

1.5°C

Phase Out Fossil Fuel
Obligatory Finance
Need-Based NCQG

Human Rights
Gender Justice

Reforming Rules of Procedure

CLIMATE JUSTICE

28th CONFERENCE OF THE PARTIES

30 Nov – 12 Dec 2023, Dubai

ARTICULATING CSOs POSITION TOGETHER



IMPRINT

Climate Justice Alliance–Bangladesh

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Declaration

The position paper titled ‘28th Conference of the Parties: Articulating CSOs Position Together’ has been published by the Climate Justice Alliance–Bangladesh housed at Center for Participatory Research and Development-CPRD in Dhaka, Bangladesh. This paper outlines the Civil Society Organizations’ (CSOs) position on the key issues for COP 28.

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CONTENTS

Executive Summary.....	04
UNFCCC: The framework which the negotiation builds on.....	13
The Paris Agreement: Key elements and progress of the implementation....	17
An Overview First GST Synthesis Report.....	21
An Overview IPCC's Sixth Assessment Report.....	25
28 th Conference of the Parties; CSOs Position on the Key Issues	27
Mitigation.....	27
Adaptation.....	30
Loss and Damage.....	32
Finance.....	35
Global Stocktake.....	38
Human Rights Protection.....	42
Transparency and Compliance.....	44
Challenges of Climate Justice; Now and Beyond.....	45
Consensus-Based Decision-Making.....	45
Double Standard in Emission Reduction.....	47
The Hegemony of Neo-liberal Policy Instrument.....	47
Process of Developing the Position Paper.....	51
References.....	53

ACRONYMS

AF	Adaptation Fund	IsDB	Islamic Development Bank
AfDB	African Development Bank	ITMO	Internationally Transferred Mitigation Outcomes
AiIB	Asian Infrastructure Investment Bank BRI Belt and Road Initiative	LDCF	Least Developed Countries Fund LDFF Loss and Damage Finance Facility
BTR	Biennial Transparency Report	LT-LEDS	Long-term Low Emission Development Strategy
BRI	Belt and Road Initiative	LTS	Long-term Strategy
CBDR-RC	Common But Differentiated Responsibilities and Respective Capabilities	MDB	Multilateral Development Bank
CCS	Carbon Capture and Storage	MIE	Multilateral Implementing Entity
CDM	Clean Development Mechanism	MoEFCC	Ministry of Environment, Forest and Climate Change
CDR	Carbon-Dioxide Removal	MPG	Modalities, Procedures, and Guidelines
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	MWP	Mitigation Work Program
CMA	Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement	NAP	National Adaptation Plans
CMP	Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol	NDA	National Designated Authority
CLEAN	Community Led Environment Action Network	NCQG	New Collective Quantified Goal
DAC	Development Assistance Committee	NDB	New Development Bank
EBRD	European Bank for Reconstruction and Development	NDC	Nationally Determined Contributions
EIB	European Investment Bank EU European Union	NIE	National Implementing Entity
ETF	Enhanced transparency framework	ODA	Official Development Assistance
GCF	Green Climate Fund	OECD	Organisation for Economic Co-operation and Development
GGA	Global Goal on Adaptation	OHCHR	Office of the United Nations High Commissioner for Human Rights
GHGs	Greenhouse Gases	OMGE	Overall Mitigation in Global Emissions
GlaSS	Glasgow-Sharm el-Sheikh Work Programme	PAWP	Paris Agreement Work Programme
GNI	Gross National Income	REDD	Reducing Emissions from Deforestation and Forest Degradation
GST	Global Stocktake	SBI	Subsidiary Body for Implementation
ICCPR	International Covenant on Civil and Political Rights	SBSTA	Subsidiary Body for Scientific and Technological Advice
ICESCR	International Covenant on Economic, Social and Cultural Rights	SCCF	Special Climate Change Fund
ICF	International Climate Finance	SCF	Standing Committee on Finance
ICJ	International Court of Justice	SIDS	Small Island Developing States
IDBG	Inter-American Development Bank Group	SNLD	Santiago Network on Loss and Damages
IIASA	International Institute for Applied Systems Analysis	TC	Transitional Committee
IMF	International Monetary Fund	UDHR	Universal Declaration of Human Rights
INC	Intergovernmental Negotiating Committee	UNEP	United Nations Environment Programme
IPCC	Intergovernmental Panel on Climate Change	UNFCCC	United Nations Framework Convention on Climate Change
ICCPR	International Covenant on Civil and Political Rights.	UNGA	United Nations General Assembly
ICESCR	The International Covenant on Economic, Social and Cultural Rights	WBG	World Bank Group
		WIM	Warsaw International Mechanism for Loss and Damage
		WMO	World Meteorological Organisation

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HIGHLIGHTS

EMISSION REDUCTION

- Secure strong political commitment for enhanced emission reductions with urgent scaling-up of the NDCs consistent with the 1.5 degrees Celsius goal;
- Stop investment in fossil fuels. Phase out coal and other fossil fuel-based (gas and oil) power plants by 2030 and 2040, respectively.

ADAPTATION AND FINANCE

- Establish a clear definition of climate finance. Ensure that climate finances are new, need-and-grant-based, an obligatory complement, not a voluntary contribution;
- Hold the developed countries accountable for delivering the promised USD 100 billion annually from 2020 along with the overdue until now. Also, hold them accountable to ensure a delivery plan of doubling adaptation finance from 2019 levels by 2025.

GLOBAL STOCKTAKE

- Ensure that the GST provides guidance on a just and equitable phase-out of all fossil fuels, consistent with the 1.5 degrees Celsius goal. GST must align its targets with longer-term strategies toward a just transition to net-zero emissions.

HUMAN RIGHTS PROTECTION

- Ensure integration of human rights safeguards into all climate actions;
- Establish an institutional and legal framework under the UNFCCC to safeguard and protect the rights of climate victims.

CLIMATE JUSTICE

- Challenge the neo-liberal policy instruments that have been the systemic barriers to addressing climate change, especially in emission reduction;
- Challenge the power hegemony of the developed countries in the COP's 'consensus-based' decision-making that follows a 'lowest common denominator' strategy and compels the LDCs and SIDS to reach a compromised decision.

EXECUTIVE SUMMARY

The 28th Conference of the Parties (COP) to the UNFCCC from 30 November until 12 December 2023 in Dubai, United Arab Emirates, is carrying the legacy of the past climate negotiation and building on the IPCC's sixth assessment report (AR6), the first Global Stocktake report, and the Sharm el-Sheikh Implementation Plan that was agreed at COP 27 in 2022.

Termed as ‘Implementation COP’, the COP 27, on the contrary, frustrated and ruined the spirit of the previous COP (COP 26) in many ways. It failed to expedite political commitment for enhanced emission reductions coherent with limiting the global average temperature rise to 1.5 degrees Celsius compared to the pre-industrial level. Though the number ‘1.5 degrees Celsius’ survived politically in COP 26 decisions, the only accountable measure (i.e., emission reduction under the NDCs) for achieving this number still falls far short of the requirement.

What is most important, the COP 27 failed to make a concrete and timebound decision on phasing out fossil fuels, which has already become an ever-urgent requirement for limiting global warming to 1.5 degrees Celsius. The overwhelming presence, influence, and domination of the fossil fuel lobbyists appointed by the fossil fuel exporting countries, succeeded not only in deferring the essential global political decision to end fossil fuels but also helped continuation of their use in the name of ‘clean fuels’ alongside renewables.

The COP 27 also failed to mobilize the long-back promise of the developed countries on jointly mobilizing USD100 billion per year by 2020 and also to decide a concrete action plan or roadmap on doubling adaptation finance from 2019 levels by 2025 and fulfilling the cumulative finance delivery gap already grown to USD 600 billion.

The only success of COP 27 lies in establishing a funding arrangement at COP 28, along with a transitional committee to make recommendations on the operational arrangements of the fund, aimed at responding to and addressing losses and damages in the vulnerable countries.

Within those dismal outcomes, COP 27 Presidency and COP 28 President Designate engaged the Parties throughout the year at multi-level discussions to make progress in the technical and political spheres (e.g., Ministerial, Head of Delegation, and technical levels) to lay the groundwork needed for a global transformation towards a low-emission and the climate-resilient world, foster ambitious climate action, and

facilitate implementation, including the related support.

CSOs around the world are also urging for a fast and fair transformation in energy production and use coherent to limit global average warming to 1.5 degrees Celsius, need-based, fair and accountable delivery of the means of implementation and addressing loss and damages by obligatory, grants-based finances as per the Convention's Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) principle.

Climate Justice Alliance- Bangladesh, a platform of 30 CSOs active in promoting rights- and justice-based policy and political discourse, is also concerned about the country Parties' noncommittal political position on fast and fair phasing out of fossil fuels, and avoidance of other responsibilities and requirements, such as, mobilizing needs- and grants-based finance, providing obligatory loss and damage finance, safeguarding human rights in all climate actions, etc.

Providing an utmost emphasis on political commitment for remarkably scaling up climate actions in a fast and just way, the Alliance developed this position paper narrating context, concerns, and key policy asks for the major agenda items at COP 28. They include Mitigation, Adaptation, Loss and Damage, Finance, Global Stocktake, Human Rights Protection, Transparency, Compliance, and others.

The Climate Justice Alliance- Bangladesh considers all the policy asks equally important. They must not be traded off for the sake of short-term group interest and should not be compromised in an excuse of political sensitivity of any country or country group.

The Alliance followed a participatory and

inclusive process for developing this position paper, which includes:

- Analyzing outcome decisions of COP 27 (e.g., Sharm-el-Sheikh Implementation Plan) and organizing CSOs sharing and de-briefing on the outcomes;
- Sharing COP 27 outcomes in the meeting of the Parliamentary Standing Committee on the Ministry of Environment, Forest and Climate Change;
- Developing a comprehensive understanding of Climate Justice Alliance members on the recent climate science, policy, and politics through a capacity building and strategy workshop, and synthesizing CSOs positions and recommendation on the issues of upcoming negotiations (in SBs, Transitional Committees and COP 28);
- Analyzing outcomes of SB meetings, Transitional Committee meetings on loss and damage finance, and other technical committee meetings, etc.

Besides producing the key demands, the Alliance expresses its concern about the double standard of the historical and the current big polluters (G7 and G20 countries are in particular) in emission reduction and the hegemony of neo-liberal policy instruments that have been systemic barriers to addressing climate change.

The Alliance is seriously concerned about the 'consensus-based' (though unclear) decision-making that follows a "lowest common denominator' strategy which often compels the country Parties to reach to an all-agreed decision while sacrificing the agenda crucial for achieving the climate goals. In the history of climate negotiation, a country or a country group is found to trade off its powerful demand either due to opposition of a few Parties or to get support for some other demand. A global

system that forces countries to trade off critical demands for the reservation of a few Parties is unjust.

This might help the Parties reaching to a decision, thereby allowing the COP's continuation, on the compromised position marked by dominance of national interest over global interest. Continuation of such negotiation year-after-year without delivering effective, timely and implementable decision is utterly unjust. This symbolizes COP as a broken and failed system.

The Climate Justice Alliance Bangladesh calls for a review of this 'consensus-based' systemic barrier to reaching and ensuring timely decisions, which are a must in this climate breakdown, also evident by the science.

The Alliance demands reviewing the appropriateness of the 'consensus-based' decision-making process and exploring other options under the Convention, including radical systems, alternative models, and brave accountability for urgently making fast, fair, and ambitious decisions to address the crisis.

MITIGATION

With an urgent call for limiting global average warming to 1.5 degrees Celsius above the pre-industrial level essentially by fast and fair phasing-out of fossil fuels, doubling investment in renewable energy expansion, and not relying on the private sector technology buzzes, we demand the following:

- A new set of ambitious NDCs coherent with the 1.5 degrees-Celsius temperature goal. enhancement of NDCs should not be confined to its five-year cycle. There should be an option to update and scale-up commitments biennially, or even more frequently, until the GHG emission reduction targets are coherent with the 1.5 degrees celsius pathway;
- Stopping further investment in coal-based power plants, phasing out of all coal-based power plants by 2030 and 2040 in the developed and developing countries, respectively. There must be political commitment on desisting from investment in fossil fuel production and phasing-out of oil and gas-based power generation by 2040 globally;
- Massively scaling-up of grants-based public finance to expedite a fast and fair transition from fossil fuels to renewable energies in the developing countries. Technically, they should expand the scope of energies that are truly non-fossil fuels, not the ones preferentially included in the non-fossil fuel category;

- Continuation of the Mitigation Work Programme (MWP) established at COP 26 to urgently scale up mitigation ambition and guide implementation. The MWP, based on the first Global Stocktake outcome, should inform the GHGs emission reduction gaps to the COPs and make recommendations on the scope and measures to urgently scale-up mitigation actions;
- A clear roadmap for the implementation of NDCs. To this end, the MWP should act as a facilitating body to guide the nations on NDC implementation in a just and fair way while also respecting human rights and facilitating increased access of the energy-poor people and communities to clean, reliable, and affordable energy as emphasized by the SDGs;
- Setting a mandatory timeline for submitting Long-term Low Emissions and Development Strategies (LT-LEDS) by all the Parties. Development of LT-LEDS should be made mandatory for all the Parties to make them accountable towards a low-emission pathway and a carbon-neutral economy by 2050. In accordance with Article 4 of the Paris Agreement, all the Parties to the Agreement are required to develop and communicate LT-LEDS that would serve as strategic guidance for developing the subsequent NDCs;
- A robust reporting framework to track GHG emissions reduction by the multi-Party and non-Party stakeholders. Further efforts of the non-Party stakeholders should be encouraged and scaled up.

ADAPTATION

The Global Goal on Adaptation (GGA) and its implementation framework will play a crucial role in making adaptation actions measurable, reportable and verifiable, as well as in projecting, and mobilizing need-based finances to address the

growing adaptation investment gaps. Given the context, we demand the following:

- The GGA must focus on the human and social dimensions of climate change impacts on people, livelihoods, and ecosystems;
- A GGA framework with robust guidelines for measuring adaptation progress and results that enable comparability and aggregability of national assessments in a way that does not create a reporting burden on developing countries. The GGA should build on the existing tools and reports (NAPs, NAPAs, ADCOMS, NDCs, NCs) to make coherence with the national reporting system;
- The framework must offer specific, relevant indicators, approaches, targets, and metrics for GGA;
- The framework should have sufficient flexibility to reflect the country-driven nature of adaptation and the context-specificness of the national circumstances of each country, and it should clearly indicate defined and measurable means of implementation.

