IPC-MERCATOR POLICY BRIEF

THE DEVIL'S IN THE DETAIL

Policymaking on Climate Change and Human Mobility in the UNFCCC

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Introduction: Why We Need to Pay Attention

People move in a variety of ways and for a myriad of reasons. In recent years, there has been a growing acceptance that one of these reasons is, and increasingly will be, climate change. One of the results of this growing acceptance has been the attempt to create policy on climate change and human mobility, in particular under the auspices of global climate change negotiations.

However, policymaking is never a neutral process: many different voices actively try to influence policymaking, with complex power dynamics ensuring that some voices are heard more than others. Therefore, if we want to understand climate change and human mobility, it is imperative to not only understand the links between these two phenomena, a theme that has been prevalent in academic research, but also how policymaking processes treat the linked phenomena and how rules are created around them.

To achieve this end, this policy brief provides an overview of loss and damage, the area of work in which human mobility has become situated within the United Nations Framework Convention on Climate Change (UNFCCC). This overview is tailored to give the context required to understand how human mobility has evolved as an area of work for the UNFCCC and in particular the Warsaw International Mechanism on Loss and Damage, which has headed up this work.

The first section sketches a brief history of the Warsaw International Mechanism on Loss and Damage, before the second section zooms in on the work that this mechanism has been undertaking on human mobility. The third section begins to look forward and analyzes the process of setting up the task force on displacement that was established under the Warsaw International Mechanism in 2015. Finally, the conclusion emphasizes why the details drawn out in this policy brief are so important for the politics of climate change and human mobility more generally and highlights policy avenues that should be monitored in the coming months and years for work that is likely to be carried out on the nexus of climate change and human mobility.

A Brief History of the Warsaw International Mechanism on Loss and Damage

Policymaking on human mobility within the UNFCCC is inseparable from work on loss and damage. Although the first mention of human mobility in an agreed-upon document of the UNFCCC was filed under "adaptation," all further mentions from the 2012 decision in Doha onwards have been more specifically included under "loss and damage." Therefore, any comprehensive understanding of human mobility policy in the UNFCCC must include an understanding of the emergence of this workstream.

The idea of loss and damage actually predates the UNFCCC, having been raised by Vanuatu in the early 1990s as a proposal for an insurance pool and compensation in relation to sea level rise.[1] However, it was not until 2007 that loss and damage featured in an agreed-upon text of the UNFCCC, with the Bali Action Plan, which listed "disaster reduction strategies and means to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change"[2] in a list of elements that should be addressed in enhancing action on adaptation. Loss and damage was also contained in the 2010 Cancun Adaptation Framework, again as an element of adaptation, with the framework recognizing "the need to strengthen international cooperation and expertise in order to understand and reduce loss and damage associated with the adverse effects of climate change"[3] as well as establishing a work program on loss and damage[4] and called for submissions to be made to inform activities to be undertaken within this program.[5]

With these provisions, loss and damage as an area of work (albeit as just one area of work on adaptation) was properly inaugurated. Recommendations on what issues to include within the work on loss and damage were then made at the COP18 in Doha in 2012,[6] and the decision was also made to establish an international mechanism on loss and damage associated with the impacts of climate change.[7] The following year, at the COP19 in Warsaw, this mecha-

nism was established[8] and, due to the location of the meeting, was named the Warsaw International Mechanism (WIM). The decision in Warsaw also established an Executive Committee for the WIM[9] and set out the WIM's core functions:

> a) Enhancing knowledge and understanding of comprehensive risk management approaches to address loss and damage associated with the adverse effects of climate change, including slow onset impacts [...]
>
> b) Strengthening dialogue, coordination, coherence and synergies among relevant stakeholders [...]
>
> c) Enhancing action and support, including finance, technology and capacity-building, to address loss and damage associated with the adverse effects of climate change [...][10]

All work that is carried out by the WIM has to support one of these core functions.

