

Analysis: Loss & damage related outcomes of COP 17 in Durban

Decision 7/CP.17: A way forward on loss and damage

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Note: Part of this document was used to update the ECBI Background Paper “Loss and Damage in the context of Least Developed Countries: Background and next steps in the SBI Work Program on Loss and Damage”¹

Loss and Damage in Durban

At COP17 in Durban, South Africa, negotiators were able to reach consensus on elements of the SBI Work Program on Loss and Damage which was established at COP16, for the period from COP17 to COP18 (2012). This section summarizes the major elements of the decision and its implications for LDC and other vulnerable countries in 2012, including on opportunities for these countries to utilize 2012 to articulate their needs and positions in the issue area.

Decision 7/CP.17² outlines the underlying ideas and specific activities that will be undertaken between COP17/SB35 and COP18/SB37 under the SBI work

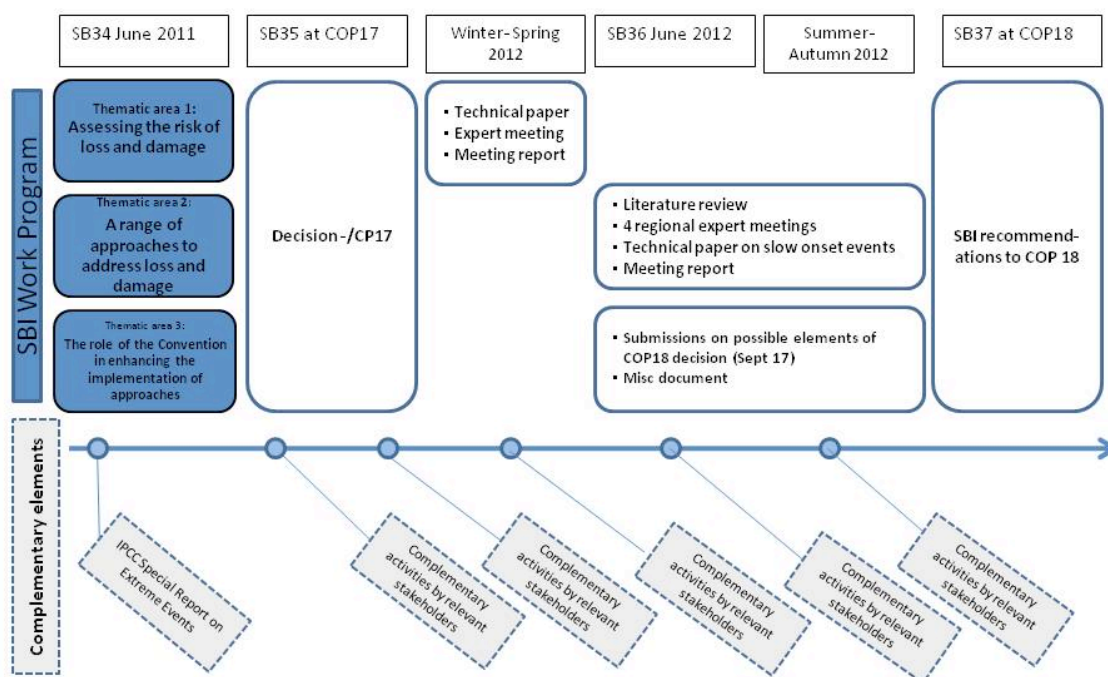
Program on Loss and Damage. Some of the main characteristics of the decision include:

Paragraph 1: requesting “the Subsidiary Body for Implementation to continue the implementation of the work programme on approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change and to **make recommendations on loss and damage to the Conference of the Parties for its consideration at its eighteenth session**;

Paragraph 2: accounts for **Party questions articulated in the annex** when implementing the work program in 2012

Paragraph 3: invites Parties, relevant inter-

Figure 1: Approximate Timeline & Deliverables for SBI Work Program on Loss & Damage in 2012



¹ “Loss and Damage Due to Climate Change: An Overview of the UNFCCC Negotiations” by Koko Warner and Sumaya Ahmed Zakieldeen: <http://www.oxfordclimatepolicy.org/publications/documents/LossandDamage.pdf>

² 7/CP FCCC/CP/2011/9/Add.2 - <http://unfccc.int/resource/docs/2011/cop17/eng/09a02.pdf#page=5>

governmental organizations, regional centres and networks, the private sector, civil society and other relevant stakeholders to consider the **three thematic areas of the Work Program** in their own activities. The goal of this inclusive approach is to **assist Parties in understanding and building expertise for addressing loss and damage**. Such organizations or initiatives, like the CDKN project, are invited to share the outcomes, lessons learned, and good practice related to the implementation of existing risk assessment and risk management approaches. With the CDKN project, that addresses vulnerable developing country needs, this is an ample opportunity to get vulnerable country content into to official process.

