

# DESIGNING A MEANINGFUL GLOBAL STOCKTAKE



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The first global stocktake (GST) under the Paris Agreement, the lynchpin of its ambition cycle, takes place from 2021–23 and serves as the first official checkpoint to assess Parties' collective progress on climate action. This paper investigates how the GST, within the constraints of the United Nations Framework Convention on Climate Change (UNFCCC), can best advance the effectiveness of the Paris Agreement and offer a real moment of reckoning for the international community on its efforts to address climate change.

To this end the paper investigates: (1) the design of the GST, as mandated and underway, focusing on the evolving context, emerging gaps, and challenges within the UN climate regime; and (2) the interaction of the GST process with the wider landscape of intergovernmental and transnational institutions, initiatives, and fora in global climate governance beyond the UN climate regime.

## EXECUTIVE SUMMARY

### THE GST WITHIN THE UN CLIMATE REGIME

The Paris Agreement set the global direction of travel by identifying goals on greenhouse gas mitigation, adaptation, and support. The global stocktake (GST) promises to both assess the 'collective progress toward achieving the purpose of this Agreement and its long-term goals,' and to address 'opportunities for enhanced action and support,' in recognition that higher ambition is a function of both urgency and opportunity.

Article 14 of the Paris Agreement and decision 19/CMA.1 provide broad guidance on the nature, purpose,

tasks, outcome, and many, but not all, of the mechanics for the GST, which comprises three primary components: information collection and preparation (initiated in late 2021); technical assessment (which will overlap with information collection and preparation and will commence in the spring/summer of 2022); and consideration of outputs.

A process that only aims for greater efficiency, better managed information, and feedback loops between different components of the GST will not necessarily offer a robust assessment of the Paris Agreement's potential for

‘environmental effectiveness’ (i.e., its ability to decisively resolve the environmental problem the regime was designed to address). To do that, the GST also needs to:

- identify opportunities for further action in mitigation, adaptation, support, and loss & damage so as to enhance the environmental effectiveness of the Paris Agreement
- catalyze sufficient action within and outside the UNFCCC process, and across a range of actors, to help put the world on a path to climate stability and resilience
- be more sensitive to the evolving context in which the GST will be conducted—such as the shifts from the ‘well below 2 degrees C’ to 1.5 degrees C in relation to the global temperature goal, and from aiming to reach net-zero in the ‘second half of the century’ (Article 4.1) to ‘by or around mid-century’
- be well-positioned to address emerging gaps and challenges in the UNFCCC and beyond, including in relation to implementation and equity
- mine the information that flows into the process to determine the benchmarks against which ‘collective progress’ can be assessed for each of the long-term goals identified in the Paris Agreement
- manage information flowing from, and avoid duplication with, other processes, especially those established at COP26.

This paper recommends that the GST directly engages with these issues, and focuses on:

- *how* the identified gaps can be plugged, rather than on a precise assessment of how large the gaps are
- *enhancing implementation* in addition to catalyzing more ambitious target-setting
- *identifying opportunities* for action—across mitigation, adaptation, loss & damage, and support.

The paper also recommends that many of the issues raised in relation to evolving context and emerging gaps form part of the framing for the GST rather than be subject to the UN consensus-based decision-making process. The Subsidiary Body (SB) Chairs and co-facilitators of the Technical Dialogue could use their informal notes and consultations to provide a robust framing to set the tone, an agenda, and a starting point for the discussion. This would avoid a duplicative determination that the international community is not doing enough, and that a substantial ambition gap exists, a foregone conclusion, but instead explore how this gap is to be plugged and identify specific opportunities to do so.

The GST should be designed as a dynamic process that builds on knowledge generated and catalyzed throughout the two years it will run. Each of the three sessions of the GST’s Technical Dialogue should build on the previous. The first session could, for instance, end with ‘conclusions’ that identify knowledge gaps in relation to the themes discussed. Party and non-Party stakeholders (NPSs) could then generate tailored knowledge to plug the identified knowledge gaps. Throughout these sessions, many questions will arise in the assessment process that do not lend themselves to ready responses - for instance, the issue of benchmarks or indicators to assess progress against the long-term global goal on adaptation.

If the GST is to be directed, as this paper recommends, toward implementation, one option to connect the GST process with ‘real world’ action is to append one or more technical annexes to the output of the Technical Dialogue. Such technical annexes could list specific opportunities for climate action. These could be opportunities for enhanced action—across mitigation, adaptation, loss & damage, and support—that offer templates for what works, and can be scaled up. These identified opportunities could be organized by sector or by theme, and take into consideration interactions with actors in the wider landscape of global climate governance. The criteria for inclusion of specific opportunities in the annexes could be determined collaboratively by Parties at the first session of the Technical Dialogue.

## THE GST AND THE WIDER LANDSCAPE OF GLOBAL CLIMATE GOVERNANCE

Over the 21st century, the landscape of global climate governance beyond the UNFCCC has grown much more varied and multifaceted to include a multitude of inter-governmental and transnational institutions, fora, and initiatives. Fora, such as the G7, the G20, the Ministerial on Climate Action (MoCA), and the Major Economies Forum (MEF), provide overarching platforms for broader political discussions. Most other intergovernmental and transnational organizations and initiatives have a more sectoral or thematic scope that supports a focus on concrete action (e.g., the International Civil Aviation Organization (ICAO), International Maritime Organization (IMO), the Global Methane Pledge, the Powering Past Coal Alliance, the Global Resilience Partnership, the Climate Investment Platform).

Although the linkages between the wider landscape and the UNFCCC have significantly evolved and have served to significantly enhance global climate action,

including through the achievements of the Marrakesh Partnership for Global Climate Action and the High-Level Champions (HLCs), there is significant untapped potential and considerable room for enhanced interaction on substance, that moves beyond process (such as reporting) toward advancing climate action. The GST provides an important opportunity to transition the focus of global climate engagement from negotiation to implementation and cooperation. But while the current design of the GST may aim to promote broad participation by NPSs, relevant cooperative initiatives, and international organizations, it leaves much of the interaction with the wider landscape to be further developed.

There are two broad ways in which the interaction between the wider governance landscape and the GST could add value: participation of, and inputs by, the wider landscape could enrich and inform the GST; and GST outputs could provide an important impulse to the wider governance landscape to advance ambition and effective implementation.

The effective participation of NPSs, international organizations, and cooperative initiatives in the GST could be promoted through different means and channels, including:

- facilitating the timely submission of targeted inputs
- inviting presentations/interventions in the GST's Technical Dialogue and in the consideration of outputs
- organizing relevant events within and outside the UNFCCC

## A. INTRODUCTION

The UN climate regime—comprising the 1992 UNFCCC, 1997 Kyoto Protocol, the 2015 Paris Agreement and decisions of Parties under these instruments—plays a central role in the international community's efforts to address the threat of climate change. The UN climate regime, however, is constrained in what it can address and deliver. It is limited to the agreed agenda, and its outputs are a product of consensus-based decision-making among 197 member states. The UN climate regime retains a central role, nevertheless, as it is the only forum that commands the legitimacy and sense of ownership that flows from near-universal membership. And its achievements thus far, in the light of the identified con-

- facilitating relevant contributions and inputs by experts
- applying a strong sectoral/thematic lens to the GST, including identification of best practices, needs and opportunities.

The HLCs and other intermediaries could play an important role in motivating, coordinating, and consolidating inputs by NPSs and cooperative initiatives; identifying possible stakeholders for making interventions/presentations; and facilitating impactful stakeholder events feeding into the GST. The COP26 outcome gives them a strong mandate to do so.

The GST output could:

- generate momentum in the wider governance landscape, by highlighting the urgent need and opportunities to maximize emission reductions, resilience efforts, and support across sectors and themes, as well as by identifying specific good practices, gaps, and potential
- highlight the need and opportunity to further enhance the accountability and transparency of relevant initiatives and efforts
- include announcements of key new initiatives and updates to existing ones
- address key sectors/themes, and highlight the importance of sectoral/thematic granularity and specificity of climate action, including in NDCs, long-term low greenhouse gas emission development strategies (LTS) and related implementing action.

straints, have been significant.