LOSS AND DAMAGE

The Co-chairs' proposal of the Transitional Committee meetings on the institutional and governance arrangements of the loss and damage fund includes recommendation for a standalone, direct access funding mechanism to function under the Convention with its reporting to the COP and the CMA. The fund is recommended to assist climate-vulnerable developing countries, with a minimum percentage of allocation floor for LDCs and SIDS, to respond to loss and damage, including a focus on addressing loss and damage, based on cooperation and facilitation; however, it will not involve obligatory contribution, liability or compensation.

Clearly, the Co-chairs' proposal ignored the

CBDR-RC principle, historical responsibility, obligatory contribution by the developed countries, reference to 1.5 degrees Celsius goal, safeguarding human rights, etc. Contrary to the global demand, ironically, it proposed the World Bank as a trustee and fund's secretariat. We consider the above recommendations a clear breach of climate justice principle. Given the context, we want the following:

- The COP 28 must review the Transitional Committee Co-chairs' proposal on the institutional and governance arrangements of loss and damage fund to make sure their alignment with the Convention's CBDR-RC principle. We further urge to discard the elements that contradict the Convention's overarching principle and are subversive to climate justice;
- A sovereign governance structure of the loss and damage fund under the UNFCCC with flexible norms, operational guidelines and access modalities for the LDCs, SIDS, and climate-vulnerable countries;
- The Fund must be mobilized based on the CBDR-RC principle, with obligatory contributions based on historical responsibility. It must be determined based on the scenario of global average temperature rise, safeguard human rights, and not create a debt burden on the climate vulnerable countries;
- COP 28 must duly acknowledge the violation of human rights, particularly that caused by the residual impacts of both sudden and slow onset events. The COP 28 should ask the Transitional Committee to work further to make recommendations on the measures for protecting and safeguarding human rights, especially rights of women, children, indigenous peoples, migrant and trapped communities etc;
- Full operationalization of the Santiago Network on Loss and Damage (SNLD) with its governance and institutional structure by establishing an Advisory Body/Board at COP 28;
- The scope of the SNLD must be broadened up to assess both economic and non-economic loss and damages resulting from sudden- and slow-onset events and their residual impacts extended to secondary and tertiary levels;
- Mobilization of need- and grant-based finances for the SNLD to support development of technology and capacity building of the developing countries to assess and address loss and damages on the ground;
- Allocating part of L&D finances to addressing secondary and tertiary impacts that essentially result in poverty, inequality, socio-cultural discrimination, gender-based violence, involuntary migration, and denial of marginalized and indigenous people's rights.

CLIMATE FINANCE

The COP 27, like the previous ones, failed to obligate the developed countries to implement their long-back promise on jointly mobilizing USD 100 billion per year from 2020 and also to ensure a delivery plan on the commitment of doubling adaptation fund from 2019 levels by 2025.

Discussion and debates are also around setting a new collective quantified goal (NCQG) with needs and grants-based predictable financing. There is also a growing concern about the quality of finance and transparency in reporting on fund delivery and utilization. A significant amount of climate finances is in the form of concessional loans and technical assistance, not new and additional, however, often reported as fulfilling ODA and climate finance delivery commitments. Absence of a ‘climate finance’ definition and criteria agreed upon by the Parties is a major barrier to establishing MRV in climate finance. Given the context, we demand the following:

- A clear definition of climate finance at COP 28. This is particularly important not only for establishing MRV in climate finance but also for ensuring MRV in the implementation of GGA;
- Climate finances must be recognized and mobilized as need-based, urgent and, an obligatory complement, not a voluntary contribution. The current practices of providing climate finance are neither need-based and predictable nor a necessary obligation for the developed countries;
- The NCQG must provide a specific and separate assessment of the financial requirements for NAP and NDC implementation and also provide a comprehensive assessment of financial needs for addressing Loss and Damages in different emission reduction scenarios besides those for mitigation and adaptation;
- The NCQG must be accompanied by an accountable and transparent reporting system with common reporting requirements and standards to have segregated account of the sources (e.g., public or private), channels (e.g., bilateral, multilateral, and national financial intermediaries), and instruments (e.g., grants, loans, equity, etc.) of climate finance, to ensure transparent estimates of the contributions;
- The NCQG must recognize the particular situation of the LDCs, SIDs, and other differentiated climate-vulnerability contexts and prioritize the need for public grant-based and concessional finance, particularly for adaptation and addressing loss and damage. The contribution must be clearly new and additional over and above the ODA commitment of the developed countries;
- It must be ensured that climate finances do not create or increase the debt burden. Climate finances in developing countries should be grant-based as climate change is already adding unwanted stress with increased loss of GDPs while putting the countries under severe poverty, inequality, and indebtedness;
- There must be a separate reporting on the flow of climate finances to the LDCs and SIDS. Despite their minimal emissions, the LDCs and SIDS are particularly vulnerable to climate change due to their geography, high poverty levels, and low adaptive capacity.

GLOBAL STOCKTAKE

The recently published GST Synthesis Report makes clear that despite significant progress in actions, the world is still far off-track to meet the long-term goals of the Paris Agreement. It also implies an urgent need for a rapid acceleration of action and support and a systemic transformation, focusing on mainstreaming resilience and low GHGs emissions development. It also highlights

the importance of inclusion and equity for increased ambition in climate action and support.

The IPCC's AR6 Synthesis Report clearly indicates the necessity of urgent and scaled-up feasible, effective and low-cost mitigation and adaptation actions across sectors and countries to help the 1.5 degrees Celsius goal survive. Given the context, a drastic course correction is warranted. The GST is an opportunity for taking a long, hard look at the present state of our planet and design a better course for the future and evaluating the paucity in actions needed to achieve the goals of the Paris Agreement, thereby helping policymakers and stakeholders to strengthen climate policies and actions to avoid the worst consequences of climate change.

On mitigation, we demand the following:

- The GST outcome must include clear, transparent, and inclusive guidance for the next cycle of ambitious 2025 NDCs with revised 2030 benchmarks coupled with 2035 commitments, which are consistent with the 1.5 degrees Celsius goal and systemic transformations. Specifically, the GST outcome must include directives on taking urgent actions to narrow emissions gaps (e.g., at least 43 percent GHG emissions cut by 2030, 60 percent by 2035, and 84 percent by 2050 compared to 2019 levels) through ambitious economy-wide and sectoral targets covering all GHGs;
- The outcome should provide guidance on implementing mitigation measures that contribute to preventing adverse socio-economic and environmental impacts, including on biodiversity, food and water security, local livelihoods, and the rights of indigenous peoples;
- It must send a clear signal on the need to transform all the sectors and systems, with commitments on remarkably increasing renewable energy capacity and the rate of energy efficiency improvements across sectors by 2030;
- It should provide guidance on a just and equitable phase out of all fossil fuels, consistent with the 1.5 degrees Celsius goal. GST must align its targets with longer-term strategies toward a just transition to net-zero emissions;

On adaptation, we demand the following:

- The GST outcome must make a clear call for new political commitments for national action and international cooperation that meet the scale of further actions required to adapt to 1.5 degrees Celsius scenarios. Hence, the GST must commit Parties to submit NAPs ahead of the 2024 review phase and to continue to update and submit them for regular review;
- The GST outcome to call the NAPs to focus on equity, inclusivity, and

rights-based approaches to enhance adaptation outcomes for the most vulnerable;

- The GST outcome to call for modernizing the ways of delivering adaptation support, e.g., improving access and more appropriate concessional instruments and the use of needs-based assessments to plan and deliver targeted adaptation action;
- The GST outcome to call the Parties to incorporate the metrics and benchmarks of the Global Goal on Adaptation process in future NAPs and adaptation reporting and direct the UNFCCC with support from the Parties to provide guidance on adaptation data reporting at the national level, which will be conducive to transparent assessments in the future GST cycles and producing better guidance.

On loss and damage, we demand the following:

- The GST outcome to include a dedicated section on loss and damage to provide a robust assessment of the progress towards implementing the Paris Agreement. Comprehensive assessment of the progress towards achieving the long-term goals of the Paris Agreement requires including loss and damage on par with mitigation, adaptation, and means of implementation and support;
- The GST to include both an assessment of how Parties have enhanced action and support to address loss and damage and must recognize the need to address both economic and non-economic loss and damage in developing countries, both current and projected, given current emission trajectories;
- The GST decision to include a roadmap on how the gaps and needs of loss and damage will be addressed, including through operationalizing the loss and damage fund. GST decisions on loss and damage must be guided by the needs of LDCs, SIDS and other climate-vulnerable developing countries as they are most affected

by and least responsible for climate change;

- The GST will call the Parties to fully operationalize the Santiago Network and to establish a subgoal on loss and damage under the NCQG.

On finance, we demand the following:

- The GST to acknowledge the existing shortfall of climate finance in meeting developing countries' needs and support a drastic transformation of how finance is understood, provided, and mobilized;
- The GST outcome to prescribe ways for rapid reallocation of finance toward climate solutions and improvements in the provision of and access to climate finance for developing countries. Specifically, the GST outcome must commit Parties to scale climate finance provision and other means of implementation from developed to developing countries, with a view to matching the scale of the actual needs, making use of concessional finance, as well as through new and innovative sources and simplifying and expediting access to climate finance, driven by local needs and expertise;
- The GST to commit Parties to set out a clear, timebound roadmap for financial systems reform, including reorientation and restructuring of the multilateral development banks;
- The GST to direct the world to take urgent and bold steps towards the shared and crucial goal of an annual flow of USD 4 trillion to climate action to address the climate change impacts effectively.

HUMAN RIGHTS PROTECTION

Climate change impacts have been evident to have serious negative implications on the effective enjoyment of human rights, with the most vulnerable people being the worst sufferers.

The Paris Agreement calls upon Parties to “respect, promote and consider their respective obligations on human rights” when taking any action to address climate change. Therefore, from the COP 28 we demand the following:

- Supporting localized, community-specific studies to comprehensively understand differentiated and disproportionate vulnerabilities of climate change impacts on women, indigenous peoples, and other marginalized communities;
- Commission global research to understand how climate change impact aggravates the existing fault lines of inequality, social exclusions and marginalization of the already marginalized groups and communities, gender discrimination, socio-economic deprivation, etc.;
- The Parties must acknowledge and address politically sensitive issues like governance failure, power and class domination, socio-political marginalization, and exclusion, etc., which often trigger vulnerability and violation of basic human rights;
- Establishment of an institutional and legal framework under the UNFCCC at COP 28 to safeguard and protect the rights of climate victims. We request the OHCHR’s Special Rapporteur on Human Rights and Climate Change to facilitate the process.

TRANSPARENCY AND COMPLIANCE

The COP24 in Katowice in 2018 adopted the ‘modalities, procedures and guidelines (MPGs)’ for the transparency framework, and lately, the COP 26 in 2021 adopted Transparency Guidance. Essentially, the enhanced transparency framework (ETF) and submission of the first biennial transparency report (BTR) by 2024 will enhance accountability in implementation of actions and support. Complying with the transparency and compliance requires a robust data collection and management systems wherein a capacity gap exists in the developing countries. Given the context, we demand:

- Human and institutional capacity-building support to the developing countries to enable them to comply with the reporting requirements;
- A review of the implementation of actions which would provide segregated (sector- and country-specific) information on the implementation of actions and support, and that is necessarily in the public domain.

Emission
Reduction Equity
CBDR-RC
Address Adverse Effects
Protect the
Climate System

UNFCCC

THE FRAMEWORK WHICH THE NEGOTIATION BUILDS ON

CHAPTER
1 2 3 4 5 6

The political discussion for addressing human-induced climate change began in 1988 at the United Nations General Assembly, which adopted a resolution 43/53 calling the Member States to take necessary and timely actions to deal with climate change within a global framework.

The same year, the United Nations (UN) established an Intergovernmental Panel on Climate Change (IPCC) to assess the magnitude, estimate impacts, and propose strategies for responding to climate change. The IPCC's first assessment report in 1990 confirmed 'human activities' as the fundamental causes of the unprecedented rise in global average temperature, compared to the pre-industrial levels, and recommended global political directives to address and revert from the crisis. The UN General Assembly in 1990 noted the IPCC's findings as a serious concern and established an Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC). The INC's framework convention that came to be known as the United Nations Framework Convention on Climate Change got wider political acceptance with an endorsement of 158 countries at the UN's Rio Conference in Brazil in 1992. The Convention entered into force on 21 March 1994 and became the universal one currently with 197 Parties.

The Convention sets its ultimate objective (Article 2) "to achieve, ...

stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic [originating in human activity]interference with the climate system".

The Convention emphasizes achieving emission-cap limits within a time-frame, which would allow ecosystems to adapt naturally to climate change, ensure that food production is not threatened, and enable economic development to proceed in a sustainable manner. The Convention

notes that the largest share of historical and current global greenhouse gas (GHG) emissions originated in the developed countries and provided an incremental space in the share of future emission scenarios for the developing countries to continue economic growth and to meet their social and development needs.

To achieve the stated objective, the Convention sets five principles to guide the Parties in deciding and implementing actions, requiring the developed countries to take the lead in combating climate change on both fronts, e.g., limiting and reversing global emissions and the consequent impacts. Box 1 presents UNFCCC principles for addressing climate change.

Working out this commitment's extent, modalities, and dimensions, the Convention requires the country Parties on a category basis to act in conformity with an overarching principle of "common but differentiated responsibilities and respective capabilities (CBDR-RC)" while addressing the climate crisis.

BOX 1: UNFCCC Principles for Addressing Climate Change

- Protect the climate system for the benefit of present and future generations of humankind on the basis of equity and in accordance with common but differentiated responsibilities and respective capabilities of the Parties. This requires the developed country Parties to take the lead in combating climate change and the adverse effects thereof;
- Provide full consideration to the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and would have to bear a disproportionate or abnormal burden;
- Take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures;
- Integrate required measures to protect the climate system into national development programmes while also promoting sustainable development and not compromising economic development, which is essential for adopting measures to address climate change, and
- Cooperate and promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them to better address the problems of climate change.

