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## Key issues on loss and damage from Warsaw preparations

By Hilary Chiew

Developing countries at an expert meeting on loss and damage associated with climate change impacts stressed the urgency of concrete action rather than more studies as their people and ecosystems are already suffering.

The United Nations Framework Convention on Climate Change's (UNFCCC) work programme on loss and damage held an expert meeting from 12 to 14 September 2013 in Nadi, Fiji.

The meeting was a mandate of Decision 3/CP.18 (from the 18th Conference of Parties at Doha last year) which requested the UNFCCC secretariat to organise under the work programme on loss and damage, an expert meeting to consider future needs, including capacity needs associated with possible approaches to address slow onset events (SOEs). (Please see related TWN Briefing Paper # 3 for a report of the technical exchanges: "*Experts discuss future needs on loss and damage associated with climate change impacts*".)

Fiji Minister of Foreign Affairs and International Cooperation, Ratu Inoke Kubuabola, in his opening speech shared the suffering of his country's most severe flooding in January from which it is still recovering. He stressed that Fiji had experienced intense temperature rise, sea level rise and ocean acidification and that slow onset events will have profound effects on the country. He reminded that Fiji's socio-economic development in primary industries like fishery depends on its marine and coastal ecosystem.

Fiji, Minister Kubuabola added, had been at the forefront of taking actions on climate change and was mainstreaming climate change impacts in all its government policies and is in the final stages of drafting policy on climate-induced migration within Fiji borders.

As the current Chair of the Group of 77 and China, he said Fiji continues to stress on the importance of international cooperation and is thus honoured to hold this meeting on the critical issue of loss and damage.

Chair of the Subsidiary Body on Implementation (SBI), Tomasz Chruszczow (Poland), who was absent, delivered a video recorded message urging participants to identify the needs and gaps both in and outside the Convention to address the issue of SOEs with the aim to establish at COP19 (in November in Warsaw, Poland) an institutional arrangement. In his absence, he said, Juan Hoffmaister (Bolivia) and Angela Kallhauge (Sweden) will serve as co-Chairs and he expected to receive report on the meeting from the co-Chairs.

In 2013, a technical paper on non-economic losses was produced and the expert meeting was mandated to consider future needs, including capacity needs associated with possible approaches to address SOEs thus far to further the understanding and deliberations on the institutional arrangements.

The introduction session was followed by a presentation by Jean Palutikof, director of the National Climate Change Adaptation Research Facility of the Griffith University, Australia who spoke on observed and future climate change scenarios and its impacts including sea level rise, temperature rise, melting sea ice, floods, droughts, heat waves and wildfires.

**Nauru representing the Alliance of Small Island States (AOSIS)** said addressing loss and damage (L&D) is an issue of fundamental importance to members of AOSIS whose communities and economies are trying to cope with losses for which they have no capacity to response amidst the scientific evidence that the impact such

as sea level rise, ocean acidification, temperature rise are in greater volume than predicted five years ago. We are put in a position of impacts that cannot be adapted to and we must act with urgency, emphasised Nauru, adding that AOSIS expects the expert meeting to address the long term needs, including an international mechanism.

**St Lucia** echoed Nauru that this expert meeting will contribute to the process to getting Parties to an international mechanism on L&D.

**Timor Leste** said as this is the last meeting before COP19, Parties need to provide specific climate data on losses like sea level rise, SOEs etc so that it will be easy for us to make an easy decision at COP19. Least Developed Countries (LDCs), it said, have limited resources to address L&D so they would need an institutional arrangement and this meeting is a good time to think about modalities to help LDCs and small island states.

**Ghana** wanted an institutional arrangement at Warsaw and saw the meeting as an opportunity to develop a holistic view on L&D.

**The United States** said the scenarios provided are sobering and bring home the message of why we are here. Climate change and associated L&D is a serious challenge and for some island states it is threatening their very survival. It said sea level rise threatened everyone but vulnerable countries like islands are especially vulnerable. It said the US is here to engage in the important discussion on SOEs and the future needs in order to inform discussion at Warsaw and closing the discussion on paragraph 9 of the Doha decision (referring to Decision 3/CP.18).

*(Paragraph 9 reads: Decides to establish, at its 19th session, institutional arrangements, such as an international mechanism, including functions and modalities, elaborated in accordance with the role of the Convention as defined in paragraph 5 above, to address L&D associated with the impacts of climate change in developing countries that are particularly vulnerable to the adverse effects of climate change; ...)*

**Norway** said the meeting is adding to a long conversation to reach an informed decision at Warsaw. It said the Doha decision set the stage to engage with organisations and experts to find responses to deal with the impacts in an appropriate manner.

