

NEWS FEATURE:

Loss and damage post Paris

Anna Petherick

The Paris Agreement gave the Warsaw International Mechanism for Loss and Damage a permanent and potentially prominent place in climate negotiations, but beyond that its impact remains wide open for interpretation.

The Warsaw International Mechanism for Loss and Damage (WIM) was established in Poland in 2013, it was set up as a three-year project with three functions: to enhance understanding of loss and damage, strengthen coherence and encourage action and support. Last December, at the Conference of the Parties (COP) in Paris, loss and damage was promoted in importance, gaining its own article (Article 8) in the final agreement. With this, it gained durability as a topic in climate negotiations thereafter.

There is, as of yet, no formally agreed definition of loss and damage but the agenda pertains to the negative impacts of climate change in developing countries — the specific implications of Article 8 remain equally open to interpretation. For example, countries that were pushing for its inclusion (most fervently the small island states) are happy with the idea that loss and damage has become a third pillar in climate negotiations. In other words, they like to think that it sits alongside mitigation and adaptation as a distinct issue of equal pertinence to the first two. However, Annex I (predominantly industrialized countries) see things differently. Although they have acknowledged that loss and damage cannot be neatly squared away as a subtype of adaptation, few would agree that it warrants such a degree of emphasis.

Then there is the sticky matter of the word ‘compensation’, which does not appear anywhere in the text of the Paris Agreement. It appears instead in the accompanying decision document, in a single sentence stipulating that: “Article 8 of the Agreement does not involve or provide a basis for any liability or compensation.”

“This is not a good thing — we opposed it and tried to stop it, but in the end we accepted it,” says Saleemul Huq a senior fellow at the International Institute for Environment and Development (IIED), London and director of the International Centre for Climate Change and Development (ICCCAD), at Independent University, Bangladesh. “This was at the very highest level of the politicians, not the

negotiators — without it they were not going to be able to agree to the Paris text.”

Others who closely watched the loss and damage negotiations in Paris say that the decision document phrasing was a key demand of the United States — to be accepted in return for the US supporting rephrased language around the long-term goal. In this rephrased language, 1.5 °C above pre-industrial levels is mentioned as a limit to global average temperature increase that should be pursued, previously the COP had agreed to a maximum rise of 2 °C.

Despite the simplicity of its phrasing, the caveat around compensation in the decision document is understood differently. For example, some experts point out that it might not prevent private individuals and companies from legally seeking compensation for loss and damages from big polluters. Huq and others bemoan the instinct of the US and other wealthy countries to view compensation through a financial lens. Olivia Serdeczny, a research analyst at Climate Analytics, a think tank in Berlin, Germany argues that the decision document caveat makes it far from clear how the broader principle of common but differentiated responsibilities will translate into encouraging action and support on loss and damage.

So what are the implications of the new framing around 1.5 °C for the loss and damage community? That is hard to say. The very science of attributing the probability that climate change has led to extreme weather events is highly contentious — not only to big emitters, but also to developing countries that anticipate big losses. Some of the latter are concerned that it could undercut their arguments for more support, says Rachel James, a social scientist who works in Oxford University’s Environmental Change Institute.

Computed projections have, for some time, made the idea of limiting a global temperature increase to 1.5 °C look very unlikely. Petra Tschakert, a specialist in noneconomic loss and damages at the University of Western Australia, in Perth, has questioned whether it has been insisted on out of the hope that

it could become a baseline for negotiations around assistance on loss and damage¹.

Since Paris, the Intergovernmental Panel on Climate Change has agreed to produce a special report on the probable impacts of a 1.5 °C average global temperature increase and associated greenhouse gas emissions pathways, due in 2018². To make the report useful to the loss and damage community, Tschakert emphasizes a need for more social scientists: “I think it’s easier to talk about the difference between 1.5 °C and 2 °C for ecosystems, for ocean temperature. It’s really difficult to do that for migrants,” she says. In her view, the community also needs a systematic review of the literature on what people value in different cultures.

In many ways, it is not surprising that so much uncertainty still exists. The Paris meeting was held after the WIM’s executive committee had met only once, three months prior. Now this committee has sat down together twice more, and had the chance to listen to expert presentations on, for example, non-economic loss and damages, which is perhaps the most complex item of their list. They are making efforts to get through the others.

Looking ahead to the next COP meeting in Marrakesh, in December, Huq says: “the executive committee won’t be able to finish much. There’s too much on their plate, too little time, they only have one meeting left.” Rather than aim against the odds to reach consensus on a whole range of issues, he hopes that they will use the next few months to develop priorities for a five-year rolling plan. If they recommend such a plan unanimously in Marrakesh, it is likely to receive a rubber stamp. Then they might be able to start on real coherence and action. □

Anna Petherick is a freelance news writer based in Oxford, UK.

e-mail: annajpetherick@gmail.com

References

1. Tschakert, P. *Climate Change Res.* <http://dx.doi.org/10.1186/s40665-015-0010-z> (2015).
2. Schiermeier, Q. Climate scientists focus on 1.5 degrees after Paris deal. *Nature News* (15 April 2016); <http://dx.doi.org/10.1038/nature.2016.19758>