



Reflections on the Global Governance of Climate Change Loss and Damage at COP26

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Introduction

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What happened on the issue of loss and damage at the 26th Conference of the Parties (COP26) held in Glasgow in November 2021 and why does it matter? In many ways COP26 was the moment when loss and damage was transformed from being an issue of importance to certain states and communities – for example the small island states – to one that has become centre stage for much of the world. The developing countries grouping, known as the G77 plus China, were united in unprecedented ways on the issue of loss and damage in Glasgow. We also witnessed a host of different non-state and sub-state stakeholders taking up the mantle of loss and damage from those marching in the streets, to the First Minister of Scotland to the Trade Union constituency of the UNFCCC.

Given the growing frequency and intensity of the adverse impacts of climate change globally and the launch of the most recent assessment of the Intergovernmental Panel on Climate Change (IPCC), the Working Group I contribution to the 6th Assessment Report, this is an issue that is now on the political agenda. This set of short reflections

from our inter-disciplinary team of experts advances our understanding of the global governance of climate change loss and damage. Coming from different disciplinary perspectives, from anthropology and law to geography and political science, we explore the topic of climate change loss and damage governance focusing on issues of finance, science and expertise, policy, law and litigation.

Finance for Loss and Damage

Dr Elisa Calliari, Senior Research Fellow, Political Science, UCL

Mobilising climate finance was a stated objective of COP26, and one that, unsurprisingly, turned into a battleground between developed and developing countries. The most heated discussions centred around finance for adaptation and loss and damage. On adaptation the focus was on scaling up the volume (as well as the accessibility) of adaptation finance for developing countries. On loss and damage the question was whether resources to specifically tackle loss and damage should be provided at all.

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Finance for loss and damage was a top priority for developing countries coming to COP26. The formal negotiations on a post-2025 climate finance goal, to be started in Glasgow, provided an opportunity to raise the profile of this demand and to request extra finance on top of that to be pledged for mitigation and adaptation. Vulnerable countries made this point very clear from the outset of the conference. In its opening statement, Antigua and Barbuda, for the Alliance of Small Island States (AOSIS) called for a concrete outcome at COP 26 on financial support for loss and damage, noting this should be additional to the USD 100 billion a year that developed countries should have mobilised for the most vulnerable nations by 2020. Similarly, Bhutan, for the LDCs, stressed that support to address loss and damage was a priority issues, and suggested that the issue of ‘finance is now about rebuilding trust’. Attention to loss and damage finance was also catalysed by initiatives outside the negotiating rooms, like the [pledge](#) by Scottish First Minister Nicola Sturgeon to dedicate £1 million to loss and damage finance within the Scottish Climate Justice Fund. The pledge was later doubled to £2 million, and the example was followed by other sub-national entities like Wallonia.

In the second week of negotiations, vulnerable countries put forward a proposal for a financial mechanism for loss and damage – referred to as the Glasgow Loss and Damage Facility – building on previous calls for a dedicated funding stream or mechanism. Discussions on the facility took place both in the context of the ministerial consultations on the draft Warsaw International Mechanism decision and on the overarching cover decisions. The facility, as [proposed by AOSIS](#) to the UK Presidency on November 10th, was described as a way to ‘consider innovative means to provide finance and support to address economic and non-economic losses related to the adverse effects of climate change including, but not limited to, risk transfer insurance mechanisms’ and it was proposed that the facility should be in operation by COP27 in Egypt in 2022.

The Glasgow Facility received immediate support by several civil society organizations, and three leading philanthropic foundations pledged to provide £3 million to the facility if established. Yet, opposition

by developed countries brought discussions around the facility to a dead end. Eventually, agreement was reached to establish the Glasgow Dialogue to ‘discuss the arrangements for the funding of activities to avert, minimize, and address loss and damage associated with the adverse impacts of climate change.’



Protests on loss and damage finance in the blue zone

The only loss and damage funding that was provided was to support the technical assistance of the Santiago Network. Groups of developing countries, including the G77 plus China and AOSIS, expressed their disappointment in the outcomes of COP26 on loss and damage, making it clear that they intend the dialogue to be a key step towards the establishment of the financial facility at COP 27.

Building the bridge between science and policy in the WIM or hiding their lack of action?

Angelica Johansson, PhD Candidate, Political Science, UCL

One result of COP26 was the strengthening of the links between science and policy under the Warsaw International Mechanism for Climate Change Loss and Damage. This could be seen as a steppingstone to action. However, there is also a risk that this bridgebuilding may be a strategy to delay taking action.