In the final negotiations at COP19 to establish the WIM, one of the biggest controversies was not around *whether* to establish a mechanism (a mandate to establish a mechanism already existed in the decision from COP18 in Doha) but rather *where*, in terms of UNFCCC infrastructure, to situate the new mechanism. Two different lobbying blocks emerged, with developed countries arguing for the instrument being subsumed under other existing institutional arrangements on adaptation and with the G77 and China arguing that the instrument should be a distinct entity under the convention itself. This latter standpoint emphasized the belief that loss and damage is beyond adaptation, making it inappropriate to situate the mechanism under work on adaptation.[11] However, the former position won out, and the WIM was established "under the Cancun Adaptation Framework."[12] This is important as it gives indications as to what kinds of work the WIM may be able to take on and also sends a signal that the scope of work on loss and damage will be limited.[13]

Despite these controversies, the WIM was created, and the Executive Committee that was created in Warsaw developed an initial two-year workplan that was then endorsed by the COP in the following year, at COP20 in Lima.[14] The workplan contained nine action areas, with the first six focusing on enhanced understanding, enhanced data, or increased knowledge of: 1) how particularly vulnerable developing countries and populations are affected by loss and damage associated with the adverse effects of climate change; 2) comprehensive risk management; 3) slow onset events; 4) non-economic losses; 5) capacity and coordination needs in preparing for, responding to, and building resilience against extreme and slow onset events; 6) migration, displacement, and human mobility. Action area seven concerns the diffusion of information about financial instruments and tools that can be used for risk management; action area eight involves ensuring that the work of the WIM complements, draws upon, and involves other existing bodies and expert groups under the convention; and action area nine sets out the task of developing a five-year workplan for the WIM to be agreed upon at the COP22 in 2016, when the WIM was also scheduled to be reviewed.[15] The elements included in the two-year workplan are resonant of those already included in the Doha decision from COP18, where a series of aspects requiring enhanced understanding in the context of loss and damage were outlined.[16]

The WIM's Executive Committee began working on these action areas in its meetings following COP20, although a series of delays meant that the first meeting did not take place until September 2015, at which point several tasks on their two-year workplan were already meant to have been carried out. The delays in implementing the Executive Committee's workplan did not stop the Paris Agreement from reaffirming the "importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change"[17] and stating that "Parties should enhance understanding, action and support, including through the Warsaw International Mechanism."[18] Furthermore, the Agreement lists eight areas of cooperation and facilitation to enhance understanding, action, and support related to loss and damage:

> (a) Early warning systems;
>
> (b) Emergency preparedness;
>
> (c) Slow onset events;

(d) Events that may involve irreversible and permanent loss and damage;

(e) Comprehensive risk assessment and management;

(f) Risk insurance facilities, climate risk pooling and other insurance solutions;

(g) Non-economic losses; and

(h) Resilience of communities, livelihoods and ecosystems[19]

The WIM is also mentioned in the decision document from COP21, to which the Paris Agreement is actually an annex. The future of the WIM is guaranteed in this decision, which "decides on the continuation of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, following the review in 2016."[20] The decision also establishes two further entities under the mechanism, "a clearing house for risk transfer that serves as a repository for information on insurance and risk transfer"[21] and "a task force [...] to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change."[22]

The final provision on loss and damage in the COP21 decision highlights one of the central points of contention surrounding loss and damage: the issue of compensation and liability for climate change. When raised by Vanuatu in the 1990s, compensation and liability were central to the notion of loss and damage. However, the Warsaw International Mechanism does not include any mechanism for allocating liability or triggering compensatory action. The controversy surrounding this point is laid out in the Paris COP decision, which states, "Article 8 of the Agreement [the article on loss and damage] does not involve or provide a basis for any liability or compensation."[23]

During COP22 in Marrakech in 2016, loss and damage was once again high on the agenda, since this was the occasion of the review of the WIM as set out in the decision from Warsaw[24] and repeated in the decision from Paris.[25] In Marrakech, two decisions were taken on the WIM, with the review of the WIM contained in a separate decision as it was proving controversial during negotiations. This was a way to easily agree on other aspects of the WIM without them becoming entangled in discussions concerning the review. The first decision was mainly concerned with the five-year rolling workplan that had been developed by the Executive Committee since it was given the mandate to do so when COP20 agreed on its initial two-year workplan.[26] The indicative strategic workstreams contained in the five-year workplan are very similar to those included in the two-year workplan, including:

(a) Slow onset events;

(b) Non-economic losses;

(c) Comprehensive risk management approaches (including assessment, reduction, transfer, retention) to address and build long term resilience of countries, vulnerable populations and communities to loss and damage, including in relation to extreme and slow onset events, inter alia, through:

- Emergency preparedness, including early warning systems;
- Measures to enhance recovery and rehabilitation and build back/forward better;
- Social protection instruments including social safety nets; and
- Transformational approaches