Notably, the 2015 Paris Agreement set a global direction of travel by identifying goals on greenhouse gas mitigation, adaptation, and support, and a process for periodically submitting and raising national contributions toward these goals (i.e., the “ambition cycle”). The GST is the lynchpin of the ambition cycle. There have been many moments since the Paris Agreement entered into force in which the wider international community has sought to step up the “diplomacy of ambition” to support the Paris Agreement's goals. This includes, for instance, the release of the Intergovernmental Panel on Climate Change (IPCC) 1.5 degree C Report that, when

read in conjunction with Paris Article 4.1, triggered a slew of net-zero announcements from states. The GST culminating in 2023, however, is the first official check-point at which there will be an assessment of “collective progress toward achieving the purpose of this Agreement and its long-term goals” pursuant to Article 14 of the Paris Agreement.

The crucial question in this context is whether within the constraints of UN climate processes, the GST can be designed to offer a real moment of reckoning for the international community on its climate efforts and enhance the environmental effectiveness of the Paris Agreement.

This paper addresses this crucial question by:

- setting the context and providing an overview of the GST process, as mandated (**Section B**)
- proposing a suitable *approach* to the GST; outlining the *evolving context* within which the GST will need to function; identifying the *emerging gaps* in the UN climate process that the GST needs to address; identifying the *substantive and process challenges* the GST faces (**Section C**)

## B. THE GLOBAL STOCKTAKE

### THE 2015 PARIS AGREEMENT AND ITS RULEBOOK

#### *Process*

Article 14 of the Paris Agreement provides broad guidance on the nature, purpose, tasks, and outcome of the GST, but leaves the mechanics to be determined by subsequent decisions of Parties. Many, but not all, of the mechanics for the GST were agreed to in decision 19/CMA.1.<sup>1</sup> **Figure 1**, extracted from the non-paper prepared by the Chairs of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and Subsidiary Body for Implementation (SBI), represents the components, process, and timeline for the GST, as agreed in Katowice.<sup>2</sup> The GST consists of three components: information collection and preparation, technical assessment, and consideration of outputs (decision 19/CMA.1, para. 3). Information collection and preparation commenced in late 2021, and the technical assessment, which it will overlap with, will commence in the spring/summer of 2022.

- listing *issues and options* that need to be considered in designing a GST that is fit for purpose (**Section D**)
- elaborating the structure and functions of the wider landscape of global climate governance beyond the UNFCCC (**Section E**)
- reviewing how this wider landscape relates to the intergovernmental UNFCCC process, in general, and the GST, in particular (**Section F**)
- identifying options for enhancing the engagement of the wider landscape with the GST (**Section G**)
- identifying options for impactful outputs of the GST (**Section H**).

This paper is informed by the understanding that the UN climate regime is located at the center of a wider landscape of global climate governance, and that addressing climate change requires harnessing and catalyzing actions across the full range of stakeholders. Accordingly, it identifies gaps, challenges, questions, and interventions in relation both to the UN negotiating process, as well as at the interface between the UN process and the wider landscape of climate action and governance.

#### *Comprehensive and Facilitative*

The Paris Agreement envisions the stocktake as a “comprehensive and facilitative” exercise—thus reinforcing the fact that the Paris Agreement addresses not only mitigation but also adaptation and support, and that the GST is primarily a facilitative, rather than a prescriptive, process.

#### *Long-Term Goals*

The purpose of the GST is to “assess the collective progress toward achieving the purpose of this Agreement and its long-term goals.” The “purpose” of the Paris Agreement is stated in Article 2, and includes the long-term temperature, adaptation, and finance goals, as well as context for implementation. Although Article 14 does not explicitly list the “long-term goals,” other provisions of the Paris Agreement do. There are three sets of goals identified in the Paris Agreement. These include:

**Figure 1: Components of the GST Process**

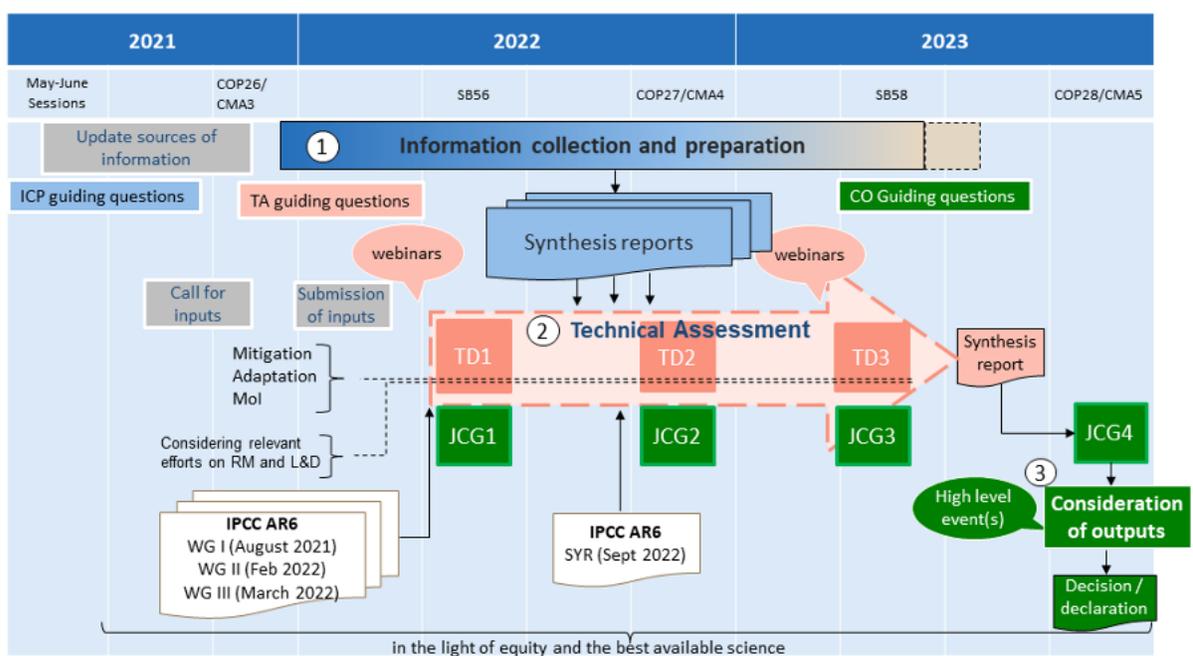


Figure extracted from the SB Chairs' Non-Paper, September 2021<sup>1</sup>

- **Mitigation:** Holding global average temperature increase to “well below 2 degrees C” and pursuing efforts to limit increase to 1.5 degrees C (Article 2.1), and the associated goal to achieve a balance between emissions by sources and removals by sinks of greenhouse gases in the second half of this century (Article 4.1)
- **Adaptation:** Increasing the ability to adapt to adverse effects and foster climate resilience (Article 2.1.b), and the associated global goal on adaptation (Article 7.1)
- **Finance:** Making finance flows consistent with a low greenhouse gas emissions and climate resilient development pathway (Article 2.1.c), and the associated finance mobilization goal (Art 9.3).

Mitigation, adaptation, and finance goals—with varying levels of precision and in either quantitative or qualitative terms—are identified in the agreement, but there are no identifiable goals in relation to technology and capacity-building. This introduces an element of uncertainty into the assessment of progress which extends beyond finance to the “means of implementation and support” (Article 14.1).

### **Collective Progress**

The GST is authorized to consider “collective,” not individual, progress, which poses several challenges in conducting a robust assessment of the environmental effectiveness of the Paris Agreement. In relation to equity and fairness, an assessment of “collective” progress makes it difficult to determine how fairly (or otherwise) the effort of mitigating climate change is being shared among Parties. In relation to adaptation, it is unclear what “collective” progress means, what is to be assessed, and what the results of such an assessment might imply for mitigation and adaptation efforts in individual Parties. In relation to mitigation, if information is aggregated across states, its implications for ambition levels in individual states is less clear.

