of the COP 25 work. This paper provides a review of the advancement of the UN Framework Convention on Climate Change Negotiations since the establishments of the PA. One of the important accomplishments and decisions with regard to the various articles in the agreement, was article 6 as present problem in this paper which will be elaborated . To be more exact, the major outcomes as well as status of article 6 of international climate change efforts emerged from the COP21 2015 will be explicated, including the Katowice Agreement, and the COP25. This paper reviews the importance of article 6 in Paris COP put forwarded by Cop24 with particular attention to Santiago negotiations in December 2019.

2 Concept of article 6 in the Paris agreement

The Conference of the Parties ‘ 21st session (COP 21) at the United Nations Conference on Climate Change in Paris in December 2015 has been labeled an important milestone in the literature of climate policy by achieving a universal agreement to address climate change. The Paris Agreement implemented compulsory national climate policies, self-established, identified as INDCs, both from developed and developing nation signatories. These INDCs contain domestic initiatives aimed at achieving mitigation goals (Amellina, R. Rocamora & Umemiya, 2016). The Members have a legal obligation to develop and implement their INDCs to accomplish them. Nevertheless, there is no legally binding provision for the actual achievement of the INDCs. The binding essence of INDCs is to be accomplished by using an international accountability system, with binding international monitoring of the actions of nations to mitigate climate change. The Paris Agreement gives Participants the ability when enforcing their INDCs to collaborate with each other. Collaboration processes designed to assist this system should not only make existing decrease goals easier to achieve, but also increase motivation in future efforts. The collaboration frameworks embodied in Article 6 of the Paris Agreement provide the legislative framework for the use of strategies for mitigating climate change centered on the sector (“The Paris Agreement and Article 6 - Carbon Mechanisms”, 2016). To be more precise, article 6 of the Paris Agreement puts together topics that had previously been discussed by a number of articles, both in PA drafts and COP draft decisions. The provisions of Article 6 were included in “accounting,” “cooperative approaches” and “mechanisms to promote sustainable development” in the PA versions of 10 November, 5 December and 9 December. Elements of the work program already included in the COP Decision (1/CP.21) have also been used in the PA in some iterations. We still see a combination in the draft PA edition of 10 December 2015, with different requirements for ‘ cooperative strategies ‘ and ‘ accounting ‘ in Article 3, whereas the ‘ SD process clause ‘ stays distinct under Article 3ter. To summarize, Article 6 deals with a handful of concepts:

- i. Approaches to cooperation (paragraph 6.1). This section includes the basic concept that Parties may choose to collaborate on a voluntary basis in carrying out their nationally determined contributions. The understanding is that in Article 6 it is intended to cover all particular cases of cooperation and other cases that may arise in the future.
- ii. Mitigation transfers (paragraphs 6.2-6.3). These lines of text encompass the idea that Sides need to recognize CMA’s accounting instruction when engaging in the particular case of cooperative strategies involving mitigation results being diverted internationally. What is especially important is that these are global “mitigation result” transfers that can be generated from any framework/procedure/ protocol, without any response to the fact that the mechanism/procedure/ protocol must operate under the COP power (Marcu, 2016).
- iii. Processes for managing and fostering sustainable development (paragraphs 6.4-6.7). This part of article is under the jurisdiction and guidelines of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement for voluntary use by the Parties, a framework for contributing to the reduction of greenhouse

gas emissions and promoting sustainable development is created. Emission reductions arising from the process alluded to in paragraph 4 of this Article shall not be used to prove the accomplishment of the nationally defined commitment of the host Party if it is used by another Party to show that its nationally determined commitment has been achieved. Moreover, at its first session, the Conference of the Parties trying to serve as the meeting of the Parties to the Paris Agreement shall consider rules, methods, and processes for the system referred to in paragraph 4 of this Article.

- iv. Framework for non-market approaches (Paragraphs 6.8-6.9). Parties acknowledge the importance of Parties ‘coordinated, comprehensive and integrated non-market strategies to help implement their nationally defined commitments in the light of sustainable development (Adoption of The Paris Agreement, 2015).

