



NMUN · KOREA

SONGDO INTERNATIONAL CITY  
24 November - 2 December  
[nmun.org/nmun\\_korea13.html](http://nmun.org/nmun_korea13.html)

---

UN FRAMEWORK CONVENTION ON CLIMATE CHANGE COP  
BACKGROUND GUIDE 2013

---

Written By: Harald Eisenhauer, Director; Hanla Kim (김한라), Assistant Director



NATIONAL MODEL UNITED NATIONS



NATIONAL  
COLLEGIATE CONFERENCE  
association™





## **Message from the Deputy Secretary-General Regarding Position Papers for the 2013 NMUN•Korea Conference**

At the 2013 NMUN•Korea Conference, each delegation or individual delegate submits one position paper for each committee assignment. The position paper reflects the state's overall policy and position within a particular committee. Therefore, the role that a state plays in a given committee should inform the writing of the paper.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and establish precise policies and recommendations in regard to the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your state should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference.

Please be forewarned, delegates must turn in material that is entirely original. NMUN/NCCA will not tolerate the occurrence of plagiarism. In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. While quotes from UN or state documents are allowed and encouraged if clearly labeled as such, delegates may not use existing material to formulate their own policy within the committee. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported to faculty advisors and may result in dismissal from Conference participation. Delegates should report any incidents of plagiarism to the Secretariat.

Position papers can be awarded as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, delegates must have met the formal requirements listed below. Please refer to the sample position paper below this message for a visual example of what your work should look like at its completion. All papers must be typed and formatted in the same manner as this example. The following format specifications are required for all papers:

- Length must not exceed two single-sided pages (use standard size for your home region: A4 or 8.5 x 11 inches - US letter size).
- Margins must be set at 1 inch or 2.54 centimeters, for the whole paper.
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Body of the paper must be single-spaced.
- Country name, school name, and committee name must be clearly labeled on the first page.
- Agenda topics must be clearly labeled in separate sections.
- National symbols (headers, flags, etc.) are deemed inappropriate for NMUN position papers.

To be considered for awards, position papers need to be submitted by email in .pdf or .doc formats by 1 November 2013. As proof of submission, include yourself as an email recipient. Please use the committee name, your assignment, and delegation/school name in both the email subject line and in the filename (example: CSustD\_Cuba\_Mars College).

1. Send one complete set of all position papers for each of your country assignments to the Deputy Secretary-General at [dsg.korea@nmun.org](mailto:dsg.korea@nmun.org).
2. Send a copy of your position paper for each assigned committee to the corresponding committee email address listed below. Please note, the email addresses will be active on 1 August.

Committee	Email Address (after 1 August)
General Assembly Plenary (GA Plen)	<a href="mailto:ga.korea@nmun.org">ga.korea@nmun.org</a>
Economic and Social Council Plenary (ECOSOC Plen)	<a href="mailto:ecosoc.korea@nmun.org">ecosoc.korea@nmun.org</a>
Security Council (SC)	<a href="mailto:sc.korea@nmun.org">sc.korea@nmun.org</a>
UN Framework Convention on Climate Change CoP (UNFCCC)	<a href="mailto:unfccc.korea@nmun.org">unfccc.korea@nmun.org</a>

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.
- Citation of relevant resolutions/documents.
- General consistency with bloc/geopolitical constraints.
- Consistency with the constraints of the United Nations.
- Analysis of issues, rather than reiteration of the Committee Background Guide.
- Outline of official policy aims within the committee's mandate.

Should you have any questions please feel free to contact the Conference staff or myself. We are happy to answer any questions you may have, and are looking forward to working with you.

Sincerely,

Hannah Birkenkötter  
Deputy Secretary-General  
NMUN•Korea

## Sample Position Paper

The following position paper is designed to be a sample of the standard format that an NMUN position paper should follow. Papers may be no longer than two single-sided pages. Only the first two pages of any submissions will be considered for awards.

---

*Delegation from*  
Canada

*Represented by*  
University of Jupiter

### *Position Paper for the General Assembly Plenary*

The topics before the General Assembly Plenary are: Breaking the Link between Diamonds and Armed Conflict; the Promotion of Alternative Sources of Energy; and the Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa. Canada is dedicated to collaborative multilateral approaches to ensuring protection and promotion of human security and advancement of sustainable development.

#### **I. Breaking the Link between Diamonds and Armed Conflict**

Canada endorses the Kimberley Process in promoting accountability, transparency, and effective governmental regulation of trade in rough diamonds. Canada believes the Kimberley Process Certification Scheme (KPCS) is an essential international regulatory mechanism and encourages all Member States to contribute to market accountability by seeking membership, participation, and compliance with its mandate. Canada urges Member States to follow the recommendations of the 2007 Kimberley Process Communiqué to strengthen government oversight of rough diamond trading and manufacturing by developing domestic legal frameworks similar to the Extractive Industries Transparency Initiative. Canada further calls upon participating states to act in accordance with the KPCS's comprehensive and credible systems of peer review to monitor the continued implementation of the Kimberley Process and ensure full transparency and self-examination of domestic diamond industries. The delegation of Canada draws attention to our domestic programs for diamond regulation including Implementing the Export and Import of Rough Diamonds Act and urges Member States to consider these programs in developing the type of domestic regulatory frameworks called for in General Assembly resolution 55/56. Canada recognizes the crucial role of non-governmental organizations (NGOs) in the review of rough diamond control measures developed through the Kimberley Process and encourages states to include NGOs, such as Global Witness and Partnership Africa Canada, in the review processes called for in General Assembly resolution 58/290. Canada urges Member States to act in accordance with General Assembly resolution 60/182 to optimize the beneficial development impact of artisanal and alluvial diamond miners by establishing a coordinating mechanism for financial and technical assistance through the Working Group of the Kimberley Process of Artisanal Alluvial Producers. Canada calls upon states and NGOs to provide basic educational material regarding diamond valuation and market prices for artisanal diggers, as recommended by the Diamond Development Initiative. Canada will continue to adhere to the 2007 Brussels Declaration on Internal Controls of Participants and is dedicated to ensuring accountability, transparency, and effective regulation of the rough diamond trade through the utilization of voluntary peer review systems and the promotion of increased measures of internal control within all diamond producing states.

#### **II. The Promotion of Alternative Sources of Energy**

Canada is dedicated to integrating alternative energy sources into climate change frameworks by diversifying the energy market while improving competitiveness in a sustainable economy, as exemplified through the Canadian Turning Corners Report and Project Green climate strategies. Canada views the international commitment to the promotion of alternative sources of energy called for in the Kyoto Protocol and the United Nations Framework Convention on Climate Change (UNFCCC) as a catalyst to sustainable development and emission reduction. Canada fulfills its obligations under Article 4 of the UNFCCC by continuing to provide development assistance through the Climate Change Development Fund and calls upon Member States to commit substantial financial and technical investment toward the transfer of sustainable energy technologies and clean energy mechanisms to developing States. Canada emphasizes the need for Member States to follow the recommendations of the 2005 Beijing International Renewable Energy Conference to strengthen domestic policy frameworks to promote clean energy technologies. Canada views dissemination of technology information called for in the 2007 Group of Eight

Declaration on Growth and Responsibility in the World Economy as a vital step in energy diversification from conventional energy generation. Canada calls upon Member States to integrate clean electricity from renewable sources into their domestic energy sector by employing investment campaigns similar to the Canadian \$1.48 billion initiative ecoENERGY for Renewable Power. Canada encourages states to develop domestic policies of energy efficiency, utilizing regulatory and financing frameworks to accelerate the deployment of clean low-emitting technologies and calls upon Member States to provide knowledge-based advisory services for expanding access to energy in order to fulfill their commitments to Goal 1 of the Millennium Development Goals (MDGs). Canada urges states to address the concerns of the 2007 Human Development Report by promoting tax incentives, similar to the Capital Cost Allowances and Canadian Renewable and Conservation Expenses, to encourage private sector development of energy conservation and renewable energy projects. As a member of the Renewable Energy and Energy Efficiency Partnership, Canada is committed to accelerating the development of renewable energy projects, information sharing mechanisms, and energy efficient systems through the voluntary carbon offset system. We are dedicated to leading international efforts toward the development and sharing of best practices on clean energy technologies and highlight our release of the Renewable Energy Technologies Screen software for public and private stakeholders developing projects in energy efficiency, cogeneration, and renewable energy. Canada believes the integration of clean energy into state-specific strategies called for in the General Assembly Second Committee's report to the General Assembly Plenary on Sustainable development: promotion of new and renewable sources of energy (A/62/419/Add.9) will strengthen energy diversification, promote the use of cogeneration, and achieve a synergy between promoting alternative energy while allowing for competitiveness in a sustainable economy.