(d) Migration, displacement and human mobility, including the task force on displacement[27]

Interestingly, three points of the workplan were unable to be agreed on before the COP, leading to the workplan also containing three placeholders for further activities:

(e) Placeholder for finance-related topics;

(f) Placeholders for additional results from the initial two-year workplan;

(g) Placeholder for emerging needs[28]

The decision from the Marrakech COP "approves the indicative framework for the five-year rolling workplan"[29] but also invites Parties and relevant organi-

zations to submit views and relevant inputs on possible activities under these workstreams, in particular the final three points that are currently occupied by placeholders.[30] The decision also emphasizes that not all work from the two-year workplan has yet been completed[31] and requests that the Executive Committee continues to implement these activities.[32]

The review of the WIM proved to be more controversial and was therefore contained in a different decision in Marrakech.[33] The decision "recommends further guidance relevant to enhancing and strengthening" the WIM[34] and also recommends a process of periodically reviewing the WIM at least every five years, with the next review being held in 2019.[35]

The WIM and Human Mobility

This background knowledge of the workstream on loss and damage and the twists and turns of the WIM's development are necessary for understanding how human mobility is woven into the international climate change negotiations happening under the auspices of the UNFCCC.

The first mention of human mobility (broken down into components of "displacement, migration and planned relocation") in an agreed-upon document of the UNFCCC was in the Cancun Adaptation Framework in 2010, which invited Parties to enhance action on adaptation including:

> 14(f) 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.[36]

However, in the years that followed, as the workstream on loss and damage became more developed, human mobility became included in this specific subset of work on adaptation. Therefore, in 2012, when recommended elements to include in work on loss and damage were listed in the Doha decision, "how impacts of climate change are affecting patterns of migration, displacement and human mobility" was included.[37] In 2013 and 2014, human mobility did not feature in the text of any decisions made at the COPs (COP19 in Warsaw and COP20 in Lima); however, these years were nevertheless vital for the development of work on human mobility within the UNFCCC. The establishment of the WIM meant that an entity now existed to carry out work on loss and damage, a topic that until now had taken the form of a rather abstract list of potential considerations under adaptation.

The first two-year workplan of the WIM drew heavily on the decision from Doha, and therefore, one of the nine action areas listed in the WIM two-year workplan was also related to human mobility. Action area six on human mobility was defined as follows:

> Action area 6: Enhance the understanding of and expertise on how the impacts of climate change are affecting patterns of migration, displacement and human mobility; and the application of such understanding and expertise.[38]

The workplan also identified three tasks that were to be undertaken in order to contribute to completing this action area:

> (a) Invite relevant organizations and experts to provide scientific information on projected migration and displacement based on projected climate and non-climate related impacts in vulnerable populations
>
> (b) Invite United Nations organizations, expert bodies and relevant initiatives to collaborate with the Executive Committee to distil relevant information, lessons learned and good practices from their activities
>
> (c) Identify follow-up actions, as appropriate[39]

Therefore, although COP19 and COP20 did not explicitly include mentions of human mobility, they set up the WIM—the entity that would ultimately take on work on human mobility—and approved its initial workplan to include work on human mobility, respectively.

In 2015, the Paris COP21 saw the next high-profile mention of human mobility in a decision of the UNFCCC, with the decision from Paris requesting that the Executive Committee of the WIM establish "a task force [...] to develop recommendations for

integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change."[40]

It was only after the Paris COP that the Executive Committee of the WIM kicked off their work on action area six of their two-year workplan; therefore, both the activities listed in their workplan and the initial work to establish the task force as requested in Paris have been taking place in parallel since early 2016. On March 30, 2016, the Executive Committee of the WIM invited organizations and experts deemed relevant to provide "knowledge, data and scientific information on both internal and cross-border migration, displacement and other forms of human mobility owing to factors related to climate change impacts, including in combination with other factors."[41]

In response to this invitation a total of 66 submissions were received from 29 different invitees, ranging from Parties to the UNFCCC, through UN organizations, to non-governmental organizations and individual experts from research and academia.[42] With this process, part (a) of action area six of the workplan was fulfilled. In July 2016, the Executive Committee of the WIM (with support from the International Organization for Migration (IOM)) then held a technical meeting on migration, displacement, and human mobility. The work of the meeting was intended to deliver results under three pillars:

> 1. Enhanced understanding, based on sound science, of migration and displacement, including of characteristics of vulnerable populations that may become mobile owing to factors related to climate change impacts;
>
> 2. Enhanced understanding and collaboration;
>
> 3. Synthesized information made available on the relevant information, lessons learned and good practices from the activities of organizations and experts[43]

Synthesis documents were prepared for each of these pillars,[44] which constituted the completion of activity (b) under action area six.

