

SBSTA/SBI item 9: The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts

Version 12 June 2014, noon

Proposal by the Co-Chairs for the text to be annexed to the procedural conclusions from SB 40

Explanatory notes

- The organization of the contents in this document does not prejudice the final structure of the draft decision text to be recommended to the COP in Lima
- Footnotes contained in this document are of the explanatory nature.
- Italicized headings are meant to serve as 'guiding post' for the contents in this document.
- Text with black bullet indicates the areas of clear divergence.
- Of the relevant issues which the COP already agreed by its decisions 2/CP.19 and 3/CP.18:
 - Those that address the Mechanism in general are grouped in the preambular section to provide the 'context' against which the organization and governance of the Excom is to be addressed
 - Those that are directly related to the Excom are included in the operative section.

[The Conference of the Parties]

Pp1. Recalling the establishment of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, under the Cancun Adaptation Framework, to address loss and damage associated with the impacts of climate change, including extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change, and the Executive Committee thereof,

Pp2. Reaffirming the provisions contained in decision 2/CP.19, in particular paragraphs 6, 7, 11, 12, 13 and 15,

Mandate and accountability

1. *Reaffirms* the establishment of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, under the guidance of, and accountable to, the Conference of the Parties, to guide the implementation of the functions of the Warsaw International Mechanism referred to in decision 2/CP.19, paragraph 5;

Reporting

2. *Also reaffirms* that the Executive Committee shall report annually to the Conference of the Parties through the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation and make recommendations, as appropriate;

Membership and composition

3. *Decides* on the following criteria to inform the choice of members of the Executive Committee and its subcommittees, panels, facilities, advisory or expert groups, inter alia:

(a) Having expertise relevant to addressing the range of impacts of loss and damage;

- (b) Having demonstrated and recognized technical expertise in relevant fields of work;
- (c) Being well-informed and having a degree of seniority in terms of expertise;
- (d) Being willing and having the capacity to invest adequate time in intersessional work;
- (e) *[placeholder pending Parties' consultations]*;

4. *Also decides* that the Executive Committee shall comprise X expert members, elected by the Conference of the Parties, serving in their personal capacity and nominated by Parties through their respective regional group or constituencies, taking into consideration the need for a balanced representation of all United Nations regions and gender balance, as follows:

- *[Placeholder for specific allocation,*
 - *Taking into account equal representation between Annex I Parties and Non-Annex I Parties reflecting the spirit of partnership*
 - *Non-Annex I Parties having majority representation on the Excom*
 - *Either of above with provisions for special seats for LDCs and SIDS*
 - *and any additional provisions regarding non-Party members, including their status in relation to decision making]*;

5. *Further decides* that the Conference of the Parties shall elect an alternate for each member of the Executive Committee on the basis of the criteria referred to in paragraph 3 above and that the nomination by a constituency of a candidate member shall be accompanied by the nomination of a candidate alternate member from the same constituency;

Terms of members

6. *Decides* that members of the Executive Committee shall serve for a term of X years and shall be eligible to serve a maximum of X consecutive terms of office, and that the following rules shall apply:

7. *[Placeholder pending Parties' consultations on related provisions, including for staggering, i.e. ½ members serve for [x] years and ½ serve for [x+1] years.]*

Subsidiary structures

8. *Agrees* that the Executive Committee must have the flexibility and capacity to effectively guide the implementation of the functions of the Mechanisms referred to in paragraph 1 above, including by:

- (a) Drawing on the expertise of other bodies under the Convention, including the UNFCCC roster of experts;
- (b) Drawing on the expertise of United Nations agencies, regional centres and networks and other relevant organizations;
- (c) Enabling the participation of stakeholders and the broader public in the activities of the Executive Committee, as appropriate, including through innovative means such as online access and webcasts;

9. *Also agrees* that addressing loss and damage associated with climate change in an effective manner demands on-going, cooperative efforts at all levels, as contemplated in paragraph 5 of decision 2/CP.19 and paragraphs 6, 7 of decision 3/CP.18, and therefore requires short-, medium- and long-term actions and activities by the Executive Committee

in order to guide the implementation of the functions of the Mechanism referred to in paragraph 1 above;

10. *Decides* that the Executive Committee may establish, as necessary and appropriate, subcommittees, panels, facilities, advisory or working groups, together with agreed terms of reference, to assist the Executive Committee in guiding the implementation of the functions of the Mechanism as referred to in paragraph 5 of decision 2/CP.19;

- and further, the Executive Committee may determine the duration of work to be undertaken by these subsidiary structures, taking into account the long-term nature of the work required to enhance technical knowledge and understanding of, as well as to enhance action and support for implementing, approaches to address loss and damage associated with the adverse effects of climate change

11. *Also decides* that each subcommittee, panel, facility and advisory or working group shall comprise an appropriate number of experts, as determined by the Executive Committee, who meet the criteria outlined in paragraph 3 and must have two members of the Executive Committee (one from an Annex I Party and one from a Non-Annex I Party);

- *Requests* the Executive Committee to establish the following subsidiary structure:
 - A technical facility to assist Parties in undertaking the actions referred to in decision 3/CP.18, paragraph 6, and to guide the work to address loss and damage in the areas mentioned in paragraph 7 of the same decision;
 - A financial facility to assist Parties in accordance with decision 2/CP.19, paragraph 14;

Decision-making

12. *Decides* that decisions of the Executive Committee shall be taken by consensus;

13. *[Placeholder for additional provisions¹]*;

Chairing arrangements

14. *Decides* that the Executive Committee shall elect annually Co-Chairs from among its members to serve for a term of one year, with one being a member from a Party included in Annex I to the Convention and the other being a member from a Party not included in Annex I to the Convention;

15. Also decided on other related provisions including:

(a) If one or both Co-Chairs are absent from a particular meeting, any other member designated by the Executive Committee shall temporarily serve as the co-Chair or Chair of that meeting;

(b) If a Co-Chair is unable to complete the term of office, the Executive Committee shall elect a replacement to complete that term of office;

Meetings

16. *Decides* that the Executive Committee shall meet at least twice per year, while retaining its flexibility to adjust the number of meetings to suit its needs;

17. *Also decides* that the Executive Committee shall convene its first meeting as soon as practicable following the election of its members at COP X² and shall adopt its rules of procedure and further elaborate, as needed, its workplan, taking into consideration the

¹ G77 and China indicated they have further views.

² As a specific transition from the interim to the fully mandated Executive Committee.

coordination function of the Warsaw International Mechanism referred to in decision 2/CP.19, paragraph 5(b);

Transparency

18. *Decides* that the meetings of the Executive Committee shall be open to attendance by admitted observer organizations, except where otherwise decided by the Executive Committee, with a view to encouraging a balanced regional representation of observers;

19. *Also decides* that the decisions of the Executive Committee shall be made publicly available on the UNFCCC website unless decided otherwise by the Executive Committee;

Working language

20. *Decides* that English shall be the working language of the Executive Committee;

21. *Also decides* that the secretariat shall support and facilitate the work of the Executive Committee, subject to the availability of resources.]