### **III. Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa**

Canada views the full implementation of the treatment and prevention targets of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Especially in Africa, as essential to eradicating malaria and assisting African states to achieve Target 8 of Goal 6 of the MDGs by 2015. Canada recommends Member States to cooperate with the World Health Organization to ensure transparency in the collection of statistical information for Indicators 21 and 22 of the MDGs. Canada reaffirms the targets of the Abuja Declaration and Plan of Action stressing regional cooperation in the implementation, monitoring, and management of malaria prevention and treatment initiatives in Africa. To fully implement General Assembly resolution 61/228, Canada believes developed states must balance trade and intellectual property obligations with the humanitarian objective of the Doha Declaration on the TRIPS Agreement and Public Health. We continue to implement Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health into our compulsory licensing framework through the Jean Chrétien Pledge to Africa Act. Canada urges Member States to support compulsory licensing for essential generic medication by including anti-malarial vaccines and initiating domestic provisions to permit export-only compulsory licenses to domestic pharmaceutical manufacturers, similar to Canada's Access to Medicines Regime. Canada calls upon Member States to establish advanced market commitments on the distribution of pneumococcal vaccines to developing States in cooperation with PATH and the Malaria Vaccine Initiative. Canada emphasizes the need for greater membership in the Roll Back Malaria initiative to strengthen malaria control planning, funding, implementation, and evaluation by promoting increased investment in healthcare systems and greater incorporation of malaria control into all relevant multi-sector activities. Canada continues to implement the Canadian International Development Agency's (CIDA) New Agenda for Action on Health to reduce malaria infection rates among marginalized populations in Africa, increase routine immunizations rates, and reduce infection rates of other neglected infections. Canada will achieve the goal of doubling aid to Africa by 2008-2009 by providing assistance to the Global Fund to Fight Aids, Tuberculosis, and Malaria. We urge Member States to increase donations to intergovernmental organizations and NGOs that support malaria programming in Africa, exemplified by CIDA's contribution of \$26 million to the Canadian Red Cross. We continue our efforts to provide accessible and affordable vector control methods to African States through the Red Cross' Malaria Bed Net Campaign and the African Medical Research Foundation Canada by supplying insecticide-treated mosquito nets and Participatory Malaria Prevention and Treatment tool kits.



Dear Delegates,

Welcome to the 2013 National Model United Nations held in the Republic of Korea (NMUN•Korea) and to your committee, the United Nations Framework Convention on Climate Change Conference of the Parties (UNFCCC COP). We look forward to serving as your Committee Directors! Our goal is to provide an authentic diplomatic environment to make this a valuable and enjoyable educational experience for all of you.

Please give us a chance to shortly introduce ourselves. Harald Eisenhauer will be serving as your Director. He holds a Master's degree in Political Science, Economics, and American Cultural History from the University of Munich and currently works for an NGO focused on development cooperation in Potsdam, Germany. He has a long-term experience as volunteer at the NMUN•New York conferences. Hanla Kim will be your Assistant Director. She studies Political Science and International Studies at Yonsei University in Seoul, Republic of Korea. This is her first NMUN conference as Assistant Director; however, with her numerous Model UN experiences, she will support you doing her best.

Your committee, the UNFCCC COP is at the heart of international environmental policy and aims to prevent harmful human interference with the Earth's climate. Climate Change is one of the most pressing problems of mankind, underlining the importance of the ongoing negotiations. The work and functions of the UNFCCC COP will be introduced in detail in this Background Guide.

The provisional agenda of the UNFCCC COP for this year's meeting includes the following topics:

1. Assessing the Role of Regional Economic Integration Organizations, in Particular the European Union, in the Durban Process
2. International Mechanisms to Address Loss and Damage

Each delegation is required to submit a two-page Position Paper on these topics. Please refer to the specifications provided by the secretariat and take note of the NMUN plagiarism policy before you start writing.

This Background Guide will help you gain a better understanding of the committee and the topics. It should be used as the introduction for your own research. We encourage you to advance the ideas provided in the Guide and further deepen your knowledge on the topics, especially regarding the positions of the Member State or organization that you will represent. The bibliography can be helpful as a starting point, but please consult other scholarly materials, the UN website and international newspapers and journals for a thorough understanding.

We look forward to innovative ideas and progressive approaches in your Position Papers and your work during the conference. Good luck for the preparations and see you at NMUN•KOREA!

Harald Eisenhauer  
UNFCCC Director

Hanla Kim  
UNFCCC Assistant Director

## Committee History

### *Establishment and Goals of the United Nations Framework Convention on Climate Change*

The *United Nations Framework Convention on Climate Change* (UNFCCC) aims to reduce the negative human impact on the Earth's climate. It was adopted by the Earth Summit, or UN Conference on Environment and Development, in Rio de Janeiro in 1992 and entered into force in 1994.<sup>1</sup> This was the result of a longer process in the international debate on the impact of human activities on the Earth's environment and climate. As a reaction to this increasing international attention, the UN General Assembly launched the Intergovernmental Negotiating Committee (INC) in 1990 to prepare the eventual agreement on the UNFCCC in 1992.<sup>2</sup> The Convention was one of three major agreements adopted at the Rio Conference, next to the *UN Convention on Biological Diversity* and the *Convention to Combat Desertification*.<sup>3</sup> In addition to these three conventions, commonly known as the *Rio Conventions*, the states gathered at the Earth Summit also adopted the *Rio Declaration* and a Plan of Action known as *Agenda 21*. As of 2013, 195 Parties have ratified the UNFCCC, including one regional economic integration organization, the European Union.<sup>4</sup>

The ultimate objective of the Convention is the “stabilization of greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system.”<sup>5</sup> This is to happen within a timeframe “sufficient to allow ecosystems to adapt naturally to climate change” while also ensuring “that food production is not threatened” and “economic development [can] proceed in a sustainable manner.”<sup>6</sup>

By outlining these goals, the Convention was the first global agreement to acknowledge that the earth's climate was endangered by human activities, at a time when scientific evidence was not yet fully certain.<sup>7</sup> It also set an ambitious and clear goal – stabilizing greenhouse gas emissions (GHG) – albeit without a binding mechanism for implementation. The need for a more sufficient implementation framework was highlighted by the first Conference of Parties where states agreed to a negotiation process on strengthened commitments for developed countries.<sup>8</sup> These efforts resulted in the *Kyoto Protocol*. The Convention furthermore recognized that responsibilities and capabilities in international climate policy were unevenly distributed between industrialized and developing countries, by listing industrialized countries in an annex and allocating special commitments to them.<sup>9</sup> Annex I Parties are the 40 industrialized countries that agreed to reduce their GHG emissions below 1990 levels, while Annex II lists only those 23 industrialized countries (which are at the same time in Annex I) that should provide financial support to the third group of developing countries that are not subject to emission reduction requirements (and not specifically listed in the Convention).<sup>10</sup> This differentiation in commitments has since become known as the principle of ‘common but differentiated responsibilities’.

### *Institutional background*

Major milestones for the Convention's work are set by the Conference of Parties (COP). Since the *Kyoto Protocol* is a distinct addition to the UNFCCC, its Parties meet in separate setups of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP).

The first meeting of the states parties, COP-1 in Berlin in 1995, decided that the Secretariat to service all bodies established by the COP would be based in Bonn (moving it from Geneva) and institutionally linked to the UN, but

---

<sup>1</sup> *UN Framework Convention on Climate Change*, 1992.

<sup>2</sup> UN General Assembly, *A/RES/45/212*, 1990.

<sup>3</sup> UNFCCC, *First steps to a safer future*, 2013.

<sup>4</sup> UNFCCC, *Status of Ratification of the Convention*, 2013.

<sup>5</sup> *UN Framework Convention on Climate Change*, 1992, Article 2.

<sup>6</sup> *UN Framework Convention on Climate Change*, 1992, Article 2.

<sup>7</sup> UNFCCC, *First steps to a safer future*, 2013.

<sup>8</sup> New Zealand Ministry of Foreign Affairs, *United Nations Handbook 2012/2013*, 2013, p. 307.

<sup>9</sup> In the UNFCCC, Annex II lists all industrialized countries, while Annex I lists only those industrialized countries with economies in transition (mostly former Soviet and Eastern European economies). *UN Framework Convention on Climate Change*, 1992, Articles 4, 10 and Annexes.

