

Annex III

Terms of reference of the expert group on non-economic losses of the Executive Committee of the Warsaw International Mechanism

I. Background

1. The WIM was established at COP 19 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 its Executive Committee was also established to guide implementation of the functions of the WIM.¹
2. COP 20 decided that the Executive Committee may establish expert groups, subcommittees, panels, thematic advisory groups or task-focused ad hoc working groups to help execute its work in guiding implementation of the WIM, as appropriate, in an advisory role, which report to the Executive Committee.²
3. COP 22 recognized that the Executive Committee may enhance its effectiveness by prioritizing activities in thematic areas for further work.³
4. COP 23 welcomed the annual report of the Executive Committee for 2017, which includes its five-year rolling workplan.⁴
5. CMA 2 noted that the Executive Committee will evaluate progress in implementing its five-year rolling workplan in 2020 and at regular intervals at subsequent meetings.⁵

II. Mandate

6. Strategic workstream (b) of the first five-year rolling workplan of the Executive Committee concerns enhanced cooperation and facilitation in relation to non-economic losses. Activity 1 of the workstream is to establish an expert group on non-economic losses.
7. CMA 2 requested the Executive Committee to revise the terms of reference for and launch the expert group on non-economic losses taking into account the broad range of issues covered by the relevant strategic workstreams, which may need to be addressed using a sequential approach.⁶
8. Following the second review of the WIM, in 2019, CMA 2 also requested the Executive Committee and its thematic expert groups to develop technical guides within their work in their respective thematic areas, avoiding duplication of work across workstreams, covering:
 - (a) Risk assessment, including long-term risk assessment, of climate change impacts;
 - (b) Approaches to averting, minimizing and addressing loss and damage associated with such risk assessment;
 - (c) Resources available for supporting such approaches;
 - (d) Monitoring systems for assessing the effectiveness of the approaches.

¹ Decision 2/CP.19, paras. 1–2.

² Decision 2/CP.20, para. 8.

³ Decision 4/CP.22, para. 3.

⁴ FCCC/SB/2017/1/Add.1, annex.

⁵ Decision 2/CMA.2, preamble.

⁶ Decision 2/CMA.2, para. 25.

III. Scope of work

9. Non-economic losses refer to a broad range of losses that are not financially quantifiable and commonly traded in markets. They may impact individuals (e.g. loss of life, health or mobility), society (e.g. loss of territory, cultural heritage, indigenous or local knowledge, or societal or cultural identity) or the environment (e.g. loss of biodiversity or ecosystem services).⁷

10. The scope of work of the expert groups of the Executive Committee covers the activities contained in its five-year rolling workplan that refer to the respective expert group, as well as addressing relevant mandates arising from COP and CMA decisions that may not yet have been taken into account in the workplan.

11. The expert group on non-economic losses will assist the Executive Committee in fulfilling relevant mandates from Parties, including those outlined in paragraphs 6–8 above, and undertaking activities in its five-year rolling workplan relating to non-economic losses, including but not limited to activities under strategic workstream (b).

12. The following activities relate to strategic workstream (b) of the five-year rolling workplan of the Executive Committee:

(a) Establishing an expert group, for a period of two years, to develop inputs and recommendations to enhance data on and knowledge of reducing the risk of and addressing non-economic losses, including how to factor them into the planning and elaboration of measures to address loss and damage associated with the adverse effects of climate change;

(b) Developing an awareness-raising strategy and related knowledge products, outreach material and key messages;

(c) Collecting and synthesizing information on available tools for assessing non-economic losses and disseminating or otherwise making available that information, including via the UNFCCC website;

(d) Developing guidelines, jointly with the TFD, as appropriate, on averting, minimizing and addressing non-economic losses in the context of human mobility in collaboration with the TFD, as appropriate;

(e) Fostering existing and/or building new partnerships and otherwise cooperating with relevant stakeholders engaged in work on non-economic losses;

(f) Inviting partners to coordinate related capacity-building events at the regional and national level to identify capacity needs and support with a view to supporting the efforts of developing countries to assess and address non-economic losses.

13. The expert group on non-economic losses will, to the extent possible, collaborate with expert groups, constituted bodies, networks and work programmes under and outside the Convention and the Paris Agreement in carrying out its work. This includes, but is not limited to, the expert group referred to in paragraph 40 of decision 2/CMA.2, previously established expert groups and the Santiago network.

IV. Membership

14. The expert group on non-economic losses should consist of:

(a) Balanced numbers of Executive Committee members representing Annex I Parties and non-Annex I Parties;

(b) Technical experts;

(c) Representatives of relevant constituted bodies under the Convention and/or the Paris Agreement.

⁷ For a summary of the main types of non-economic losses, see document FCCC/TP/2013/2, table 2.

15. The total number of members referred to in paragraph 13(a) above shall not exceed four at any time. The total number of members referred to in paragraph 13(b–c) above will range between 10 and 18. These numbers may be reviewed and revised by the Executive Committee, as appropriate.