In parallel the WIM has been carrying out the first stages of establishing a task force on displacement, as requested by the COP21. The terms of reference prepared by the Executive Committee set out the various COP decisions in which the WIM (and thus also the task force) are anchored and the mandate, as included in the COP21 decision. However, the terms of reference also define the scope of work of the task force:

> [...] the task force in developing recommendations should:
>
> a. Take into account the latest science, most recent evidence, findings and experience (including research, best practices, data, etc.);
>
> b. Take into account the three functions of the Warsaw International Mechanism;
>
> c. Consider approaches to avert, minimize and address displacement related to the adverse impacts of climate change on sub-national, national, regional, international level;
>
> d. Identify legal, policy and institutional challenges, good practices, lessons learned;
>
> e. Provide opportunities for Parties to articulate their questions and needs, good practices, lessons learned;
>
> f. Share information with, complement, draw upon the work of and involve, as appropriate, the Least Developed Countries Expert Group, as well as relevant organizations and expert bodies outside the Convention;
>
> g. Taken into account Action Area 6 and other relevant action areas of the Workplan, including the Expert Group on non-economic losses and the Technical Meeting on the Migration, Displacement and Human Mobility organized by the IOM and the Excom on 27-29 July 2016, Casablanca, including its outcomes and recommendations[45]

Furthermore, the terms of reference state, "the task force may, at the request of the Executive Committee, assist the Executive Committee in guiding the implementation of the Warsaw International Mechanism, in an advisory role," in particular in relation to action area six of the two-year workplan.[46]

Since the Paris decision, human mobility has also featured once more in a high-level text of the UNF-

CCC, with the COP22 decision on the WIM from Marrakech in 2016 "encouraging Parties to incorporate or continue to incorporate the consideration of extreme events and slow onset events, non-economic losses, displacement, migration and human mobility, and comprehensive risk management into relevant planning and action, as appropriate, and to encourage bilateral and multilateral entities to support such efforts."[47]

Furthermore, in approving the indicative framework for the WIM's five-year rolling workplan, the COP also extended work on "Migration, displacement and human mobility, including the task force on displacement,"[48] which was the fourth area of work listed on the indicative workplan prepared by the Executive Committee.

Taking the Task Force to Task

The task force on displacement is particularly important to take under the microscope because it is the first entity that has been created under the UNFCCC specifically tasked with looking at human mobility. It will also provide more substantive documentation related to human mobility than the few provisions in high-level documents from the COP, the substance of which often emerges from closed-door discussions and remains shrouded in mystery. The task force, on the other hand, is likely to give a more detailed insight into decision-making processes.

However, the task force is far from being a neutral entity. Indeed, the provision contained in the Paris decision is very vague, leaving the work of defining the shape of the task force to the Executive Committee of the WIM. The vague nature of the Paris provision led to a number of questions being raised by civil society shortly after the Paris negotiations, voicing open questions about the constitution of the task force. For example, the Climate Change and Migration Coalition asked:

- Who will be on the task force?
- How will it operate and how will it be accountable?
- How long will it take?
- What will happen with the recommendations the task force makes?
- Is there any money, and if there is, where will it come from?
- Is there a role for civil society, and is there a role for academia?
- How does it mesh with other international processes?[49]

Perhaps most fundamentally, the coalition also posed the question: "what is a task force?"[50]

Some of these points have been (partially) answered by the Executive Committee of the WIM. In addition to setting out the scope of work for the task force, the terms of reference prepared by the Executive Committee includes statements on the activities, tasks, and deliverables of the task force as well as the associated timeline. The terms of reference also outlined the required qualifications and expertise for task force members whilst also setting out the size and composition of the task force.

Who will be on the task force?