<sup>10</sup> *UN Framework Convention on Climate Change*, 1992, Article 4 and Annexes.

not fully integrated in any department or program.<sup>11</sup> The UNFCCC is a multilateral environmental treaty and is as such connected to, but not identical with the UN system. The Secretariat is independent, but linked to the UN's institutional infrastructure; the UN Secretary-General can appoint the UNFCCC Executive Secretary in consultation with the Bureau of the UNFCCC.<sup>12</sup> The current UNFCCC Executive Secretary is Christiana Figueres from Costa Rica.<sup>13</sup>

The UNFCCC's work is supported by the Intergovernmental Panel on Climate Change (IPCC), which was established in 1988 and is institutionally independent of the UNFCCC. The IPCC is an expert body that "reviews and assesses [...] the most recent scientific, technical and socioeconomic information produced worldwide" and functions as an advisory body to the COP.<sup>14</sup> Key findings are regularly reported in major *Assessment Reports*, of which the fifth edition is due in 2014. Another supportive mechanism is the Green Climate Fund (GCF), which serves as the operating vehicle of the financial transfer provisions set out in the Convention. While the GCF was brought to life by the UNFCCC COP, it is governed by a separate GCF Board and its headquarters are currently being established in Songdo, Republic of Korea.

### ***The Kyoto Protocol and current developments in the international architecture on climate change***

In 1995, the Parties decided to formulate strengthened commitments and to make the Convention more operational. The resulting *Kyoto Protocol* was adopted in 1997 as an adjunct, but separate agreement that bindingly commits industrialized countries to stabilize harmful greenhouse gas emissions, whereas the 1992 Convention merely encouraged them to do so.<sup>15</sup> The *Kyoto Protocol* sets specific and measurable reduction targets for the GHG emissions of 37 industrialized (Annex B) countries, including the European Union, within a first period of commitment and based on 1990 levels.<sup>16</sup> The Protocol entered into force in 2005, after all ratification criteria were met, and has currently 192 parties.<sup>17</sup>

The *Kyoto Protocol* was the first international instrument within the UNFCCC framework that legally bound countries to reduce the emissions of six major greenhouse gases within the years 2005-2012.<sup>18</sup> While the Annex B countries are supposed to meet their targets with domestic adaptations of their economies, they can also make use of new instruments to encourage GHG reductions where they can be realized most cost-efficiently.<sup>19</sup> For this, the *Kyoto Protocol* introduced three innovative, market-based mechanisms:

- (1) International Emissions Trading, which allows countries with spare emission units "to sell this excess capacity to countries that are over their targets."<sup>20</sup>
- (2) The Clean Development Mechanism (CDM), which allows Annex B countries to "implement an emission-reduction project in developing countries" in order to obtain "saleable certified emission reduction (CER) credits" which can be counted in their national emission reduction targets.<sup>21</sup>
- (3) Joint Implementation (JI), which allows Annex B countries to count "emission-reduction or emission removal" projects in other Annex B countries towards their national Kyoto target.<sup>22</sup>

The *Kyoto Protocol* is seen as a significant step to realize an effective international regime to reduce GHG emissions.<sup>23</sup> Its major weaknesses, though, were that it did not reach universal ratification (e.g. lacking the ratification of the United States); that major industrialized economies agreed only to modest targets; and that major

---

<sup>11</sup> New Zealand Ministry of Foreign Affairs, *United Nations Handbook 2012/2013*, 2013, p. 307.

<sup>12</sup> UNFCCC Conference of Parties, *Decision 14/CP.1*. In: UNFCCC Conference of Parties, *Report on its First Session*, 1995.

<sup>13</sup> UNFCCC, *Executive Secretary*, 2013.

<sup>14</sup> UNFCCC, *Intergovernmental Panel on Climate Change (IPCC)*, 2013.

<sup>15</sup> UNFCCC, *Making those first steps count*, 2013.

<sup>16</sup> *Kyoto Protocol to the United Nations Framework Convention on Climate Change*, 1998.

<sup>17</sup> UNFCCC, *Making those first steps count*, 2013.

<sup>18</sup> The greenhouse gases are: Carbon dioxide (CO<sub>2</sub>); Methane (CH<sub>4</sub>); Nitrous oxide (N<sub>2</sub>O); Hydrofluorocarbons (HFCs); Perfluorocarbons (PFCs); and Sulphur hexafluoride (SF<sub>6</sub>). *Kyoto Protocol*, 1998, Annex A.

<sup>19</sup> UNFCCC, *Making those first steps count*, 2013.

<sup>20</sup> UNFCCC, *International Emissions Trading*, 2013.

<sup>21</sup> UNFCCC, *Clean Development Mechanism (CDM)*, 2013.

<sup>22</sup> UNFCCC, *Joint Implementation (JI)*, 2013.

<sup>23</sup> Stern, *Review on The Economics of Climate Change*, 2007, pp. 541-543.



developing country GHG emitters were exempt from any targets.<sup>24</sup> With the expiration of the first commitment period in 2012, the international community agreed after difficult and year-long negotiations with the *Doha Amendment to the Kyoto Protocol* to extend the period until 2020 – although this amendment has not yet entered into force.<sup>25</sup> In addition and to ensure a successful follow-up agreement, the *Durban Ad Hoc Platform of Enhanced Action* was established in 2011 as a forum to negotiate a new “protocol, another legal instrument or an agreed outcome with legal force” within the UNFCCC.<sup>26</sup> By 2015, this body is expected to present a draft that can be successfully agreed upon by the 21<sup>st</sup> Conference of Parties and enter into force by 2020.

## Annotated Bibliography

*Kyoto Protocol to the United Nations Framework Convention on Climate Change*. (1998). Retrieved on May 15, 2013, from: <http://unfccc.int/resource/docs/convkp/kpeng.pdf>.

*The Kyoto Protocol was adopted in 1997 as an adjunct, but separate agreement to the UNFCCC that bindingly commits industrialized countries to stabilize harmful greenhouse gas emissions. It sets specific and measurable reduction targets for the greenhouse gas emissions of 37 industrialized (Annex B) countries, including the European Union, within a first period of commitment and based on 1990 levels. The Protocol entered into force in 2005, after all ratification criteria were met, and currently has 192 Parties.*

Stern, N. (2007). *The Economics of Climate Change: The Stern Review*. Cambridge: Cambridge University Press. *The Stern Review analyzes in the economic costs of climate change and remains a crucial text in the debate. It provides a cost-benefit calculation associated with climate change mitigation and adaptation strategies and compares these with the costs of inaction. The report’s final chapters provide insights into policy responses for mitigation and adaptation and underline the need for international action.*

*United Nations Framework Convention on Climate Change*. (1992). Retrieved on May 15, 2013, from: <http://unfccc.int/resource/docs/convkp/conveng.pdf>.

*The United Nations Framework Convention on Climate Change (UNFCCC) was adopted on May 9, 1992, and entered into force on March 21, 1994. Currently, 195 Member States are Party to the Convention, including the European Union. It aims to stabilize the concentration of greenhouse gases in the atmosphere at a certain level that prevents human activity from negatively interfering with the earth’s climate system. This document serves as the foundation of international climate policy and should be at the core of further research.*

United Nations Framework Convention on Climate Change Conference of Parties. (2012, February 13). *Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012 (FCCC/CP/2012/8/Add.1)*. Retrieved on May 16, 2013, from: <http://undocs.org/FCCC/CP/2012/8/Add.1>.

*This report compiles the most recent decisions made by the UNFCCC at its 18<sup>th</sup> COP. The decisions address a wide variety such as a strengthened commitment to the Doha process, a call for increased ambitions before 2020, and (not included here), the Doha amendment to the Kyoto protocol. As the highest-ranking decision-making body in the international climate policy framework, delegates are advised to peruse this and previous conferences of the COP and the CMP as the foundation of their research.*

United Nations General Assembly. (1990). *Protection of Global Climate for Present and Future Generations of Mankind (A/RES/45/212)*. Retrieved on May 30, 2013, from: <http://www.undocs.org/A/RES/45/212>.

*With this resolution, the General Assembly in 1990 mandated the establishment of a single intergovernmental negotiating process to deal with human-induced climate change on the global*

---

<sup>24</sup> Hovi, Skodvin, & Andresen, *The persistence of the Kyoto Protocol*. 2003.

<sup>25</sup> UNFCCC Conference of Parties, *Doha Amendment to the Kyoto Protocol*, 2012. As of July 2013, no Party has concluded the ratification of the Doha Amendment. UNFCCC, *Doha Amendment*, 2013.

<sup>26</sup> UNFCCC Conference of Parties, *Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action*, 2012.

