

Reform or Peril? The future of the UNFCCC

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The UNFCCC is the only universal forum that negotiates on climate. It unites all 197 countries—big and small—and each has a voice. However, none has a formal vote and all decisions have to be taken by consensus. Contrary to the rules of procedure of the UN General Assembly, the COP rule regarding voting has never been adopted and continues to harm the process by giving countries an effective veto, therefore limiting debate to the lowest-common-denominator levels of ambition for the sake of consensus. As conveyed by a former high level official of the UN and diplomat, “the UNFCCC has been weakened by not being allowed to use one of its most important tools, the one to one vote, to adopt more progressive outcomes.” While voting an outcome is a serious matter and should only be used as a last resort, the fact that it is not a possible option remains one of the biggest faults of the UNFCCC.

Many diplomats believe that adopting a voting system at UNFCCC is “impossible” and attempts in the past to advance this have not worked. The upcoming IPCC report that will be released in a few days conveys increasing and troubling data showing that substantive shifts need to be made now in order to avert the most catastrophic scenarios. Putting an end to coal is an example of a feasible measure through which the climate emergency could be substantively averted. During the final hours of the COP26 negotiations, the Presidency had introduced language in the decision text calling upon the parties “*to accelerate the phasing out of coal and all fossil fuels and subsidies that enable them.*”¹ This was a very ambitious goal that could have helped stop new investments in coal. Yet, due to the pressure of a handful of countries (less than five) the text had to be amended to look like this call instead for the “*the parties to accelerate the deployment of...technologies..including accelerating efforts to phase down unabated coal power and inefficient fossil fuels subsidies..*”² If voting had been a tool available to the Presidency, this paragraph could have been adopted by the world’s majority, sending a much higher signal to countries, investors, and civil society that the UNFCCC is serious about stopping climate change.

Another ailment of the UNFCCC is its restrictive design which separates diplomats from civil society. Speaking in anonymity, a high level official said, “almost no party participates in the dialogues available between parties and civil society, and the division between the green and blue zone is appalling.” The growing divide between civil society and diplomats has increased over the years. When COP climate talks were a much smaller event (before Paris), the division between the zone for civil society and the zone for diplomats was much less clear, with more informal interactions between the parties and key civil society representatives who could also influence and feel part of the process. Angry signs in the streets of Glasgow reading, for example,

¹ Decision text of Glasgow Pact, https://unfccc.int/sites/default/files/resource/Overarching_decision_1-CP-26.pdf

² The Glasgow Pact, adopted 13 November 2021, https://unfccc.int/sites/default/files/resource/cma2021_L16_adv.pdf

“climate bleeders and climate criminals” points to the anger and frustration youth are feeling, and also the exclusion.



The upcoming stocktake is an opportunity for civil society to be much more involved and to contribute substantive inputs into the process. The upcoming presidencies, Egypt (COP27) and UAE (COP28) should set new precedents on how to engage with civil society leaders, particularly youth. Youth have become a key constituency that have been able to mobilize greater ambition at the national level.³ Yet, at COP 26, the youth inside the blue zone did not have the capacity to influence the negotiation process. While many youth asked for climate justice, the negotiations on Loss and Damage lagged behind and the outcome did not reflect the acute sense of loss that young generations feel for what can no longer be recovered, such as the potential collapse of an entire biome, the coral reefs.⁴

Finally, the current UNFCCC is also suffering from a leadership deficit, in which heads of state, heads of the International Financial Institutions and other world leaders in business are not ready to fully commit. From the United States to India, accelerating progress requires bolder commitments and more genuine signs of support for developing countries, especially regarding adaptation and loss and damage. Two essential persons can be the moral voice for the world: The UN Secretary General and the Executive Secretary of the UNFCCC. The UN Secretary General is being more vocal and outspoken on climate. For example, in his climate summit, countries that were reversing policies on climate were not invited. The other person is the

³<https://www.ipinst.org/2021/04/youth-participation-in-global-governance-for-sustaining-peace-and-climate-action>

⁴Summary for Policy Makers of IPCC Special Report: <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/>

Executive Secretary of the UNFCCC, now that her term is up, the election of a new Executive Secretary that is much more outspoken and bold could also help push the needle in transforming the UNFCCC into a platform that is more action oriented and focused on collectively addressing the climate emergency.

Recommendations

The UNFCCC space needs to be protected and strengthened, given that it is the only universal space for climate negotiations in which every country has a voice. In order to safeguard its relevance and increase its effectiveness, the following recommendations emerge:

1. A process to strengthen the UNFCCC, including reviewing its methods of work. This will require the leadership of the Secretary General, current President of the General Assembly and political will of many high level leaders.
2. The next Executive Secretary of the UNFCCC should be a leader that has the ability to drive the negotiation process towards more ambitious results. Recommendations for the election of this position should be made in a transparent and inclusive manner.
3. The upcoming stocktake is an opportunity for civil society to be much more involved and to contribute substantive inputs into the COP negotiation process. The current and upcoming presidencies, Egypt (COP27) and UAE (COP28) should set new precedents on how to engage with civil society leaders, particularly youth.