



# DISPLACEMENT SOLUTIONS

## A Climate Change Displacement Coordination Facility in the Paris Draft Agreement

- Summary of facts -

6 November 2015

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### I. Background information:

1. The human mobility issue under the UNFCCC has developed under two different, but complementary frameworks: adaptation and loss and damage. As it is well known, the Cancun Adaptation Framework of 2010 (Paragraph 14 (f) encourages states to take, “Measures to enhance understanding, coordination and cooperation with regard to climate change induced *displacement, migration and planned relocation*, where appropriate, at the national, regional and international levels”. Doha decision No. 3 of 2012 (Paragraph 7), under the loss and damage framework, encourages states to “further work to advance an understanding of an expertise on loss and damage, which includes (...) (a) Enhancing the understanding of (...) (iv) How impacts of climate change are affecting patterns of *migration, displacement and human mobility*”.
2. The idea of a “climate change displacement coordination support mechanism” first appeared in Nepal’s submission on behalf of the Least Developed Country (LDC) group in October 2014. Among the bullet points of proposals under loss and damage the following was included:
  - “An international climate change displacement coordination support mechanism is hereby established.
  - “The purpose of the international climate change displacement coordination support mechanism is to provide assistance to people displaced by the impacts of climate change including measures to provide support for:
    - emergency relief;
    - assistance in providing organized migration and planned relocation

- compensation measures”<sup>1</sup>.
3. The expression “climate change displacement coordination facility” first appeared in the draft text out of the COP 20 in Lima, in December 2014<sup>2</sup>. Numeral 33.3 of the Lima draft, under a loss and damage section, states:
 

“Institutional arrangements under the Convention shall be strengthened to support the implementation of the commitments related to loss and damage under this agreement:

    - (a) Provisions for establishing a *climate change displacement coordination facility* that:
      - Provides support for emergency relief;
      - Assists in providing organized migration and planned relocation;
      - Undertake compensation measures”<sup>3</sup>.
  4. At the ADP in February 2015, there were only a few changes to the Lima draft. Option III of loss and damage (paragraph 75 and 76) stated the following:
 

Paragraph 75: “The governing body shall develop arrangements relating to loss and damage through the establishment of a *climate change displacement coordination facility*”.

Paragraph 76: “The *climate change displacement coordination facility* shall:
 
    - a. Establish measures for emergency relief;
    - b. Assist in providing organized migration and planned relocation;
    - c. Establish procedures for coordinating compensation measures”<sup>4</sup>.
  5. At the end of the meeting of the ADP in June 2015 a streamlined and consolidated text was provided. The climate change displacement coordination facility is mentioned unchanged now on Paragraphs 36 and 37:

“36. The governing body shall develop arrangements relating to loss and damage through the establishment of a climate change displacement coordination facility. (OPT III 74)

37. The climate change displacement coordination facility shall:

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<sup>1</sup> Submission by Nepal on behalf of the Least Developed Countries Group on the ADP Co-Chairs’ Non Paper of 7 July 2014 on Parties Views and Proposal on the Elements for a Draft Negotiation Text.

[http://www4.unfccc.int/submissions/Lists/OSPSubmissionUpload/39\\_99\\_130584499817551043-Submission%20by%20Nepal%20ADP\\_21%20Oct%202014.pdf](http://www4.unfccc.int/submissions/Lists/OSPSubmissionUpload/39_99_130584499817551043-Submission%20by%20Nepal%20ADP_21%20Oct%202014.pdf). Page 4.

<sup>2</sup> In my review of the loss and damage literature I have not found any reference to “a climate change displacement coordination facility” in any academic paper, nor publicly available policy recommendation before Lima. It seems to me that it is an idea of the LDC’s negotiators.

<sup>3</sup> UNFCC (2014) Lima call for climate actions.

[https://unfccc.int/files/meetings/lima\\_dec\\_2014/application/pdf/auv\\_cop20\\_lima\\_call\\_for\\_climate\\_action.pdf](https://unfccc.int/files/meetings/lima_dec_2014/application/pdf/auv_cop20_lima_call_for_climate_action.pdf)

<sup>4</sup> FCCC/ADP/2015/1. <http://unfccc.int/resource/docs/2015/adp2/eng/01.pdf>. Page 34.