Note: Adapted from the UN Framework Convention on Climate Change (UN 1992)

The Convention established a supreme authority of the country Parties under ‘Conferences of the State Parties (COP)’ to make decisions on implementing activities aligned with its ultimate goal and in accordance with its principles. Since the UNFCCC was ratified in 1994, the Conference of the Parties has succeeded in yielding two agreements, namely the Kyoto Protocol and the Paris Agreement.

The first one, the Kyoto Protocol, adopted at COP 3 in 1997, made the industrialized countries and the countries in transition (known as Annex I parties under the UNFCCC) obliged under a legally binding commitment to such a market economy that would reduce economy-wide emissions of six heat-trapping GHGs by an average of 5 percent below 1990 levels in 2008-2012 (the first commitment period), with specific targets varying from country to country based on both nationally originated and a market-based mechanism.

Kyoto Protocol entered into force on 16 February 2005. The Protocol was extended to 2020 by an amendment called the ‘Doha Amendment to the Kyoto Protocol’ in 2012 at COP 18. Many Annex I country Parties that participated in the Kyoto’s first round did not take on new targets in its extended period that entered into force on 31 December 2020, on the same day the commitment period ended.

The second one, the Paris Agreement adopted at COP 21 in Paris in 2015, required all the Parties to contribute to the emission reduction with progressively scaled-up targets communicated

by their nationally determined contributions—NDCs to be coherent with limiting the global average temperature rise to well below 2-degrees Celsius, preferably to 1.5 degrees Celsius, compared to the pre-industrial level. The agreement was adopted by 196 Parties at COP 21 and entered into force on 4 November 2016.

Aside from the mandatory implementation of increasingly ambitious mitigation actions, communicated by the 5-year cycle NDCs, the Agreement also made a non-mandatory requirement to the Parties to develop a long-term low greenhouse gas emission development strategy (LT-LEDS) to provide a long-term horizon to the NDCs. The agreement also provided a framework for financial, technical, and capacity-building support from the developed countries to the developing ones to implement activities towards mitigation, adaptation, and addressing losses and damages (L&Ds).

The agreement was hailed for its inclusiveness and setting a legally binding target of limiting global average temperature rise, while also being criticized for the flexibility provided to the country Parties to determine their emission reduction ‘contributions’ (in lieu of commitments) voluntarily and considering the national circumstances (in lieu of respective capabilities).

Such flexibility, arguably, is helping the historical emitters and the current big emitters to evade one of the key principles of addressing climate change — equity and common but differentiated responsibilities and respective capabilities.

28th CONFERENCE OF THE PARTIES (COP 28)

AN OVERVIEW OF THE AGENDA ITEMS

Climate negotiation at COP 28 would follow three different streams, i.e., Conference of the Parties to the Framework Convention on Climate Change (COP), Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA), and Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP). They are respectively COP 28, CMA 5 and CMP 18. Following list presents the agenda items of COP 28.

28th Conference of the Parties (COP 28)

- Matters related to Adaptation: a) Report of the Adaptation Committee and review of the progress, effectiveness and performance of the Adaptation Committee & b) Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts
- Matters relating to finance: a) Long-term climate finance, b) Matters relating to the Standing Committee on Finance, c) Report & guidance of the Green Climate Fund to the Conference of the Parties and to the Green Climate Fund & d) Seventh review of the Financial Mechanism
- Operationalization of the principles of equity and common but differentiated responsibilities and respective capabilities, in accordance with the Paris Agreement
- Compilation and synthesis of, and summary report on the in-session workshop on, biennial communications of information the Paris Agreement
- Operationalization of the funding arrangements for responding to loss and damage
- Development and transfer of technologies and implementation of the Technology Mechanism: joint annual report of the Technology Executive Committee and the Climate Technology Centre and Network

Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA 5)

- Matters related to the first global stocktake
- Matters related to the work programme on just transition pathways
- Matters related to Sharm el-Sheikh mitigation ambition and implementation work programme
- Reporting and review pursuant to Article 13 of the Paris Agreement: provision of financial and technical support to developing country Parties for reporting and capacity-building
- Matters relating to adaptation
- Matters related to Glasgow-Sharm el-Sheikh work programme on the global goal on adaptation
- Report of the Adaptation Committee and review of the progress, effectiveness and performance of the Adaptation Committee
- Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts
- Matters relating to finance: a) Matters relating to the Standing Committee on Finance, b) Guidance to the Green Climate Fund, c) Matters relating to the Adaptation Fund & d) New collective quantified goal on climate finance
- Operationalization of the funding arrangements for responding to loss and damage
- Doubling adaptation finance as part of the efforts towards the implementation of decisions
- Urgently scaling up financial support from developed country Parties in line with the Paris Agreement to enable implementation for developing countries

Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP 18)

- Matters relating to the clean development mechanism
- Matters relating to joint implementation
- Matters relating to the Adaptation Fund
- Capacity-building under the Kyoto Protocol
- Report of the forum on the impact of the implementation of response measures
- Report of the Compliance Committee
- Report on the high-level ministerial round table on increased ambition of Kyoto Protocol commitments

Figure 1: Agenda items of COP 28

THE PARIS AGREEMENT

KEY ELEMENTS AND PROGRESS OF IMPLEMENTATION

KEY ELEMENTS

The Paris Agreement has charted a new course, comprising of three basic elements, e.g., mitigation, adaptation, and Loss and Damage (L&D) to address climate change, as mentioned above. Yet, the key aspect of addressing climate change, as emphasized by Article 2 of the Agreement, is **limiting global average warming** to well below 2 degrees Celsius above the pre-industrial levels and pursuing efforts to limit temperature rise to 1.5 degrees Celsius by the end of this century.

Article 3 requires the Parties to undertake and communicate ambitious emission reduction efforts as nationally determined contributions (NDCs) to the global response to climate change while recognizing that the developing country Parties need support for the effective implementation of the Agreement.

Article 4 of the Agreement requires the countries to reach the ‘**global peaking**’ of GHGs as soon as possible and achieve ‘carbon neutrality’ in the second half of the century. It requires the Parties to apply two complementary emission-reduction measures: i) deeper cut of the anthropogenic emissions (i.e., mitigation), and ii) removing/trapping GHGs by sinks and reservoirs.

On **anthropogenic emission reduction**, Article 4 establishes binding commitments by all the Parties to undertake domestic measure for progressive mitigation actions communicated by their NDCs every five years. Aligning with the Convention’s CBDR-RC principle, the Agreement directs the developed take the lead in mitigation efforts by undertaking absolute economy-wide emission reduction targets and the developing countries to continue enhancing their mitigation efforts. The article also encourages the

latter country group to move towards economy-wide emission reduction targets over time in the light of different national circumstances (UNFCCC, 2016). Parties are also encouraged to conserve and enhance sinks and reservoirs, e.g., forests, wetlands, etc., to complement the mitigation efforts as stated under Article 4.

To encourage higher emission reduction efforts through voluntary cooperation among/between the Parties, the Paris Agreement introduces two different measures, namely: **i) market-based mechanism and b) non-market approaches (Article 6)**. The specific Article sets out the principles for environmental integrity, including transparent and robust accounting for using the mitigation outcomes originating from the market-based mechanisms, and also defines a framework for non-market approaches in the context of sustainable development and poverty eradication.

In relation to assessing the achievement of limiting global average temperature rise to 1.5 degrees to <2 degrees Celsius, the Agreement introduces a ‘**Global Stocktake (GST)**’ that will indicate progress (or regress) towards the Paris goal of limiting average temperature rise. The first GST is scheduled for 2023 and every 5 years after that (Art 14). Parties are required to undertake enhanced actions and international cooperation on emission reduction as indicated by the GSTs.

On **adaptation actions**, the Paris Agreement establishes a ‘Global Goal on Adaptation-GGA’ that aims to significantly strengthen national adaptation efforts, including through support and international cooperation. The GGA is strategically vital as its implementation is implied to all the Parties and is aligned with the global goal of limiting temperature rise. Hence, all the countries are required to develop country-specific National Adaptation Plans (NAP) and periodically update their implementation through adaptation communications.

Acknowledging the more certain scientific evidence of climate-induced loss and damage across the globe, the Paris Agreement includes a standalone article (Article 8) that emphasizes averting, minimizing, and addressing climate change-induced **loss and damages** resulting from extreme weather events and slow onset events. The Agreement also requires the Parties to enhance understanding, action, and support, usually through the WIM, to address loss and damage in developing countries resulting from the adverse effects of climate change (UNFCCC, 2016).

On **finance**, Article 9 of the Paris Agreement makes the developed countries obligated to support the efforts of the developing countries towards a low-carbon, climate-resilient world in a balanced manner. The

Agreement decides that the existing financial mechanisms under the Convention shall serve the Agreement in this regard.

On **technology issues**, Article 10 of the Paris Agreement establishes a technology framework to strengthen international cooperation on developing and transferring of climate-safe technology, along with capacity-building, in developing countries.

On **capacity building**, Article 11 emphasizes establishing an appropriate institutional arrangement and requires the developed countries to provide enhanced support for capacity-building actions in the developing countries.

In the implementation of all actions, measures, and commitments (e.g., in relation to mitigation, adaptation, loss and damage with finance, technology transfer, and capacity building supports), the Agreement requires the Parties to follow a robust transparency and accounting system when reporting on their actions and support (Article 15). The Agreement includes a mechanism to facilitate implementation and promote compliance in a non-adversarial and non-punitive manner.

IMPLEMENTATION PROGRESS

Parties at COP 21 launched a work program called ‘The Paris Agreement Work Programme (PAWP)’ and established a separate negotiating authority called ‘the Conference of the Parties, serving as the Meeting of the Parties to the Paris Agreement (CMA)’. The CMA was tasked to facilitate and conclude negotiation on PAWP by 2018 at COP 24 with an essential outcome of a detailed implementation guideline for the Paris Agreement, termed as Paris Rulebook.

However, the differentiated narratives and policy

position on market mechanisms (Article 6.2 and Article 6.4) deferred the entire basket of PAWP negotiations that finally ended up at COP 26 in Glasgow in 2021. The outcomes of COP 26 packaged in the ‘Glasgow Climate Pact’ finalized PAWP negotiation with a well-agreed ‘Paris Rulebook’ and made the Paris Agreement fully operational. The COP resolved the key debated issues of Article 6. They include:

- A common 5-year cycle of the NDCs;
- Reporting in the context of transparency;
- A common reporting framework and cycle on the NDCs implementation;
- Market mechanism and non-market approaches under Article 6 of PA;
- A clear roadmap for Global Stock Take (GST) aligned to ratcheting up the NDCs, etc.

What is important, the Glasgow COP succeeded in mobilizing political will to scale up emission reduction targets, and for the first time called upon to phase down unabated coal power and inefficient subsidies for fossil fuels. On the sideline, there were several emission reduction commitments in a range of other areas.

The Glasgow COP, however, failed to mobilize the long-back promise of the developed countries on jointly mobilizing USD100 billion per year from 2020, also was unable to decide and establish a dedicated funding mechanism for addressing loss and damage.

Ironically, the political momentum of limiting global average warming to 1.5 degrees Celsius as mobilized at COP 26 and the sideline commitments aligned to this did not progress as expected. Most of the commitments were lofty without having a specific plan to achieve them.

Such a noncommittal political position, many of which were outside of the COP decision, made the

decision outcome of COP 27 termed the ‘Sharm el-Sheikh Implementation Plan’ a clear backslide from the earlier momentum.¹

Instead of moving forward with an established political momentum towards ‘phasing out’ of Coal, the COP 27 gave a mandate to continue burning fossil fuels, gas and liquefied natural gas (LNG), in particular branding them as “clean fuels” alongside renewables. The paradoxical position of the EU, e.g., shifting focus to Africa for gas and hydrogen fuel, provoked the interest of the energy colonialists, e.g., Saudi Arabia, Russia, and China, to make a profit over the planet.

The COP 27 also failed to mobilize much needed finances for adaptation actions. Instead of deciding on a concrete action plan or roadmap for doubling adaptation finance and fulfilling a cumulative delivery gap of 600 billion USD (e.g., annually 100 billion by 2020), the COP took a procedural decision and deferred the discussion until the technical progress report by the Standing Committee on Finance in (When).

The two weeks and extended 40 hours of discussions and intense negotiations only succeeded in establishing a funding arrangement, along with a transitional committee to make recommendations on the operational institutional and governance arrangements of the fund aimed at responding to and addressing loss and damages in the vulnerable countries.

On the systemic change in addressing climate change, COP 27 called on² the shareholders of Multilateral Development Banks (MDBs) and International Financial Institutions (IFIs) to reform MDB practices and priorities, align and scale up funding, ensure simplified access, and mobilize climate finance from various sources.

The COP 27 has also ‘encouraged’ MDBs to “define a new vision and commensurate operational model, channels and instruments that are fit for the purpose of adequately addressing the global climate emergency”. However, such a liberal text allows too much room for interpretation and implies no obligation. For instance, no specific criteria have been prescribed for measuring whether a channel or an instrument is ‘fit’ for the purpose of adequately addressing the global emergency.

1. COP 27 was marked by the influence and domination of the fossil-fuel lobbyists who reportedly have protected the interest of a few countries to further explore and expand the fossil-fuel market instead of transiting away. The overwhelming presence of 636 lobbyists at COP 27, a more than 25 percent increase than the Glasgow COP in 2021, and outnumbered by a single country (e.g., United Arab Emirates, hosts of Cop28 next year, had 1,070 registered delegates with many from the oil and gas companies) and their orchestrated favoritism towards the so-called ‘clean fuel’ has already appeared as one of the key challenges to meaningfully scale-up emission coherent to 1.5. degrees C Goal.

2. See FCCC/CP/2022/L.19, Sharm el-Sheikh Implementation Plan, paragraph 40

Rapidly Closing
Window of Mitigation
Transparent Reporting
Just Transition
Net Zero by 2025

An Overview

FIRST GST SYNTHESIS REPORT

CHAPTER

1 2 3 4 5 6

CONTEXT

The Global Stocktake (GST), established under Article 14 of the Paris Agreement³ is a process of taking the inventory of the progress made collectively by countries and stakeholders towards achieving the purpose of the Paris Climate Change Agreement and its long-term goals, and prescribing what to do next. This Party-driven, two-year process is scheduled to take place every five years, with the first-ever stocktake scheduled to conclude at COP28. The GST is tasked to evaluate the paucity of actions needed to achieve the goals of the Paris Agreement, thereby informing the policymakers and stakeholders to strengthen climate policies and actions to avoid the worst consequences of climate change.