The terms of reference set out the composition of the task force, without naming specific members, preferring to set out criteria by which they should be selected. Therefore, according to the terms of reference, the task force is to be made up of a maximum of 14 members, with up to four members being drawn from the Executive Committee, with a balance of Annex 1 and Annex 2 Parties being represented, up to eight technical experts reflecting regional diversity, one representative from the Adaptation Committee, and one from the Least Developed Countries Expert Group.[51] Two Executive Committee members are to co-facilitate the task force.[52]

The terms of reference also set out how the technical expert members are to be drawn:

> a. Representatives from UNFCCC NGO constituency groups, with no constituency having more than one representative;
>
> b. Representatives from intergovernmental organizations (IGO), that have been admitted by the COP to the UNFCCC process;
>
> c. Any other institution agreed for inclusion by the Excom[53]

Furthermore, the Executive Committee can, "at the request of the task force," "invite additional technical experts and representatives from other bodies, as needed, to serve as ad-hoc members of the task force"[54] so further experts may be drawn in at a later point.

After setting out these criteria, the Executive Committee sent invitations to organizations and UNFCCC entities to nominate individuals to serve as Task Force members. Thirteen of fourteen nominations have now been made, with members being drawn from the United Nations High Commissioner for Refugees (UNHCR), IOM, the Internal Displacement Monitoring Center (IDMC), the United Nations Development Programme (UNDP), the International Federation of Red Cross and Red Crescent Societies, the Plat- form on Disaster Displacement (PDD), and the Advisory Group on Climate Change and Human Mobility as well as the various UNFCCC entities listed in the terms of reference.[55]

How will it operate and how will it be accountable?

The primary mode of work for the task force is identified as "electronic modalities"; however, in-person meetings are also foreseen as far as they are "deemed necessary,"[56] and the task force is "to organize at least one face-to-face meeting."[57] The exact activities that are to be undertaken by the task force in order to fulfill their mandate and scope of work is still unclear, with the task force itself being given the job of preparing its draft workplan and list of planned activities.

The accountability of the task force lies quite clearly with the Executive Committee of the WIM, with the task force reporting "to the Executive Committee, on a regular basis, through its co-facilitators, at the meetings of the Executive Committee, and through written reports."[58] Other points in the terms of reference also tightly tie the task force to the Executive Committee of the WIM: two members of the Executive Committee will co-facilitate the task force; it is the Executive Committee members of the task force who will recommend technical expert members of the task force, and these recommendations will then be approved by the Executive Committee co-chairs; the Executive Committee has the power to invite ad hoc technical experts to the task force; the Executive Committee has to approve in-person meetings of the task force in advance in order to support participation; and the draft workplan that the task force prepares is subject to approval by the Executive Committee before it is implemented by the task force.[59]

However, accountability does not end with the Executive Committee of the WIM as the WIM is embedded in the larger UNFCCC structures and is also subject to accountability mechanisms. As set out in the decision that established the WIM at COP19, the Executive Committee of the WIM is to report annually to the COP via the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI).[60] At the COP20 the following year, it was reaffirmed that the WIM was established "under the guidance of, and accountable to, the Conference of the Parties" (COP).[61] The Paris Agreement repeats that the WIM is "subject to the authority and guidance" of the COP (also serving as the meeting of the Parties to the Paris Agreement).[62] The decision on the review of the WIM from COP22 also recommends periodic reviews of the WIM at least every five years, with the next review to take place in 2019.[63] Therefore, the task force is drawn into the WIM's regular reporting to and oversight by the COP and will presumably also be included in future reviews of the WIM.

How long will it take?

The task force is to have delivered its mandate "no later than COP24, with a possibility of extension, unless otherwise decided by the Executive Committee."[64] The COP24 will take place in late 2018; therefore, it is expected that the task force will have delivered by this date.

What will happen with the recommendations the task force makes?

The deliverables, in the form of the recommendations on averting, minimizing, and addressing displacement, are envisaged as having a potentially broad target audience, including going beyond the UNFCCC, to include (but not being limited to) "the ExCom, the Parties, governments, regional organizations, practitioners, civil society, technical

and scientific communities."[65] However, the terms of reference do not give any further indication as to what is expected to be done with these recommendations. This is in part because the terms of reference can only set out terms for the task force and not for other entities for which the recommendations might be relevant.

Is there any money, and if there is, where will it come from?

From the terms of reference it is clear that some funding will be available through the WIM; participation at in-person meetings not approved in advance by the Executive Committee will explicitly not be supported,[66] implying that (financial) support is available for task force members to attend approved meetings. No further mentions of finance are included in the terms of reference, so it is unclear as to whether the task force will have any funding available with which to carry out its mandate.

