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It's the End of the COP as We Know It!

Reflections by the Co-Chairs

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Background

With the adoption of the Paris Agreement in 2015 and subsequently the completion of the corresponding rulebook at COP24 in Katowice, the United Nations Framework Convention on Climate Change (UNFCCC) has mostly completed its regime building process. The imminent conclusion of the Paris Agreement Work Programme (PAWP) represents a critical juncture for multilateral climate governance and opens a new chapter for the UNFCCC and its annual Conference of the Parties (COP). Now, it is time to shift the focus from negotiation to implementation and facilitate implementation, monitor progress and raise ambition.

Against this background, the German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE) and the Wuppertal Institute organised a series of discussions on the future of the UN climate conferences. The webinars aimed to examine how the nature of the annual meeting of the COP to the UNFCCC may be shaped in the future to make the best use of what has become a global focusing event for climate action.

When we originally issued our call for abstracts, we did not anticipate the COVID-19 pandemic, which since has in fact ended the COP as we know it, even postponing the 26th Conference of the Parties by a full year. Against this background, our questioning of the COP's *modus operandi* appeared even more timely and topical.

The pandemic also changed our own *modus operandi*. When we originally issued our call for abstracts, we had planned a traditional on-site workshop in Wuppertal. The pandemic forced us to go online, and the result was a much better event than a traditional workshop could ever have been. More than 150 participants from across the globe took the time, some getting up very early or staying at their desks very late, to attend 4 rounds of two-hour discussions within two weeks. The discussions were extremely rich, with participants engaging not only orally but also keeping up a steady stream of commenting and questioning in the chat function. We as co-chairs extend our deepest appreciation to all participants for their commitment and enthusiasm.

From Negotiation to Action?

In the event, four days of intense discussions over the future of “the COP” has seen much agreement among participants. We perceived a strong consensus that there is a *need* for reform, as well as opportunities to drive and to direct such reform. The climate policy “superyear” 2020 was supposed to open a window of opportunity, the Corona crisis probably even pushed it more open than ever before. Opportunities for change/improvements are recognized by both scholars and policy-makers. Martin Frick, Senior Director Policy and Programme Coordination at the UNFCCC Secretariat and now Deputy to the Special Envoy for the UN Food Systems Summit 2021, spoke to this in his opening keynote, setting the tone for the entire webinar series by emphasizing the need for systemic responses/approaches. He reaffirmed our vantage point that the substance to negotiate was getting less and less, while delivering on negotiated outcomes is becoming ever more urgent. He further noted that observers were really the ones driving climate action at the moment. In his view, the future of the COP will not be in sustaining negotiations, but in nudging/driving actors to take action.

Many observers including participants of our webinar series have made similar remarks in the past, in particular in the aftermath of COP25 in Madrid. To give but one example, Saleemul Huq (International Centre for Climate Change & Development), after attending all 25 COPs since COP-1 in 1995, took a poignant stance by [pledging not to attend any further COPs unless significant changes are made to achieve real action](#).

Our virtual seminar series uniquely convened a group of experts to systematically discuss options and ideas, connecting what have previously been isolated discussions. Notably, our workshop was only the beginning of an overdue discussion. As Richard Klein (Stockholm Environment Institute) put it: “We haven't reached the end of discussing the future of COP”.

But in what direction should the COP evolve, and how? Our discussions demonstrate the need – especially in the wake of the Madrid COP and ahead of imminent NDC updates – to optimize the COP as the main focus in multilateral climate governance to facilitate action. There is a strong sense that it must shift gears to move from negotiations and rule-setting to implementation. This does not entail the abandonment of negotiations as in fact negotiations and implementation are functionally intertwined. A strong dichotomy between these two spheres of governance would not only seem artificial in practice, but may lead to an under-appreciation of, for example, negotiations over accountability, means and resources, all of which are key ingredients of effective implementation. In addition, several speakers suggested that the move to implementation could be strengthened if the COPs involved line ministries, the finance community and, especially, non-Party actors more directly.

Effectiveness and Legitimacy

One recurring theme during our webinar series was the issue of effectiveness and legitimacy of both the UNFCCC regime as well as the growing importance and recognition of non-state and subnational actors. Although the increasing engagement of many actors – e.g. philanthropies or large private sector initiatives – raises important questions about legitimacy, non-state actors' efforts may also improve the output legitimacy of the UNFCCC, particularly where governmental pledges fail to reach adequate levels of ambition, not to mention lack of NDC implementation.

In that sense, our discussions have brought an interesting conundrum to the fore: How can we reconcile the tensions between output and input legitimacy of climate action at the international level? How to warrant efficient and broader participation and engagement without inhibiting action by further inflating procedural transaction costs? COP reform should aim to improve on effectiveness (and hence its output legitimacy) as well as input legitimacy (possibly through broadened participation). Many of the proposals presented in the webinar series cater to either or both of these questions.