*level. It tasked an Intergovernmental Negotiation Committee to draft an effective treaty. The result of this process was the United Nations Framework Convention on Climate Change (UNFCCC), which was agreed upon in Rio in 1992 and entered into force in 1994. Delegates should get acquainted with this source to gain understanding of the first steps towards an effective global climate regime.*



## I. Assessing the role of Regional Economic Integration Organizations, in particular the European Union, in the Durban process

### *Introduction*

The United Nations Framework Convention on Climate Change (UNFCCC) aims to stabilize greenhouse gas concentrations in the earth's atmosphere at a level that prevents dangerous human interference with the climate, while preserving the right to sustainable development.<sup>27</sup> In 2011, the UNFCCC Parties met in Durban, South Africa, to overcome the then-stalling negotiations to a follow-up agreement to the *Kyoto Protocol*, to strengthen their commitment to the UNFCCC's mission, and to inaugurate the so-called Durban process. The overarching goal of the Durban process is to find a new universal legal agreement to deal with climate change beyond 2020. This year is of relevance, as the current agreement, the *Kyoto Protocol*, had a first period of commitments elapse in 2012.<sup>28</sup> Its commitment period was extended from 2013 to 2020 after difficult negotiations with Parties agreeing to an amendment to the *Protocol* on the eighteenth UNFCCC Conference of the Parties (COP-18) in 2012 in Doha, but the amendment, which would extend the commitment period through 2020, has not yet entered into force.<sup>29</sup> Simultaneously, the Parties continue to engage in the Durban process.

The European Union (EU), as the most integrated Regional Economic Integration Organizations worldwide and only regional body to be a Party to both the UNFCCC and the *Kyoto Protocol*, is committed to protect the global climate system and is regarded as a key driver of the international negotiations.<sup>30</sup> Thus, this Background Guide will provide insights into the Durban process itself and explore how, in particular, the EU approaches it.

### *The Durban process*

In December 2011, the Parties to the UNFCCC adopted a resolution called the “Durban Platform for Enhanced Action”, which started a new round of negotiations aimed at developing “a protocol, another legal instrument or an agreed outcome with legal force” for the post-2020 period.<sup>31</sup> It was part of a two-pronged strategy to deal with the looming expiration of the *Kyoto Protocol*, whose commitment period was scheduled to last until 2012. In addition, the Durban platform promised for the first time to produce commitments by all major greenhouse gas emitters to combat climate change.

After difficult negotiations, the Parties decided as a compromise on two major outcomes: First, the commitments of the *Kyoto Protocol*, limited until the end of 2012, would be extended until 2020. Second, a new effort was started to agree on a post-2020 climate change agreement by the year 2015. For the latter goal, the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) was established.<sup>32</sup>

The ADP, as a subsidiary body of the UNFCCC, is established by *Decision 1/CP.17* and has the mandate to develop by the year 2015 a “protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties” for the period after 2020.<sup>33</sup> To underline the importance of broad consensus for such an agreement, the decision called for “the widest possible cooperation by all countries and their participation in an effective and appropriate international response, with a view to accelerating the reduction of global greenhouse gas emissions.”<sup>34</sup> Particular notion was given to the fact that the international climate policy regime has yet to deliver on its goal to stabilize the global average temperature and prevent it from rising more than by two degrees (Celsius; 2°C) compared to pre-industrial levels. The decision clearly identifies a “significant gap between the aggregate effect of the Parties’ mitigation pledges” and the “aggregate emission pathways consistent with having a likely chance of holding the increase in global average temperature below 2°C or 1.5°C above pre-industrial levels.”<sup>35</sup>

---

<sup>27</sup> *UN Framework Convention on Climate Change*, 1992.

<sup>28</sup> *Kyoto Protocol*, 1997, Article 3.

<sup>29</sup> UNFCCC Conference of Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), *Doha amendment to the Kyoto Protocol*, 2012.

<sup>30</sup> Bäckstrand, & Elgström, *The EU's role in climate change negotiations: from leader to 'leadicator'*, 2013.

<sup>31</sup> UNFCCC Conference of Parties, *Establishment of an Ad Hoc Working Group on the Durban Platform*, 2012.

<sup>32</sup> UNFCCC Conference of Parties, *Establishment of an Ad Hoc Working Group on the Durban Platform*, 2012.

<sup>33</sup> UNFCCC Conference of Parties, *Establishment of an Ad Hoc Working Group on the Durban Platform*, 2012, Clause 2.

<sup>34</sup> UNFCCC Conference of Parties, *Establishment of an Ad Hoc Working Group on the Durban Platform*, 2012, Preamble.

<sup>35</sup> UNFCCC Conference of Parties, *Establishment of an Ad Hoc Working Group on the Durban Platform*, 2012, Preamble.

International experts agree that the 2 °C goal is an important threshold to prevent the most severe consequences of climate change.<sup>36</sup>

It is particularly noteworthy that the decision does not recommend specific methods or instruments that should be included in the post-2020 agreement, but rather outlines a “laundry list” of general goals including “mitigation, adaptation, finance, technology development and transfer, transparency of action and support, and capacity-building, drawing upon submissions from Parties and relevant technical, social and economic information and expertise.”<sup>37</sup> Since the document also makes no reference to the distinction of responsibilities for developing and industrialized countries – the “principle of common but differentiated responsibilities and respective capabilities (CBDRRC)” – and does not stress that rich countries should “take the lead”, the 2011 outcome gives way to a more open negotiation space where many structural conditionalities from previous negotiation rounds are put into question.<sup>38</sup>

The negotiations and periodic meetings of the ADP, referred to as the Durban process, are currently underway. Since decision 1/CP.17 clearly says that the ADP’s work “shall be terminated” by the twenty-first UNFCCC Conference of Parties in Paris in 2015, a certain degree of urgency accompanies the negotiating process.<sup>39</sup> To meet this, the ADP adopted in 2012 an agenda that outlines two major “workstreams”: The first concentrates on the 2015 agreement while the second concentrates on pre-2020 ambitions.<sup>40</sup>

As of today, it is difficult to conclusively assess which agreement the ADP will suggest when it finishes its work in 2015. Looking at one of the more recent negotiating meetings, in June 2013 in Bonn, the current status quo can be summarized along six major preliminary findings:

- i. There is a universal responsibility to protect the climate as “all Parties need to take ambitious action” to achieve the 2°C target;
- ii. The principles of equity and CBDRRC command that commitments should be fair and not hinder sustainable development;
- iii. A form of support for Parties with inadequate means has to be provided;
- iv. Proposed mitigation efforts have to be “transparent, quantifiable and comparable”;
- v. To reach and maintain the scientifically required level of commitments, there has to be a mechanism to review and, if necessary, “scale up” nationally proposed mitigation commitments; and
- vi. “Indicators”, or contribution targets, are considered to be useful to develop and compare national efforts.<sup>41</sup>

#### *Regional Economic Integration Organizations and the Durban Process*

Generally, there is a “multiplicity of intergovernmental regional environmental efforts.”<sup>42</sup> However, the European Union is the only regional economic integration organization (REIO) with the status of Party to both the UNFCCC and the *Kyoto Protocol*. This underlines the fact that, outside of Europe, virtually all of the other regional economic integration organizations have at most a coordinating or advising stance on climate policy, and leave the policy-making to nation states. Examples for advisory roles for regional bodies are the regional economic commissions of the UN, or strictly intergovernmental bodies like the Association of Southeast Asian States (ASEAN).<sup>43</sup> Since the EU plays a particularly important role in the negotiating process of global climate change politics, the following section will focus on this aspect.

#### ***The European Union’s approach to the Durban process***

The European Union (EU) was a key player at the negotiations in Durban. Together with the group of Small Island States and Least Developed Countries, the EU lobbied hard for a legally binding climate treaty that would also

---

<sup>36</sup> UNEP, *The 2012 Emissions Gap Report*, 2012.

<sup>37</sup> Bodansky, *The Durban Platform Negotiations*, 2012, p. 3; UNFCCC Conference of Parties, *Establishment of an Ad Hoc Working Group on the Durban Platform*, 2012, Clause 5.

<sup>38</sup> Bodansky, *The Durban Platform Negotiations*, 2012, p. 3.

<sup>39</sup> UNFCCC Conference of Parties, *Establishment of an Ad Hoc Working Group on the Durban Platform*, 2012, Clauses 1, 3.

<sup>40</sup> UNFCCC, *Report of the Ad Hoc Working Group on the Durban Platform for Enhanced Action*, 2012.

<sup>41</sup> Irish Presidency of the Council of the European Union, *Process for Ensuring Ambitious Mitigation Commitments in the 2015 Agreement*, 2013.

<sup>42</sup> Breslin & Elliott, *Researching comparative regional environmental governance*, 2011, p. 4.