- a. Establish measures for emergency relief;
- b. Assist in providing organized migration and planned relocation;
- c. Establish procedures for coordinating compensation measures. (OPT III 75)”<sup>5</sup>

6. In July 2015 the “Co-Chairs tool- version” was released. The section that mentions the climate change displacement coordination facility was included now as paragraph 26, with few changes:

“ARRANGMENTS REGARDING DISPLACEMENT COORDINATIONS  
 [Decides that the governing body shall develop arrangements relating to loss and damage through the establishment of a *climate change displacement coordination facility* which shall:  
 a. Establish measures for emergency relief;  
 b. Assist in providing organized migration and planned relocation;  
 c. Establish procedures for coordinating compensation measures;]”<sup>6</sup>

7. At the August 29<sup>th</sup> - September 8<sup>th</sup>, 2015 ADP meeting in Bonn, the negotiators agreed on the following text:

“DEFINING A LOSS AND DAMAGE MECHANISM UNDER THE AGREEMENT

41. An international mechanism to address loss and damage is hereby defined under this agreement and shall be bound by the principles and provisions of the Convention.

42. The purpose of the mechanism shall be to promote and support the development and implementation of approaches to address loss and damage associated with the adverse effects of climate change. inter alia, extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change. {Opt II para 29 SCT}

43. The international mechanism on loss and damage shall draw upon, further develop and elaborate on the work of the Warsaw International Mechanism on Loss and Damage pursuant to relevant COP decisions, including the development of modalities and procedures for the mechanism’s operation and support. It can involve, as appropriate, existing bodies and expert groups under the Convention, as well as relevant organizations and expert bodies outside the Convention, and be informed by relevant precedents in international law. {Opt II para 30 SCT}

44. The international mechanism on loss and damage shall be subject to the authority and guidance of the governing body. {Opt II para 31 SCT}

44 bis The governing body shall, at its first session, establish a *climate change displacement coordination facility* to help to coordinate efforts to address the displacement of people as a result of the extreme impacts of climate change.

<sup>5</sup> [http://unfccc.int/files/bodies/awg/application/pdf/adp2-9\\_i3\\_11jun2015t1630\\_np.pdf](http://unfccc.int/files/bodies/awg/application/pdf/adp2-9_i3_11jun2015t1630_np.pdf). Page 32.

<sup>6</sup> ADP.2015.4.InformalNote.<http://unfccc.int/resource/docs/2015/adp2/eng/4infnote.pdf>. Page 32.

45. The governing body shall, at its first session, initiate a process to develop approaches to address irreversible and permanent damage resulting from human-induced climate change, and shall endeavour to complete this process within four years. {Opt II para 32 SCT}<sup>7</sup>

According to media reports the idea of creating a climate change coordination facility was supported by the negotiations from developed and developing countries<sup>8</sup>. It is important to notice that in this meeting the reference to “compensation measures” was dropped from the text.

According to the official summary of the discussion, “(...) the G77 and China will provide a working description of the proposed climate change displacement coordination facility before the ADP session in October, which will allow all Parties to further enhance their understanding of this important arrangement proposed to be established by the Paris Agreement”<sup>9</sup>.

8. A draft negotiation text by the ADP Co-Chairs was released on October 5<sup>th</sup>, 2015 to be used by the negotiators at the final meeting in Bonn (October 19<sup>th</sup> - 23<sup>rd</sup>), before the COP 21 in Paris. The previous draft text of Article 5 (loss and damage) was replaced for the following one:

“Parties acknowledge the importance of addressing loss and damage associated with climate change impacts and recognize the need for international cooperation and solidarity [ ], including through the institutional arrangements as defined in [this Agreement] [decision 1/CP.21]”<sup>10</sup>.

9. Developing countries were very unhappy with the Co-Chairs’ draft, and at the beginning of the October 19<sup>th</sup>, 2015 meeting in Bonn, called the draft “unacceptable”, “unbalanced and lop-sided”<sup>11</sup>. The G77 and China were able to basically reinsert the text that was agreed upon on September 8<sup>th</sup>, 2015. Their proposed wording by the G77 and China was the following:

**“Article 5 (LOSS AND DAMAGE)**

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<sup>7</sup> ADP. Working Document, Version of 8 September 2015 at 18:00.

[http://unfccc.int/files/bodies/awg/application/pdf/adp2-10\\_8sep2015t1500\\_cwd.pdf](http://unfccc.int/files/bodies/awg/application/pdf/adp2-10_8sep2015t1500_cwd.pdf). Page 21.

<sup>8</sup> Rowling, Megan. “Rising tide of loss and damage advances cause in U.N. climate deal”. Thomson Reuters Foundation, September 4, 2015. <http://www.reuters.com/article/2015/09/04/us-climatechange-un-damage/idUSKCN0R42AO20150904>; McGrath, Matt. “UN climate talks: Hints of compromise on key issue”. BBC News. September 4, 2015. <http://www.bbc.com/news/science-environment-34147192>

<sup>9</sup> ADP. Working Document, Version of 8 September 2015 at 18:00.