The author in the present research maintains that article 6 of the Paris Agreement needs substantial extra work to clarify and agree the guidance, rules, modalities, and procedures of the implementation to succeed for reduction of emission in practice. Due to its importance and encouraging international cooperation to acquire emission reduction, this work and the intention adopted and settled on parts of the Paris ‘rulebook’ at the 24th session of the Conference of the Parties (COP 24) in Katowice, Poland by the end of 2018.

3 Overview of Article 6 context in COP24

After the adoption of the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC) States, the daunting task of having to agree on a wide range of information to guarantee its successful implementation has been met (Neier, Neyer & Radunsky, 2018). Last year’s global climate change regime meeting was held in Katowice, Poland from 2-15 December 2018. It included the 24th Conference of the Parties (COP24) to the United Nations Framework Convention on Climate Change (UNFCCC), the 14th Conference of the Parties to the Kyoto Protocol (CMP14), the revived first Conference of the Parties to the Paris Agreement (CMA1) and its subordinate bodies. The conference had some main goals and unfinished business: to operationalize the Paris Agreement by embracing detailed implementing rules and to begin the process of enhancing the commitment of the Parties to climate security (Oberghassel et al., 2019). Calling for the UN Climate Conference in Katowice, Poland, with ministers from around the world drafting a “rulebook” to enforce the landmark 2015 Paris Climate Action Agreement. One of the most complex business and difficult issues under consideration during this meeting was Article 6 of the Agreement, which reflects on the nation’s climate action plans and policies (IPS, 2019). To be put in differently, the biggest pieces of unresolved issues and business introduced at the U.N. in the Paris “rulebook.” The Climate Change Conference was a collection of comprehensive instructions for the application of Article 6 of the Paris Agreement in Katowice, Poland. It provides guidelines for Parties using globally transmitted mitigation results (ITMOs) under Article 6.2 as well as rules, modalities, and procedures regulating the framework of Article 6.4 and so on (Hood & Climate, 2019). The key result of the 24th UNFCCC Conference of the Parties (COP24) to which the Parties expected and contributed was a detailed Paris Rulebook that would direct parties in their implementation of the PA. While the Sides have achieved their goal – to produce the so-called Katowice Climate Package² – Article 6 remains the only item on the agenda not to enter the rulebook. This does not mean that the negotiators of Article 6 have made no progress. In reality, participants worked tirelessly via a long list of issues and on many of them found landing grounds. The improvement was recorded during the meeting in two types of documents: The draft documents on Article 6.2, 6.4 and 6.8 decided at the conclusion of the practical discussions by the Subsidiary Body meeting (SBSTA 49) and the written recommendations on the three agenda items for and during the ministerial consultations by the Katowice presidency. A third text in which the presidency eliminated all the brackets in the texts of Article 6 has not been agreed by the parties and has no formal status. Sides tentatively decided on a variety of issues in the draft documents from SBSTA and the Katowice presidency, namely guidelines on necessary changes, monitoring and evaluation criteria for collaborative strategies pursuant to Article 6.2. Baseline and additional strategies, a collection of choices for how global emission reduction (OMGE) will be implemented under Article 6.4 and much of the work program for non-market methods under Article 6.8. Nevertheless, a range of stumbling blocks is continually encountered by stakeholders, leaving Article 6 with no structured agreement on the position of carbon markets and international cooperation inside the context of the PA. Centralized process and double counting problems

remain highly controversial in accounting for international transfers under Article 6.4. Other problems remain open, including the transition of CDM projects, credits, and methodologies to Article 6.4, the share of adjustment proceeds levied under Article 6.4 and the eligibility of REDD+ activities under Article 6 (Hunzai, Espelage, 't Gilde, Shishlov & Bofill, 2019). Hence, the author added that ultimately the negotiations tripped on one key issue which will be back on the table at the Costa Rica conference which allows countries to move towards next UN climate change conference, COP25, set to take place in Chile.