Paragraph 4: This **inclusive approach** extends to a large and diverse representation of experts, especially those from developing countries (of note: least developed countries and small island developing States) in undertaking the work under the three thematic areas;

Paragraph 5: “**Appreciates the need to explore a range of possible approaches and potential mechanisms, including an international mechanism**, to address loss and damage, with a view to making recommendations on loss and damage to the Conference of the Parties for its consideration at its eighteenth session, including elaborating the elements set out in decision 1/CP.16, paragraph 28 (a-d);” this can be viewed as a success for AOSIS, which mechanism proposal found its first mentioning in an official consensus document.

Following these first five paragraphs, the rest of the decision is devoted to three thematic areas and an annex containing Party questions for thematic areas one and two. Note that below the deliverables/milestones are organized chronologically, reflected in Figure 1.

Thematic area 1: Assessing the risk of loss and damage associated with the adverse effects of climate change and the current knowledge on the same

Paragraph 6: Expert meeting on this issue before SB36 (June 2012), and taking into account inputs from relevant organizations and other stakeholders. The

goal of this expert meeting is to draw on a range of expertise and experience (within and outside the Convention) to prepare for and build a knowledge base for Party discussion of thematic area 2. It is likely that the event will be hosted before the end of March.

Paragraph 7: To support this expert meeting, the Secretariat will undertake:

- **Technical paper**³. The Secretariat will prepare a technical paper before the expert meeting (in collaboration with relevant organizations and stakeholders). This technical paper will summarize current knowledge on relevant methodologies, address data requirements, lessons learned, gaps in assessment approaches at different levels, and existing relevant work and literature. A realistic estimate of the timeline suggests that the secretariat will choose the relevant consultants before Christmas. If countries have suggestions for (developing country) experts who could nicely frame the debate, they should contact the secretariat very soon.
- **Meeting report**⁴. The Secretariat will make the report from this expert meeting available to the SBI meeting in May (14th to 25th).

Thematic area 2: A range of approaches to address loss and damage associated with the adverse effects of climate change, including impacts related to extreme weather events and slow onset events, taking into consideration experience at all levels

Paragraph 8: For this thematic area the Secretariat will

- **Literature review of existing information and case studies**⁵ on the topics in the context of this thematic area, to feed into four regional expert meetings

³ Para 7(a), 7/CP.17

⁴ Para 7(b), 7/CP.17

⁵ Para 8(d), 7/CP.17

- **4 regional expert meetings⁶**. The Secretariat will organize four expert meetings, three at the regional level and one for small island developing States, (in conjunction with other related events where possible) before SB37 at COP18 (Dec 2012). These workshops will take into account the outcomes of the expert meeting on assessment.
- **Technical paper on slow onset events⁷**, taking into consideration the outcomes of the regional expert meetings
- **Meeting report⁸**: The Secretariat will make available the report from this expert meeting to SBI at COP18.

Thematic area 3: The role of the Convention in enhancing the implementation of approaches to address loss and damage associated with the adverse effects of climate change

Paragraph 9: **Invites submissions** of views on possible elements to be included in the recommendations on loss and damage to COP18. These submissions should be submitted to the Secretariat from Parties and relevant organizations and other stakeholders by **17 September 2012**. The submissions should take into account the activities and insights gained during the implementation of the work programme on loss and damage prior to that date. From a vulnerable country perspective, it would be important to have a substantial submission by this date in order to get this into a negotiation text at COP 18.

Paragraph 10: Asks the secretariat to compile a **misc document** of all these submissions for consideration by SBI at SB37 / COP18.⁹

Paragraph 11: Encourages the Subsidiary Body for Implementation to take into account outcomes of the work program up to SB37, submissions, actions by relevant organizations in the context of the work program, and inputs from processes related to loss and damage.

Paragraphs 12 – 15 discuss financial matters related to the realization of the above-noted activities between SB35 and SB37 for the SBI Work Program on Loss and Damage.

Key features of annex with Party questions:

The decision at COP17 on the SBI work Program on Loss and Damage included guiding questions identified by the Parties for the first two thematic areas. The questions below will help shape the agendas of the 5 expert workshops (one technical and four regional) and activities (literature review, technical paper on assessment, technical paper on approaches to address slow onset loss and damage, literature review on approaches, and meeting reports).