[http://unfccc.int/files/bodies/awg/application/pdf/adp2-10\\_8sep2015t1500\\_cwd.pdf](http://unfccc.int/files/bodies/awg/application/pdf/adp2-10_8sep2015t1500_cwd.pdf). Page 20.

<sup>10</sup> ADP.2015.8.InformalNote. <http://unfccc.int/resource/docs/2015/adp2/eng/8infnot.pdf>. Page 3.

<sup>11</sup> “Developing countries introduce proposals to rebalance ‘unacceptable’ and ‘lop-sided’ texts for Paris outcomes”. TWN Bonn News Update #1. October 20, 2015.

[http://www.twn.my/title2/climate/news/Bonn17/TWN\\_update1.pdf](http://www.twn.my/title2/climate/news/Bonn17/TWN_update1.pdf). Page 1.

1. Parties acknowledge the importance of addressing loss and damage associated with climate change impacts and recognize the need for international cooperation and solidarity[, including through the institutional arrangements as defined in [this Agreement][[decision 1/CP.21]].
2. An international mechanism to address loss and damage is hereby defined under this agreement/protocol and shall be bound by the principles and provisions of the Convention, in particular common but differentiated responsibilities and respective capabilities.
3. The purpose of the mechanism shall be to promote and support the development and implementation of approaches to address loss and damage associated with the adverse effects of climate change. *inter alia*, extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change.
4. The international mechanism on loss and damage shall draw upon, further develop and elaborate on the work of the Warsaw International Mechanism on Loss and Damage pursuant to relevant COP decisions, including the development of modalities and procedures for the mechanism's operation and support. It can involve, as appropriate, existing bodies and expert groups under the Convention, as well as relevant organizations and expert bodies outside the Convention, and be informed by relevant precedents in international law.
5. The international mechanism on loss and damage shall be subject to the authority and guidance of the governing body/CMP/CMA and supported through the financial mechanism of the Convention.
6. The governing body/CMP/CMA shall, at its first session, establish a climate change displacement coordination facility to help coordinate efforts to address the displacement of people as a result of the extreme impacts of climate change.
7. The governing body/CMP/CMA shall, at its first session, initiate a process to develop approaches to address irreversible and permanent damage resulting from human-induced climate change, and shall endeavour to complete this process within four years".<sup>12</sup>
8. The work of the Spin-off groups in Bonn (October 19<sup>th</sup>-23<sup>rd</sup>, 2015) only deleted the first numeral of the proposed Article 5, and the followed text was approved:

“Article 5 (LOSS AND DAMAGE)

~~Option 1: 1. Parties acknowledge the importance of addressing loss and damage associated with climate change impacts and recognize the need for international cooperation and solidarity [, including through the institutional arrangements as defined in [this Agreement][[decision 1/CP.21]].~~

~~Option II:~~

~~12. An international mechanism to address loss and damage is hereby defined under this agreement/protocol and shall be bound by the principles and provisions of the Convention, in particular common but differentiated responsibilities and respective capabilities.~~

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<sup>12</sup> Input by G77 and China. October 19, 2015.  
[http://unfccc.int/files/bodies/awg/application/pdf/g77\\_adaptation\\_rev2.pdf](http://unfccc.int/files/bodies/awg/application/pdf/g77_adaptation_rev2.pdf)

23. The purpose of the mechanism shall be to promote and support the development and implementation of approaches to address loss and damage associated with the adverse effects of climate change, inter alia, extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change.

34. The international mechanism on loss and damage shall draw upon, further develop and elaborate on the work of the Warsaw International Mechanism on Loss and Damage pursuant to relevant COP decisions, including the development of modalities and procedures for the mechanism's operation and support. It can involve, as appropriate, existing bodies and expert groups under the Convention, as well as relevant organizations and expert bodies outside the Convention, and be informed by relevant precedents in international law.

45. The international mechanism on loss and damage shall be subject to the authority and guidance of the governing body/CMP/CMA and supported through the financial mechanism of the Convention.

56. The governing body/CMP/CMA shall, at its first session, establish a climate change displacement coordination facility to help coordinate efforts to address the displacement of people as a result of the extreme impacts of climate change.

67. The governing body/CMP/CMA shall, at its first session, initiate a process to develop approaches to address irreversible and permanent damage resulting from human-induced climate change, and shall endeavour to complete this process within four years.

Option II~~2~~: No reference to loss and damage (no Article 5)<sup>13</sup>.