Is there a role for civil society, and is there a role for academia?

The terms of reference as well as the initial nominations for membership of the task force indicate a limited role for civil society and academia. According to the terms of reference, up to eight technical experts will be drawn into the task force from UNFCCC NGO constituency groups[67] intergovernmental organizations, and any other institution agreed for inclusion by the Executive Committee.[68] In the initial nominations, the Advisory Group on Climate Change and Human Mobility is identified as representing civil society.

No representative is drawn from the UNFCCC constituency to which academic organizations almost exclusively belong (Research and Independent Non-Governmental organizations- RINGO), and therefore, academia is not currently represented. However, the Executive Committee can draw in other organizations in an ad hoc manner, so not being included in the membership of the Task Force at this stage does not necessarily mean that representatives from academic institutions will not be drawn in at a later date.

How does it mesh with other international processes?

Whether the task force will mesh with other international processes at all is left completely open. Whether it does this may be largely down to what other institutions are drawn into the task force as technical experts. Whilst task force members coming from within the UNFCCC (the Executive Committee members, and the members coming from the Adaptation Committee and the Least Developed Countries Expert Group) will have in-depth knowledge of the UNFCCC, they might not have in-depth knowledge of other international processes. In particular, an international process is currently underway to work towards two global compacts, the global compact on refugees and the global compact for safe, orderly, and regular migration, after this commitment was included in the September 2016 New York Declaration for Refugees and Migrants.[69] The two UN agencies that work on human mobility—UNHCR and IOM—are heavily involved in these processes and if pulled into the task force might act as a bridge between these two processes.

At the same time, other international processes have been retrospectively identified as including hooks on which to hang work on human mobility in the context of climate change. In particular, the Sustainable Development Goals (SDGs)[70] and the Sendai Disaster Risk Reduction (DRR) Framework[71] both contain provisions on mobility and on climate change, although stopping short of addressing human mobility in the context of climate change explicitly. The task force will be able to refer to these processes and draw on them where relevant when making their recommendations. Indeed, there is also nothing to stop the task force from directing recommendations at those implementing the DRR Framework and the SDGs.

Finally, the Nansen Initiative, a state-led, bottom-up consultative process building consensus on protection in the context of cross-border disaster displacement, also culminated in 2015 with the publication of its "Protection Agenda."[72] The initiative has been followed by the Platform on Disaster Displacement,[73] which is tasked with implementing the Protection Agenda. A high level of interaction between this process and the task force is also thinkable.

So, what is a task force?

A close reading of the terms of reference, in conjunction with the background of how the WIM has emerged and is institutionally anchored in the UNFCCC more generally, shows that this task force has the potential to be whatever its members make of it, but that this has to take place within the strict parameters set for them by the Executive Committee of the WIM.

Due to its institutional context, it is unlikely that the task force will be able to make radical recommendations. The choices of membership for the task force have also been fairly conservative, drawing most heavily on institutions that already have a presence in the UNFCCC and have overcome the bureaucratic hurdles for accreditation that this involves. In particular, since members of the Executive Committee are responsible for putting forward and agreeing to the members, only institutions that are already on the radar of the WIM have been pulled into the task force.

Conclusion: The Devil's in the Detail

This policy brief has featured six of the seven COPs of the UNFCCC that have taken place between 2010 in Cancun and 2016 in Marrakech. However, it has also highlighted that it is not the high-level (and therefore also more highly publicized) decisions agreed to at these meetings that are necessarily the most relevant for understanding how human mobility factors into the international climate change negotiations. Instead, it is the nitty-gritty of workplans and the work on determining the constellation of particular innocuous sounding entities, such as the task force on displacement, that really determine what work can be undertaken on human mobility within the remit of the UNFCCC negotiation process.

This is therefore a call to look beyond the high-level agreements that are given the most attention and pay more interest in the details, in the work that is carried out in the background. This is where the rulebooks to accompany high-level agreements are thrashed out and where policies are actually given shape beyond the broad strokes pinned down at the COPs. Doing so will sharpen the analytical lens with which we view the UNFCC process and can give insights into future directions of policymaking; it can fuel targeted critique when necessary; and it can allow for better, more targeted engagement with the process.