<sup>43</sup> Yan & Zhimin, *Europe, Asia and Climate Change Governance*, 2013.

include significant commitments to reduce greenhouse gas emissions by major polluters, including developing countries.<sup>44</sup> This provision was not included in the *Kyoto Protocol*, which only defined greenhouse gas (GHG) emission reduction targets for industrialized countries. The EU and its partners had to find a compromise with the so-called BASIC group (Brazil, South Africa, China, and India) and the United States, who were opposing immediate reduction targets as a result of the Durban negotiations.<sup>45</sup> Instead, they hoped for an extension of the *Kyoto Protocol* commitments, under which they would continue to have no legally binding GHG reduction targets.<sup>46</sup> Since developing countries are now responsible for 58 % of global GHG emissions, their exemption from binding commitments has put into question the success of a global policy to preserve stable climate conditions.<sup>47</sup> As a result of these opposing positions, the 17<sup>th</sup> Conference of Parties (COP-17) compromised on the Durban outcomes, which also rendered previous, non-binding goals formulated at Bali (COP-13) and Copenhagen (COP-15) significantly less important.<sup>48</sup>

The European Union sees itself as a motor for the protection of the global climate system. Even before the Durban conference, the EU agreed on the internal goal to reduce its GHG emissions by 20 % until 2020, even though it was not bound to do so.<sup>49</sup> The EU also established the first international emissions trading scheme (ETS), a cap-and-trade program introduced in 2005, to adapt market-based mechanisms to reduce emissions, a goal formulated by the *Kyoto Protocol*.<sup>50</sup> While the role of the EU within the UNFCCC framework remains evident, there are several political and legal challenges to its participation that may in part be structurally due to their role as a regional economic integration organization. If that is so, increasing regional integration and the prospect of including further regional economic integration organizations as Parties into any post-2020 agreement calls for an assessment of these challenges within a multilateral framework.

#### *Legal challenges*

The UNFCCC and the *Kyoto Protocol* are two of several multilateral treaties to which the EU as well as all of its Member States are Parties. Other such treaties include the *Constitution of the Food and Agriculture Organization*, the *United Nations Convention on the Law of the Sea* or the *United Nations Convention on Corruption*.<sup>51</sup> This is because these agreements address a wide range of issues including trade-related aspects, for which the European Union's supranational institutions have an exclusive competence, whereas other policy areas either remain in the exclusive competence of each EU Member State or are shared between the EU and its members.<sup>52</sup> Article 22 of the UNFCCC regulates this form of "double" membership for UNFCCC and provides that if both the regional organization and its members are Parties to the Convention, "the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention."<sup>53</sup> Under that same article, the EU and its members may not exercise rights or duties under the Convention concurrently, and upon ratification, the EU was obliged to declare the extent of its competence.<sup>54</sup> When the European Economic Community (the legal predecessor to the European Union) acceded to the UNFCCC, it declared "that the commitment to limit anthropogenic CO<sub>2</sub> emissions set out in article 4(2) of the Convention will be fulfilled in the Community as a whole."<sup>55</sup> Per that declaration, the European Union is technically bound to speak with one voice when concretizing any GHG emissions reduction targets, such as foreseen in the Durban process. When it comes to decision-making within UNFCCC organs, most importantly the Conference of Parties, Rule 41 of the Rules of Procedure provides that the EU shall exercise its right to vote with a number of votes equal to the number of its Member States; if any of the Member States exercises its right to vote, the EU delegation shall not vote.<sup>56</sup> Since climate change is an area of shared competence, all EU positions are negotiated amongst EU Member States in

---

<sup>44</sup> Bodansky, *The Durban Platform Negotiations*, 2012, p. 1.

<sup>45</sup> Bodansky, *The Durban Platform Negotiations*, 2012, p. 2.

<sup>46</sup> The Economist, *A deal in Durban*, 2011.

<sup>47</sup> The Economist, *A deal in Durban*, 2011.

<sup>48</sup> Bodansky, *The Durban Platform Negotiations*, 2012, pp. 2-4.

<sup>49</sup> European Commission, *The EU climate and energy package*, 2012.

<sup>50</sup> European Commission, *The EU Emissions Trading System (EU ETS)*, 2013.

<sup>51</sup> European Commission, *Inventory of Agreements Containing the REIO clause*, 2011.

<sup>52</sup> Neframi, *Mixed Agreements as a Source of European Union Law*, 2012.

<sup>53</sup> *UN Framework Convention on Climate Change*, Article 22 (2).

<sup>54</sup> *UN Framework Convention on Climate Change*, Article 22 (2)&(3).

<sup>55</sup> UNFCCC, *Declarations by Parties*.

<sup>56</sup> UN Framework Convention on Climate Change Conference of Parties, *Rules of Procedure*, Rule 41.

advance, under the auspices of the EU Presidency, which rotates every six months.<sup>57</sup> This situation has led to much criticism in the past, alleging that the EU position was not always consistent or that it makes the EU inflexible during UNFCCC COP meetings.<sup>58</sup>

### *Political challenges*

When it was hosting the COP-15 in Copenhagen in 2009, the EU had pressed for a global commitment to find a strong successor to the *Kyoto Protocol* and increase overall mitigation efforts.<sup>59</sup> Yet, meeting strong resistance from major emitters like China, India, and the United States, these efforts were muted, leading observers to see the EU “totally marginalized” and its “decline as a climate change leader.”<sup>60</sup> In retrospective, at Copenhagen “the EU had a normative agenda and unrealistic expectations and thereby failed to forge any bridge-building coalitions.”<sup>61</sup> Although the protracted negotiations around the end of the first *Kyoto* commitment period made clear how difficult global climate change policy can be, the EU was regarded as an influential driver of the compromise agreed upon at Durban in 2011, by integrating developing countries and major emitters in the Durban platform, and by making its own willingness to extend the first *Kyoto Protocol* commitment period a conditional pledge to support the agreement.<sup>62</sup> As the EU climate commissioner Connie Hedegaard put it, the “EU strategy worked [...] We would not take a new Kyoto period unless we got in return a roadmap for the future where all countries must commit.”<sup>63</sup> Thereby – and although environmentalists continue to question the overall success of the EU’s internal and external climate policy –, the Europeans remained at the spearhead of the global efforts to mitigate negative human interference with the climate system.<sup>64</sup>

Looking at the Durban process – most visible at the periodic ADP meetings – the EU has formulated a clear goal: “The EU is aiming for an Agreement that will encourage and ensure the highest possible mitigation efforts by all Parties, and where those with the greatest responsibilities and capabilities take the lead.”<sup>65</sup> The EU’s plans for practical steps to reach an agreement on the two negotiating fronts – a post-2020 agreement and strong pre-2020 commitments – cannot yet conclusively be evaluated. The EU currently seems to be in a deliberative mode in the context of its external climate policy: Thus, it recently opened an EU-wide public consultation, a process where citizens and stakeholders can provide policy input, and continues to regularly publish indefinite position papers on its ADP participation.<sup>66</sup> But it is bound to assume its global leadership role when the next UNFCCC climate change conferences will take place on its own territory in Warsaw (COP-19) in November 2013 and in Paris (COP-21) in 2015. At Paris it will also be revealed whether the ADP process will conclude successfully – a goal that the EU holds dear.

### **Conclusion**

This section of the background guide has presented an overview of the Durban process and highlighted its two key goals: a follow-up regime to the *Kyoto Protocol* after 2020, and increased commitments before. The EU stands out in the Durban process because of two reasons: First, it is the only regional organization that is actually a Party to the UNFCCC, a prerequisite to assume a place at the negotiating table, and second, it continues to play a major leadership role in the international climate talks.

---

<sup>57</sup> Afionis, *European Union Coherence in UNFCCC Negotiations Under the New Treaty of Lisbon (Reform Treaty)*, 2008, p. 44; Delreux & Van den Brande, *Taking the lead: informal division of labour in the EU's external environmental policy-making*, 2013.

<sup>58</sup> Afionis, *European Union Coherence in UNFCCC Negotiations Under the New Treaty of Lisbon (Reform Treaty)*, 2008, p. 44.

<sup>59</sup> Groen, Niemann, Oberthür, *The EU's Role in International Climate Change Policy-Making: A Global Leader in Decline?*, 2013.

<sup>60</sup> Bäckstrand, & Elgström, *The EU's role in climate change negotiations: from leader to 'leadiator'*, 2013, p. 1.

<sup>61</sup> Bäckstrand, & Elgström, *The EU's role in climate change negotiations: from leader to 'leadiator'*, 2013, p. 1.

<sup>62</sup> Bäckstrand, & Elgström, *The EU's role in climate change negotiations: from leader to 'leadiator'*, 2013, p. 1.

<sup>63</sup> Quoted in: Youngs, *The EU's Global Climate and Energy Policies*, 2013, p. 421.

<sup>64</sup> Youngs, *The EU's Global Climate and Energy Policies*, 2013, p. 423; for a recent evaluation of the EU’s climate change mitigation, see: Egenhofer & Alessi, *EU Policy on Climate Change Mitigation since Copenhagen and the Economic Crisis*, 2013.

<sup>65</sup> Irish Presidency of the Council of the European Union, *Process for Ensuring Ambitious Mitigation Commitments in the 2015 Agreement*, 2013, p. 2.