4 Pre- COP25 acts

The author of the present paper notes that COP 25 will take place in Chile, as agreed at the end of COP 24 in Poland, and with PRE COP Costa Rica from 8-10 October 2019. PRE COP 25 is a preliminary session for the United Nations Convention on Climate Change (UNCCC) Conference of the Parties (COP). It was initially arranged by the new COP President, which refers to Chile; but in 2019 will be different because Costa Rica and Chile agreed to hold these two meetings together. Costa Rica predicted more than 350 participants, such as the heads of each of the conference's country delegations. This PreCOP25 demonstrated that there are ambitious solutions and successful experiences that can guide us towards a better goal in terms of the Santiago summit. The main purpose of this operating manual is to offer a specific, quick reference guide that can provide answers to the various questions that participants to attend COP25 might have.

5 Costa Rica Pre-COP25 Climate Negotiations

The Pre COP25 was held at the Costa Rica Convention Center (National Convention Center), from October 8th to 10th, 2019. This was envisaged as a crucial space after September of this year's Climate Summit hosted by the UN Secretary-General in New York. *"Costa Rica is convinced that the Pre COP should be part of the global climate milestones of 2019 to assist in the achievement of positive results at COP25 and, above all, to increase the ambition of climate action, allowing us to meet the goals of the Paris Agreement agreed in 2015 and respond to the greatest challenge facing humanity"* said the President of the Republic, Carlos Alvarado. *"Organizing the Pre COP is a great opportunity for the country, since it allows us to establish ourselves as leaders and as a laboratory for decarbonization and resilience, enhancing the possibilities for the country to receive investment and cooperation in the area of climate financing. The continued consolidation of our Country Brand and our territory as a special tourist destination is equally important"*, President Alvarado explained (República & República, 2019). Costa Rica hosted this wonderful event for the first time in history, which seeks to add to the international process of calling for ambition and climate action, the negotiation mechanism under the Convention and the Paris Agreement. The event's focused on climate action and enhanced aspiration to attain the Paris Agreement's targets. Costa Rica needed an unorthodox PRE COP based not just on the talks but on the climate action process. Negotiations had conducted concurrently, with high-level conferences to be organized by:

- i. International delegates that participate in the negotiation process
- ii. Representatives from the three Branches of the Costa Rican government
- iii. Private Sector
- iv. Local Governments
- v. Communities and Civil Society

These meetings will promote the sharing of policies and procedures on how to develop updated NDCs and long-term approaches including: city-related thematic concerns, sustainable mobility, nature-based solutions, oceans, gender, human rights and financing ("PRE COP 25 English – PRE COP 25 Costa Rica", 2019). With social inclusiveness and nature-based solutions highlighted across the summit and ministerial speeches, the pre COP reiterated the increasing awareness that human rights and habitats need to be at the forefront of successful climate action. The pre COP included a workshop on the integration of human rights in future climate commitments. CIEL Senior Attorney Sebastien Duyck issued the following statement:

“Throughout the pre COP, the need to keep temperature increase below 1.5°C was stressed consistently as the only acceptable objective for all Parties to the Paris Agreement – demonstrating that Parties fully accept the findings of the IPCC. However, this recognition is in stark contrast to the reality that the major emitting countries are doing far too little to increase the ambition of their climate commitments. Parties must urgently deliver on the ambition needed to limit warming to 1.5°C if they are serious about protecting human rights in the face of climate change. Effective public participation in climate policy planning and a greater focus on nature-based solutions are critical to fill this ambition gap” (“Pre-COP25 Climate Negotiations Conclude in Costa Rica”, 2019).

6 United Nations Climate Change Conference COP 25

The Santiago Climate Change Conference will take place in Parque Bicentenario Cerrillos in Santiago de Chile, Chile from 2 to 13 December. It will include the COP’s 25th meeting, the CMP’s 15th, and the CMA’s 2nd. In addition, during the conference the 51st meetings of the Subsidiary Implementation Body (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA) will take place. Chile’s Environment Minister Carolina Schmidt, the first female to take that position, will preside over the COP 25. Before the next round of Nationally Determined Contributions (NDCs) in 2020, the COP 25 is recognized as the COP for ambition. The meeting will not only help to boost both participants’ commitment and climate change, but it will also deal with issues linked to the framework for sustainable development, market mechanisms and non-market solutions in the implementation of the Paris Agreement. In addition, seven extra subjects to be emphasized at the conference were declared by the incoming COP 25 Presidency: Oceans, Antarctica, Electromobility, Renewable Energy, Circular Economy, Ecosystems and Forests and Biodiversity (figure1). (“United Nations Climate Change Conference - COP25 – Regions4”, 2019).