16. The Executive Committee members referred to in paragraph 13(a) above will identify the technical experts referred to in paragraph 13(b) above from, inter alia, the WIM roster of experts, and propose the list of potential members of the expert group, including the representatives of relevant constituted bodies referred to in paragraph 13(c) above, as appropriate, for endorsement by the Executive Committee, following which the Executive Committee Co-Chairs will liaise with the technical experts and constituted body(ies).

17. The selection of the technical experts referred to in paragraph 13(b) above will take into account the needs for expertise from multiple regions and for regional balance, and will be based on the following requirements:

(a) Demonstrable and internationally or regionally recognized expertise, taking into consideration, as appropriate, the need for transdisciplinary expertise;

(b) Practical international, regional or national experience in addressing issues related to averting, minimizing and addressing loss and damage associated with the adverse effects of climate change corresponding to the expert group's mandate, including in priority thematic areas of work, as determined by the Executive Committee.

18. On the recommendation of the expert group, the Executive Committee can invite additional technical experts, including those listed on the WIM roster of experts and those from relevant organizations, to contribute to specific activities of the expert group, on an ad hoc basis, as needed:

(a) Ad hoc members with the requisite expertise may be invited to contribute to specific activities in keeping with the plan of action of the expert group;

(b) To the extent possible, a regional balance among members of the group will be pursued.

19. Technical experts in the expert group will serve for two years and their terms can be renewed or the experts replaced, as needed, in accordance with the prioritized topics under strategic workstream (b) of the five-year rolling workplan of the Executive Committee. For members representing constituted bodies, their term in the expert group will not exceed their term in the body they represent.

V. Mode of work and outputs

20. The modalities of work of the expert group on non-economic losses will comprise:

(a) Electronic means, for example email, videoconferencing and teleconferencing;

(b) In-person meetings, as necessary, held back-to-back or in parallel with the meetings of the Executive Committee, sessions of the subsidiary bodies or relevant external events, as far as possible, with a view to maximizing overall efficiency and effectiveness;⁸

(c) Engagement with organizations, bodies, experts and networks, including the Santiago network,⁹ engaged in providing technical advice, support and assistance to developing countries, through, inter alia, electronic means; workshops, including at the national and regional level; and outreach through other organizations, as appropriate.

⁸ Support for the participation of eligible Executive Committee members applies only to in-person meetings that the Committee has approved in advance.

⁹ The Santiago network was established by decision 2/CMA.2, para. 43, to catalyse the technical assistance of relevant organizations, bodies, networks and experts for the implementation of relevant approaches at the local, national and regional level in developing countries that are particularly vulnerable to the adverse effects of climate change. The Executive Committee has been requested to include in its annual reports information from organizations, bodies, networks and experts that have reported on their progress under the Santiago network.

21. The expert group will be co-facilitated by Executive Committee members.
22. The expert group will develop a rolling plan of action at its 1st meeting¹⁰ in line with the mandate and scope of work defined in chapters II–III of these terms of reference and taking into account the respective strategic workstream of the five-year rolling workplan of the Executive Committee. The plan of action should include specific activities with associated deliverables, indicative time frames and the names of leads and co-leads, and will be subject to endorsement by the Executive Committee before implementation.
23. The plan of action may be updated, as appropriate, on the basis of advice from the Executive Committee, guided by priorities identified in its five-year rolling workplan and, if applicable, by further guidance from the Executive Committee on the thematic areas of work.
24. In developing or updating its plan of action, the expert group will take into account information from the Santiago network, as appropriate, and the plans of action of the other expert groups of the Executive Committee to enhance coherence, collaboration and synergies, where relevant.
25. The outputs of the expert group will be presented for consideration by the Executive Committee.
26. Members of the expert group, including ad hoc members, who are not Executive Committee members may not act as representatives of the Executive Committee.
27. Keeping within the mandate and scope of work defined in chapters II–III of these terms of reference, the expert group may prepare knowledge products, outputs and other deliverables. The appropriate branding and disclaimers must be applied, as appropriate, on the basis of guidance from the Executive Committee and within the broader guidelines of the UNFCCC process.

VI. Reporting

28. The expert group will report to the Executive Committee on a regular basis, at the meetings of the Executive Committee and via written reports, which include, to the extent possible, detailed information on progress in implementing the plan of action of the group.
29. The Executive Committee will determine the contribution of the expert group's reports to relevant synthesis reports for the technical assessment component of the global stocktake.¹¹
30. The progress of work of the expert group will be captured in the annual reports of the Executive Committee.

VII. Confidentiality and conflict of interest

31. The conflict of interest and confidentiality guidelines of the Executive Committee will apply mutatis mutandis to all members of the expert group.

¹⁰ The standard time frame for the rolling plans of action of the Executive Committee's expert groups is two years.

¹¹ Per decision 19/CMA.1, para. 36(e).