<sup>66</sup> E.g. Irish Presidency of the Council of the European Union, *Process for Ensuring Ambitious Mitigation Commitments in the 2015 Agreement*, 2013, p. 2.

When assessing the role of the EU at the Durban process, the delegates at the UNFCCC should look into the potentials and challenges arising from the EU's special role: Which lessons can be learnt from regional cooperation in global environmental policy? Can the EU's integration serve as a model for other regional bodies (which have not yet assumed a significant role) in the Durban process? Can the Parties of the UNFCCC agree on major steps forward in the Durban process? May including regional economic integration organizations more consciously serve as a way of finding common solutions to some of the world's most pressing issues?

### Annotated Bibliography

Bäckstrand, K., & Elgström, O. (2013). The EU's role in climate change negotiations: from leader to 'leadior'. *Journal of European Public Policy*, (ahead-of-print), 1-18. Retrieved on July 8, 2013, from: <http://dx.doi.org/10.1080/13501763.2013.781781>.

*This article is about to be published by the renowned Journal of European Public Policy. It analyzes the EU's strategy and role in recent climate change negotiations. The authors argue that the EU shifted from a rather unsuccessful stance of over-ambitious leadership at the Copenhagen UNFCCC conference to a more pragmatic policy that took a more inclusive stance towards developing countries. This article is important for delegates to read in order to understand the EU's position within the UNFCCC framework.*

Bodansky, D. (2012, July). *The Durban Platform Negotiations: Goals and Options*. Harvard Project on Climate Agreements: Viewpoints. Retrieved on July 8, 2013, from: [http://belfercenter.hks.harvard.edu/publication/22196/durban\\_platform\\_negotiations.html](http://belfercenter.hks.harvard.edu/publication/22196/durban_platform_negotiations.html).

*The author of this paper is a professor at Arizona State University. He analyzes the politics and outcomes of the Durban Platform negotiations. Delegates are encouraged to refer to this source, as it contains concise background on the treaty and outlines the possible next steps in international climate policy.*

Delreux, T., & Van den Brande, K. (2013). Taking the lead: informal division of labour in the EU's external environmental policy-making. *Journal of European Public Policy*, 20 (1): pp. 113-131. Retrieved on July 14, 2013, from: <http://dx.doi.org/10.1080/13501763.2012.693421>.

*The authors of this article open the black box and look into intra-EU political decision-making that determines the Europeans' external climate policy. They find that various supranational and national institutions function in an informal division of labor. With this paper, delegates can find a first-hand perspective and get a better understanding of the inner-European political dynamics of its environmental policy-making.*

*Kyoto Protocol to the United Nations Framework Convention on Climate Change*. (1998). Retrieved on May 15, 2013, from: <http://unfccc.int/resource/docs/convkp/kpeng.pdf>.

*The Kyoto Protocol was adopted in 1997 as an adjunct, but separate agreement to the UNFCCC that bindingly commits industrialized countries to stabilize harmful greenhouse gas emissions. It sets specific and measurable reduction targets for the greenhouse gas emissions of 37 industrialized (Annex B) countries, including the European Union, within a first period of commitment and based on 1990 levels. The Protocol entered into force in 2005, after all ratification criteria were met, and has currently 192 Parties.*

United Nations Framework Convention on Climate Change Conference of Parties. (2012, March 15). *Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action*. Decision 1/CP.17. (FCCC/CP/2011/9/Add.1). Retrieved on July 7, 2013, from:

<http://unfccc.int/resource/docs/2011/cop17/eng/09a01.pdf>.

*The UNFCCC COP-17 took place in Durban in December 2011. One of the COP's major outcomes was the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) as a subsidiary body, established by decision 1/CP.17. It is mandated to develop, by the year 2015, a new universal treaty to deal with climate change, which is set to enter into force by 2020. This source is the original UNFCCC decision and serves as the foundation of the Durban process.*

## II. International Mechanisms to Address Loss and Damage

*“I stand here before you as a Head of State, but I am speaking as one of the Sons of the Pacific. Our livelihood, indeed our very existence, depends upon the oceans. The ebb and flow of the oceans are as much a part of our lives as the air we breathe. But today we stand on the frontlines of climate change. The oceans, which once sustained us, are now threatening to swallow us whole.”<sup>67</sup>*

### **Introduction**

Climate change causes a variety – in terms of nature and size – of occurrences of loss and damage worldwide. Some people can see their hometowns lost or damaged; some states lost national landmarks and heritage sites. When it comes to small island states (e.g. in the Pacific), the issue of loss and damage can be a matter of survival – while other states might just experience minor effects of climate change.

The United Nations Framework Convention on Climate Change (UNFCCC) Conference of Parties (COP) first addressed the topic of loss and damage at its 16<sup>th</sup> Conference of Parties (COP16) in Cancún, Mexico. However, there still remains much to be done. Firstly, the concept of loss and damage has to be defined. There is no universally agreed definition of the term ‘loss and damage’ since it includes a broad range of economic, non-economic, social, and environmental aspects. Secondly, there is a need to find appropriate international mechanisms to address loss and damage to compensate the defects, seek practical solutions, and to build on previous steps made with, inter alia, the *Kyoto Protocol*, the *Cancun Agreement*, and the outcomes of the Doha Conference. This guide will present an overview of the various aspects that fall under the issue of loss and damage. It then proceeds to the steps that the UNFCCC COP has already undertaken in order to address loss and damage. Lastly, several short case studies with specific examples concerning the topic will further illustrate the problems at hand.

### **Defining Loss and Damage**

One crucial aspect of the agenda is the exact meaning of loss and damage. It is clear that the term ‘loss and damage’ refers to those effects of climate change that cause irreparable damage; however, the UNFCCC Secretariat acknowledges that there is “no agreed definition of the term ‘loss and damage’.”<sup>68</sup> The *Cancun Agreements* state that ‘loss and damage’ is “associated with the adverse effects of climate change, including impacts related to extreme weather events and slow onset events.”<sup>69</sup> This sets the framework for any definition of loss and damage, which comprises both economically quantifiable losses as well as non-economic loss. Another factor in the discussion on loss and damage is the exact meaning of ‘slow onset events’.

### **Economic Loss and Damage**

The United Nations Office for Disaster Risk Reduction (UNISDR) found in 2010 that “the economic loss risk to floods in the OECD, which concentrates about 53% of the global GDP exposed per year, is about 170% more than in 1990.”<sup>70</sup> According to that same study, the risk of losing wealth to a weather-related disaster is growing faster than wealth itself, which means that on the whole, economic loss is to be expected from weather-related disasters caused by continuing climate change.<sup>71</sup> This is a major aspect of economic loss and damage. Economic loss and damage can be specified mainly into two categories, which are property loss and damage, and economic loss, the latter of which is difficult to quantify. Property loss and damage may include that people lose their home and appliances because of flood, but also the expenses that governments have to pay not only for supporting and helping those flood victims economically, but also to restore the damaged settlements and infrastructure to its original state. Economic loss can be defined as a “reductions in the value of things, as described by formal accounting of value.”<sup>72</sup> It can be categorized into material loss, like reduced crop yields, or non-material loss, like supply chain interruption.<sup>73</sup>

<sup>67</sup> UNFCCC, *Statement by the Honorable Johnson Toribiong, President of the Republic of Palau, to the COP 16 / CMP 6*, 7 December 2010, Cancún, Mexico, p. 2.

<sup>68</sup> Warner & Zakieldein, *Loss and Damage Due to Climate Change*, 2012, p. 4.

<sup>69</sup> UNFCCC COP, *Report of the Conference of the Parties on its sixteenth session – Decision 1/CP.16*, para. 25.

<sup>70</sup> UNISDR, *Building cities’ resilience to disasters*, 2012.

<sup>71</sup> UNISDR, *Building cities’ resilience to disasters*, 2012.

<sup>72</sup> Morrissey & Oliver-Smith, *Perspectives on Non-Economic Loss and Damage*, 2013, p. 6.

<sup>73</sup> Morrissey & Oliver-Smith, *Perspectives on Non-Economic Loss and Damage*, 2013, p. 7.



Furthermore, many disasters can have a negative impact on society, besides economic damage.