### **Inputs to the GST**

The Paris Agreement identifies initial inputs to the GST, including information provided by Parties on finance (Article 9.6), available information on technology development and transfer (Article 10.6), and information generated through the enhanced transparency framework (Article 13.5 and 13.6). The inclusion of information generated through this framework as an input to the

GST is of particular significance, since it suggests that the GST will consider the past performance of Parties in implementing their NDCs. Further inputs were identified in decision 1/CMA.19, para. 37 and in SBSTA conclusions at COP26.<sup>3</sup>

### ***Equity and Best Available Science***

The GST is required to assess collective progress “in the light of equity and the best available science” (Article 14.1). It is unclear how equity will be understood and can be meaningfully incorporated in the GST. Parties have agreed that equity is to be considered in a “cross-cutting and Party-driven manner” (decision 1/CMA.19, para. 2), but it is unclear how this will be operationalized. Nevertheless, the reference to equity leaves the door open for a dialogue on equitable sharing of the climate effort, as well as an assessment of whether states are contributing as much as they should, given their responsibilities and capabilities.

### ***Outcome***

The outcome of the GST is to inform Parties in updating and enhancing their actions and support “in a nationally determined manner” (Article 14.3). This is a carefully balanced provision. On the one hand, it links the outcome of the GST with the process of updating Parties’ contributions, thus generating strong expectations that Parties will enhance the ambition of their actions and support, informed by the findings of the GST. On the other hand, it underscores the “nationally determined” nature of actions and support, thus addressing concerns over loss of autonomy and external ratchets.

The first GST runs from 2021 to 2023. There was a felt need for an earlier stocktake to guide Parties, in updating and revising their contributions. Parties agreed,

therefore, to convene a “facilitative dialogue” in 2018 to take stock of the collective efforts of Parties in relation to the agreement’s long-term mitigation goal and to inform the preparation of the next round of nationally determined contributions (NDCs) (decision 1/CP.21, para. 21). Although it was not conducted pursuant to Article 14 of the Paris Agreement, this dialogue—which came to be known as the Talanoa Dialogue—operated as a test-run for the stocktake and resulted in the Talanoa Dialogue Report.<sup>4</sup> Although, well-organized and intentioned, the Talanoa Dialogue lacked concrete outputs beyond reports and summaries and left a limited imprint. It arguably formed part of the backdrop against which Parties conducted the process to update their NDCs, including in the run up to the 26th Conference of the Parties to the UNFCCC (COP26), but the process of NDC development has been driven and shaped primarily by domestic politics and geopolitical dynamics (e.g., United States-China relationship). The GST will need to be designed to perform a more useful role in the process of NDC development and implementation in the context of progress toward all the long-term goals of the Paris Agreement.

### ***Next Steps and Timeline***

The SB Chairs have developed, as mandated, “guiding questions” for the information collection and preparation component,<sup>5</sup> as well as the technical assessment component of the GST.<sup>6</sup> They did so by presenting a non-paper to Parties that provided a context for future stocktakes and listed initial questions. They hosted informal consultations around it, and then revised the non-paper to reflect these consultations. The co-facilitators of the Technical Dialogue,<sup>7</sup> have been appointed, and there is a call for inputs which are being collated on the GST input portal.<sup>8</sup>

## C. APPROACH, EVOLVING CONTEXT, EMERGING GAPS, SUBSTANTIVE, AND PROCESS CHALLENGES

### APPROACH

Beyond the informal consultations within the UNFCCC process, researchers and thinktanks have offered insights into the design of the GST process.<sup>9</sup> The approach taken in the SB Chairs' non-paper and guiding questions, as well as the focus of state interventions<sup>10</sup> and input from researchers, relates to gaps and uncertainties in information and process. The SB Chairs' guiding questions are understandably constrained by the language of the Paris Agreement and the need to ensure they are acceptable to Parties. This means, however, that they lack imagination and vision. While the approach taken by the Chairs is designed to result in a tighter process, with better managed information and feedback loops between different components of the GST, if this remains the sole focus of Parties and researchers/policy analysts, the GST will only realize part of its potential. In other words, it could permit states to check a box, and use the GST process as a substitute for real action rather than to trigger action itself. In that case, the GST would be limited to assessing the Paris Agreement's functional effectiveness: whether the Paris Agreement's provisions are simply being complied with, rather than Parties and other stakeholders assessing for and maximizing the Agreement's potential for "environmental effectiveness" (i.e., the ability of the Paris Agreement to decisively resolve the environmental problem the regime was designed to address).

To design a GST that offers a real moment of reckoning for the international community on its efforts to address climate change, the starting point is to determine the impact the international community needs the GST to have, and the functions the GST can perform in delivering such impact. The international community needs the GST to:

- assess the "environmental effectiveness" of the Paris Agreement (i.e., whether the targets, policies, processes, institutions, and mechanisms put in place nationally and internationally as a result of the Paris Agreement reflect a demonstrable shift in Party and non-Party behavior toward resolving the "super wicked" problem of climate change)
- identify opportunities for further action in mitigation, adaptation, support, and loss & damage, so as to enhance the environmental effectiveness of the Paris Agreement

- catalyze sufficient action within and outside the UNFCCC process and across a range of actors that helps put the world on a path to climate stability and resilience.

For the GST to do this well, it needs to shift gears from its current conservative approach, which is faithful to the letter of the Paris Agreement and Rulebook (Article 14 and decision 19/CMA.1), and be more sensitive to the *evolving context*. It should also position itself to address the *emerging gaps and challenges* in the UN negotiating process.

### EVOLVING CONTEXT

The evolving scientific and political context that the GST will be conducted in includes at least two significant shifts in goal-posts since the Paris Agreement entered into force.

First, a shift from the "well below 2 degrees C" end of the spectrum in relation to the temperature goal to 1.5 degrees C. This seemingly subtle yet significant shift, triggered by the landmark 2018 IPCC 1.5 degrees C Report, is reflected in the Glasgow Climate Pact (decision 1/CMA.3, para. 21–22).<sup>11</sup>

Second, a shift from aiming to reach net-zero in the "second half of the century" (Article 4.1) to "by or around mid-century." This shift, also triggered by the IPCC 1.5 degrees C Report, is reflected in the net-zero announcements of Parties—over 130 at last count—and in the Glasgow Climate Pact (decision 1/CMA.3, para. 22). This shift is accompanied by a dilution of the context within which the net-zero aim is set in the Paris Agreement. For instance, in referring to the net-zero goal, The Glasgow Climate Pact, does not recognize that such goals will be differentiated and that peaking will be later for developing countries, as Article 4.1 does. Parties have self-selected different deadlines to reach net-zero—ranging from 2030 to 2065. Vulnerable nations including Bangladesh, Barbados, the Maldives, Uruguay, and South Sudan chose 2030 deadlines. Bhutan and Suriname are already carbon neutral. The vast majority of Parties have chosen 2050 as the target date for reaching carbon neutrality, with China at 2060 and India at 2070.<sup>12</sup>

## EMERGING GAPS

In addition to the evolving context within which the GST needs to function, the following gaps have begun to emerge in the process. A well-designed GST will need to address these.

### *The Implementation Gap*

The implementation gap extends across mitigation, adaptation, and support. There are several aspects to this gap.

First, it is unclear if the mitigation targets set by Parties will be robustly implemented. The pace of target-setting, especially in relation to mid-century net-zero targets, has outperformed most expectations, and is arguably starting to reach its limit as targets approach mid-century net-zero compatible pathways. The focus thus far has been setting aggressive timelines for target-setting rather than on implementation. The Glasgow Climate Pact stresses the importance of implementation (decision 1/CMA.3, para. 26 and 27), including with a reference to the binding requirement in Article 4.2 of the Paris Agreement and setting up a deadline-driven process for enhanced target-setting (decision 1/CMA.3, para. 29). It remains to be seen if many of the targets that have been set will be implemented (either due to lack of financial support, domestic political constraints, or otherwise). The 2021 State of Climate Ambition Report finds that vulnerable nations are leading on climate ambition, and that while higher-quality NDCs and more inclusive processes underpin ambition from developing countries, they require “significant support” to deliver on their targets.<sup>13</sup> In any case, the UN negotiating process, given its constraints, may be better suited to receive, recognize, and reflect targets, than to trigger the setting of targets. Other domestic, regional, and international (plurilateral) political processes may prove more suitable for this purpose.