The CMA is entrusted with the overall responsibility to conduct the GST. The subsidiary bodies—SBSTA and SBI— are mandated to assist the CMA in carrying out the GST, particularly with the technical dialogues (TDs)— a forum for taking stock of past actions and prompting forward momentum to unlock more ambitious climate action and support. Two co-facilitators, each from a developing and developed country, facilitate the technical dialogues, guided by questions developed by the SBSTA and SBI Chairs on each thematic area. A High-Level Committee consisting of the CMA Presidencies and the Chairs of the SBSTA and SBI chair the high-level events of the global stocktake.

The GST process consists of three components: i) Information collection and preparation, ii) Technical assessment, and iii) Consideration of outputs,⁴ and addresses climate progress in the thematic areas of mitigation, adaptation,

³ Article 14.1 of the Paris Agreement. Available at: [FCCC/CP/2015/10/Add.1](https://www.unfccc.int/documents/5450322/5450322/14-1-2015-10-Add.1.pdf)

⁴ Decision 19/CMA.1, paragraph 3. Available at: [FCCC/PA/CMA/2018/3/Add.2](https://www.unfccc.int/documents/5450322/5450322/19-CMA.1-2018-3-Add.2.pdf)

and means of implementation and support, in the light of equity and the best available science. Additionally, the GST is meant to take into account the actions related to averting, minimizing, and addressing loss and damage associated with the adverse effects of climate change, as well as the unintended social and economic consequences of climate change response measures.⁵

A Synthesis Report⁶ of the first GST published in September 2023 identifies critical areas for further action to bridge gaps and address challenges to implementing the Paris Agreement and summarizes 17 findings, which will inform the GST's political outcomes at COP28.

GST ASSESSMENT SUMMARY

The GST Synthesis Report makes clear that the Paris Agreement has expedited climate actions that have led to a significant reduction in future warming forecasts; nevertheless, the world is still far off-track to meet the long-term goals of the Paris Agreement. Highlighting the opportunities and solutions for bridging gaps, the report urges for a rapid acceleration of action and support. The report also stresses the need for a systemic transformation, focusing on mainstreaming resilience and low GHGs emissions development. It also underscores the need for credible, accountable, and transparent actions by non-Party stakeholders to strengthen efforts for systems transformations. Moreover, it highlights that giving importance to inclusion and equity can lead to increased ambition in climate action and support.

On the thematic area of mitigation, the report highlights the following:

- Global emissions are not in line with the global mitigation pathways consistent with the Paris Agreement goals, and the window to raise ambition and implement existing commitments to meet the 1.5 degrees Celsius goal is closing rapidly. Hence, it is necessary to increase both the mitigation ambition and support to implement the measures to achieve the targets;
- Mitigation targets should be increased to align the countries' LT-LEDS towards just transition to net-zero emissions by or around 2050, and so should be transparency;

5. Decision 19/CMA.1, paragraph 6/b. Available at: [FCCC/PA/CMA/2018/3/Add.2](https://www.unfccc.int/documents/442224)

6. "Technical dialogue of the first global stocktake. Synthesis report by the co-facilitators on the technical dialogue". Available at: [FCCC/SB/2023/9](https://www.unfccc.int/documents/442224)

- Systemic transformations are needed across all sectors and contexts, especially scaling up renewable energy and phasing out all unabated fossil fuels, for achieving a just transition to net zero emissions, where international cooperation and credible initiatives can play a momentous role in bridging emissions and implementation gaps;
- Economic diversification can be an effective strategy to address the negative impacts of response measures and promote positive synergies.

On adaptation, the synthesis report states the following:

- There is an urgent necessity of more ambitious adaptation action, and enhanced efforts to avert, minimize and address loss and damage to reduce and respond to increasing impacts, particularly for the most vulnerable and least capable to recover;
- Though there is an increasing ambition in plans and commitments for adaptation action and support, most efforts are fragmented, incremental, sector-specific, and unequally distributed across regions;
- Transparent reporting on adaptation is crucial for facilitating and enhancing knowledge, implementation, and international cooperation;
- It is important to use and continue development of diverse methodologies and indicators for better tracking the progress in adaptation planning and implementation towards GGA;
- When adaptation efforts are informed and driven by local contexts, communities, and priorities, they are more effective and conducive to promoting transformational adaptation;
- Comprehensive risk management and support are urgently needed for averting, minimizing, and addressing loss and damage;

- Support for adaptation and funding arrangements for averting, minimizing, and addressing loss and damage need to be scaled up from expanded and innovative sources, and financial flows need to be made consistent with climate-resilient development to meet urgent and increasing needs.

Regarding **means of implementation** and support and finance flows, the points that:

- Meeting the urgent needs of climate actions in the developing countries requires scaled-up mobilization of support, which entails strategic deployment of international public finance and continuous enhancement of effectiveness—access, ownership and impacts;
- A financial systems transformation is needed, including reformation of MDBs and other IFIs;
- Trillions of dollars need to be reoriented to climate action to make climate finance flows consistent with a pathway towards low GHGs emissions and climate-resilient development;
- Rapid systemic transformations consistent with Paris Agreement goals require rapid deployment of existing cleaner technologies, together with accelerated innovation, development, and transfer of new technologies, to support the needs of developing countries, including through cost reduction and enhanced access to finance for some key technologies;
- Strategic capacity-building support to developing countries needs to be scaled up to address locally determined needs, including on the basis of indigenous and other traditional knowledge systems to achieve broad-ranging and sustained climate action.

HIGHLIGHT

THERE IS NO ROOM FOR NEW FOSSIL FUELS

International Energy Agency reports, e.g., Net Zero by 2050 (IEA, 2021a), World Energy Outlook 2021 (IEA, 2021b), and the World Energy Outlook 2022 (IEA, 2022) showed no room for new fossil fuel expansion beyond existing fields and mines in a 1.5 degrees Celsius global average warming goal.

An IISD analysis (Kursk et al., 2022) on a range of emission reduction pathways aligned with 1.5 degrees global average warming goal also confirmed no room for new oil and gas fields. The analysis pointed to significantly curtailing production of the existing fields by at least 65 percent between now and 2050 in order to align with the 1.5 degrees Celsius goal,

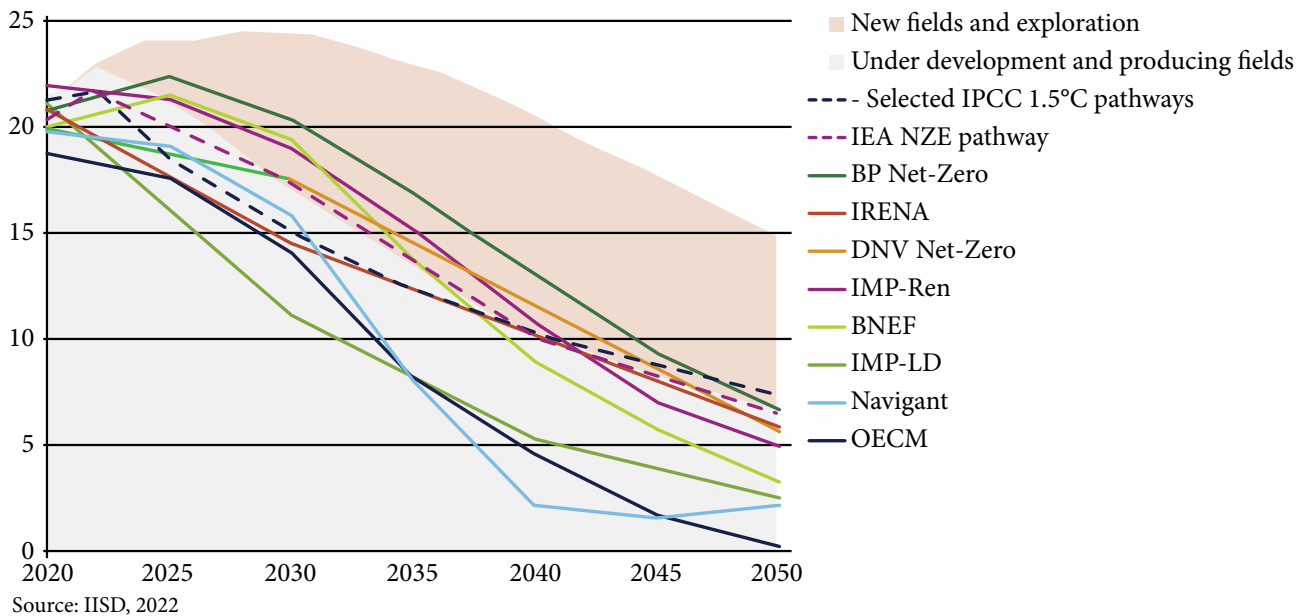


Figure 2: Global oil and gas production, based on selected 1.5°C pathways

Peaking Emissions
by 2025
Re-directing Global Capital
Grant-based Financing
System-wide
Transformation
Shifting away from Fossils

An Overview

IPCC'S SIXTH ASSESSMENT REPORT

CHAPTER

1 2 3 4 5 6

KEY FINDINGS

The Intergovernmental Panel on Climate Change (IPCC), has always been playing an instrumental role in providing scientific evidence for anthropogenic climate change and impact scenario to the governments at all levels of stakeholders to help them taking informed decisions on the measures and actions for addressing climate change. IPCC publishes a comprehensive assessment in every four-year focusing on three major areas (under three working groups) e.g., i) Physical Science Basis of Climate Change, ii) Climate Change Impacts, Adaptation and Vulnerability and, iii) Mitigation of Climate Change. The IPCC's Sixth Assessment Report published in 2023 provided a very focused assessment on the above three areas, also provided a set of recommendations for policy uptake.

On **physical science**, the Sixth Assessment Report (IPCC AR6 SYR) projected the continuation and intensification of human-caused climate change and warns about the *rapidly closing window of opportunity to secure a liveable and sustainable future for all*". Emphasizing on immediate policy responses, the Report further warns that *the choices and actions implemented in this decade will have impacts now and for thousands of years*" (IPCC, 2023) as the impact already become widespread on human systems, eco-systems, human well-being and health, including global mental health and displacement.

On **means of implementation**, the IPCC AR6 provided an overview of insufficient financial flows and investment gaps to scale up adaptation and mitigation actions. Though the financial flow in mitigation and adaptation actions have increased by 60 percent since the previous assessment report (AR5) in 2014, still this is much less than the financial flows in fossil fuels production, promotion, and consumption (IPCC, 2023). Given the context,

the IPCC report emphasizes for a strong political commitment to redirect global capital investment in mitigation and adaptation actions through reforming and revisiting the scope and mandate of the international financial institutions (IFIs).

The IPCC AR6 remarked insufficient investment in adaptation, compared to mitigation, and provided an estimation of USD 127 billion per year by 2030 and USD 295 billion per year by 2050 in the developing countries alone to adapt to climate change.

The IPCC AR6 also provided utmost emphasis to dramatically increase grant-based finance, with a greater focus on the needs of climate-vulnerable countries, communities, and groups prioritizing equity, climate justice, social justice, inclusion, and just transition in all aspects of addressing climate change.

While AR6 didn't assess financial requirements for averting, minimizing, and addressing losses and damages, however establishes linkages between loss and damage and financial support for mitigation and adaptation. It explains that incurred losses and damages can impact countries' economic growth and limit the availability of financial resources, adding constraints for adaptation.

With those projections IPCC AR6 remarked;

- Peaking global GHGs emissions before 2025, followed by a rapid GHGs emissions reductions through a system-wide transformation and rapid shifting away from fossil fuels;
- Increasing mitigation investment for this decade by at least sixfold in Southeast Asia and developing countries in the Pacific, fivefold in Africa, and fourteenfold in the Middle East by 2030;
- Providing much-needed support for recovery and rehabilitation for loss and damage in developing countries which also could play a critical role in addressing adaptation investment gaps identified by the IPCC.

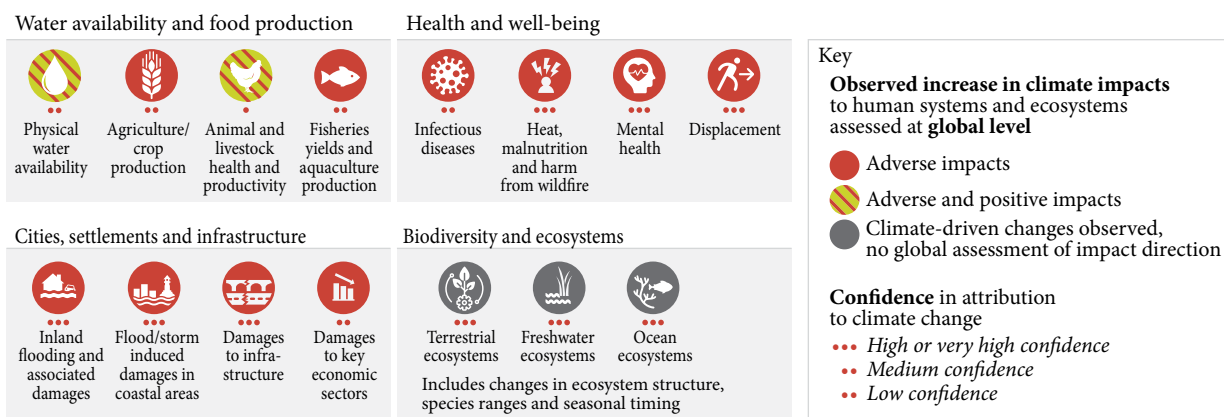


Figure 3: Observed widespread and substantial impacts and related losses and damages attributed to climate change (IPCC, 2023)

1.5°C

Phase Out Fossil Fuel
Obligatory Finance
Need-Based NCQG
Human Rights
Gender Justice
Reforming Rules of Procedure
Climate justice

28th CONFERENCE OF THE PARTIES

CSOs POSITION ON THE KEY ISSUES

CHAPTER

1 2 3 4 5 6 7

MITIGATION

CONTEXT

The urgency of limiting the global average warming to 1.5 degrees Celsius, compared to the pre-industrial level, is not an issue of distracted COP discussion and contestation; it's an issue for immediate implementation in a fast and fair way. The 'Glasgow Climate Pact' the outcome decision of COP 26 set 1.5 degrees Celsius warming limit (replacing what the Paris Agreement mentioned well below 2 degrees Celsius) and called on the Parties 'to pursue efforts to limit the global average warming to 1.5 degrees Celsius with accelerated actions in this critical decade.