## II. The final draft Agreement and accompanying decisions that goes to Paris:

1. Developing country Parties were satisfied with the overall text that came out of the Bonn meeting that ended on October 23<sup>rd</sup>, 2015, as it included several of their views, and called the text “balanced” and “Party-owned”<sup>14</sup>.
2. Summarizing, in the final text that goes to Paris there is only one reference to a climate change displacement coordination facility. That reference is under Article 5 (Loss and Damage), Option I, paragraph 5:

“The governing body/CMP/CMA shall, at its first session, establish a *climate change displacement coordination facility* to help coordinate efforts to

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<sup>13</sup> Work of the Spin-off group on Article 4 on adaptation and Article 5 on loss and damage and related decision paragraphs. Version of 22 October 2015@20:15hrs.  
[http://unfccc.int/files/meetings/bonn\\_oct\\_2015/application/pdf/art4\\_adaptation\\_art5\\_ld\\_\\_22102015\\_2015hrs.pdf](http://unfccc.int/files/meetings/bonn_oct_2015/application/pdf/art4_adaptation_art5_ld__22102015_2015hrs.pdf).

<sup>14</sup> “Balanced ‘Party-owned’ text as basis for Paris negotiations”. Third World Network, October 26, 2015.  
[http://www.twn.my/title2/climate/news/Bonn17/TWN\\_update8.pdf](http://www.twn.my/title2/climate/news/Bonn17/TWN_update8.pdf)

address the displacement of people as a result of the extreme impacts of climate change”<sup>15</sup>.

3. However, there is an additional reference to a climate change displacement coordination facility out of the October meeting in Bonn (October 19<sup>th</sup>-23<sup>rd</sup>, 2015). That reference is included as part of the section on “decisions to give effect to the agreement”. There are two options of text for a decision regarding loss and damage. Option 1, paragraph 59 doesn’t mention the facility, but it refers to displacement, migration and planned relocation. It states:

“Further request the Executive Committee to complement, draw upon the work of and involve, as appropriate, existing bodies and expert groups under the Convention, as well as that of relevant organizations and expert bodies outside the Convention, to enhance understanding, coordination and cooperation with regard to *displacement, migration and planned relocation* in the context of climate change, where appropriate, at the national, regional and international level”<sup>16</sup>.

Option 2, paragraph 56, does mention the climate change displacement coordination facility, as it states:

“Decides to develop interim modalities and procedures for the operation of a *climate change displacement coordination facility* and which shall:  
(a) Assist in developing arrangements for emergency relief;  
(b) Assist in providing organized migration and planned relocation”<sup>17</sup>.

### **III. Things to keep in mind in any proposal to further develop the climate change displacement coordination facility**

1. The idea of the climate change displacement coordination facility was originally proposed by the Less Developed Countries (LDC) group, and now has been adopted by the G77 and China.
2. It appears that the inclusion of an article on loss and damage in the Paris Agreement is a deal breaker for the G77 and China group.

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<sup>15</sup> Draft agreement and draft decision on workstreams 1 and 2 of the Ad Hoc Working Group on the Durban Platform for Enhanced Action. Work of the ADP contact group. Version of 23 October 2015@23:03hrs. <http://unfccc.int/files/bodies/application/pdf/ws1and2@2330.pdf>. Page 16.

<sup>16</sup> Draft agreement and draft decision on workstreams 1 and 2 of the Ad Hoc Working Group on the Durban Platform for Enhanced Action. Work of the ADP contact group. Version of 23 October 2015@23:03hrs. <http://unfccc.int/files/bodies/application/pdf/ws1and2@2330.pdf>. Page 42.

<sup>17</sup> Idem.

3. Developing countries have consistently pushed a climate change displacement coordination facility as part of a section on loss and damage instead of a section on adaptation.
4. Some of the policy advisers of the LDC and G77 and China group have recommended the following topics and approaches in addressing the loss and damage issue:
  - a. “Parties must establish a new institutional framework under the UNFCCC, and in accordance with its principle and provisions, in order to assess and address the risk of loss and damage in a comprehensive, coordinated, and coherent manner”<sup>18</sup>.
  - b. “It would operate under the guidance of the COP, but would have autonomous decision-making authority”<sup>19</sup>.
  - c. It should focus on “residual loss and damage only”, and “residual loss and damage is best addressed outside an adaptation framework”<sup>20</sup>.
  - d. It should be “facilitative rather than punitive in intention”<sup>21</sup>.

*Prepared for Displacement Solutions by Carlos Arenas*

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<sup>18</sup> Roberts, Erin, et. al (2013). “Developing an Institutional Framework to Address Loss and Damage”. *LDC Paper Series*. Page 9.

<sup>19</sup> *Ibid.* Page 11.

<sup>20</sup> *Ibid.* Page 6.

<sup>21</sup> *Ibid.* Page 10.