Second, most mitigation targets set in their NDCs by Parties are not aligned with their long-term net-zero targets. The latest update to the NDCs synthesis report indicates that the NDCs in place put us on track to greenhouse gas emissions of 13.7 percent above 2010 levels in 2030 (decision 1/CMA.3, para. 25). This needs to be seen in the context of the IPCC Special Report on 1.5 degrees C, which indicates that carbon dioxide emissions need to be 45 percent below 2010 levels by 2030 for the world to be on a no/limited overshoot trajectory to 1.5 degrees C.<sup>14</sup> Climate Action Tracker estimates that cur-

rent NDCs place us on track to a temperature increase of 2.4 degrees C (range of 1.9 degrees C to 3 degrees C).<sup>15</sup> The Glasgow Climate Pact integrates long-term net-zero targets into the Paris Agreement architecture by urging states to communicate (and periodically update) LTSs under Article 4(19) (decision 1/CMA.3, para. 32). It also stresses the importance of aligning NDCs with these long-term strategies (decision 1/CMA.3, para. 35). However, these are tentative first steps, and for now long-term target setting is taking the place of robust implementation of ambitious NDCs.

Third, the implementation gap in relation to finance will fundamentally hamstring the international community’s efforts to address climate change. The UK Climate Finance Delivery Plan estimated that the US\$100 billion per year by 2020 commitment will likely only be met by 2023.<sup>16</sup> This is a fraction of the estimated need. The *First Determination of Needs Report* by the Standing Committee on Finance, based on NDCs submitted until May 2021, identified the need for US\$ 5.8–5.9 trillion up until 2030.<sup>17</sup> While the totality of this estimated need is not expected to be met through international transfers, this report nevertheless highlights the gap between estimated need and availability of finance.

### *The Equity Gap*

There are several aspects to the equity gap.

First, the long-standing issues relating to multilateral burden or effort sharing remain salient, and while they are challenging, and seemingly irresolvable, they are also crucial. In the absence of clear multilateral guidance on what each state’s fair share of the global mitigation burden should be, national and regional courts are increasingly beginning to determine these on a case-by-case basis with litigants relying on civil society initiatives such as Climate Action Tracker. In these courts, when claimants argue that national climate ambition is inadequate and needs to increase, the courts ask against what concrete benchmarks is the national effort to be judged in the context of a global problem (i.e., what is each country’s fair share?). This was at issue in the ground-breaking *Urgenda* case<sup>18</sup> in the Dutch Supreme Court, and in the *Neubauer* case<sup>19</sup> in the German Federal Constitutional Court. It is also one of the central issues in the *D’Agostinho* case<sup>20</sup> pending before the European Court of Human Rights. In the *D’Agostinho* case, brought by a group of Portuguese children and young adults against 33 European states, the petitioners argue that these states’ climate actions

must be presumed inadequate given the world is on track to far exceed the 1.5 degrees C temperature goal identified in the Paris Agreement.

Second, there is an increasingly stark imbalance in the treatment of mitigation in comparison to the treatment of adaptation, support, and loss & damage. This imbalance needs to be contextualized. Historically, the climate regime has focused primarily on mitigation and only in the more recent past on adaptation and loss & damage. This historical neglect has resulted in greater epistemic gaps in the areas of adaptation and loss & damage, which then renders operationalization, transparency, and accountability in these areas more challenging. Thus, for instance, the mitigation goals are quantified and lend themselves better to assessments of compliance/non-compliance/demonstrable progress than the adaptation goal, which is yet to be quantified or even well understood. The nature of these issue areas is also different, and it may be that one can never be quantified while the other can, but nevertheless, one area is beset with fundamental epistemic gaps while the other is much better understood and thus monitored.

In addition to the epistemic imbalance between mitigation and adaptation, there are continuing imbalances in the investment of negotiating capital, and thus substantive outcomes in different areas, as for instance between mitigation and support. The Glasgow Climate Pact increased the pace of target-setting in relation to mitigation, *inter alia* by creating a Mitigation Work Program (decision 1/CMA.3, para. 27) and requesting Parties to revisit and strengthen their NDCs in 2022 (para. 29). However, it contained few substantive outcomes on finance. That the US\$100 billion per year by 2020 commitment will not be met until 2023 was recorded as a matter of “deep regret” (para. 44). The process to determine a new collective quantified goal on climate finance was launched in Glasgow (para. 49). And the Pact urges developed countries to double their collective provision of adaptation finance to developing countries from 2019 levels by 2025 (para. 18), but it is unclear how the 2019 benchmark is to be calculated. The loss & damage discussions resulted in the launch of a Glasgow Dialogue (para. 73), but not a finance facility as proposed by the G-77/China. The ratcheting up of pressure on mitigation ambition, with few avenues for the consideration of each state’s fair share of the global mitigation effort, in the context of breached promises on support, and limited progress on adaptation and loss & damage, will increasingly embed and make invisible unfairness in the regime.

The Glasgow Climate Pact requests Parties to revisit and strengthen the 2030 NDC targets by 2022 “as necessary to align with the Paris Agreement temperature goal” (para. 29). No one state can, in the context of a global problem, align its target with a temperature goal without a sense of what its fair share is. There is no reference or acknowledgment of such sharing of the effort in this provision. The reference to “different national circumstances” allows Parties to self-differentiate but does not signal an understanding of the collective nature of the problem, and its solution. The risks of permitting states to self-determine their fair share is readily evident in the narratives of fairness that states presented in their NDCs. Over 110 states listed “small share of global greenhouse gases” as a relevant indicator in justifying the fairness of their contributions. This “drop in the ocean” argument is self-serving, has been rejected in national court decisions, and these 110 states together account for one third of global greenhouse gas emissions.<sup>21</sup>

Third, there is an increasing understanding and focus on the inter-generational burdens that current policies and plans, in particular their lack of alignment with long-term net-zero targets, place on future generations.<sup>22</sup> In the *Neubauer* case the German Federal Constitutional Court held that fundamental rights are intertemporal guarantees that afford protection against greenhouse gas reduction being unilaterally offloaded onto the future.<sup>23</sup> Aspects of inter-generational justice will increasingly be brought to the fore as judgments emerge from cases filed by youth climate activists across the world claiming that radically insufficient climate action by current policy makers is a violation of their rights.<sup>24</sup>

## SUBSTANTIVE AND PROCESS CHALLENGES

In addition to the evolving context and emerging gaps, the nature of the assessment process poses key substantive and process challenges that a well-designed GST will need to plan for.

These include:

First, the challenge of mining the information that flows into the process to determine the *benchmarks* against which “collective progress” can be assessed for each of the long-term goals identified in the Paris Agreement. This is particularly challenging for those goals that are qualitative (such as adaptation) rather than quantitative (such as mitigation).

Second, the challenge of determining *accountability*, albeit collective, for compliance with provisions of the

Paris Agreement that span the full spectrum in terms of legal character (from binding procedural obligations in mitigation, to caveated obligations in finance and soft obligations in adaptation). The GST process may need to implicitly interpret the nature of obligations in the Paris Agreement that support the “long-term goals” that are at the core of the GST.