The Science, as communicated by the IPCC reports, has long been persuading the political leadership to stick to 1.5 degrees Celsius limit, remarking the current levels of global warming of over 1.1 degrees Celsius as unequivocal evidence of climate change that already made impacts unusually adverse, widespread and unavoidable.

Though the 1.5 degrees Celsius goal is politically survived at COP 26, in the current high emission pathways it is only 50 percent likelihood of achieving this goal. Nevertheless, IPCC's Sixth Assessment Report that still sees the technical and economic feasibility of limiting warming to 1.5 degrees Celsius, provided that global greenhouse gas emissions peak immediately before 2025 and decline to half by 2030 compared to 2019 levels before 2025, and roughly, so that the world achieves net zero carbon emissions by around 2050.

Challenging IPCC's such projection, James Hansen et al. (2023) alarmed a faster warming than what is currently understood and communicated by

the IPCC. The study accounts for a huge amount of global heating “in the pipeline” in the context of the continued burning of fossil fuels, which would cause a reaching to 1.5 degrees Celsius average warming compared to the pre-industrial times within the 2020s and 2 degrees Celsius hotter by 2050. This would mean breaching the internationally agreed 1.5 degrees Celsius threshold far sooner than expected.

In either situation, IPCC (2022) warns of the irreversible impacts of even a temporary “overshoot” of 1.5 degrees Celsius and classified this as a ‘high overshoot’ pathway with many unknown additional risks for humans and nature. Though a few of the IPCC’s assessments of the global warming scenario show no overshoot of 1.5 degrees Celsius limit, they require even more immediate and deep emissions cuts than those with a “limited overshoot” of up to 0.1 degrees Celsius.

Paradoxically, the policy response and current efforts of emission reduction are highly inconsistent and far short of the requirements to comply the 1.5 degrees Celsius goal. The UNFCCC’s latest NDC Synthesis Report on the NDCs submitted by the 193 Parties to the Paris Agreement, including 24 updated or new NDCs submitted after the Glasgow COP shows an increase of emissions by 10.6 percent by 2030, compared to the 2010 levels. The submitted NDCs covered 94.9 percent of total global GHGs emissions in 2019, and their full implementation could put the world on track for around 2.5 degrees Celsius of warming by the end of the century (UNFCCC, 2022).

The UPEP’s Emission Gap Report (UNEP, 2022) also projected global average warming on a track to 2.4-2.6 degrees Celsius under the current (2025 -2030) NDCs’ pledges. However, the full implementation of the NDCs is unlikely because a significant amount of the NDCs’ targets is conditional on being supported with finance and technology, ideally from the developed countries.

CONCERN

For achieving the 1.5 degrees Celsius temperature rise goal, it is strictly imperative to phase out fossil fuels, especially from coal, gas, and oil that currently contribute 41 percent, 32 percent, and 22 percent of CO₂ emissions, respectively of the non-land use-based sources of emission (Friedlingstein et al., 2022). The World Energy Outlook 2022 clearly showed no scope for new fossil fuel expansion beyond existing fields and mines towards the goal of limiting the global average temperature rise to 1.5 degrees Celsius. (See the figure 2 at page 24)

Ironically, all the post-Paris COPs failed to mobilize a well-agreed political commitment to phasing out fossil fuels. Instead, the recent past COP, kept ways open to continue the production and consumption of coal, oil, and gas in a compromised decision of “phasing down” rather than “phasing out” of coal. The Sharm el-Sheikh Implementation Plan, the outcome decision of COP 27, went further on this. It gave a mandate using of fossil fuels in the name of low-emission fuels.

The indifferent political position of both the historical polluters and the current big emitters, even belonging to different country groups in the climate negotiation, barred on the decision of phasing out fossil fuels as they still remain at the forefront of expanding fossil fuel production. According to Oil Change International (2023), just five wealthy global north countries, namely the United States, Canada, Australia, Norway, and the United Kingdom, are responsible for 51 percent of planned expansion from new oil and gas fields from now until 2050.

Countries having economic and technological capacities are fervently digging deeper into fossil fuels (Ioualalen & Trout, 2023) aspiring a quick ‘fix’ of global warming with some unproven “false solutions” like Carbon Capture and Storage (CCS), Carbon-dioxide removal (CDR) from the air, Bioenergy with CCS, Ocean Fertilization, Solar Radiation Modification or Solar Geoengineering).

The abstract technological solutions of capturing atmospheric carbon in different ways have expressively been promoted by the fossil fuel giants while distracting global attention from a fast transition to renewable energy sources. A huge investment in hydrogen power by the wealthy nation, instead of investing in renewable energy (RE) in the developing countries, is also an unfair approach that symbolizes their intention of being a future energy superpower, making the energy-poor countries ever dependent on them.

The other challenge is the continuation of fossil fuel subsidies by the G7 and G20 countries. With the record levels of USD 147 billion production subsidies for coal, oil, and gas in 2021 by the G20, the total amount of subsidies increased from USD 362 billion in 2020 to USD 697 billion in 2021. G20 fossil fuels consumption subsidies are projected to increase even further in 2022 (Climate Transparency, 2022). According to the

IPCC (2022) removing fossil fuel subsidies alone can reduce GHG emissions by up to 10 percent by 2030.

Continuing investment in fossil fuels production and subsidizing in consumption unveils their role of ‘double standard’, with a high degree of duplicity to the global goal of limiting average warming to 1.5 degrees Celsius.

KEY POLICY ASK

With an urgent call for limiting global average warming to 1.5 degrees Celsius, essentially by fast and fair phasing-out from fossil fuels, doubling investment in renewable energy expansion, and not relying on the private sector green-wash propaganda and technology buzzes, we demand:

- Stopping further investment in coal-based power plants, phasing out of all coal-based power plants by 2030 and 2040 in the developed and developing countries, respectively. There must be political commitment on desisting from investment in fossil fuel production and phasing-out of oil and gas-based power generation by 2040 globally;
- Massively scaling-up of grants-based public finance to expedite a fast and fair transition from fossil fuels to renewable energies in the developing countries. Technically, they should expand the scope of energies that are truly non-fossil fuels, not the ones preferentially included in the non-fossil fuel category;
- A new set of ambitious NDCs coherent with the 1.5 degrees-Celsius global average warming goal;
- Enhancement of NDCs should not be confined to its five-year cycle. There should be an option to update and scale-up commitments biennially, or even more frequently, until the GHG emission reduction targets are coherent with the 1.5 degrees Celsius pathway;

- Continuation of the Mitigation Work Programme (MWP) established at COP 26 to urgently scale up mitigation ambition and guide implementation. The MWP, based on the first Global Stocktake outcome, should inform the GHGs emission reduction gaps to the COPs and make recommendations on the scope and measures to urgently scale-up mitigation actions;
- A clear roadmap for the implementation of NDCs. To this end, the MWP should act as a facilitating body to guide the nations on NDC implementation in a just and fair way while also respecting human rights and facilitating increased access of the energy-poor people and communities to clean, reliable, and affordable energy as emphasized by the SDGs;
- Setting a mandatory timeline for submitting Long-term Low Emissions and Development Strategies (LT-LEDS) by all the Parties. Development of LT-LEDS should be made mandatory for all the Parties to make them accountable towards a low-emission pathway and a carbon-neutral economy by 2050. In accordance with Article 4 of the Paris Agreement, all the Parties to the Agreement are required to develop and communicate LT-LEDS that would serve as strategic guidance for developing the subsequent NDCs;
- A robust reporting framework to track GHG emission reduction by the multi-Party and non-Party stakeholders. Further efforts of the non-Party stakeholders should be encouraged and scaled up.

ADAPTATION

CONTEXT

Scaling up adaptation action is always a priority for the countries that already are struggling with the disproportionate impacts of climate change. Paris Agreement (Article 7) included a Global Goal on Adaptation (GGA)⁷ to serve as an overarching aspiration to raise ambitions and accelerate collective actions on adaptations. To operationalize the Global Goal on Adaptation (GGA), the Glasgow Decision Pact (FCCC/PA/CMA/2021/L.15) launched a two-year work programme ‘Glasgow-Sharm el Sheikh Work Programme (GlaSS) 2022-2023’ mandated to devise ways and modalities for meeting the goal. The Work Programme (GlaSS) is tasked to develop a ‘GGA Framework’ with a monitoring, evaluation and learning (MEL) system for assessing collective progress on adaptation, informing directions for finance and increasing the visibility of adaptation globally.

Noting negligible progress in terms of developing concrete proposals for the configuration and content of the GGA and the framework, Parties at COP 27 agreed to utilize the last year (2023) of the GlaSS to finalize a GGA framework with a view to adopting it at COP 28.

7. Decision 1/CP.21, Annex, Article 7, paragraph 1. See FCCC/CP/2015/10/Add.1

CONCERN

The GlaSS program has resulted in an adaptation committee report incorporating input from the IPCC Working Group II and other relevant constituted bodies, and over 100 Party and observer submissions. The GlaSS so far implemented eight workshops and presented the outcome (up to its 7th workshops) at the 58th Subsidiary Bodies meetings in June 2023 and highlighted several issues for further consultation; they include-

- Whether the framework should set concrete targets to guide action and measure progress or whether high-level political signals or goal statements are sufficient;
- Whether only the indicators should measure the progress without setting specific targets;
- How to develop complementarity between the means (specifically finance, technology transfer, and capacity building) and enablers (e.g., political commitment and follow through, institutional frameworks, policies, and instruments) of adaptation action. To

avoid earlier experiences of false promises, developing countries argue for including ‘means of implementation’ as an essential element of the framework;

- Whether the framework should be ready for implementation upon its adoption at COP28, or should wait until completion of further/ pending work on developing indicators and measurement methodologies.

KEY POLICY ASK

- The GGA must focus on the human and social dimensions of climate change impacts on people, livelihoods, and ecosystems;
- A GGA framework must include robust guidelines for measuring adaptation progress and results that enable comparability and aggregability of national assessments in a way that does not create a reporting burden on developing countries. The GGA should build on the existing tools and reports (NAPs, NAPAs, ADCOMS, NDCs, NCs) to make coherence with the national reporting system;

Box 2: Global Goal on Adaptation (GGA)

Paris Agreement (Article 7) established a Global Goal on Adaptation (GGA), not as a quantitative goal but as a shared inspiration.

- The GGA provided significant importance on ‘enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change aiming significantly to strengthen national adaptation efforts, including thorough support and international cooperation;
- The GGA is strategically important as its implementation is aligned with the global temperature rise goal and implied to all the Parties;
- The GGA will be one of the goals against which the global stocktake (GST) will assess collective progress. Hence, all the countries are required to develop country-specific National Adaptation Plans (NAP) and periodically update their implementation through adaptation communication.

- The framework must offer specific, relevant indicators, approaches, targets, and metrics for GGA;
- The framework should have sufficient flexibility to reflect the country-driven nature of adaptation and the context-specificness of the national circumstances of each country, and it should clearly indicate defined and measurable means of implementation.

LOSS AND DAMAGE

CONTEXT

Loss and Damage associated with the impacts of climate change has been one of the ‘major agenda items’ since COP 16 was held in Cancun in 2010. The COP decided to establish a ‘Work Programme’ on loss and damage under the Cancun Adaptation Framework (Decision 1/CP.16, Para 28). On that basis the subsequent COP negotiations delivered several tangible outcomes on the approaches to address loss and damages. Those COP decisions include: a) agreement on the role of the Convention in promoting the implementation of approaches to address loss and damage associated with the adverse effects of climate change (Decision 3/CP.18, Para 5), b) decision on the establishment of an institutional arrangement, such as an international mechanism, including its functions and modalities (Decision 3/CP.18, Para 9), c) establishment of an institutional mechanism called ‘the Warsaw International Mechanism (WIM)’ for loss and damage at COP 19 held in Warsaw in 2013 (Decision 2/CP.19, Para 1), d) decision on the role of the WIM under the Convention with respect to WIM’s major functions, such as enhancing knowledge, strengthening dialogue and coordination, enhancing action and support including finance (Decision 2/CP.19/, Para 5), and finally, e) inclusion of a standalone Article (Article 8) for loss and damage in the Paris Climate Agreement (Decision 1/CP.21, Paris Agreement).

The post-Paris loss and damage negotiation took two different dimensions: institutionalizing and governing loss and damage under COP and CMA, and mobilizing resources for addressing loss and damage under its existing institutional structures (either COP or CMA, or under both). The developing country groups wanted continuation of separate governing under the WIM/COP and PA/CMA with separate financial scope/mechanisms to carry forward their mandated tasks. Contrary to this, several developed countries wanted to move the loss and damage discussion under the Paris Agreement so that the reappearing of compensation claims could be avoided. But, in regards to mobilizing loss and damage finances, most of the developed country Parties wanted to keep the discussions under the purview of WIM and its Executive Committee so that opening an agenda item for mobilizing ‘action and support’ for addressing L&Ds could be avoided in the CMA negotiation.

Given the unusually complicated debate on loss and damage governance and funding

mechanism, the COP 25 and COP 26 ended with some unpreferred decision for the developing countries. They include;

- a) Establishment of an expert group COP 25 in 2019 on enhanced action and support and a platform called ‘Santiago Network on Loss and Damage’ by 2020 and 2021, respectively, to support the implementation of actions to avert, minimize, and address loss and damage (Decision 2/CMA.2 and 2019 review, paragraph 43).
- b) Decision at COP 26 in 2021 to hold dialogues called the ‘Glasgow Dialogue’ in the annual SB sessions from 2022 to 2024 to explore ways to fund loss and damages associated with the adverse impacts of climate change.