**Bolivia** noted that there is no contradiction to reach a positive outcome at Warsaw and it is important that we engage in a rich technical discussion, drawing on the expertise of the many experts that travelled to Fiji to enrich this meeting.

The Fiji meeting was conducted in sessions with the following guiding topics:

1. Understanding future needs: Current approaches to addressing different types of SOEs and their impacts
2. Understanding future needs: Institution outside of the Convention process
3. Understanding future needs: Perspectives from Parties
4. Potential response under and outside of the Convention process

**During a session on understanding future needs from perspectives of Parties, key political and technical issues emerged (see below).** This session was further guided by two questions: What are the future needs associated with possible approaches to address SOEs? What are the roles of regional and international support arrangements in addressing these needs?

The panellists were from Bolivia, South Korea, the US, Sweden, Timor Leste, Nauru and Ghana with Lukas di Pietro of Argentina as facilitator.

**Bolivia** (a member of the G77 and China and coordinator of the Group on this issue), reminded that Parties had agreed to take precautionary measures to prevent and minimise the effects of climate change and also commit finance, capacity building and the relevant actions and that this meeting is about the necessary function to carry out those actions. He said the issues are about loss of territory, livelihood, impacts on food supply, security and sovereignty.

Having recognised the link between risk reduction and adaptation, there are clear synergies to be coordinated but

not to lose sight of addressing SOEs. He cautioned that it comes a point when there so much integration to address all impacts that we do a lot of nothing.

He also said much has been talked about need for coordination, promoting synergies and collaboration, enhancing cooperation and linkages, strengthening knowledge base, consolidating relevant data and information, innovative measures and approaches to assess and address permanent damage, provision of technical and financial support to national governments, enhancing actions to addressing L&D through catalysing support and operationalisation of approaches, actions under the Doha decision and approaches for rehabilitation.

As for the roles of regional and international support arrangements, he listed six key roles – coherence, coordination and oversight; enhancing cooperation, collaboration and linkages; knowledge development and exchange; technology and capacity building; financial support for actions; and support for coordination of risk-transfer mechanisms.

These, he added, are roles that need someone to take the lead and to do them in a coherent way.

**South Korea** said we already have the answers which is we need capacity building, financial and technology transfer. We also need data and political will to raise awareness and this could be done with the help of the general public and high level politicians. As for strong linkage between organisations inside and outside of the Convention, she said there is the Adaptation Committee and its planned Adaptation Forum is a chance to raise awareness for adaptation.

She further said that National Adaptation Plan can include L&D component and enhancing technology transfer can be done by working with CTCN (Climate Technology Centre and Network), and financial support could be had by working with the Standing Committee on Finance.

She highlighted the work of the Asia Pacific Network which had held three forums so far, but there was insufficient private sector participation which can play important role. She also expressed regret that China could not participate in the last forum.

She noted that regional adaptation network is very important as regions have similar weather patterns and culture which made sharing best practices and mal-adaptation can be helpful for others, and this regional work can be shared with other regions like Africa as well, adding that the UNFCCC can strengthen activities outside of the Convention.

**Norway** said we need to put in place a structure that is flexible enough to address the changing needs as SOEs and climate change fundamentally change our development process. We need to start this process now where the needs have to be identified locally, nationally and regionally as a predefined set at the international level is not possible.

We need to provide sustained support including financing which requires a shift in thinking in development cooperation as climate change and SOEs are here (to stay) and will be affecting development for decades. She pointed out that the quest for knowledge must be driven by relevancy and a more focussed discussion on specific SOEs, for example, ocean acidification could help sharing of experiences across the globe.

She also highlighted needs to bridge timescale and different frameworks, establish joint initiatives at all levels. She said further that all international frameworks have mandate to address climate change including SOEs and if they are not doing their jobs, we will lose valuable resources. If we do not address climate change across sectors, we will end up making ourselves more vulnerable, leading to mal-adaptation and increasing the problems, she added.

She also felt that regional organisations are in a unique position to build local capacity but noted that the issue about foreign consultants that left without building a platform has been identified as a challenge. She further pointed out that some countries cannot solve the problem by themselves, such as glacial melt which is transboundary in nature and stressed that building networks will enable us to exchange experiences.