Thematic area 1 questions (assessing the risk of loss and damage)

Questions in this section relate to understanding the data and information requirements, methods and tools, implementation, and decision-making support. It will be essential that activities between SB35 and SB37 take into account not only existing ways of assessing the risk of loss and damage associated with climate variability (such as weather-related risks), but also assessing risks of climate change (such as slow onset, creeping adverse effects like sea level rise, glacial melting or changes in weather-related risk patterns). In some cases there may be gaps in approaches, particularly on assessment of risk of loss and damage for longer-term potential consequences. These should be noted (such as in the technical paper), but must be considered in order to maintain a comprehensive perspective. Many of the issues related to longer-term slow onset adverse effects of climate change may not be fully reflected in current risk assessment approaches, but are of great concern for least developed countries and small island developing states. Also, this thematic area has the opportunity to address the interaction between climatic variability and climate change (such as storm

⁶ Para 8(a), 7/CP.17

⁷ Para 8(c), 7/CP.17

⁸ Para 8(b), 7/CP.17

⁹ The most recent round of submissions on loss and damage was used by Parties before the June negotiating session in 2011, with more than 20 Party submissions: FCCC/SBI/2011/MISC.1

http://unfccc.int/documentation/documents/advanced_search/items/3594.php?rec=j&preref=600006238#beg

surges and sea level risk impacts). The questions aim to gather information about:

- Data and information requirements, and availability of data and information for assessing impacts and climate risk, at different levels and for a broad range of sectors and ecosystems
- Methods and tools available for risk assessment, including requirements, strengths and weaknesses, and whether they are able to also address social and environmental impacts
- Capacity needs for applying risk assessment methods on the ground, and what is needed to apply such methods in developing countries
- The communication of risk assessment results to inform and support decision-making

Thematic area 2 questions (approaches to address loss and damage)

Questions in this section relate to getting a comprehensive overview of approaches and tools to address the full range of loss and damage, from climate variability (such as weather-related hazards) to climate change (such as slow onset impacts like sea level rise, ocean acidification, desertification, etc.). The questions aim to gather information about:

- Conventional and non-conventional and innovative instruments that can be used for specific types of loss and damage.
- Cost effectiveness of various approaches, and what level various tools are employed at (from local, national, regional and international).
- Resources required for successful implementation of various tools, including budget, technical capacity for implementation, data, infrastructure, etc.
- Lessons learned from existing efforts within both the public and private sectors, considering elements of design, limitations, challenges and best practices?

- Links and synergies between risk reduction and other instruments such as risk transfer, and how comprehensive risk management portfolios or toolkits can be designed.
- Tailoring risk management approaches to national contexts, and ways to evaluate which tools might be most appropriate for the particular risks and circumstances of a country.

Further loss and damage related decisions at COP 17

Adaptation Committee:

In Durban Parties operationalized the Adaptation Committee (decision 2/CP.17¹⁰). The Adaptation Committee (AC) will be the major advising body on adaptation under the UNFCCC. It should furthermore provide coherence in how adaptation is addressed under the convention by means of recommendation, gathering lessons learnt etc. Annexed to the decision is also an indicative lists of activities of the committee. In that, it states that the Adaptation Committee shall “upon request, considering work in support of the work programme on loss and damage”. If Parties or LDCs suggest to do so, the appropriate opportunity would be the SBI 36 session in Bonn (May) in case the AC has already been formed and constituted by then. The respective COP decision lacks clearer guidance on the timeline, including by when members should be nominated by the constituencies.

National Adaptation Plans (NAPs)

In cumbersome negotiations, Parties agreed to operationalize the National Adaptation Plan process as mandated by the Cancun Adaptation Framework. This includes a medium to long-term strategic approach for LDCs in how to do adaptation at the national level. Other developing countries should also be encouraged to apply the developed modalities and guidelines.

As regards loss & damage, there is no immediate mentioning in the NAPs decision. However, many approaches to be discussed under the loss & damage work programme (such as assessment of loss & damage and relevant decision making tools) have also a high relevance for medium to long-term planning. In elaborating the work programme on loss

¹⁰ FCCC/CP/2011/9/Add.2 - <http://unfccc.int/resource/docs/2011/cop17/eng/09a02.pdf#page=5>

& damage, Parties should therefore also link this with the NAPs concept and possibly include it in the review of the guidelines to be conducted by the Least Developed Expert Group.

The Green Climate Fund

In Durban Parties succeeded in operationalizing the Green Climate Fund. The decision includes an annex on the governing instrument, which lays out the fundamental structures and procedures of the fund. Part of this is the decision to fund adaptation, which is likely to be interpreted as funding eligible activities under the Cancun Adaptation Framework Para 14.