Other than the above decision, there was considerable debate and disagreement between the Annex 1 and Non-Annex Parties on the placement of loss and damage in climate negotiation and the scope of financing. Despite a clear distinction between ‘Adaptation’ and ‘Loss and Damage’ with their placement under separate Articles of the Paris Agreement (Article 7 for adaptation and Article 8 for loss and damage), many of the Annex 1 Parties were found insistent on keeping loss and damage under the mandate about Cancun Adaptation Framework, amalgamating loss and damage with adaptation and National Adaption Plan. There also was a disagreement about aligning ex-post loss and damages finances with the humanitarian assistance that the Annex 1 Parties have pushed forward.

Keeping those debates aside, Parties at COP 27 in 2022, by its decision -/CP.27 and -/CMA.4, established a ‘new funding arrangements’ for responding to as well as addressing loss and

damage. A transitional committee, comprising of 24 members and with a balanced representation of the UNFCCC country groups (from the Annex 1 and Non-Annex), was also established to work out on fund’s operational arrangements and make recommendations in COP 28. The COP 27 also decided to select a host/secretariat of Santiago Network on Loss and Damage by 2023, yet the aspiration of the Non-Annex Parties to establish SLND as an independent body with its governance and institutional structure (preferably under an Advisory Body/Board) was agreed by the Annex I Parties.

CONCERN

The Transitional Committee (TC) held 5 meetings and succeeded in drafting a proposal for operationalizing new funding arrangements, including a fund, for responding to loss and damage referred to in paragraph 2 and paragraph 3 of decisions 2/CP.27 and 2/CMA.4. The proposal entitled ‘Co-chairs’ proposal’ included a number of elements and recommendations to the COP 28/ CMA 5, The key recommendations are;

- **Mandate of Fund:** A standalone direct access financing mechanism of the Convention, accountable to and functioning under the COP and CMA. The fund is to assist climate-vulnerable developing countries, with a minimum percentage of allocation floor for LDCs and SIDS, to respond to loss and damage, including a focus on addressing loss and damage, based on cooperation and facilitation; however, it will not involve liability or compensation.
- **Scope of Fund:** a) to address a variety of challenges, such as climate-related emergencies, sea level rise, displacement, relocation, migration, insufficient climate information and data, and the need for climate-resilient reconstruction and recovery, and b) respond to

economic and non-economic loss and damage with humanitarian actions immediately after an extreme event; intermediate or long-term recovery, reconstruction, or rehabilitation actions; and actions to address slow onset events.

- **Sources of Fund:** Voluntary contributions primarily from the developed country Parties, also from the developing countries. Also, from a wide variety of sources, including innovative sources, under and outside of the Convention and the Paris Agreement.
- **Financial Instruments:** In the form of grants, highly concessional lending, and a range of additional financial instruments e.g., guarantees, direct budget support and policy-based finance, equity, insurance mechanisms, risk sharing mechanisms, pre-arranged finance, performance-based programs, and other financial products where appropriate taking into consideration debt sustainability issues.
- **Fund Governance:** a) A Fund Board comprising 26 members, 12 from the developed countries and 14 from other country groups of the UNFCCC process; b) the World Bank as an interim trustee, host of the secretariat and financial intermediary (termed as World Bank-hosted Financial Intermediary Fund-FIF) for an initial 4 year period with the possibility of extension which to be determined by the Board followed by an independent assessment on the Bank's initial years' performance, c) A secretariat headed by an Executive Director accountable to the Board.
- **Fiduciary Measures:** The Fund will follow the World Bank's fiduciary standards. The Secretariat will support the strengthening of the capacities of direct access implementing entities, where needed, to enable them to attain functional equivalency with the World Bank's fiduciary standards.
- **Country Ownership:** The Fund will pursue a country-owned approach to programs and projects, with a provision of establishing a designated national authority or national focal point responsible for the overall management and implementation of activities, projects, and programmes supported by the Fund.

KEY POLICY ASK

- The COP 28 must review the Transitional Committee Co-chairs' proposal on the institutional and governance arrangements of loss and damage fund to make sure their alignment with the Convention's CBDR-RC principle. We further urge to discard the elements that contradict the Convention's overarching principle and are subversive to climate justice;
- A sovereign governance structure of the loss and damage fund under the UNFCCC with flexible norms, operational guidelines and access

modalities for the LDCs, SIDS, and climate-vulnerable countries;

- The Fund must be mobilized based on the CBDR-RC principle, with obligatory contributions based on historical responsibility. It must be determined based on the scenario of global average temperature rise, safeguard human rights, and not create a debt burden on the climate vulnerable countries;
- COP 28 must duly acknowledge the violation of human rights, particularly that caused by the residual impacts of both sudden and slow onset events. The COP 28 should ask the Transitional Committee to work further to make recommendations on the measures for protecting and safeguarding human rights, especially rights of women, children, indigenous peoples, migrant and trapped communities etc.,

Research-based ground evidence substantiates that the L&Ds, both directly and through impact chain, force people to compromise the enjoyment of many of their fundamental rights, namely, the right to self-determination (ICCPR, ICESCR, Art 1), life (ICCPR, Art 6), health (ICESCR, Art 11), water (CEDAW, Art. 14), means of subsistence (ICESCR, Art 1), standard of living and adequate houses (ICESCR, Art 12), culture (ICCPR, Art. 27) and property (UDHR, Art. 17) (Leckie, 2008; OHCHR, 2009; McAdam & Saul, 2008);

- Full operationalization of the Santiago Network on Loss and Damage (SNLD) with its governance and institutional structure by establishing an Advisory Body/Board at COP 28;
- The scope of the SNLD must be broadened up to assess both economic and non-economic losses and damages resulting from sudden- and

slow-onset events and their residual impacts extended to secondary and tertiary levels;

- Mobilization of need- and grant-based finances for the SNLD to support development of technology and capacity building of the developing countries to assess and address loss and damages on the ground;
- Allocating part of L&D finances to addressing secondary and tertiary impacts that essentially result in poverty, inequality, socio-cultural discrimination, gender-based violence, involuntary migration, and denial of marginalized and indigenous people's rights.

FINANCE

Finance is a major enabler of adaptation efforts but has always been a major concern. IPCC notes that in absolute terms, the current global financial flows for adaptation are insufficient for implementing adaptation options at the necessary scale. (IPCC, 2023).

Also, in relative terms, financial support for adaptation continues to fall far behind mitigation investments and remains disproportional to the increasing need to enhance climate resilience globally, especially in developing countries that are particularly vulnerable to the adverse effects of climate change; however, a balance between adaptation and mitigation finance is essential for climate justice. (UNFCCC, 2023).

CONTEXT

Article 4.3 of the Convention requires the Annex I Parties and other developed country Parties included in Annex II to provide “new and additional financial resources” to tackle climate change (UN, 1992). Over the years, in the context of delayed and deficient efforts in mitigation and adaptation actions, finance become a dear, also debated, topic in the UNFCCC process. This is

to support adaptation to climate change impacts, as well as to expand the GHGs emission reduction horizon to the developing economies.

The Paris Agreement⁸ required the developed country Parties to mobilize climate finance at a progressive rate. As the earlier commitment of mobilizing USD annually 100 billion goal from 2020 will end in 2025, the COP 21⁹ commissioned CMA to set a new collective quantified goal (NCQG) from a floor of USD 100 billion per year prior to 2025, taking into account the needs and priorities of the developing countries.

CONCERN

Despite the urgent need to accelerate and scale up international public adaptation finance to the developing countries, the international public finance flows to developing countries declined 15 percent in 2021 to around USD21 billion. Of the total bilateral finance commitments to developing countries over 2017-21, only 66 percent was disbursed compared to 98 percent for all bilateral development finance (UNEP, 2023). Scanty financial flow compared to increased adversity of climate change has already made adaptation action costlier. The Adaptation Gap Report (UNEP, 2023) estimated a central range of approximately USD215 billion to USD387 per year, which is significantly higher than previous estimates.

In spite of the growing need for adaptation finance, developed country Parties are evading their obligation of mobilizing need-based, predictable finances for adaptation, also delaying in fulfilling their long back commitment of providing USD 100 billion annually from 2020. Given the context, the Glasgow COP ‘urged’ developed country Parties to fully deliver on the target urgently and through to 2025 and ‘emphasized’ the importance of transparency in the implementation of the pledges. The same continued to the COP 27 again ‘noted with deep regret’ the failure and ‘urged’ the developed countries to fully deliver on the goal urgently.¹⁰

However, the COP decisions on scaling up climate finance and meeting the long-term finance goal are, more or less, confined to ‘*noting, emphasizing and urging*’, which bears a conspicuous sign of procrastination and reluctance of the developed country Parties in addressing adaptation finance gap while also trust gap of the Parties concerned.

Even of the mobilized finances, the lion’s share of the climate finances is channelled through various intermediaries, e.g., multilateral and national development banks, and under bilateral cooperation agreements from both public and private sources.

8. See Decision 1/CP.21, Annex, Article 9, paragraph 3

9. See FCCC/CP/2015/10/Add.1, Decision 1/CP.21, paragraph 53

10. See FCCC/CP/2022/L.6, Draft decision -/CP.27, Long-term Climate Finance, paragraphs 3-4

According to OECD (2022), out of 66.5 billion public climate finance in 2021 only 17.9 billion (27 percent) was grants compared to 48.6 billion (73 percent) was loan financing. Such increases in loan financing increased the debt burden of the already ‘loss and damage’ burdened climate-vulnerable countries. An analysis of the debt burden of the lower-income countries showed five times more spending on debt repayments than on addressing climate change. In 2020 alone, the low- and middle-income countries together spent USD 372 billion on debt repayments (The World Bank, 2022), with an additional dollar of interest for each 10 USD for climate change vulnerability and associated loss and damages (Imperial College Business School, 2018).

The Convention (Article 4.3) made it clear that climate finance ought to be new and additional. The phrase ‘new and additional’ refers to a baseline of climate finance on top of the ODA (0.7 percent of a developed country’s gross national income - GNI) that the developed countries committed in 1970 to support the socio-economic development of the LDCs (OECD, n.d.). Except for a few exceptions, the developed countries never met their ODA commitment and are now mixing up ODA and climate finance together, though they are distinctly different in their aims and roles. Developed countries might prefer mixing up climate finances with the ODA and masking real financing flows with double and over-counting, which essentially will hamper achieving both climate and development goals.

With no definition of climate finance, there has been a lack of transparency, predictability, and accountability in climate finance delivery and use. There has also been an extensive debate over the financial instruments and channels used under the climate finance regime. With a poor accounting system and no punitive measures for noncompliance, climate finances have always been way apart from their potential outcomes.

In many cases, climate finances are double-counted or over-counted as a common reporting system for the Parties is yet to be established. For instance, most of the developed countries follow DAC rules, which means that the climate finances are also reported as ODA.

KEY POLICY ASK

- A clear definition of climate finance at COP 28. This is particularly important not only for establishing MRV in climate finance but also for ensuring MRV in the implementation of GGA;
- Climate finances must be recognized and mobilized as need-based, urgent and, an obligatory complement, not a voluntary contribution. The current practices of providing climate finance are neither need-based and predictable nor a necessary obligation for the developed countries;
- According to Article 9 of the Paris Agreement, climate finance will support country-driven strategies, hence, the estimation should take into account such needs and priorities of developing country Parties;
- The NCQG must provide a specific and separate assessment of the financial requirements for NAP and NDC implementation and also provide a comprehensive assessment of financial needs for addressing L&Ds in different emission reduction scenarios besides those for mitigation and adaptation;
- The NCQG must be accompanied by an accountable and transparent reporting system with common reporting requirements and standards to have segregated account of the sources (e.g., Public or private), channels (e.g., bilateral, multilateral, and national financial intermediaries), and instruments (e.g., grants, loans, equity, etc.) of climate finance, to ensure transparent estimates of the contributions;
- The NCQG must recognize the particular

situation of the LDCs, SIDS, and other differentiated climate-vulnerability contexts and prioritize the need for public grant-based and concessional finance, particularly for adaptation and addressing loss and damage. The contribution must be clearly new and additional over and above the ODA commitment of the developed countries;

It must be ensured that climate finances do not create or increase the debt burden. Climate finances in developing countries should be grant-based as climate change is already adding unwanted stress with increased loss of GDPs while putting the countries under severe poverty, inequality, and indebtedness;

- There must be a separate reporting on the flow of climate finances to the LDCs and SIDS. Despite their minimal emissions, the LDCs and SIDS are particularly vulnerable to climate change due to their geography, high poverty levels, and low adaptive capacity;
- The NCQG must ensure gender equality in climate finance: Only an estimated 2.9 percent of climate-related development finance identified gender equality as a principal objective, and data on how much finance is spent at the local level is seriously lacking (Oxfam, 2023). Climate Finance contributions should prioritize gender equality in climate-related projects, which should consider the unique needs of women and men in their goals, design, budget, and execution.

GLOBAL STOCKTAKE

KEY POLICY ASK

Considering the latest findings of the IPCC, the status quo of the global commitments and efforts to address climate change, and the findings in the recently released synthesis report on the technical dialogues, the CSOs of Bangladesh demand the following be considered in the output phase of the first GST.

On mitigation, we demand:

- The GST outcome must include clear, transparent, and inclusive guidance for the next cycle of ambitious 2025 NDCs with revised 2030 benchmarks coupled with 2035 commitments, which are consistent with the 1.5 degrees Celsius goal and systemic transformations. Specifically, the GST outcome must include directives on taking urgent actions to narrow emissions gaps (e.g., at least 43 percent GHG emissions cut by 2030, 60 percent by 2035, and 84 percent by 2050 compared to 2019 levels)

through ambitious economy-wide and sectoral targets covering all GHGs;

- The outcome should provide guidance on implementing mitigation measures that contribute to preventing adverse socio-economic and environmental impacts, including on biodiversity, food and water security, local livelihoods, and the rights of indigenous peoples;
- It must send a clear signal on the need to transform all the sectors and systems, with commitments on remarkably increasing renewable energy capacity and the rate of energy efficiency improvements across sectors by 2030;

- It should provide guidance on a just and equitable phase out of all fossil fuels, consistent with the 1.5 degrees Celsius goal. GST must align its targets with longer-term strategies toward a just transition to net-zero emissions.