Third, the challenge of managing information flowing from the GST, avoiding duplication with and building on other processes, especially those established at COP26. These include the Mitigation Work Program (decision 1/CMA.3, para. 27), the annual high-level ministerial round tables on pre-2030 ambition (para. 31), the two-year work program on the Global Goal on Adaptation (para. 11–12), the work program on a new collective quantified goal on finance (para. 49), and the Glasgow Dialogue on Loss & Damage (para. 73). Some of these

processes will run in parallel with the GST and conclude shortly thereafter, others will continue for the foreseeable future. Some of these processes are working toward a defined, if yet indeterminate, outcome (such as on finance), and others have an undefined outcome (such as on loss & damage). Some of these processes (such as the Mitigation Work Program), accompanied by the request to strengthen 2030 targets in 2022 (para. 29), and annual NDC synthesis reports (para. 30) may well have the effect of compressing and advancing the ambition cycle, and rendering the GST irrelevant, at least in relation to mitigation. Arguably these requests to states are in the context of the current round of NDCs, and the GST is intended to inform the next, but the lines between the cycles, and the information feeding into one cycle as compared to the next, are blurred.

## D. ISSUES AND OPTIONS

The current approach to the GST, as reflected in the guiding questions prepared by the SB Chairs, does not directly engage with and address the evolving context, emerging gaps, and substantive and process challenges identified above. If the current approach prevails, the GST will conclude that “we need to do more,” which is a forgone conclusion and adds little to the collective understanding of *how* we problem solve for climate change. It will also not assess for and catalyze enhanced “environmental effectiveness” of the Paris Agreement. While the GST will need to be anchored in the Paris Agreement and its Rulebook, if the GST is to add value in a space crowded with competing processes, it needs to directly engage with the issues identified above. It must do so with a focus on:

- *how* the identified gaps can be plugged, rather than on a precise assessment of how large the gaps are
- *enhancing implementation* rather than (solely) on catalyzing more ambitious target-setting
- *identifying opportunities* for action—across mitigation, adaptation, loss & damage, and support—rather than on highlighting failures.

The SB Chairs and facilitators of the Technical Dialogue must do this without appearing to “renegotiate” the Paris Agreement. This implies that many of the issues raised above in relation to evolving context and

emerging gaps must form part of the *framing* for the GST rather than be subject to the UN consensus-based decision-making process. The SB Chairs, and co-facilitators of the Technical Dialogue could use their informal notes and consultations to provide a robust framing to set the tone, an agenda, and a starting point for the discussion. They could, for instance, start by positing that the international community is not on track to meet the long-term goals of the Paris Agreement, rather than asking if it is. In other words, the GST could start by assuming a gap exists between where we are and where we need to be, and that we are not doing enough. There is ample evidence from within the UN process, including annual NDC synthesis reports, and outside, such as the UNEP GAP reports, to demonstrate this. The GST could then usefully be re-oriented to exploring how this gap is to be plugged and identifying specific opportunities to do so.

The GST could also be designed as a *dynamic process* that builds on knowledge generated and catalyzed through the two years it will run. There are many questions that arise in the context of the implementation and equity gaps, as well as the substantive challenges, identified above, that do not lend themselves to ready responses. For instance, the issue of benchmarks or indicators to assess progress against the long-term global goal on adaptation. Each of the three sessions of the GST’s Technical Dialogue could build on the previous. The first ses-

sion could, for instance, end with “conclusions” that identify knowledge gaps in relation to the themes discussed. Party and NPSs could then generate tailored knowledge to plug the identified knowledge gaps. By way of analogy, the 2015 request from UNFCCC Parties to the IPCC to produce a Special Report on 1.5 degrees C catalyzed a phase of intense, collaborative, and deadline-driven research activity to inform the report. A similar phase of research activity could be usefully catalyzed by the GST. It is also worth keeping in mind that the 2021–23 GST will set the baseline for future GSTs, and efforts to plug knowledge gaps in relation to criteria, benchmarks, and indicators for assessing progress toward long-term goals will be useful not just for the outputs of the 2023 GST but also for future rounds of stock takes.

If the GST is to be directed, as this paper recommends, toward implementation, one option to connect the GST process with real world action is to append one or more *technical annexes* to the output of the Technical Dialogue, or even the GST. Such technical annexes could list specific opportunities for climate action. The criteria for inclusion of specific opportunities in the annexes could be determined collaboratively by Parties at the first session of the Technical Dialogue. These could be opportunities for enhanced action—across mitigation, adaptation, loss & damage, and support—that offer templates for what works and can be scaled up. These identified opportunities could be organized by sector or theme.

Specifically, beyond these overarching suggestions, the GST’s design needs to be informed by an analysis and consideration of the following questions and options that arise in relation to the evolving context, emerging gaps, and substantive and process challenges.

## EVOLVING CONTEXT

- How can the shifting goal post on the long-term temperature goal be acknowledged and addressed in the GST within the constraints of Article 14?
- How can the shifting goal post on “net-zero” be acknowledged and addressed in the GST?

*Options:* The GST is to be conducted in the light of “the best available science” (Article 14(1)). The best available science includes the IPCC’s Special Report on 1.5 degrees C, as well as its Sixth Assessment Report. These documents support the shifts in the evolving context, and indeed, it is the former in conjunction with Article 4(1), that triggered the ongoing wave of mid-century net-zero targets from states. These shifts must be considered part of the framing for the GST rather than raised for

discussion in the consensus-based UN process. The extent to which each GST can consider and assess progress toward net-zero “by or around mid-century” is limited, however, by its focus on current NDCs. The GST could nevertheless consider the extent to which current NDCs align with long-term targets. The Secretariat’s synthesis report on LTSs, mandated at COP26, could usefully feed into the GST.

## IMPLEMENTATION GAP

- How can the implementation gap in relation to medium-term targets be identified, and addressed?
- How can the alignment gap in relation to medium-term NDCs and long-term net-zero targets be addressed in the GST?
- How can the profound implementation gap on finance be addressed in the GST—not just between promise and delivery but also between promise and need?

*Options:* The transparency frameworks among other inputs, can shed light on the implementation gap in relation to medium-term targets. More specifically, the GST could explore the reasons for the implementation gaps, and then focus on identifying opportunities for ambitious climate action and support, across sectors, and present Parties and NPSs with options for availing these opportunities. As suggested above, these could be listed in a technical annex to the output of the Technical Dialogue. NPSs could also be proactively integrated into the process of identifying and bridging the implementation gaps, as discussed in **Section G** below.

In relation to aligning NDCs with long-term targets, the synthesis report on LTSs to be produced by the Secretariat could feed into the GST process, with a view to developing outputs that help trigger uniform, clear, transparent, and comparable long-term strategies. The GST could also harness information on the implementation of and planning for net-zero targets that extends beyond the information states provide. It could do so by identifying knowledge gaps in this area in the initial session of the Technical Dialogue, and encouraging NPSs, including international organizations and transnational research consortiums, to make submissions that speak to these gaps. This process could also catalyze the creation of checks and balances outside the UN climate regime to ensure accountability for the alignment of NDCs with long-term targets.

In relation to finance, state, and NPSs, including financial institutions and private sector financiers, could be encouraged to participate in the GST and help create opportunities for states to avail (decision 1/CMA.3, para. 77), as discussed in **Section G**. Such opportunities could also be listed in the technical annexes suggested above, perhaps even a dedicated technical annex on opportunities for scaling up finance.

## EQUITY GAP

- How, if at all, can the issue of “fair shares” in relation to each state’s contribution to achieving long-term goals be addressed in the GST in the context of a collective assessment of progress?
- How can the imbalance in the treatment of mitigation as compared to adaptation, support, and loss & damage, be best reflected in the GST?
- How can the increasing understanding of inter-generational unfairness be addressed in the GST?

*Options:* The issue of inter-state or intra-generational equity and fairness, albeit challenging, cannot be side-stepped. One option is to include some initial, seemingly incontrovertible, yet non-judgmental assessments of imbalance and unfairness in the framing for the GST. This may enable the co-facilitators and chairs to focus on how to redress fairness and equity rather than focusing on criteria for assessing fairness and equity. Another option, as decision 19/CMA.1 indicates, is to focus on the narratives and criteria for fairness and equity that states have identified in their NDCs. In doing so, however, these criteria and narratives must be benchmarked against principles of international environmental law that states have pledged allegiance to in other fora, and in their NDCs. These criteria must also be tested for their applicability to all, in other words, if a state applies a criteria to itself, the effect of applying that criteria to all states must also be determined. It is also worth considering whether states can be clustered into groups for this purpose, based not on the Annexes, but on the objective criteria (subject to the checks indicated) states have identified in the fairness justifications in their NDCs.