The work of the UNFCCC is supposed to be guided by science and its decisions often refer to the ‘best

available science'. Yet the extent to which the bodies in the UNFCCC draw on (or even understand) the science relevant for their work is not fully clear. In the lead up to COP26, the Executive Committee (ExCom) of the WIM met in September to discuss its progress. As the IPCC's Working Group I had published their latest report assessing the physical science basis of climate change and its impacts, scientists had been invited to share the relevant science for the ExCom. After the presentation, one of the committee members [proposed](#) making science a standing agenda item for the ExCom, so its members could learn from and discuss the science at each meeting. This proposal became a reality at COP26 where it was incorporated into the WIM decision, albeit somewhat ambiguously. The decision states that the Conference of the Parties had agreed to 'consider including in the agendas for its regular meetings a standing item on how the latest climate science can inform policymaking'. Some might read this as a strengthening of evidence-based policymaking in the realm of global loss and damage governance.



ExCom side event at COP26

At COP26 the WIM ExCom hosted a side event introducing their work and celebrating the expertise contained in their five expert groups. The event attendees received a booklet showcasing the experts engaged in the work of the WIM ExCom and its expert groups. The speaker suggested that this booklet showcased the ExCom's breadth of knowledge. As such, this event could be seen as an effort by the ExCom to further strengthen the connection between science and policy, where their recommendations put forward in the future will be underpinned by expert knowledge.

While the event was a good introduction for those new to the WIM, the ExCom, and its expert groups, it is also possible to critically question the purpose of the event. Could the ExCom's showcasing of knowledge draw attention away from the third part of the WIM's mandate – to address loss and damage? The expert groups have been mentioned in the ExCom's 2- and 5-year workplans and their establishment has been requested by several [COP](#) and [CMA](#) decisions, with the latest request made in 2019. The groups have now been established, launched and become 'fully operational' meaning they hold regular meetings. From a critical standpoint, one could argue that the continued focus on generating expertise over providing means to address loss and damage is a delaying tactic. When the enhancement of knowledge hinders policy implementation, it becomes important to question the purpose of the knowledge production and whose interests it serves.

Loss and Damage mainstreamed at COP26

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COP26 illustrates how the Loss and Damage debate has gained a prominent space in the negotiations and is high on the list of priorities of different countries and actors who only a few years ago were, to put it simply, lukewarm on the topic. Since the early 1990s, loss and damage has been often depicted as a 'small island states issue'. Observing the work of the Chilean delegation at the UNFCCC provided me with insights about the growing importance of this topic. Chile's role as COP presidency at COP25 meant that for the first time there was a loss and damage-specific negotiator within the delegation. Her presence at the negotiations and the presidency role at COP implied a significant commitment to the issue which contributed to the establishment of the Santiago Network for Loss and Damage to catalyse [technical assistance](#). [Online events](#) and dialogues promoted by Chile on the topic helped to advance the preparation of these negotiations. This also translates at a national level. During COP26, for the first time, there was a meeting between Chilean civil society and the Chilean delegation on the topic of

loss and damage, where the negotiators explained the current status of the negotiations, the path leading to them and answered questions on the topic, including some about recognition and national level work on this area of climate policy.

This Chilean example of a more recent and strengthened engagement with the topic can be witnessed in other countries and country groups. The G77 plus China's unified position on the topic was constantly acknowledged during the negotiations. In the COP26 open dialogue between the UK presidency and the Secretariat with the different UNFCCC constituencies – including Environmental NGOs, Research and Independent NGOs, Trade Union NGOs and Business NGOs (among others) – the latter devoted over half of their intervention time to call for loss and damages finance and the full operationalization of the Santiago Network. What was notable is that constituencies that have not often commented on the topic made it a priority. The representative from TUNGO (Trade Union Non-Government Organisations), for example, referred to having heard the demand of parties on loss and damage and joined the call for making it a permanent topic in the negotiations and to ensure that the issue of loss and damage finance is resolved.



Loss and damage protests outside the conference venue

The last few years have seen the topic of loss and damage diffusing across negotiating streams and at this COP we witnessed a much broader array of actors engaging on the topic including countries, country groups, delegations, constituencies and civil society organisations that until now have been absent in the loss and damage space. While the outcomes on loss and damage at COP26 did not reflect this momentum, COP27 next year in Egypt

could be a 'Climate Justice Referendum, as stressed by the representative of Antigua and Barbuda in her closing statement in Glasgow'.

On the IPCC and the role of science at COP26

Friederike Hartz, PhD Candidate, Geography, University of Cambridge

When Working Group I (WGI) of the Intergovernmental Panel on Climate Change (IPCC) released its [report](#) on the physical science basis of climate and its changes (AR6 WGI) in August 2021, UN Secretary-General António Guterres called it a 'code red for humanity'. The Summary for Policymakers (SPM) of the AR6 WGI report clearly states that 'projected changes in extremes [such as extreme temperature events and agricultural and ecological droughts as well as heavy precipitation events] are larger in frequency and intensity with every additional increment of global warming'. In his opening statement at the beginning of COP26, Guterres addressed world leaders with the following words: 'The science is clear. We know what to do'. Science was central to the conference – both inside and outside the negotiation rooms.