To put it simply, the ocean mitigates climate change since it captures part of the greenhouse gases. However, this phenomenon generates an increase in its temperature, with consequences such as the rise in the sea level and changes in the marine ecosystem. Whereas the poles’ melting is a natural process, this melting is taking place much faster than normal today. The rise in sea level, biodiversity loss, and habitat changes are the direct results of these changes (“COP25”, 2019). Chilean Foreign Service, Climate Change and Sustainable Development Policy, Rosana Garay Maldonado, presented Chile’s ocean and coastal dream for COP25, on behalf of the COP25 Presidency. She stated that COP25 wants to call for greater levels of motivation, the moment for enactment, and emphasized as the main item seven key topics, including the ocean. Chile is engaged in marine projects and explores ways within a party-driven system to take the ocean issue to the center of debate under the UNFCCC. She said that the Presidency has constructive aspirations of taking the ocean into account by learning about past presidencies’ experiences, such as gender issues, collaborating on new topics and cross-cutting issues, and identifying the role of previous technical discussion preparations (“Oceans

Figure 1: Important issues at Cop 25

Source: Author original contribution

and Coastal Zones Toward COP25 -Addressing the IPCC Findings Relevant to the Ocean and Climate Nexus- (SEORS Event) – COP25”, 2019). Amidst all of these issues the work program for Article 6 is being sent for completion to Santiago (COP 25). The work program for Article 6 was assigned to the Scientific Body for Scientific and Technological Advice (SBSTA) (with other PA components undertaken under other bodies). For the last three years, a Contact Group was convened at each session which focused on the issues in the work program, most notably: a) how to avoid double counting under Article 6.2; b) rules, modalities and procedures for the Article 6.4 mechanism and c) a work program for article 6.8. The work could not be completed in Katowice due to the inability to reach a consensus on these matters. There is no question that Article 6, contributing to COP 25, will draw much interest, and will most likely be the subject of much of the COP 25’s preliminary work. While many parties stated in their NDCs that they were not prepared to use the methods of Article 6, many others demonstrated their interest in engaging in cooperative strategies and processes in various ways, and sometimes conditionally. In this sense, Article 6 is a mechanism that many parties would like to use to reach their NDCs and which may also help to improve and develop their NDCs, even though some important parties have made it clear that they are not going to use Article 6 in their first NDC. Crucially, this is also the one sign for carbon pricing-related shareholders, which must be operationalized at COP 25 in order to continue the momentum (Marcu & Rambharos, 2019).

7 Conclusion

In order achieve the central Paris Agreement goal of holding the global average temperature rise to as close as possible to 1.5 degrees Celsius, greenhouse gas emissions must be reduced by 45 per cent by 2030, and climate neutrality achieved by 2050. Governments discussed Article 6 of the Paris Agreement, which would support countries to meet a part of their domestic goals to cut greenhouse gas emissions through the use of so-called “market mechanisms”. Article 6 is one of the few issues left unresolved following that adoption last year of the bulk of the guidelines to make the Paris Agreement operational. To be more exact in this regard, the rules of Article 6 were not adopted at last year’s UN talks in Poland (COP24), as the parties needed more time to understand the technical and political implications. The negotiations have come up against several key issues of this article, in particular one that is transversal to the successful implementation of the Paris agreement in general and that is closely linked to the transparency system supported by this agreement: avoid double counting when the results of the mitigation or emission reductions are transferred between the parties towards or beyond the achievement of the NDCs. Article 6 will guide the transfer and trade in emission reductions among nations, which will ultimately involve the private sector. The author believes that the parties must absolutely adopt the provisions of Article 6 at the COP25 of December in Chile because the completion of this last piece of the Paris Climate Agreement would ensure that the agreement is fully implemented from 1 January 2020.