In the immediate future, attention should continue to be directed at the WIM and the details of the five-year rolling workplan, which still needs to be added to the initial areas of work sketched out in the indicative workplan approved at the COP in Marrakech. At the same time, the setup of the task force on displacement by the WIM and, once it begins to meet, the workplan that it sets for itself are also important to consider. Whether or not human mobility features in any decisions that are agreed to at the forthcoming COP in Bonn in November 2017 or in the COPs that follow, this work will continue and should not disappear from academic scrutiny simply because it is not taking place on the main stage.

Endnotes

1 | Karen Elizabeth McNamara, "Exploring Loss and Damage at the International Climate Change Talks," *International Journal of Disaster Risk Science* 5, no. 3 (2014).

2 | UNFCCC, "Report of the Conference of the Parties on its thirteenth session, held in Bali from 3 to 15 December 2007" (2008), paragraph 1(c)(iii).

3 | UNFCCC, "The Cancun Agreements: Outcome of the work of the Ad-Hoc Working Group on Long-term Cooperative Action under the Convention" (2010), paragraph 25.

4 | Ibid., paragraph 26.

5 | Ibid., paragraphs 27-29.

6 | UNFCCC, "Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012" (UNFCCC, 2013), decision 3/CP.18, paragraph 7.

7 | Ibid., decision 3/CP.18, paragraph 9.

8 | UNFCCC, "Report of the Conference of the Parties on its nineteenth session, held in Warsaw from 11 to 23 November 2013" (UNFCCC, 2014), decision 2/CP.19, paragraph 1.

9 | Ibid., decision 2/CP.19, paragraph 2.

10 | Ibid., decision 2/CP.19, paragraph 5.

11 | McNamara, "Exploring Loss and Damage," 244.

12 | UNFCCC, "Report of the Conference of the Parties on its nineteenth session, held in Warsaw from 11 to 23 November 2013," decision 2.CP/19, paragraph 1.

13 | Whilst loss and damage was subsumed under adaptation when it was created in 2013, it has been argued that the inclusion of loss and damage as a separate article in Article 8 of the 2015 Agreement signals that loss and damage now makes up its own pillar of work. However, there are very practical indications that this is not yet entirely the case, with the front page of the UNFCCC website not linking directly to loss and damage, although mitigation and adaptation are prominently placed.

14 | UNFCCC, "Report of the Conference of the Parties on its twentieth session, held in Lima from 1 to 14 December 2014" (UNFCCC, 2015), decision 2/CP.20, paragraph 1.

15 | SBSTA and SBI, "Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts" (UNFCCC, 2014), Annex II.

16 | UNFCCC, "Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012," decision 3.CP/18, paragraph 7 (i-vi).

17 | UNFCCC, "Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015" (UNFCCC, 2016), Article 8.1.

18 | Ibid., Article 8.3.

19 | Ibid., Article 8.4.

20 | Ibid., decision 1/CP.21, paragraph 47.

21 | Ibid., decision 1/CP.21, paragraph 48.

22 | Ibid., decision 1/CP.21, paragraph 49.

23 | Ibid., decision 1/CP.21, paragraph 51.

24 | UNFCCC, "Report of the Conference of the Parties on its nineteenth session, held in Warsaw from 11 to 23 November 2013," decision 2/CP.19, paragraph 1.

25 | UNFCCC, "Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015," decision 1/CP.21, paragraph 47.

26 | SBSTA and SBI, "Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts," Annex II, Action Area 9.

27 | SBSTA and SBI, "Report of the Executive Committee of the Warsaw International

Mechanism for Loss and Damage associated with Climate Change Impacts" (2016), Annex 1.

28 | Ibid., Annex 1.

29 | UNFCCC, "Report of the Conference of the Parties on its twenty-second session, held in Marrakech from 7 to 18 November 2016" (UNFCCC, 2016), decision 3/CP.22, paragraph 3.

30 | Ibid., decision 3/CP.22, paragraph 5.

31 | Ibid., decision 3/CP.22, preamble.

32 | Ibid., decision 3/CP.22, paragraph 2.

33 | Ibid., decision 4/CP.22.

34 | Ibid., decision 4/CP.22, paragraph 1.

35 | Ibid., decision 4/CP.22, paragraph 2.

36 | UNFCCC, "The Cancun Agreements: Outcome of the work of the Ad-Hoc Working Group on Long-term Cooperative Action under the Convention."