On adaptation, we demand:

- The GST outcome must make a clear call for new political commitments for national action and international cooperation that meet the scale of further actions required to adapt to 1.5/2 degrees Celsius scenarios. Hence, the GST must commit Parties to submit NAPs ahead of the 2024 review phase and to continue to update and submit them for regular review;

Box 3: Moving beyond the USD 100-a-year goal

- The Needs Determination Report (NDR1), published in 2021, compiled all financial needs expressed by the developing countries in their national climate plans in the context of the UNFCCC (including their NDCs), showed much greater needs than USD 100 billion per year, even though most countries had not coasted all their needs;
- For mitigation, the IPCC assesses the expenditure needed in developing countries in a 2-degree warming scenario to be between USD 1.4 to USD 2.8 trillion per year;
- The Global Commission on Adaptation has identified that the key adaptation strategies across the developing countries would require a combined investment of USD 1.8 trillion over the current decade (2020-2030);
- In the absence of sufficient mitigation and adaptation action, the expected losses and damages are enormous. These costs could be as high as USD 580 billion a year for developing countries by 2030.

Gaps in Adaptation Finance (UNEP, 2023)

- Estimated adaptation financing need per year: USD215 billion to USD387;
- Finance flows per year: USD 21.3 billion;
- Plausible adaptation finance gap for developing countries per year: USD194 billion-USD 366 billion.

- The GST outcome to call the NAPs to focus on equity, inclusivity, and rights-based approaches to enhance adaptation outcomes for the most vulnerable;
- The GST outcome to call for modernizing the ways of delivering adaptation support, e.g., improving access and more appropriate concessional instruments and the use of needs-based assessments to plan and deliver targeted adaptation action;
- The GST outcome to call the Parties to incorporate the metrics and benchmarks of the Global Goal on Adaptation process in future NAPs and adaptation reporting and direct the UNFCCC with support from Parties to provide guidance on adaptation data reporting at the national level, which will be conducive to transparent assessments in the future GST cycles and producing better guidance.

On loss and damage, we demand:

- The GST outcome to include a dedicated section on loss and damage to provide a robust assessment of the progress towards implementing the Paris Agreement. Comprehensive assessment of the progress towards achieving the long-term goals of the Paris Agreement requires including loss and damage on par with mitigation, adaptation, and means of implementation and support;
- The GST to include both an assessment of how Parties have enhanced action and support to address loss and damage and must recognize the need to address both economic and non-economic loss and damage in developing countries, both current and projected, given current emission trajectories;
- The GST decision to include a roadmap on how the gaps and needs of loss and damage will be addressed, including through operationalizing the loss and damage fund. GST decisions on loss and damage must be guided by the needs of LDCs, SIDS and other climate-vulnerable developing countries as they most affected by and least responsible for climate change;
- The GST will call the Parties to fully operationalize the Santiago Network and to establish a subgoal on loss and damage under the NCQG.

On finance, we demand:

- The GST to acknowledge the existing shortfall of climate finance in meeting developing countries' needs and support a drastic transformation of how finance is understood, provided, and mobilized;
- The GST outcome to prescribe ways for rapid reallocation of finance toward climate solutions and improvements in the provision of and access

to climate finance for developing countries. Specifically, the GST outcome must commit Parties to scale climate finance provision and other means of implementation from developed to developing countries, with a view to matching the scale of the actual needs, making use of concessional finance, as well as through new and innovative sources and simplifying and expediting access to climate finance, driven by local needs and expertise;

- The GST to commit Parties to set out a clear, timebound roadmap for financial systems reform, including reorientation and restructuring of the multilateral development banks;
- The GST to direct the world to take urgent and bold steps towards the shared and crucial goal of an annual flow of USD 4 trillion to climate action to address the climate change impacts effectively.

On science-based equity, we demand:

- The GST outcome considers all works in the light of equity and the best available science. To this end, the GST outcome should incorporate an overarching focus on needs-based assessment, in which the scale of collective pledges and means of implementation can be transparently and meaningfully compared to the demands of both science and equity;
- The GST outputs are framed in such a way that they are clear and usable by different audiences.

On respecting and safeguarding human rights, we demand:

- The GST outcome adopts the human rights-based approach in assessing the climate actions and defining the future course.

On accountability, we demand:

- The GST outcome urges for the full and rapid implementation of the UNFCCC accountability framework, giving special attention to strong disclosure and accountability requirements for non-state actors and creative thinking about how to support enhanced accountability at the national level;
- The GST makes appeal to the Parties and the UNFCCC to agree to establish national enhanced transparency and accountability mechanisms to guarantee implementation and follow-through on the GST outputs across adaptation, mitigation, and finance.

On transparency issues, we demand:

- The GST outcome must include guidance on improving disclosure regulation and technical guidelines to track adaptation actions by the private sector and other non-Party actors;
- It must clarify conceptualization and operationalization of the ‘adequacy’ and ‘effectiveness’ of adaptation actions and support in relation to the GGA, and indicate ways to measure them;
- GST outcome support shared understanding of scope or actions that align national public and private finance flows with the Paris Agreement goals, such that global progress can be assessed;
- It must support a better understanding of political and societal indicators which will help to clarify and enhance progress toward the Paris Agreement goals, NDCs, and LTS;
- GST must make directives on how to improve data on NELDs and slow onset events to inform loss and damage conversations.

HUMAN RIGHTS PROTECTION

CONTEXT

The nexus between ‘Human Rights and Climate Change’ has commonly been understood from the denial/violation of fundamental rights of the climate migrants who are being forced to compromise enjoying many of the fundamental rights. Human rights violation is also understood by the disproportionate impacts on the already poverty-stricken, socio-politically excluded people and communities who are being increasingly exposed to both climate and non-climatic factors.

The OHCHR (2009) discussed specific examples of human rights violations directly by climate change-related impacts, also identified a number of national-level obligations that are applicable in this context, such as the obligation to protect individuals against foreseeable threats of weather-related hazards and to provide access to information and participation in decision-making.

The Paris Agreement required the Parties to promote and consider respective human rights obligations; the OHCHR reminds the countries of their obligations enumerated in the UDHR, the ICCPR, and the ICESCR by which the member countries are legally bound to defend human rights regardless of the causes; be this for climate change, or conflicts or any others issues.

Further on this, the Human Rights Council adopted a resolution on human rights and climate change in 2019. The resolution was informed by the existing human rights Charter, including the UDHR, the ICESCR, the ICCPR, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Vienna Declaration and Programme of Action.

Building on the UNFCCC’s COP decisions and the state obligations of defending human rights, the Council, by its resolution 48/14, established a Special rapporteur mandated to “study and identify how the adverse effects of climate change, including sudden and slow onset disasters, affect the full and effective enjoyment of human rights and make recommendations on how to address and prevent these adverse effects”.

CONCERN

Though the OHCHR strongly pushed for respecting and promoting human rights, the COPs so far adopted no decision or measure for the protection of human rights, even it has not been included in the Global Stocktake, the COP 27 decision on loss and damage financing arrangements and the Transitional Committee's recommendations on the institutional and governance arrangements of loss and damage fund.

Countries that are historically accountable for causing climate crisis are seemingly not that much concerned about the violation of the rights associated with climate change impacts, though they seem more concerned about protecting subjective rights agreed under global rights instruments like the UDHR. The other country group (non-annex) that are not historically liable for climate change, and thereby not for undermining such rights, are not under the obligation of protecting the rights being violated or undermined by climate change impacts. Yet, all the country Parties, irrespective of Annex 1 or Non-Annex, are beholden by other international obligations and by their respective constitutions to ensure and safeguard fundamental citizenry rights, be they are undermined by the impacts of climate change, conflicts, or by the authoritative political regime and hegemony.

Hence, the non-inclusion of human rights in the key climate agenda is arguably for four basic reasons:

First, political sensitivity of accepting human rights violations by the country Parties;

Second, not having a climate change-specific legal instrument that can guide focused discussion on human rights violation by climate change impacts and negotiate measures for safeguarding those;

Third, climate risk focused narrative that put 'risk

reduction' at the centre of debate not addressing multi-dimensional vulnerabilities triggered by social, economic, cultural and political exclusion and leading to human rights violation;

Fourth, lack of research-based evidence on climate change-induced human rights violation. Only sufficient evidence of the violations of human rights could strengthen the arguments of OHCHR (and the Paris Agreement) to ensure human rights obligations in COP decisions and corresponding obligations of the national governments. Given the context of policy and political exclusion of human rights issues in climate negotiation, we demand:

KEY POLICY ASK

- To support localized, community-specific studies to comprehensively understand differentiated and disproportionate vulnerabilities of climate change impacts on women, indigenous peoples, and other marginalized communities;
- To commission global research to understand how climate change impacts and aggravates the existing fault lines of inequality, social exclusions and marginalization of the already marginalized groups and communities, gender discrimination, socio-economic deprivation, etc.;
- The Parties to acknowledge and address politically sensitive issues like governance failure, power and class domination, socio-political marginalization, and exclusion, etc., which often trigger vulnerability and violate basic human rights;
- Establishment of an institutional and legal framework under the UNFCCC at COP 28 to safeguard and protect the rights of climate victims. We request the OHCHR's Special Rapporteur on Human Rights and Climate Change to facilitate the process.

TRANSPARENCY AND COMPLIANCE

CONTEXT

Article 13 of the Paris Agreement requires the Parties: i) to provide information necessary for clarity, transparency, and understanding in communicating NDCs, ii) to ensure the avoidance of double counting in regards to accounting anthropogenic emissions and removals, iii) to have consistent information on the support by the developed countries towards the developing ones and iv) to have consistent information on financial, technology transfer and capacity-building support provided to developing countries by the developed and other country Parties.

On the key issues laid out above, COP24 in Katowice in 2018, by its decision 18/CMA.1 adopted the ‘modalities, procedures and guidelines (MPGs) for the transparency framework’ (UNFCCC, 2018b) and lately, COP 26 in Glasgow in 2021 adopted Transparency Guidance (Decision 5/CMA.3). Again, to facilitate implementation and promote compliance, a 12-member Compliance Committee along with its modalities and procedures was agreed upon at COP 24 (UNFCCC, 2018c).

CONCERN

Essentially, the enhanced transparency framework (ETF) and submission of the first biennial transparency report (BTR) by 2024 will enhance accountability in the implementation of actions and support, but the ‘capacity gap’ of the developing countries in information/ data generation and reporting is always a concern.

KEY POLICY ASK

- Human and institutional capacity-building support to the developing countries to enable them to comply with the reporting requirements;
- A review of the implementation of actions which would provide segregated (sector- and country-specific) information on the implementation of actions and support, and that is necessarily in the public domain.

CHALLENGES OF CLIMATE JUSTICE NOW AND BEYOND

CONSENSUS-BASED DECISION-MAKING

Conference of the Parties (COP) was established through Article 7.1 of the UNFCCC. The Convention requires the COP to agree upon and adopt, by consensus, rules of procedure (ROP) and financial rules for itself and for any subsidiary bodies (UNFCCC, 1992: Article 7.2/k) and those at its first session (UNFCCC, 1992: Article 7.3). It also makes clear that the rules of procedure shall include “decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention.” However, the COP failed to adopt its rules of procedure at its first session and decided to apply the draft rules contained in the outcome document¹¹ of the informal consultations at the eleventh session of the INC with the exception of draft rule 42. It was also decided that the COP President would conduct informal consultations on the draft rules of procedure in order to advance consensus and report to the COP at its second session on the outcome of the consultations¹². However, no desired result was achieved through the consultations with the dissonance among the Parties remaining unresolved. Consequently, the COP2 was also unable to adopt the draft rules of procedure and the COP President ruled that the draft rules of procedure should continue to be applied¹³.

Consequently, the rules of procedure have never been adopted by the COP due to divergent views on Rule 42, which includes two different options—“A” and “B”— on decision-making under the Convention. While option “A” offers the possibility of adopting substantive decisions through a two-

11 A/AC.237/L.22/Rev.2. Available at: <https://unfccc.int/resource/docs/a/l22rev2.pdf>

12 See FCCC/CP/1996/2, Paragraph 2.

13 See FCCC/CP/1995/7, Paragraph 10.

thirds majority vote of Parties present and voting in the event every effort to reach consensus is exhausted, option “B” solely builds on consensus with the exception of decisions on financial matters. As a consequence of this legal vacuum, the COP sessions so far have been operating on the basis of the draft Rules of Procedure (FCCC/CP/1996/2) with the exception of Rule 42, under a general understanding that the decisions must be taken by “consensus” (Yamin and Depledge, 2006; Vihma, 2014).

Interestingly, no definition of “Consensus” has been provided anywhere within the Kyoto Protocol or Rules of Procedure, although it is mentioned in both. The concept has not been defined by international law either (Massai, L., n.d.). In practice it means that there is no politically-viable objection to a decision. However, there have been some recent cases of COP decisions’ being adopted even with a clear and express objection by a Party. This may suggest that, it is ultimately the COP (and CMP and CMA) presidency that assesses and decides, in the light of the views expressed by the Parties, whether consensus exists in the room (UNITAR, 2005).

There are critical issues associated with the consensus requirement in the COP decision-making process. It gives undue weight to Parties having obstructive motive – Parties that prefer no outcome may effectively water down agreements with brinkmanship strategies. There is also concerns around political transparency and accountability as there are possibilities of “behind the scenes” opposition and Parties are not bound to show their hand openly. The application of consensus ultimately depends on the president’s perception and abilities, and final plenaries of big meetings have become increasingly unpredictable and theatrical, as the fate of decision packages are dependent on objections (Vihma, 2014).

There have been a number of instances when consensus-based decision-making process under the Convention acted as a barrier to making ground-breaking steps towards achieving the climate goals. Instance include failure of COP15 and CMA5 in 2009 to adopt the Copenhagen Accord, failure of COP24 at Katowice in 2018 to produce an agreement on whether and how to welcome the IPCC Special Report on 1.5°C of warming, failure of COP26 to produce an agreement on phasing out coal due to the final-minutes objection of India, and so forth.

The existing practice of ‘consensus based’ decision-making process force the country parties to follow a ‘lowest common denominator’ strategy resulting into the COP sessions ending up with decisions too far from optimality indicated by science and needs. Such a process has often forced Parties to trade-off their demands essential for an auspicious future of the globe for the reservation of a few Parties.