References

- Article 6: What is it and why is it important? - ICC - International Chamber of Commerce. (2019). Retrieved 25 October 2019, from <https://iccwbo.org/media-wall/news-speeches/article-6-important>.
- Amellina, A., R. Rocamora, A., & Umemiya, C. (2016). Operationalizing the Paris Agreement Article 6 through the Joint Crediting Mechanism (JCM). Institute for Global Environmental Strategies.
- Adoption of the Paris Agreement. (2015). FCCC Conference of the Parties Twenty-first session.
- Climate Action Network. (2019). Climate Action Network Briefing on Implementation Guidelines for Article 6 of the Paris Agreement. Retrieved from <http://www.climateactionnetwork.org>.
- COP25. (2019). Retrieved 30 October 2019, from <https://www.enel.cl/en/meet-enel/COP25.html>.
- History of UN Climate Talks | Center for Climate and Energy Solutions. (2019). Retrieved 25 October 2019, from <https://www.c2es.org/content/history-of-un-climate-talks/>.
- Hood, C., & Climate, C. (2019). Completing the Paris ‘Rulebook’: key Article 6 Issues. USA: The Center for Climate and Energy Solutions.
- Hunzai, T., Espelage, A., ‘t Gilde, L., Shishlov, I., & Bofill, P. (2019). Moving Towards Next Generation Carbon Markets Observations from Article 6 Pilots. Germany: Climate Focus and Perspectives.
- IPS. (2019). Decoding Article 6 of the COP24 Climate Negotiations. Retrieved from <http://www.ipsnews.net/2018/12/decoding-article-6-cop-24-climate-negotiations/>.

- Marcu, A. (2016). Carbon Market Provisions in the Paris Agreement (Article 6). Brussels: Centre for European Policy Studies. Retrieved from <http://www.ceps.eu>.
- Marcu, A., & Rambharos, M. (2019). *Rulebook for Article 6 in the Paris Agreement: Takeaway from the COP 24 outcome*. ERCST.
- Neier, H., Neyer, J., & Radunsky, K. (2018). *Issues at stake in view of the COP 24 UN Climate Change Conference in Katowice and beyond*. Brussels: Policy Department for Economic, Scientific and Quality of Life Policies European Parliament.
- Obergassel, W., Arens, C., Hermwille, L., Kreibich, N., E. Ott, H., & Wang-Helmreich, H. (2019). An Assessment of COP24 in Katowice. Wuppertal Institut für Klima, Umwelt, Energie gGmbH.
- Oceans and Coastal Zones toward COP25 -Addressing the IPCC Findings Relevant to the Ocean and Climate Nexus- (SEORS Event) – COP25. (2019). Retrieved 30 October 2019, from <https://cop25.tienda.digital/2019/07/08/oceans-and-coastal-zones-toward-cop25-addressing-the-ipcc-findings-relevant-to-the-ocean-and-climate-nexus-seors-event/>.
- PRE COP 25 English – PRE COP 25 Costa Rica. (2019). Retrieved 28 October 2019, from <https://www.precop25costarica.com/en/pre-cop-25-en/>.
- Pre-COP25 Climate Negotiations Conclude in Costa Rica. (2019). Retrieved 10 October 2019, from <https://www.ciel.org/news/pre-cop25-climate-negotiations-conclude-in-costa-rica>.
- República, P., & República, P. (2019). PreCOP25 will be held from October 8 to 10 in Costa Rica – Presidencia de la República de Costa Rica. Retrieved 27 October 2019, from <https://presidencia.go.cr/comunicados/2019/06/precop25-will-be-held-from-october-8-to-10-in-costa-rica/>.
- Seo, S. (2017). Beyond the Paris Agreement: Climate change policy negotiations and future directions. *Regional Science Policy & Practice*, 9(2), 121-140. Doi: 10.1111/rsp3.12090.
- The Paris Agreement and Article 6 - Carbon Mechanisms. (2016). Retrieved 30 December 2016, from <https://www.carbon-mechanisms.de/en/introduction/the-paris-agreement-and-article-6/>.
- United Nations Climate Change Conference - COP25 – Regions4. (2019). Retrieved 28 October 2019, from <https://www.regions4.org/events/united-nations-climate-change-conference/>.