Aligning Agendas

In order to improve effectiveness and output legitimacy, we heard proposals to align the UNFCCC process and the COPs more closely with other environmental and social agendas, to mainstream sustainable development “co-benefits” into climate policy and to treat and address trade-offs between climate action and other developmental

priorities more explicitly. Many participants noted the lack of coherence between climate policy and other agendas. Inputs focused in particular on the potential of linking the UNFCCC and the processes under the Convention on Biological Diversity more strongly. In addressing items such as LULUCF, REDD, ecosystem-based adaptation or “nature-based solutions” more generally, the UNFCCC directly touches on biodiversity-related issues. In addition, mitigation options such as bio-energy with carbon capture and storage (BECCS) depend on land and water resources and hence entail substantive risks for biodiversity and ecosystems. Suggestions included to establish joint work programmes or even joint sessions of the bodies of the two conventions, for instance at the technical level of UNFCCC’s SBSTA and the CBD’s SBSTTA. Another suggestion was to convene a major global summit in 2022 to the tune of Rio+30 or Stockholm+50, in order to create a space to consider all Rio Conventions plus the SDGs in an integrated manner.

However, other participants noted that the lack of coherence largely originated at the domestic level and there was only so much multilateral processes could do to overcome the underlying structural barriers. In addition, the experience with raising related issues at the COP, such as oceans in Madrid, has not been very encouraging so far.

Non-Party Actors

With regards to input legitimacy, we discussed various ways to meaningfully expand the scope of participation. One way is to continue to engage *actors* (i.e. those who make things happen on the ground) into policy deliberations at the COPs. Currently, the events under the Lima-Paris Action Agenda (LPAA) are mostly organized as a parallel track with little connection to or effect on the multilateral diplomatic process. Another suggestion was to endow the LPAA’s “Champions” with a clearer mandate, more resources and more robust institutional linkages to the actual COP-process.

Strengthening the role of non-Party actors calls for more differentiation in the discussion about who they are and what their roles and their functions are; not in the first place to cater to deeper scientific analytical understandings, but foremost to arrive at more precise understanding of what is needed and who can contribute, what, how, to what effect and on which basis (--> legitimization)? Many of the established policy and science categories we commonly refer to seem no longer fully fit for purpose. For instance, throughout the workshop series it was reflected that the COP is not one thing but several things at the same time: it entails treaty negotiations; it is a mega event (for policy-makers *and* civil society), and also in many ways it has evolved into a climate trade fair. Another legacy dichotomy that warrants reconsideration is the differentiation between delegates and observers. Particularly the latter category comprises a plethora of different types of actors and stakeholders that needs further unpacking. These dichotomic categories are hardly representative of the COP as we have come to know it.

Related to this is the realization that the UNFCCC COPs are structured events with their own institutional legacy and ensuing path-dependencies – it would be naive to assume a clean slate as we discuss reform options. In other words, the COP will not be redesigned on the drawing board of institutionalist researchers. Change needs to

evolve from within and will invariably build on existing elements. Yet, our discussion it is not about institutional reform as an end in itself, but rather about innovation of new formats and even “exnovation” or phase-out: what elements of “the COP as we know it” do we deliberately let go to free the institutional space, the political attention and, indeed, the resources and capacities for a revamped and strengthened new COP?

Who Could Drive Change?

A key question that was addressed only partially during our webinars is the question who may actually drive change? Clearly, institutional change is continuously happening anyway. In some aspects it is therefore rather a matter of directing and institutionalizing the practices that already exist/are on-going. In this context we focussed *inter alia* on the role of COP Presidencies. These have the authority and mandate to set the agenda. Hence, they could for example establish roundtables on specific issues. If done adroitly, this would require Parties to send not negotiators who are trapped in their annual COP routine, but alternative delegates who can meaningfully engage on the particular issue at stake. Ideally, this should help to advance policy coherence within national Parties. At the same time, the Presidency lacks a clear mandate to do things differently than procedural routines would suggest, which of course is one of the key features, even merits, of institutionalization and regime building in multilateral environmental governance. Besides, there is a trade-off with ensuring continuity as COP Presidencies change every year. One idea is to reorganize the way in which COP Presidencies are determined, moving away from a system of rotating through UN regions and having a more open competition among Parties with a willingness to take the lead. Parties would have to apply to host the COP and present their programme not only for the logistic responsibilities but also for the thematic thrust they would propose for the agenda.

The UNFCCC Secretariat has in the past played a proactive role in shaping COPs and, indeed, the ways of the Presidencies, yet its mandate and resources are obviously limited. Not least individual or groups of countries have the potential to drive change. Yet, whether and how would a given country grouping organize and find its role to reshape the COP? They could drive change through initiatives within the UNFCCC or through advancing (new) coalitions, e.g. in the form of climate clubs outside to create pressure also on UNFCCC processes.

Outlook

When we envisaged the webinar series and drafted our call for abstracts, we expected the contributions to be predominantly concerned with questions relating to the ‘architecture’ of global environmental governance and regime design. Yet, the discussions revealed that reforming the COPs is as much about ‘agency’, about actors that resolve to overcome the deeply structured and often unintended and unwanted habits that have shaped the COP as we know it. Further work will be required to flesh out the above ideas, to test their viability and, ultimately, to feed them into the real world of the COPs to come.