#### *Non-economic Loss and Damage*

Non-economic loss and damage includes loss of ecosystems, cultural heritage, values, and local and indigenous knowledge.<sup>74</sup> Marble cultural heritage like statues and cathedrals are being destroyed because of acid rain. Many states lost natural and cultural heritages because of climate change.<sup>75</sup> Such losses have been documented by the United Nations Environment Programme all over the world: In 2002, flooding damaged an estimated half a million books in the Czech Republic; in Egypt, the monuments of Alexandria are threatened by coastal erosion; in Thailand, floods have damaged the 600 year-old ruins of Sukothai amongst other monuments; and in the Arctic, the livelihood of the Arctic indigenous people, who rely on sea ice for fishing and hunting, has been at risk of disappearing.<sup>76</sup>

#### *Slow onset events*

As seen, the COP used the term ‘slow onset events’ to describe loss and damage caused by climate change.<sup>77</sup> However, neither the *Cancun Agreements* nor the UNFCCC itself define ‘slow onset events’. Initiatives aimed at fostering a better understanding of the issue of loss and damage have tried to come up with definitions that take into account the “guiding provisions of the Convention, supplemented by interpretations in subsidiary decisions, technical papers and accepted science as set out by the Intergovernmental Panel on Climate Change (IPCC).”<sup>78</sup> In such an understanding, slow onset events or chronic hazards are those that are caused entirely by climate change resulting from human activities and are termed chronic since the effects are gradual.<sup>79</sup> For instance, from a climate change perspective, a drought could continue for a couple of years, but would still be considered ‘acute’ if compared to sea level rise or ocean acidification which is a permanent change in climate and carries on over a longer time period.<sup>80</sup> It is largely agreed that drought is an example of an acute hazard whereas sea level rise is a chronic hazard; and that chronic hazards must be considered as ‘slow onset events’ that cause loss and damage.<sup>81</sup>

#### *International Mechanisms to address Loss and Damage*

Since greenhouse gas emissions with a negative impact on the global climate are not caused by one specific country, but are a concern to the entire world as a whole, it is important to find international answers. For this reason, the UNFCCC Parties regularly meet at global conferences, in places like Kyoto, Cancún, or Doha. However, it was not until 2010 that the topic of loss and damage was put on the COP’s agenda at their annual meeting which took place in Cancún, Mexico.<sup>82</sup> At the meeting in Cancún, states Parties to the UNFCCC agreed to address loss and damage. In the follow-up to the Cancún summit, three thematic focus areas were developed that outline the UNFCCC’s work program on loss and damage:

- (I) “Assessing the risk of loss and damage associated with the adverse effects of climate change and current knowledge on the same;
- (II) A range of approaches to address loss and damage associated with the adverse effects of climate change, including impacts related to extreme weather events and slow onset events, taking into consideration experiences at all levels;
- (III) The role of the Convention in enhancing implementation of approaches to address loss and damage associated with the adverse effects of climate change.”<sup>83</sup>

#### *Assessing the risk of loss and damage*

This focus area is occupied with defining loss and damage and evaluates different methodological approaches of measuring loss and damage related to climate change.<sup>84</sup> Two major schools of thought must be distinguished: the

---

<sup>74</sup> Morrissey & Oliver-Smith, *Perspectives on Non-Economic Loss and Damage*, 2013.

<sup>75</sup> United Nations Environment Programme, *Climate Change Threat to Natural & Cultural Heritage*, 2006.

<sup>76</sup> United Nations Environment Programme, *Climate Change Threat to Natural & Cultural Heritage*, 2006.

<sup>77</sup> Warner & Zakieldeen, *Loss and Damage Due to Climate Change*, 2012, p. 4.

<sup>78</sup> Siegele, *Loss & Damage: The theme of slow onset impact*, 2012, p. 4.

<sup>79</sup> Siegele, *Loss & Damage: The theme of slow onset impact*, 2012, p. 4.

<sup>80</sup> Siegele, *Loss & Damage: The theme of slow onset impact*, 2012, p. 5.

<sup>81</sup> Siegele, *Loss & Damage: The theme of slow onset impact*, 2012, p. 5.

<sup>82</sup> UNFCCC, *Thematic areas – Loss and Damage*, 2013.

<sup>83</sup> UNFCCC, *Thematic areas – Loss and Damage*, 2013.

<sup>84</sup> UNFCCC, *Current knowledge on [...] the risk of loss and damage. Technical Paper (FCCC/TP/2012/1)*, 2012.

Disaster Risk Reduction (DRR) approach and the Climate Change Adaptation (CCA) approach.<sup>85</sup> The DRR approach looks at the vulnerability of a country and then calculates the risk a specific disaster (or hazard) poses to that country.<sup>86</sup> This means that for the DRR approach, ‘vulnerability’ is a pre-existing condition, a factor that is not influenced by climate change.<sup>87</sup> The CCA approach in turn defines vulnerability as “the degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes. Vulnerability is a function of the character, magnitude, and rate of climate change and variation to which a system is exposed, its sensitivity, and its adaptive capacity.”<sup>88</sup> In this view, vulnerability of a country is therefore intrinsically linked to climate change itself.

The latest IPCC Special Report on “*Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation*” (SREX report; IPCC, 2012) can be seen as an effort to combine the two aforementioned frameworks in the context of extreme events.<sup>89</sup> It comes to the conclusion that there is a very high probability that direct economic loss from extreme weather conditions will increase in the following years.<sup>90</sup> This shows that loss and damage are very real concerns to the international community.

#### *Approaches to address loss and damage & the role of the Convention in enhancing implementation*

The focus area on ‘approaches to address loss and damage’ mainly serves as a knowledge-sharing platform for states and experts to elaborate on approaches that already exist to mitigate the effects of climate change. Thematic area III is an area where much progress must still be done,, most importantly systematic approaches to deal with loss and damage.

Prior to the Doha Conference (COP18) in Doha in 2012, the UNFCCC Secretariat has collected views of various groups of states and other actors on how loss and damage can be addressed under the Convention. In this context, the Alliance of Small Island States called for three concrete mechanisms to be developed under the Convention, namely an insurance component that would insure Small Island Developing States against the financial risk of increasingly frequent and severe extreme weather events; a rehabilitation/compensatory component to reimburse Small Island Developing States for negative effects that have already occurred; and a risk management component that would provide a mechanism to evaluate the risk of loss and damage.<sup>91</sup>

At the COP18, Parties to the Convention agreed that financial and technical support was necessary in order to address loss and damage; and that it was the task of the international community to develop comprehensive risk assessment mechanisms.<sup>92</sup>

#### *The Cancun Adaptation Framework*

One strategy to cope with the issue of loss and damage is trying to prevent loss and damage from occurring. One major factor in past years has been adaptation, which means strategies to adjust to changing weather conditions.<sup>93</sup> Adaptation was a major issue at the COP16, when Parties adopted the Cancun Adaptation Framework (CAF) as part of the *Cancun Agreements*. The Parties “affirmed that adaptation must be addressed with the same level of priority as mitigation.”<sup>94</sup> The CAF is the result of three years of negotiations on adaptation under the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA), which was set up as part of the *Bali Action Plan* at the 2007 Climate Change Conference in Bali, Indonesia (COP13).<sup>95</sup>

<sup>85</sup> UNFCCC, *Current knowledge on [...] the risk of loss and damage. Technical Paper (FCCC/TP/2012/1)*, 2012, para. 3.

<sup>86</sup> UNFCCC, *Current knowledge on [...] the risk of loss and damage. Technical Paper (FCCC/TP/2012/1)*, 2012, para 25.

<sup>87</sup> UNFCCC, *Current knowledge on [...] the risk of loss and damage. Technical Paper (FCCC/TP/2012/1)*, 2012, para. 25.

<sup>88</sup> UNFCCC, *Current knowledge on [...] the risk of loss and damage. Technical Paper (FCCC/TP/2012/1)*, 2012, para. 25.

<sup>89</sup> UNFCCC, *Current knowledge on [...] the risk of loss and damage. Technical Paper (FCCC/TP/2012/1)*, 2012, para. 24.

<sup>90</sup> IPCC, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation - Summary for Policymakers*, 2012, p. 14.

<sup>91</sup> UNFCCC – Subsidiary Body on Implementation, *Paper of Nauru on Behalf on the Small Island States (FCCC/SBI/2012/MISC.14)*, 2012, pp. 5-7.

<sup>92</sup> UNFCCC COP, *Decision 3/CP.18 on Approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change to enhance adaptive capacity*, paras. 5-6.

<sup>93</sup> IPCC, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation - Summary for Policymakers*, 2012, p. 3.