**The US** said there is need for better understanding of the risks of SOEs. Going back to a bullet point in paragraph 7 of the Doha decision - *the risk of SOEs, and approaches to address them* - she said there is a lot in this

bullet point and we need to understand a lot more about risks, pointing out that permafrost melting is not even on the list of SOEs. Greater dialogue with scientists at the (US) National Oceanographic and Atmospheric Agency is needed and has just begun. The work programme has identified a way to bring together stakeholders and would need to dive deeper into the technical aspects to address the different types of SOEs.

On incremental versus transformative approaches, we are stuck as we believed there is transformational change but unsure as it may be theoretical as we have not done it or are there any real examples, she said.

On risk reduction and transfer, she asked how responses towards L&D can be made more resilient and adaptation part of the spectrum. She would like a discussion on what rehabilitation means. For engineers, rehabilitation is what we do before the system breaks but with ecosystems, it is different.

She said addressing the needs is not about finding new approaches. Citing the importance of learning, including learning from mistakes which had been noted as a key point at the recently conclude monitoring and evaluation workshop (organised by the Adaptation Committee), she emphasised learning from mistakes in adaptation.

With regards to the role of the Convention, the US said it does not do management of L&D which are actions from institutions outside of the Convention and they have an important role to play. She further noted that without paragraph 9 of the Doha decision, L&D will not be mainstreamed. She concluded that there is space to continue the discussion and to enhance collaboration but how it will work will be decided by negotiators at Warsaw and not here (at this meeting) so it is better not to waste the time of the experts.

(See above for details of Paragraph 9.)

**Sweden** said future needs are context-specific and dependent on country circumstances. We are aware that capacity at national and local levels where policy and planning measures are formulated, are key, and not all countries have the same capacity. Some need support and how to utilise capacities between countries for regional cooperation.

She saw needs in strengthening knowledge and capacity, robust planning and policy framework and contingency measures that are well embedded in policies.

In terms of the role of regional and international organisations outside the Convention, she said this must add value to what countries do themselves, nurture good cooperation and send right signals of good climate resilience practices.

Having the range of experts here will help us move beyond the short term benefit to determine how we can help country prepare and manage L&D, she added.

**Timor-Leste** pointed out that L&D is about beyond our capacity to adapt. Territorial loss is not something that can be recovered or rehabilitated to make it available for the next generation. There should be something between adaptation and mitigation. He stressed that if there is no mitigation commitment from developed countries, we cannot adapt and L&D will increase. So for the future, we need to establish something new besides adaptation. We need to establish an international mechanism under the Convention with an Executive Committee in accordance to paragraph 5 and 9 of the Doha decision as well as its functions and modalities.

According to Nauru, the mechanism should have three components: risk management, insurance and; rehabilitation and compensation.

He elaborated that the key functions of risk management will include promoting risk assessment and risk management tools; insurance will be to manage life insurance for SOEs and L&D in the case of permanent economic and non-economic losses; and rehabilitation of what that can be rehabilitated and compensation for permanent loss like territories and cultures.

He further explained that the Executive Committee will be supported by an expert panel to provide technical assistance to all Parties within the Convention and to incorporate existing organisations within (Nairobi Work Programme, Adaptation Committee and the LDCs Expert Group) and outside the Convention. The Committee can also facilitate sourcing for financial, technology and capacity-building support.

**Nauru** (representing AOSIS) stressed that the future need for small island developing states (SIDS) is to address what we cannot adapt and losses that we cannot cope. She noted that current approaches to address L&D are focused on traditional measures that are limited to risk reduction and adaptation. She said SIDS and other developing countries are turning to the Convention due to these limited measures, adding that long-term finance under the UNFCCC does not address L&D.

She said AOSIS has made a submission detailing comprehensive way to address the needs of SIDS in addressing L&D. The UNFCCC, she stressed, must lead and provide leadership in the global oversight while the public and private sectors have a role to play as well.

**Ghana** said when it comes to L&D, some African countries can have two or three impacts affecting the country at the same time. It is important for us, therefore, looking at the future that we need support for the development and having a spectrum of risk transfer tools made available to Parties as well as regional centres and networks, including insurance. There is also the need to support establishment of a social safety net to address L&D to livelihoods and other damages associated with adverse effects of climate change.

On the role of regional and international support arrangements, she said the global oversight and coordination will have to be led by the UNFCCC which should also ensure enhanced actions to address L&D through the provision of reliable and sustainable financial support for assessment of responses and impacts through appropriate financial mechanism under the Convention so that all issues raised so far are undertaken by the Convention.

Following these presentations, the floor was opened for intervention.

**Tuvalu** said some presentations were extremely frustrating and deeply offensive, pointing to the philosophical discussion (around transformative change) and the assertion that the Convention does not deal with L&D.