The issue of inter-generational equity assumes particular significance in the context of radically insufficient current actions set against ambitious long-term net-zero targets. The GST should consider which actions, set to what timelines, can mitigate the burden on future generations. These could also be listed in the technical annex suggested above.

## SUBSTANTIVE CHALLENGES

- How can the GST set benchmarks against which “collective progress” can be assessed for each of the long-term goals?
- How can the GST process determine conformity with provisions that span the spectrum in terms of legal character?
- What criteria will be used to determine progress, and where will these criteria be drawn from?

*Options:* The identification of benchmarks, criteria, and indicators for assessing progress toward long-term goals—the core business of the GST—are particularly challenging for adaptation and loss & damage, as discussed earlier. These are areas that would benefit from further research and analysis, and if the Technical Dialogue is designed to send signals to the research community that these areas demand concerted deadline-driven research engagement, better information may flow into the process and enable better responses.

## PROCESS CHALLENGES

- How can the GST add value as a process, given the multiple review processes launched at COP26, some of which run in parallel, and will only conclude in time for the next GST?

*Options:* The GST needs to build on and complement other processes, such as on mitigation, including the new processes established at COP26. There are intersections between the different processes, only some of which will feed into the first GST, others will need to be lined up to feed into future GSTs.

## E. THE WIDER LANDSCAPE OF GLOBAL CLIMATE GOVERNANCE

Over the 21st century, the landscape of global climate governance beyond the UNFCCC has grown much more varied and multifaceted to include a multitude of institutions, fora, and initiatives. We suggest structuring this multifaceted landscape by distinguishing inter-governmental and transnational institutions, as well as overarching/cross-cutting and sectoral/thematic ones. These institutions can individually and jointly perform a number of functions ranging from regulation to supporting learning, as further elaborated below.

### STRUCTURE & ELEMENTS

Relevant *intergovernmental fora* include various multilateral organizations and agreements such as ICAO, IMO, the World Bank, the International Monetary Fund, the Montreal Protocol on Substances That Deplete the Ozone Layer, the Convention on Biological Diversity, and others. They also encompass plurilateral fora and initiatives such as the G7, the G20, MoCA, MEF, the Petersberg Climate Dialogue, the Clean Energy Ministerial, and many others.

*Transnational initiatives*, in particular, have grown over the past two decades or so. They generally involve various NPSs (including business, civil society, and cities and local authorities) in varying mixtures that can importantly also include governments in what is at times referred to as “hybrid” arrangements. The count of relevant initiatives depends on the criteria applied but goes into the hundreds. For example, the Global Climate Action Portal (also known as NAZCA, the Non-state Actor Zone on Climate Action) contains more than 150 registered international/transnational cooperative initiatives (as of December 1, 2021).<sup>25</sup> Many more relevant initiatives exist, as evident from other analyses and databases.<sup>26</sup> Overall, relevant initiatives cover a broad range of subjects and themes, from finance and investment, over various emission sectors to adaptation/resilience (see also below).

The climate governance landscape of intergovernmental and transnational institutions and initiatives features general, *overarching institutions and fora, as well as sectoral/thematic initiatives*. Overarching platforms are primarily of an intergovernmental nature, including fora focused on broader political discussions (as opposed to implementing action) complementing the UNFCCC, such as the G7, the G20, MoCA, the MEF, the Petersberg Climate Dialogue, and the UN General Assembly.<sup>27</sup> The majority of intergovernmental and transnational orga-

nizations and initiatives have a more limited sectoral or thematic scope. Some of them cover several themes or sectors (e.g., the Clean Energy Ministerial or Mission Innovation), whereas others have a more singular focus (e.g., ICAO, IMO, the Global Methane Pledge, the Powering Past Coal Alliance, the Global Resilience Partnership, the Climate Investment Platform, and many more). Arguably, sectoral/thematic focus and specialization enable international/transnational cooperation to reach a level of concreteness and granularity that facilitates orientation on action. They form key ingredients of evolving sectoral global climate governance.<sup>28</sup>

The realm of sectoral/thematic climate governance can be structured in varying ways. The Climate Action Pathways and related Race to Zero Breakthroughs and Race to Resilience under the Marrakesh Partnership for Global Climate Action (as well as the Global Climate Action Portal) distinguish various different sectors/themes (including resilience and finance as crosscutting thematic areas),<sup>29</sup> while other analyses distinguish sectors/themes in slightly different ways.<sup>30</sup> Prominent sectors and themes include: buildings, industry, transport/mobility, agriculture, forests, adaptation/resilience, finance/support/investment, cities, energy, land use, and others. Overall, more existing initiatives address mitigation than adaptation or loss & damage.

### FUNCTIONS & EFFECTIVENESS

The growing number of intergovernmental and transnational, overarching and sectoral/thematic institutions and initiatives have contributed to varying degrees to *delivering key functions of global climate cooperation*. Key functions that international institutions may (but do not necessarily have to) perform prominently include: (1) providing guidance and signal to actors for accelerating the climate transition (e.g., through the determination of agreed goals and pathways); (2) setting rules to facilitate collective action (such as greenhouse gas emission limitations, standards for low-carbon products, regulation of public procurement, or standards of climate resilience); (3) enhancing transparency and accountability (e.g., through organizing data collection, reporting, and review/response); (4) coordinating and offering support (finance, technology, capacity-building); and (5) promoting knowledge, awareness, and learning (e.g., through initiating joint assessments and facilitating knowledge exchange).<sup>31</sup> In addition, the proliferation of institutions

and initiatives has increased demand for their coordination and “orchestration.” Existing institutions and initiatives generally deliver one or several of these functions.

The flourishing landscape has significantly advanced global climate governance, but ample room for further advances remains. Available assessments suggest that transnational climate initiatives possess a sizeable potential to narrow remaining gaps in mitigation, adaptation, and finance.<sup>32</sup> At the same time, uncertainty exists regarding their ability to deliver. Two relevant issues concern: (1) the highly variable institutional robustness

and stability of the variety of initiatives; and, (2) the need to enhance and ensure transparency and accountability in order to enable assessing individual and aggregate effectiveness.<sup>33</sup>

It is as yet unclear how the wider landscape of global climate governance can or should interact with the GST process so as to support the environmental effectiveness of its outputs and outcomes. We approach this issue by next reviewing existing links between the wider landscape and the UNFCCC process, including the GST.

## F. THE WIDER LANDSCAPE, THE UNFCCC, THE PARIS AGREEMENT, AND THE GST

The linkage between the wider global climate governance landscape and the UNFCCC has significantly evolved over the past decade or so, especially with respect to its transnational component. Despite the progress made, including at COP26 and with respect to the GST, the linkages and interaction with the official intergovernmental agenda have room for further development, as further discussed below.

For analyzing existing linkages and how they could be further developed especially for the purposes of the GST, we focus on two broad groups of institutions and initiatives: (1) relevant international organizations and agreements and (2) international/transnational initiatives short of formal international organizations/agreements and regularly featuring participation of NPSs (“Global Climate Action”). It is worth noting that under such Global Climate Action we also subsume cooperative initiatives that may be primarily driven and operated by states but are informal (and regularly include some level of participation by NPSs), such as the Global Methane Pledge and others.

We consider that the link between the UNFCCC and the general political discussions in the *overarching intergovernmental fora* mentioned above (G7, G20, MoCA, etc.) does not require further exploration or formalization. As substantive political discussions on climate governance advance among groups of Parties in these fora outside the UNFCCC, they naturally take place against the backdrop of the UNFCCC process and automatically

feed back into discussions under the UNFCCC and the Paris Agreement. The Parties concerned bring advances back to the UNFCCC process. There does not appear to be a strong rationale or need for strengthening or formalizing the interaction with these fora.