Against this backdrop, we demand a breakthrough in the decision-making process in the climate negotiation. To make this happen we urge the COP28:

- To strategically strive for ensuring a political agreement to bring to the table the discussions on the rules of procedure again;

- To review and revisit the draft rules of procedure, especially, the appropriateness of ‘consensus-based’ decision making process set out in the Draft Rule 42 and facilitate simplification of the decision-making process and exploring other options under the Convention for the sake of taking fast, fair and ambitious decision to address the climate crisis on an urgent basis;
- To commission an authority to devise rules (to be included in the rules of procedures) to effectively bypass the Parties and personalities with obstructive tendencies.

DOUBLE STANDARD IN EMISSION REDUCTION

While countries commonly welcomed the definitive global goal of limiting global average temperature rise to well below 2 degrees Centigrade as articulated in the Paris Agreement, they are yet to be politically motivated to implement the agreement. Regrettably, the developed country group has sequentially been delaying to address their historical (ir) responsibility and the advanced developing countries, the present-time big emitters, are denying their current responsibility for aggravating climate change to a further extent. Both of them consider global climate actions preventive to national economic growth and development, hence, continue relying on either fossil-fuel consumption or export. For instance, while India has taken a mega plan for solar power expansion, it also aspires to double its coal consumption by the next 25 years, making itself the world’s second-largest coal consumer after China.

Similarly, while Russia assured its compliance with the global goal of the Paris Agreement, it has also declared continuing export of oil and natural

gas by exploring new sources (Klare, 2016).

Some countries are also found taking extremely dubious positions. They are cutting down domestic levels of carbon emission and, at the same time, aggressively financing dirty projects in other countries. For instance, China, currently responsible for one-fourth of global emissions, is divesting from coal to renewables, while simultaneously continuing progressively financing coal-fired power projects globally through its Belt and Road Initiative (BRI). Currently, as many as 60 Chinese-financed coal plants are in the pipeline. In conjunction, it will emit 276 megatonnes of carbon equivalents annually (Tulonen, 2020). India is likewise investing billions in the coal-fired power generation projects in the neighboring countries. In a similar tone, the Multilateral Development Banks (the World Bank, IMF, ADB, AIIB, NDB) are continuing financing the coal projects through their loan intermediaries, though all of them have expressed commitments to align their financial flows coherent to the Paris Agreement goal.

For instance, AIIB’s Emerging Asia Fund has financed thirteen (13) fossil fuel-run power plants in Bangladesh through an intermediary called ‘Summit Power International’ based in Singapore (BIC, CLEAN, & ADB, 2019). In 2019, AIIB’s investment in fossil-fuel projects was as much as USD 1.6 billion (20 percent of total investment in 2019).

THE HEGEMONY OF NEO-LIBERAL POLICY INSTRUMENT

As stated, in the earlier chapter, climate finance refers to the new and additional financial investments required for addressing the cause and consequences of climate change, which

are mitigating GHGs emissions, adapting to the impacts and addressing/compensating for loss and damages associated with the impacts of climate change. The best available estimations on the cost of addressing climate change are a) annually between USD 215 billion and USD387 billion by 2030 for adaptation (UNEP, 2023), b) annually between USD 180 billion and USD 540 billion between 2010 and 2030 for mitigation (UNFCCC, 2008; IIASA, 2012) and, c) annually between USD 200 and USD 300 billion by 2030 for addressing loss and damages (Richards & Schalatek, 2017). The estimates are based on the 2 degrees Centigrade temperature rise scenario, which does mean that adaptation and loss and damage would rise proportionally with the rise of global average temperature and the associated impacts. In contrast to the above estimations, as of October 2022, the climate funds, namely the SCCF, LDCF, AF, and GCF disbursed USD 355.61million, USD 1.7 billion, USD 923.2 million and USD 2.8 billion respectively since their establishment.

The GCF, with a relatively larger portfolio of currently USD 11.3 billion (confirmed commitments), has so far, approved pipeline projects worth 8.3 billion (GCF, 2022). However, the GCF finances are not entirely grant-based; they are business-focused, fervent to the co-financed projects and highly tied up with the structural barriers.

Again, leaving the UNFCCC-managed climate funds less resourced and bureaucratic, the developed countries have been channeling climate finances either through the MDBs or directly to the developing country governments bi-laterally as part of fulfilling their ODA commitments. In 2021, the MDBs (namely, AfDB, ADB, EBRD, EIB, IDBG, IsDB, WBG) invested USD 50,666 million in climate change projects, of which 71 percent was loan, 21 percent was different financing instruments and only 8 percent was grant-based financing. Alongside, the MDBs' investment mobilized USD 43,603 million in co-financing that scaled up that year's climate finances portfolio to USD 94,269 million (EBRD, 2022). MDBs' loans and other tricky financings like a line of credit, guarantee, equity etc. are in a complete mismatch with the demand of the developing country group that has long been arguing for 'new and additional' (on top of the existing ODA commitments) grant financing for addressing climate change. While many decisions of the Conference of the Parties (COPs) to the UNFCCC required the developed countries to provide additional and incremental resources, these have not been implemented to the full extent.

Literally, the COP decisions, which are non-binding, provide a systemic scope to the developed countries to escape legal obligation and procedurally deny the moral obligations of providing new and additional finances. Moreover, the developed countries have been following and nurturing a double standard by imposing and instituting complicated modalities in the

governance and management of climate funds. For instance, while the developed country group favored a simplified procedure and business-as-usual governance for accessing the MDBs' climate finance as well as the bi-lateral development finances, contrary to this, they introduced a set of complex procedures and fiduciary requirements (e.g., arrangement of new institutions with accountable governance) for accessing the climate funds (e.g., the Adaptation Fund and Green Climate Fund). The Funds require the developing countries to a) establish a National Designated Authority (NDA), a national public entity that will be the overall policy contact to the GCF) establish project implementing intermediaries named National Implementing Entities (NIEs)/ Multilateral Implementing Entities (MIEs) that will ensure due diligence (including fiduciary management, transparency and accountability) of project implementation and, c) develop a line-up of the project executing agencies. The

dissimilar fiduciary requirements and governance mechanisms mean that the recipient countries (i.e., climate-vulnerable developing countries) need to ensure effective management and utilization of the UNFCCC-managed grants-based finances only, not the MDB's climate finances or the bilateral development finances, which is subversive to the climate justice principles.

Legitimizing the MDBs, the neo-colonial instruments, as the operating entity of climate finance is nothing but a remodelling of the aid politics of the developed countries. While, given the notion of differentiated (historic) responsibilities, the costs for developing country adaptation cannot be repaid by loans, nor even by 'grants', they at least oughtn't be used as the tools of the hegemony of creating or sustaining the so-called 'donor-recipient' or 'patron-client' relationship.

Box 4: Changed Definitions in UK's bid to meet climate finance target

The UK is making a series of changes to its climate finance definitions in order to reach its goal to allocate £11.6 billion over five years in the developing world to help combat the climate crisis. Officials claim the UK is coming into line with other countries' more liberal definitions of what constitutes climate finance. It relies on expanding the scope of activities that the UK classifies as international climate finance (ICF) to include payments into development banks and more money for the private sector. These changes appear to "add" hundreds of millions of pounds to the UK's climate aid over the past two years. The UK has "added" around £450m to its climate-aid spending in developing countries by changing how it defines "climate finance", according to Carbon Brief analysis. The new changes will have to be reported to the DAC, the international development watchdog in Paris, but officials expect there to be no pushback since none of the changes breach DAC definitions.

When compared to data obtained by Carbon Brief (Gabbatiss, 2023) earlier in 2023, These changes would mean ICF spending has "risen" since 2020. This contrasts strongly with the previous Carbon Brief analysis, which showed how, prior to these changes, spending had fallen in consecutive years. UK had spent "£1.47 billion in 2021/22 – and around £1.36 billion in 2022/23, which were massively off track to meet their targets.



Post-COP 27 Round Table Discussion



CSOs Capacity Building and Strategy Workshop towards COP 28



PROCESS OF DEVELOPING THE POSITION PAPER

The position paper titled ‘COP 28: Articulating CSOs Position Together’ is an outcome of a CSOs Alliance in Bangladesh that has long been advocating for climate justice both at national and international levels. The position paper has been finalized with insightful inputs from climate change and policy experts, climate negotiators, and CSOs leaders, as well as climate negotiation narratives, documents and research findings.

This paper intends to develop a critical understanding of the key debated issues at COP 28 and looks forward to heralding and consolidating CSOs position on several issues deemed essential for COP 28 and beyond. It aims to provide a strategic overview of climate diplomacy so that the policy stakeholders, CSOs and media can take a well-articulated position embedded with human rights and climate justice principles and thereby help the Bangladesh government to frame the country strategy towards the conference. On a global aspect this paper aims to make sure that the Paris Goal of limiting the global average warming to 1.5 degrees Celsius is achieved and climate justice is ensured in all the climate actions. Development of this position paper followed a participatory and inclusive process, which include:

NATIONAL-LEVEL DISCUSSION AND DE-BRIEFING SESSIONS

In the first post COP 27 event, the discussion was contributed by a number of government officials, climate change and policy experts, and CSO leaders. The roundtable discussion intended to develop a critical understanding of the outcomes of COP 27 and provide a strategic overview of how the interest of fossil fuel giants patronized by a few countries dominated human rights and justice principles in climate negotiation. The ‘Sharm el-Sheikh Implementation Plan’ was criticized for favoring fossil

fuels. The participants discussed concerns about corporate interests overshadowing climate goals and the inadequacy of climate financing. Emphasizing the necessity for a holistic approach, speakers addressed challenges in achieving climate targets and highlighted the importance of coordinated efforts suggesting a unified ministry in Bangladesh. The event aimed to offer insights into COP 27 outcomes and promote ongoing collaboration between civil society and the government in addressing pressing climate issues.

SHARING COP 27 OUTCOMES AT 33RD PARLIAMENTARY STANDING COMMITTEE MEETING

In the second post COP 27 event, The Climate Justice Alliance shared its perspectives on COP 27 outcomes with the 33rd Parliamentary Standing Committee at the Cabinet House of National Parliament. The event instigated a focused discussion on several issues for consideration by the ministry and its allied department. The participants raised concerns about the failures of the COP 27 to expedite the global temperature limits. It highlighted the key issues with the Global Stocktake process. It emphasized the need for comprehensive assessment of loss and damage; and developed an advocacy narrative for addressing non-economic L&D and promoting green energy transition. Besides, it also opened up new horizons of establishing a mode of formal coordination between the ministry and CSOs platform in order to expedite the scopes of capacity building and common positioning at the global negotiation.

CSOS' CAPACITY BUILDING AND STRATEGY WORKSHOP

The Alliance organized a 3-day Capacity Building and Strategy Workshop. Thematic areas included Science and Impacts of Climate Change, Policy and Politics of Global Negotiation, and CSOs Strategy and Position at COP 28. It focused on key issues such as mitigation, finance, and loss and damage. The workshop focused on key debated issues of climate negotiation to facilitate and develop a common CSOs position towards COP 28 and beyond. It strengthened coordination and helped to develop an advocacy narrative with an informed understanding of the COP process and climate diplomacy in global climate negotiations.

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HIGHLIGHT

CHALLENGING MANIFEST INJUSTICE

This is evident enough in our day-to-day life, with inequalities or subjugations from which we may suffer and we have good reason to resent, but it also applies to more widespread diagnoses of injustice in the wider world in which we live. It is fair to assume that Parisians would not have stormed in Bastille, Gandhi would not have challenged the empire on which the sun used not to set, and Martin Luther King would not have fought white supremacy in ‘the land of the free’ and the home of the brave, without their sense of manifest injustices that could be overcome.

Amartya Sen, Winner of the Noble Prize in Economics in ‘The Idea of Justice’.

As argued in this position paper, the present-day climate crisis has been instituted through a chronological legacy of injustice to the poor countries by the developed ones and by their unfair footprint on the global ecological space. Such ‘manifest injustice’ may not be battled (as cited above from Sen) in this ‘neoliberal economic theory’ dominated world where wealth-power dominates political will, yet we can mobilize peoples’ opinion for justice, maybe not with the aim of having a perfectly just world but for a fairer world. Why shouldn’t we try to establish a just and fairer world with climate justice to the extent we can?



About Climate Justice Alliance-Bangladesh

Climate Justice Alliance, Bangladesh—a platform of CSOs—promotes rights and justice-based policy and political discourse for establishing climate and development justice. The Alliance, founded in 2023, is rooted in the environmental justice movement, promoting efforts to develop a comprehensive understanding of the recent climate science, policy, politics and their practical application.

The Alliance firmly believes in ‘shifting of power’ to the people and establishing democratic governance everywhere, challenging the unjust social, economic, environmental, and political practices and crises. The Alliance urges for a sustainable systems transformation—a paradigm shift in global economic and political systems—that facilitates holding power accountable for a rights- and justice-based response to climate and development crisis.

Review and Reform COP's Decision-Making Structure and Process

Consensus-based Compromised Decision is INJUSTICE

The politically survived 1.5 degrees Celsius goal of limiting global warming compared to the pre-industrial level is nearly dead. The massive amount of global heating “in the pipeline” because of the continued burning of fossil fuels is estimated to go around 2 degrees Celsius by 2050 – a considerable alarm for the planet. Science shows NO scope for new fossil fuel expansion beyond existing fields and mines while fossil fuels ‘phase out’ is still under debate – a shame for humanity outlining the road to extinction.

The UNFCCC mechanism and COP process, so far, failed in making any concrete and timebound decision of fossil fuels phaseout, allowing the historical polluters and the current big emitters to continue expanding fossil fuel production and subsidizing their use. The COP process has already been the symbol of a broken and failed system because of its consensus-based decision-making process, resulting in the continuation of negotiations year after year, delivering compromised decisions upholding the power interest over the global ones - simply unjust.

The Climate Justice Alliance Bangladesh challenges the appropriateness of this ‘consensus-based’ decision-making process. We demand a JUST mechanism and process under the Convention, including radical systems, alternative models, and brave accountability for urgently making fast, fair, and ambitious decisions and rescuing the planet from this climate breakdown.

**Climate
Justice Alliance
Bangladesh**