He was also offended by the endless call to do more studies and research on issues affecting livelihood and lives as we are underestimating the enormity of the issue and the effects. He said go to Tuvalu and witness the suffering of sea level rise, ocean acidification, salinisation. The entire nation is being threatened by SOEs, he exclaimed. It is not something we can write more reports about.

He emphasised that we need to take the issue far more seriously and response quickly, and these require significant funding. On-going programmes of existing institutions are not good enough and we need clear a institutional arrangement. We are miles apart on this issue, he said, expressing his deep frustration at the continuous stone-walling and being asked to do more studies, write more reports and leave the matter to other institutions.

He apologised for being undiplomatic but said he was astounded. His comments was greeted with applaud by several AOSIS members in the room.

**Swaziland** reminded that the decision (in reference to an institutional arrangement) came about because somehow all the existing bodies under the Convention were not dealing with this particular task. It is also important to try to see what we can use from existing bodies with relevant experiences but not addressing this matter specifically.

He said L&D needs to be contextualised according to regions and countries, and this needs a framework for implementation. In Swaziland's case, he said the country risks losing malaria-free areas with increased temperatures, and therefore an institution to bring all types of challenges together is needed.

He supported the structures proposed by Timor-Leste as they could guide us towards establishing such an institution.

**El Salvador** expressed concern that what he heard is that the (UNFCCC) adaptation (body) can deal with the issue. However, he said, the adaptation framework has not been able to handle the adaptation task. He said one of the future needs is to provide quick finance and actions to prevent permanent loss of ecosystems that are on the brink because of failed adaptation.

**Uganda** responding to **Norway's** presentation pointed to the transboundary nature of climate change impacts, talked about Uganda's shifting river boundaries and increased flow of rivers due to glacial melting resulting in territorial conflicts, loss of infrastructure, human lives loss, malaria infection and parasite infection in fishes. He said the situation is alarming and SOEs are serious hence the need for an international mechanism.

**Bolivia** noted that there is intention to continue this conversation leading to COP19. He also said there is so much focus on risk assessments but for a lot of the impacts, they are certain so there is need to address the impacts and not the risks. He urged for a common understanding.

He said the notion of sustained support is useful in terms of technology, finance and capacity building as the issue is not something that will be a once-in-a-lifetime deal.

On the characteristics of the institutional arrangement, he said there should be elements of coordination, including financial organisations, provision of guidance and standards/tool/methodologies, channelling the necessary and adequate support and addressing the needs many countries have described.

**The US** said she believed that when it comes to L&D and climate change, we are all in this together. A challenge to Tuvalu is a challenge to all. She regretted that the US has offended but it was unintentional and hope to work constructively at this meeting.

She said if an institutional arrangement needs to be developed, it must be as effective as possible, adding that there is a role for the Convention but the design must be flexible, inclusive and country-driven.

**Kenya and Peru** stressed on the need to increase capacity and not collecting more data. Kenya said although it is not an island state but climate-induced migration is already happening in its northern region. Peru said the country has existing capacity to monitor extreme natural hazards like earthquakes and volcanic activities but these capacities need reinforcement.

**Maldives** shared the views of Tuvalu that SOEs are already being experienced. The seawall is insufficient to address the high waves due to sea level rise resulting in one-fourth of the population affected by flood last year. It needs capacity building and financial support.

**Brazil** noted that ideas are emerging in concrete terms and they are mostly on the functions and characteristics of the international mechanism. She suggested reframing the question that instead of discussing future needs, why not discuss the functions of this institution to make better use of the remaining time in the meeting.

**Cook Islands** expressed support for Tuvalu and Maldives. Citing the example of the loss of part of a road to the airport to rising sea level, she said hence the request to address L&D. She supported the call by colleagues for the setting up of a mechanism as soon as possible.

**Bolivia** stressed that there are clear voices stressing moral, ethical and legal arguments for having a mandate to address this issue. He has not heard objections to addressing L&D and urged engagement in constructing the ideas that had been presented and not delay the conversation.

### *Potential responses under and outside of the Convention process*

Participants were subsequently divided into four break-out groups to deliberate on the following questions:

- Possible responses under the Convention in the short, medium and long-term, including activities that could be undertaken by the work programme on loss and damage, and taking into account the role of the Convention agreed by the COP in Doha; and
- Possible responses by other processes, entities and frameworks outside of the Convention.

The groups presented their discussion outcome in the plenary with general views, ranging from stressing on the need to enhance knowledge and better coordination of expertise to the specific idea on the institutional arrangement being an international mechanism and a taskforce under the Adaptation Committee.+