### EXISTING LINKS BETWEEN THE WIDER LANDSCAPE AND THE UNFCCC PROCESS

*Relevant (sectoral) international organizations and agreements*, such as IMO, ICAO, the Montreal Protocol, the Convention on Biological Diversity, and others, have had their home in the SBSTA under the standard agenda item “Cooperation with other/relevant international organizations.” This is related to Article 7.2(1) of the UNFCCC that mandates the COP to “seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies.” The Paris Agreement’s Article 16.4(b) may be considered to provide a related legal basis by empowering the Meeting of Parties to the Paris Agreement (CMA) to “exercise such other functions as may be required for the implementation of this Agreement.” In practice, relevant international organizations have mainly reported on their activities under this agenda item. Few substantive debates have occurred, which have rarely led to substantive outputs such as guidance of the COP or its subsidiary bodies (e.g., decisions, conclusions). In addition, the UNFCCC Secretariat has been involved in important coordination efforts and information exchange

across relevant organizations (including the Joint Liaison Group of the Rio Conventions).<sup>34</sup>

Similarly, discussions on *relevant international financial institutions* (such as the World Bank and others) have focused on their formal relationship to the UNFCCC (e.g., Financial Mechanism, operating entities). The broader role and importance of these institutions for realizing the objectives/goals of the UNFCCC and the Paris Agreement have hardly been on the formal multilateral climate agenda.

The most significant developments over the past decade or so have occurred with respect to the “groundswell” of *Global Climate Action*. Such action has become increasingly officially acknowledged, and dedicated arrangements and capacities have been built to strengthen the links with the official UNFCCC process. Important milestones in this development have included:

- discussions under “workstream 2” of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) on pre-2020 ambition that highlighted the growth and potential of Global Climate Action
- the enhanced acknowledgement and integration of Global Climate Action on the way to the 2015 Paris Agreement, including through the summit convened by the UN Secretary-General in September 2014 (including announcements by NPSs), the organization of a “High-Level Action Day” at COP20 in Lima in 2014, the Lima-Paris Action Agenda, and the launch of the Global Climate Action Portal (then called NAZCA)
- the further recognition and institutionalization of Global Climate Action at COP21 and under the Paris Agreement, including through the launching of a specific Action Agenda “pillar” at Paris (that also entailed the launching of numerous initiatives) and the upgrading of Global Climate Action through decision 1/CP.21 that encouraged climate actions by NPSs and their NAZCA registration, institutionalized high-level climate action events at the annual COPs, and created two HLCs to advance Global Climate Action and its link to the intergovernmental process under the UNFCCC<sup>35</sup>
- the further consolidation and enhancement of the relevant structures and capacities in the context of the “Marrakesh Partnership for Global Climate Action” launched in 2016 and the expansion of the work of the HLCs under it, including the elaboration

tion of sectoral/thematic Climate Action Pathways and the launch of the Race to Zero and Race to Resilience campaigns (including sectoral 2030 Breakthroughs)—alongside Global Climate Action Awards, the Global Climate Action Yearbook, and regional climate weeks<sup>36</sup>

- COP26, which further advanced Global Climate Action, as the launching of key plurilateral cooperative initiatives became a key part of the UK COP Presidency’s agenda in Glasgow. This resulted not only in the launch of several Glasgow Breakthroughs,<sup>37</sup> but also a set of sectoral initiatives such as: the Global Methane Pledge, the Global Coal to Clean Power Transition Statement, the Declaration on Accelerating the Transition to 100 percent Zero Emission Cars and Vans, and the Glasgow Leaders’ Declaration on Forests and Land Use.<sup>38</sup> At the same time, the HLCs presented, and COP26 welcomed, a five-year plan for an improved Marrakesh Partnership.<sup>39</sup>

Overall, *the increasing integration in the framework of the UNFCCC and the Paris Agreement has helped advance global climate action*. While systematic assessments are not in ample supply, the international recognition through the Global Climate Action Portal and the Marrakesh Partnership more broadly have arguably incentivized international/transnational cooperative initiatives and have helped shape their design and implementation, including through supporting accountability and transparency (that still have much room for further enhancement). As global climate action has the potential to strengthen climate ambition and action transnationally (i.e., beyond the realm of governments), it may well serve to encourage Parties/governments to aim for greater ambition and bolder implementation (across mitigation, adaptation, and support).

At the same time, *the link and interaction between global climate action and the intergovernmental process under the UNFCCC has remained limited and may not yet have achieved its full potential*. On the one side, input of NPSs and cooperative initiatives into key debates among Parties on mitigation, adaptation, loss & damage, and support has remained very limited. On the other side, official outputs of the intergovernmental process have mainly acknowledged and encouraged transnational climate action in general terms and have addressed related procedures and structures (portal, HLCs, high-level events, etc.). However, they have hardly addressed Global Climate Action in substance. Overall, there appears to be

significant scope for enhancing the conversation between both spheres in substance, including through the GST (see below).

## THE WIDER LANDSCAPE AND THE GST

*The GST provides a unique opportunity for advancing and enhancing the conversation between the intergovernmental UNFCCC/Paris Agreement process and the wider landscape of global climate governance.* Advancing this conversation acquires additional importance as attention in the fight against climate change increasingly transitions from negotiation to implementation.

*The current framing of the GST already provides for related opportunities* and an opening, especially regarding inputs into the process. In this respect, decision 19/CMA.1 determines that the GST will be conducted “with the participation of non-Party stakeholders” (para. 10), that “other related events within and outside the UNFCCC” can contribute (para. 18), that the GST’s Technical Dialogue will be “inclusive” and include discussions with, amongst others, “experts” (para. 30), that the GST will consider “good practices, experience and potential opportunities to enhance international cooperation” (para. 36(g)), and that sources of input include “relevant reports from United Nations agencies and other international organizations” as well as “submissions from non-Party stakeholders and UNFCCC observer organizations” (para. 37(f) and (j)).

*The opening for advancing the integration of the wider climate governance landscape through the GST* is further confirmed by decision 1/CMA.3, the revised non-paper prepared by the SB Chairs on preparing for the first GST,<sup>40</sup> and the draft guiding questions by the SB Chairs for the GST’s technical assessment component.<sup>41</sup> decision 1/CMA.3 expresses determination to make the full GST “inclusive” and encourages the HLCs “to support the effective participation of non-Party stakeholders” (para.

76–77). It also recognizes the role of NPSs and international collaboration across all actors of society (para. 87–88), and welcomes the improvement of the Marrakesh Partnership, including the HLCs and the Global Climate Action Portal (NAZCA) (para. 89). The revised non-paper by the SB chairs seems to generally address not only Parties but also stakeholders; asks questions about the climate actions undertaken by NPSs and their effectiveness (questions 29 and 33) as well as international cooperation (questions 23, 30, and 31); repeats that sources of input to the GST include inputs by NPSs; and signals that the Marrakesh Partnership and the HLCs will be important for channeling relevant information (p. 8). It also indicates openness to further exploring appropriate mechanisms for participation by NPSs (ibid.). The SB Chairs’ draft questions for the technical assessment also explicitly include broad references to international cooperation and the role of NPSs (questions 17 and 18).

Overall, *the GST seems headed toward promoting broad participation by NPSs as well as relevant international organizations.* Although this broad participation is particularly pronounced with respect to the inputs into the GST, the aforementioned statements suggest that such participation should broadly extend to all three components of the GST. Furthermore, action by NPSs and international cooperation in general also form part of the substance of the assessment undertaken, which implies that the outputs may also go beyond addressing action by Parties under the Paris Agreement, for example by also addressing action taken by NPSs, international organizations, and other international/transnational cooperation. How exactly the interaction between the GST and the broader global climate governance landscape (both regarding inputs and outputs) may be advanced remains to be clarified. The next section turns to identifying some relevant options.