Loss and damage is not mentioned therein, however, loss and damage is an element in the overall Cancun Adaptation Framework. Overall it is hard to predict whether the Board of the GCF at a certain point will include activities addressing loss and damage and which do not fall under the areas identified in para 14 as eligible actions.

Regarding an international mechanism on loss and damage which might be agreed sometime in the future, it is therefore open at this stage whether it would be addressed by the GCF. It can be assumed that this would require a specific mandate given by the COP to the GCF Board. However, possible loss & damage related activities, such as impact, vulnerability and adaptation assessments; climate change related disaster risk reduction strategies, risk assessment and management, and sharing and transfer mechanisms; enhance understanding, coordination and cooperation with regard to climate change induced displacement; strengthening data and improving climate-related research and systematic observation, might well be eligible for funding.

Addressing the emission and the finance gap

A key outcome of COP17 was the agreement on the new Ad-hoc Working Group "Durban Platform for Enhanced Action" which is envisaged to result in a legally binding agreement encompassing all countries by 2015 and coming into effect by 2020, connected with a second commitment period of the Kyoto Protocol.

What has only been addresses procedurally are the two key outstanding gaps: the emission gap which describes the fact that current mitigation pledges if fully implemented would lead to an increase of 3.5 to 4°C instead of the promised 2°C, and the climate

finance gap which describes the lack of clarity on how climate finance mobilised by developed countries for action in developing countries is expected to increase from current levels up to the USD 100bn pledged by 2020. On both issues work programmes have been launched through COP17 to further address the issues in 2012, which at least keeps them on the agenda and might result in some progress.

Nevertheless, it is clear that lack of progress would for the first issue (emission gap) in the long-term increase the expected loss and damage from climate change, by potentially resulting in dangerous climate change crossing tipping points in the climate system. For the second issue, lack or delay of delivery of climate finance limits the ability of vulnerable Parties to prepare for the adverse effects of climate change which could help reducing loss and damage from climate change.¹¹

Sources

UNFCCC documents:

UNFCCC/CP/2011/9/Add.1: *Report of the Conference of the Parties on its seventeenth session, Addendum Part Two: Action taken by the Conference of the Parties at its seventeenth session*; available at <http://unfccc.int/resource/docs/2011/cop17/eng/09a01.pdf#page=4>

UNFCCC/CP/2011/9/Add.2: *Report of the Conference of the Parties on its seventeenth session, Addendum Part Two: Action taken by the Conference of the Parties at its seventeenth session*; available at <http://unfccc.int/resource/docs/2011/cop17/eng/09a02.pdf#page=5>

UNFCCC/SBI/2011/MISC.1: *Views and information on elements to be included in the work programme on loss and damage. Submissions from Parties and relevant organizations*; available at http://unfccc.int/documentation/documents/advanced_search/items/3594.php?rec=j&piref=600006238#beg

Non-UNFCCC documents:

Harmeling, S. (2011): *The Durban Package and insufficient Breakthrough*; available at www.stakeholderforum.org/sf/outreach/index.php/cop17day12home/573-cop17day12item2

Warner, S. & S. Zakieldein (2012): *Loss and Damage Due to Climate Change: An Overview of the UNFCCC Negotiations*; available at www.oxfordclimatepolicy.org/publications/documents/LossandDamage.pdf

¹¹ See also Harmeling, S. 2011: *The Durban Package: an insufficient Breakthrough*.

The Loss and Damage in Vulnerable Country Initiative

Accepting the reality of unmitigated climate change, the UNFCCC negotiations have raised the profile of the issue of loss & damage to adverse climate impacts. At COP-16, Parties created a Work Programme on Loss and Damage under the Subsidiary Body on Implementation (SBI). The goal of this work programme is to increase awareness among delegates, assess the exposure of countries to loss and damage, explore a range of activities that may be appropriate to address loss and damage in vulnerable countries, and identify ways that the UNFCCC process might play in helping countries avoid and reduce loss and damage associated with climate change. COP-18, in December 2012, will mark the next milestone in furthering the international response to this issue.

The "Loss and Damage in Vulnerable Countries Initiative" supports the Government of Bangladesh and the Least Developed Countries to call for action of the international community.

The Initiative is supplied by a consortium of organisations including:

Germanwatch

Munich Climate Insurance Initiative

United Nations University – Institute for Human and Environment Security

International Centre for Climate Change and Development

Kindly supported by the Climate Development and Knowledge Network (CDKN)

For further information:
www.loss-and-damage.net

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