37 | UNFCCC, "Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012," decision 3/CP.18, paragraph 7(vi).

38 | SBSTA and SBI, "Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts," Annex 2.

39 | Ibid.

40 | UNFCCC, "Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015," decision 1/CP.21, paragraph 49.

41 | Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, "Invitation" (Warsaw International Mechanism, 2016).

42 | The submissions can be accessed at: http://unfccc.int/adaptation/groups_committees/loss_and_damage_executive_committee/items/9508.php.

43 | Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, "TECHNICAL MEETING – Concept Note" (UNFCCC, 2016), 1-2.

44 | Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, "Synthesis of relevant information, good practices and lessons learned in relation to Pillar 1: Enhancing Knowledge and Understanding" (UNFCCC, 2016); Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, "Synthesis of relevant information, good practices and lessons learned in relation to Pillar 2: Strengthening Dialogue, Coordination, Coherence and Synergies" (UNFCCC, 2016); Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, "Synthesis of relevant information, good practices and lessons learned in relation to Pillar 3: Enhancing Action and Support" (UNFCCC, 2016).

45 | Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, "Terms of Reference: Task Force on Displacement," in *Documents adopted by the Excom at its 4th meeting* (UNFCCC, 2016), paragraph 6.

46 | Ibid., paragraph 7.

47 | UNFCCC, "Report of the Conference of the Parties on its twenty-second session, held in Marrakech from 7 to 18 November 2016."

48 | SBSTA and SBI, "Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts," Annex 1.

49 | UKCCMC, "Briefing: after the Paris climate talks – what next for migration and displacement?" (UKCCMC, 2016).

50 | Ibid.

51 | Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, "Terms of Reference: Task Force on Displacement," paragraph 11 (a-c), paragraph 12.

52 | Ibid., paragraph 13.

53 | Ibid., paragraph 14.

54 | Ibid., paragraph 16.

55 | Members of the Task Force on Displacement (as at April 6, 2017), available at: http://unfccc.int/adaptation/groups_committees/loss_and_damage_executive_committee/items/9978.php.

56 | Ibid., paragraph 18.

57 | Ibid., paragraph 8.

58 | Ibid., paragraph 19.

59 | Ibid., paragraph 13; 15; 16; 18b; 8.

60 | UNFCCC, "Report of the Conference of the Parties on its nineteenth session, held in Warsaw from 11 to 23 November 2013," decision 2/CP.19, paragraph 3.

61 | UNFCCC, "Report of the Conference of the Parties on its twentieth session, held in Lima from 1 to 14 December 2014," decision 2/CP.20, paragraph 3.

62 | UNFCCC, "Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015," Article 8.2.

63 | UNFCCC, "Report of the Conference of the Parties on its twenty-second session, held in Marrakech from 7 to 18 November 2016," decision 4/CP.22, paragraph 2 (a-b).

64 | Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, "Terms of Reference: Task Force on Displacement," paragraph 21.

65 | Ibid., paragraph 9.

66 | Ibid., paragraph 18.

67 | Ibid., paragraph 14 (a-c).

68 | Constituencies are loose groupings of NGOs admitted as observers by the COP. There are nine constituencies: business and industry non-governmental organizations (BINGO), environmental non-governmental organizations (ENGO), farmers, indigenous peoples organizations (IPO), local government and municipal authorities (LGMA), research and independent non-governmental organizations (RINGO), trade unions non-governmental organizations (TUNGO), women and gender, and youth non-governmental organizations (YOUNGO).

69 | United Nations General Assembly, "Draft resolution referred to the high-level plenary meeting on addressing large movements of refugees and migrants by the General Assembly at its seventieth session: New York Declaration for Refugees and Migrants" (New York, 2016).

70 | United Nations General Assembly, "Transforming our world: the 2030 Agenda for Sustainable Development" (2015).

71 | Sendai Framework for Disaster Risk Reduction, "Sendai Framework for Disaster Risk Reduction 2015-2030" (United Nations Office for Disaster Risk Reduction (UNISDR), 2015).

72 | The Nansen Initiative, "Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, Volume 1" (The Nansen Initiative, 2015); The Nansen Initiative, "Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, Volume 2" (The Nansen Initiative, 2015).

73 | Platform on Disaster Displacement, "Addressing the protection needs of people displaced across borders in the context of disasters and climate change" (Platform on Disaster Displacement, 2016).

Notes

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