## G. OPTIONS FOR ENHANCING ENGAGEMENT OF THE WIDER LANDSCAPE WITH THE GST

The interaction between the wider global climate governance landscape and the GST implies two directions. On the one side, participation of and inputs by the wider landscape, including NPSs, can enrich the GST itself

throughout its three components (information collection and preparation, technical assessment/dialogue, and consideration of outputs) and help inform and shape effective GST outputs. On the other side, the GST outputs

could, based on and driven by input/participation, also provide an important impulse to the wider governance landscape to advance ambition and effective implementation.

The interaction in both directions may benefit from a strong sectoral/thematic perspective, that may facilitate helpful input by NPSs, international organizations, and cooperative initiatives as well as outputs that help spur Global Climate Action. In the following, some options for advancing both sides of the interaction are identified, including the potential added value of a sectoral perspective.

## **PARTICIPATION OF THE WIDER GOVERNANCE LANDSCAPE IN THE GST**

Relevant NPSs, international organizations, and cooperative initiatives could actively contribute to the GST throughout all its phases/components:

They can *submit input* as part of the *information collection and preparation*. The message by the SB Chairs inviting inputs defined a deadline of February 2022 based on para. 19 of decision 19/CMA.1 that considers that “such inputs should be submitted at least three months before their consideration in the technical assessment.” While implicitly implied, it may deserve clarification that inputs can be submitted until late February/early March 2023 (i.e., until three months before the third Technical Dialogue in June 2023).

Submitted inputs can contribute to the Technical Dialogue and the consideration of outputs. In addition, NPSs, international organizations, and cooperative initiatives could also participate in these GST components more directly through making (invited) presentations/interventions. Given the multiplicity and diversity of NPSs, care will need to be taken to ensure a balance in providing related opportunities.

NPSs and others may, in accordance with decision 19/CMA.1, also contribute to the GST through *events* “within and outside the UNFCCC.” In this regard, the question arises how relevant events could feed into the formal GST process. One option would be through the submission of event reports and outputs as inputs to the GST.

Pursuant to decision 19/CMA.1, *experts* may be another channel for feeding relevant information and analysis on and from the wider governance landscape into the GST’s Technical Dialogue.

Given the large scope and diversity of the wider landscape, the *HLCs* and other intermediaries could play an important role in supporting, facilitating, coordinating, and structuring the input and participation of NPSs and initiatives. In accordance with decision 1/CMA.3, the HLCs may have a crucial role in this respect.<sup>42</sup> However, NPSs should also be able to participate through other channels, as the HLCs and the Marrakesh Partnership do not necessarily capture the full scope of relevant NPSs. More specifically, the HLCs and other intermediaries can:

- help motivate, coordinate, structure, and consolidate inputs by NPSs and cooperative initiatives
- assist in identifying possible stakeholders for making interventions/presentations in the Technical Dialogue and toward the consideration of outputs
- collaborate with relevant stakeholders and initiatives to organize impactful events feeding into the GST and, more generally, to ensure that inputs into the GST are most relevant and effective.

The wider climate governance landscape, in general, and the Marrakesh Partnership, in particular, possess a strong *sectoral/thematic logic*. Most NPS initiatives have a sectoral/thematic focus, as also reflected in the sectoral/thematic structure of the Marrakesh Partnership’s Pathways, Race to Zero, Breakthroughs, Race to Resilience, and the Global Climate Action Portal. On this basis, sectoral/thematic concreteness and granularity is a possible specific contribution NPSs, international organizations, and cooperative initiatives can bring to the GST, including identifying related good practices, needs and opportunities. In turn, a strong sectoral lens of the GST could facilitate the participation of and contribution by the wider landscape. In this respect, the further sectoral differentiation of the thematic structure of submitted inputs on the UNFCCC Secretariat’s GST website might be useful.<sup>43</sup>

## **OUTPUTS OF THE GST PROVIDING AN IMPULSE TO THE WIDER GOVERNANCE LANDSCAPE**

The consideration of outputs is the culmination of the GST at COP28/CMA5 in 2023, and these outputs will derive from the GST process building up until then. While outputs can hence not yet be firmly anticipated, we can identify some general ways in which the GST output (principally, a CMA decision and/or a declaration, discussed in **Section H**, may provide an impulse for enhanced effectiveness of the wider landscape:

- The GST output could address the wider climate governance landscape as a whole, for example by highlighting:
  - the urgent need and ample opportunity to maximize emission reductions, resilience efforts, and support across sectors and themes, including through advancing and strengthening existing initiatives and efforts as well as instigating new ones
  - the need and opportunity to enhance the accountability and transparency of relevant initiatives and efforts in order to ensure their effectiveness and impact.
- The GST output could also specifically address key sectors/themes, for example identifying specific good/best practices, gaps, and potential in selected sectors and around specific themes (possibly to be reflected in technical annexes to the output of the Technical Dialogue or even GST process itself, see para. 27 above). This would require careful identification throughout the GST process and may be combined with recognizing and welcoming related new announcements (see below).
- The outputs of the GST could include announcements of *key new initiatives and updates of existing ones* to address identified gaps and potentials. As indicated, these could be recognized and welcomed in a CMA decision and/or declaration resulting from the GST. Such new or updated initiatives would require related preparatory efforts alongside the formal GST process.

The GST output could highlight *the importance of sectoral/thematic granularity of climate action more generally, beyond the wider landscape*. This importance is reinforced by the strong sectoral/thematic structure of the wider governance landscape, including the Marrakesh Partnership, and lends strong support to addressing key sectors and themes (including loss & damage and different aspects of finance/support), including in NDCs, long-term strategies, and related implementing action (including cooperative initiatives). Related guidance resulting from the GST process to Parties could help concretize and advance policy frameworks so that these address sectoral/thematic needs and potentials, and thereby support effective action throughout the wider governance landscape.

## H. OUTPUT OF THE GST

The GST, as suggested earlier, should aim both to assess and enhance the environmental effectiveness of the Paris Agreement. This would constitute a robust outcome for the GST. Several specific outputs would enable and facilitate such an outcome. The Paris Rulebook provides initial guidance on the outputs of the GST, particularly in relation to its content, namely that the outputs should “summarize opportunities and challenges for enhancing action and support in light of equity and best available science” (1/CMA.19, para. 13). However, the form that these outputs take is yet to be finalized. The choice of form should be guided by the extent of visibility needed to achieve the required impact, its intended audience, and the signals sought to be delivered to state and NPSs actors in the wider landscape. At a minimum the outputs must connect technical debates on past achievements and experiences with the national political processes related to NDC development. Options that require consensus-based decision-making might command greater legitimacy and instill a sense of ownership among all

the Parties. However, these may not lend themselves to impactful conclusions and signals. Options include one or more of the following:

- CMA decisions, both cover decisions (1/CMA.5) and linked dedicated GST decisions
- CMA decisions, with technical annexes listing specific opportunities for enhanced climate action across sectors, issue areas and in relation to each of the long-term goals identified in the Paris Agreement
- political declarations, at the Ministerial or head of state level, which could be taken by consensus among all the Parties or a sub-set of Parties to the Paris Agreement (e.g., Geneva Ministerial Declaration, 1996; Copenhagen Accord, 2009).

## ENDNOTES

1 This paper was developed collaboratively with Kaveh Guilanpour, C2ES and gained immensely from two brainstorming sessions with key stakeholders in October and December 2021. Lavanya Rajamani, Professor of International Environmental Law, Oxford, was lead author of the sections on the GST in the UNFCCC process, and Sebastian Oberthür, Professor of Environment and Sustainable Development, Vrije Universiteit Brussels, and Professor of Environmental Policy and Law, University of Eastern Finland, was lead author of the sections on the GST and the wider landscape of global climate governance.

1 UNFCCC, Decision 19/CMA.1, Matters relating to Article 14 of the Paris Agreement and paragraphs 99–101 of decision 1/CP.21, (Katowice: March 2019), [https://unfccc.int/sites/default/files/resource/CMA2018\\_03a02E.pdf](https://unfccc.int/sites/default/files/resource/CMA2018_03a02E.pdf).

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