Outside the negotiation rooms, the science pavilion jointly organised by the World Meteorological Organisation (WMO), the IPCC and the UK Met office, was the epicentre of scientific information in the Blue Zone and a meeting place for scientists, policymakers and stakeholders. Whenever one wished to attend one of its events on various subjects, ranging from regional IPCC information to WMO sessions on increasing resilience to climate disasters, one had to be there very early to secure a seat in the small meeting room at the heart of the pavilion. On the 'Adaptation, Loss and Damage Day', the IPCC and WMO held an event on regional climate information for small islands during which one of the presenting IPCC authors spoke about the losses and damages occurring in his home country Bangladesh. But not only on this special day did it become apparent that loss and damage was a key theme of COP26, not least because of the increasingly clear science on extremes.



The science pavilion in the blue zone in the early morning

At one of the Presidency side events panelists were asked what lessons could be drawn from the IPCC's AR6 WGI report. Henry Puna, Secretary General of the Pacific Islands Forum and former prime minister of the Cook Islands, responded that the report 'only confirms what the pacific islands already know ... that high sea-level rise will result in the loss of whole island nations'. Laurence Tubiana, architect of the Paris Agreement, added that 'the IPCC is there to remind us when we are forgetting the impacts [of climate change]'. On the question of what would be needed from COP26 and the UNFCCC process now, Puna made very clear that the voices of the most vulnerable could no longer be ignored and that they 'welcome the discussion on loss and damage but urge for solutions'. In his concluding remarks to this side event, COP President Alok Sharma called on delegates in the room to follow the science. So, what does the Glasgow Climate Pact contain, both on science as well as on loss and damage?

In contrast to the way the IPCC Special Report on Global Warming of 1.5°C (SR1.5) was received at COP24 in Katowice – where parties could not reach consensus on whether to 'welcome' the report or not – the COP26 Glasgow Climate Pact contains some strong references to urgent action based on the latest available science presented by the IPCC, as [acknowledged by a group of IPCC authors](#) some of which were present at COP26. Following the preamble, the agreement opens with a section on 'science and urgency' in which the Conference of the Parties 'welcomes' the AR6 WGI report and 'expresses alarm and utmost concern' on current warming levels. However, [concerns have been](#)

[raised](#) by scientists as well as civil society as to whether the Pact will suffice to keep warming to 1.5°C and avoid some of the most devastating losses and damages. This points to a critical gap between the language of urgency around temperature goals based on the latest scientific assessment on one hand and the needed political action to support the most vulnerable countries to deal with loss and damage on the other.

Seeking damages: climate litigation at COP26

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On the first day of the COP26 climate summit in Glasgow, the leaders of two low-lying island nations announced that they were tired of waiting. Decades of UN negotiations had produced little concrete support to help the most vulnerable countries deal with loss and damage linked to climate change. Faced with the existential threat of rising sea levels, the prime ministers of Tuvalu and Antigua and Barbuda [announced](#) that they were exploring legal options to address the responsibility of major emitters. They sought the support of other island nations and would potentially seek advisory opinions from the International Court of Justice and the International Tribunal for the Law of the Sea.

This surprise pronouncement may well have been an attempt to pressure negotiators at COP26 to increase their efforts on loss and damage. At the same time, courts around the world are seeing an increasing number of cases concerning climate change and the responsibility of governments as well as polluting corporations. Major verdicts in Germany, France, the Netherlands and elsewhere have forced governments to increase their efforts on climate change. In May 2021, a Dutch court [ruled](#) in a case against Shell, brought by Friends of the Earth, that the company must reduce its greenhouse gas emissions by 45% by 2030. In an ongoing case in Germany, a Peruvian farmer seeks to hold the energy company RWE [responsible](#) for its contribution to glacial retreat and flood risk in the Andes.

As long as political processes advance at a snail's pace, those who face the worst impacts of climate change are ever more likely to seek legal redress against the world's major emitters. COP26 not only brought together the UN's member states, but also civil society representations involved in climate litigation around the world. The number of legal climate cases has exploded in recent years. Events about climate litigation filled up conference halls and lecture theatres at nearby universities. These discussions not only involved activists and lawyers, but also judges from around the world who grapple to make sense of climate change within the judicial framework.

Most cases so far have been filed by private citizens and civil society organisations. But with the COP26 producing unsatisfactory results on loss and damage, other governments of the most vulnerable countries may soon be inclined to follow Tuvalu and Antigua and Barbuda in their efforts to explore legal options. Climate litigation is an act of desperation, but global warming poses an increasingly existential threat to people around the world.



COP26's action zone at a busy hour

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