<sup>94</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

<sup>95</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

The goal of the CAF is “to enhance action on adaptation, including through international cooperation and coherent consideration of matters relating to adaptation under the Convention.”<sup>96</sup> Thereby, it seeks to reduce vulnerability and build resilience in developing countries, while “taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable.”<sup>97</sup> At the Durban Climate Change Conference in November and December 2011, the Parties elaborated on the CAF and “significantly advanced the implementation.”<sup>98</sup>

The CAF includes five essential clusters:

#### 1. Implementation

Parties are invited to “plan, prioritize and implement adaptation actions and to use existing channels to provide information on support provided and received for adaptation actions and on activities undertaken.”<sup>99</sup> This includes a process to enable LDC Parties to formulate and implement national adaptation plans.<sup>100</sup>

#### 2. Support

Developed country Parties are called upon to provide developing country Parties with finance, technology, and capacity-building, so that developing country Parties are able carry out the abovementioned implementation activities under the Cancun Adaptation Framework.<sup>101</sup>

#### 3. Institutions

Institutions to support adaptation efforts need to be established at the global, regional and national levels; this includes the establishment of an Adaptation Committee to promote the implementation of enhanced action on adaptation in a coherent manner under the Convention at the global level, regional networks and centers, and national-level institutional arrangements.<sup>102</sup>

#### 4. Principles

All adaptation efforts need to be undertaken in accordance with the Convention; they should “follow a country-driven, gender-sensitive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems; be based on and guided by the best available science and, as appropriate, traditional and indigenous knowledge; [and] be undertaken with a view to integrating adaptation into relevant social, economic and environmental policies and actions.”<sup>103</sup>

#### 5. Stakeholder engagement

While every country needs to undertake adaptation activities, they cannot succeed in these activities on their own; therefore, relevant multilateral, international, regional and national organizations, the public and private sectors, civil society and other relevant stakeholders should support adaptation efforts at all levels.<sup>104</sup>

Adaptation and loss and damage are intrinsically linked. Delegates should therefore be aware of the adaptation activities that their countries are undertaking.

### ***Key issues in addressing loss and damage***

#### *Small Island States Sinking Below Sea Level*

Due to climate change and global warming, which accelerated the melting of polar ice sheets and mountain glaciers, between 2005 and 2011, the global sea level has risen about 2 centimeters according to a study published in Nature

---

<sup>96</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

<sup>97</sup> UNFCCC Conference of Parties. *Report of COP-16*, 2010, Clause 97.

<sup>98</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

<sup>99</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

<sup>100</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

<sup>101</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

<sup>102</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

<sup>103</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

<sup>104</sup> UNFCCC, *Cancun Adaptation Framework*, 2013.

Geoscience.<sup>105</sup> Many people do not realize that this small change can have serious consequences. But people living in problem areas such as Palau, Maldives, and Tuvalu may literally drown owing to the 2-centimeter sea level rise.

Recently, the president of the Pacific island nation of Palau, Johnson Toribiong, announced plans to seek an advisory opinion from the UN International Court of Justice (ICJ) on whether countries have a legal responsibility to ensure that any activities on their territory that emit greenhouse gases do not harm other States.<sup>106</sup> Furthermore, the Maldives – which is one of the lowest lands in the world and was among the first to sign the *Kyoto Protocol* in 1997, and actively supports the negotiations on climate change – suffers a crisis of survival due to climate change and the sea level rise.<sup>107</sup> Lastly and most notably, Tuvalu, regarded as one of the most beautiful island states, already lost one of its islands in 1997: The capital city Funafuti is flooded at this very moment.<sup>108</sup> The Tuvaluan government made an official announcement in 2001 in which it stated that Tuvaluans would abandon their territories and asked to let their people live in other countries considering them as climate refugees. In fact, the authorities threatened to sue the United States and Australia in 2002 for too much carbon dioxide emissions.<sup>109</sup> However, the new Prime Minister Willy Telavi insisted at the Yeosu Declaration Forum in 2012 that Tuvaluan people will never leave nor give up their islands even if the seawater penetrates.<sup>110</sup>

#### *Desertification and Loss of Biodiversity*

Desertification is fatal in itself because it means the loss of soil. Other dire consequences are the resulting loss of biodiversity, landscape simplification, the loss of biomass and a potentially resulting loss of social cohesion and traditions especially due to industrial agriculture.<sup>111</sup>

In a 2012 technical paper, the UNFCCC describes the effects of slow onset climatic processes on biodiversity and desertification.<sup>112</sup> It finds that “increasing air and water temperatures and altered precipitation patterns [...] are affecting the structure, composition and functions of ecosystems, resulting in loss of biodiversity and reductions in the ecosystem services that help support human well-being.”<sup>113</sup> Climate change can negatively influence “provisioning services” (e.g. food, water, timber); “regulating services” (affecting climate, water levels, disease, wastes, water quality); “cultural services” (like recreational benefits); or “supporting services” (like photosynthesis).<sup>114</sup> Increasing temperatures can increase the likelihood of flora and fauna extinction, as more than one fifth of species may be threatened by high risks of extinction if the global mean temperatures exceed 2°Celsius.<sup>115</sup> In addition, climate change “may exacerbate desertification through the alteration of spatial and temporal patterns in temperature, rainfall, solar radiation and winds.”<sup>116</sup> This again fuels a vicious circle, as “[d]esertification and the associated loss of vegetation contribute to loss of biodiversity and also to climate change through reduced carbon sequestration.”<sup>117</sup> Also the livelihoods and settlements of human populations can be lost or damaged due to desertification, potentially resulting in social and political ramifications.<sup>118</sup>

#### **Conclusion**

This section of the background guide outlined the international debate on the phenomenon of “loss and damage” due to climate change and illustrated its ramifications as well as negative impacts.

At the conference, delegates should discuss mainly two things: First, how can the UNFCCC framework establish additional mechanisms to systematically support vulnerable countries to avoid and reduce loss and damage

---

<sup>105</sup> Naik, *Rising Sea Level Tied to Faster Melt*, 2013.

<sup>106</sup> UN News Centre, *Palau seeks UN World Court opinion on damage caused by greenhouse gases*, 2011.

<sup>107</sup> Hoffmann, *The Maldives and Rising Sea Levels*, 2007.

<sup>108</sup> Mason, *Tuvalu: Flooding, Global Warming, and Media Coverage*, 2013.

<sup>109</sup> Allen, *Will Tuvalu Disappear Beneath the Sea?*, 2004.

<sup>110</sup> Yoon-Mi, *Tuvalu Prime Minister Willy Telavi...*, 2012.

<sup>111</sup> Senanayake, *Desertification and Biodiversity*, 2012.

<sup>112</sup> UNFCCC. *Slow Onset Events. Technical Paper (FCCC/TP/2012/7)*, 2012.

<sup>113</sup> UNFCCC. *Slow Onset Events. Technical Paper (FCCC/TP/2012/7)*, 2012, Clause 43.

<sup>114</sup> UNFCCC. *Slow Onset Events. Technical Paper (FCCC/TP/2012/7)*, 2012, Clause 43.

<sup>115</sup> UNFCCC. *Slow Onset Events. Technical Paper (FCCC/TP/2012/7)*, 2012, Clause 44.

<sup>116</sup> UNFCCC. *Slow Onset Events. Technical Paper (FCCC/TP/2012/7)*, 2012, Clause 47.

<sup>117</sup> UNFCCC. *Slow Onset Events. Technical Paper (FCCC/TP/2012/7)*, 2012, Clause 48.

<sup>118</sup> UNFCCC. *Slow Onset Events. Technical Paper (FCCC/TP/2012/7)*, 2012, Clause 49.

associated with climate change? Second, how can non-economic losses be defined, measured and addressed in a compensation mechanism? In other words, delegates should establish specified mechanisms depending on the features of loss and damage, for instance, whether it is an economic or non-economic loss and damage. Though there have been some international mechanisms so far, the Alliance Of Small Island States proposed a 'Multi-Window Mechanism to Address Loss and Damage from Climate Change Impacts' to the Ad Hoc Working Group on Long-term Cooperative Action (AWG-LCA).<sup>119</sup> Is this a viable option to advance International Mechanisms to Address Loss and Damage?

## Annotated Bibliography

ActionAid, CARE International, and WWF. (2012, November). *Tackling the Limits to Adaptation: An International Framework to Address 'Loss And Damage' from Climate Change Impacts*. Retrieved on May 24, 2013, from: [http://www.actionaid.org/sites/files/actionaid/tackling\\_the\\_limits\\_lr.pdf](http://www.actionaid.org/sites/files/actionaid/tackling_the_limits_lr.pdf).

*This joint publication of three major environmental non-governmental organizations proposes an international framework to address "Loss and Damage" from climate change impacts. It was released in the run-up to the Doha conference as a background and policy guide. The paper is a valuable resource for delegates, as it provides concise historical background, legal and moral contexts, and, most significantly, concrete policy proposals for an international mechanism to address the topic.*

McDaniel, M., E. Sprout, D. Boudeau, & A. Turgeon. (2013). *Climate Refugee*. (Encyclopedic Entry). National Geographic Education. Retrieved on July 14, 2013, from: [http://education.nationalgeographic.com/education/encyclopedia/climate-refugee/?ar\\_a=1](http://education.nationalgeographic.com/education/encyclopedia/climate-refugee/?ar_a=1).

*This page offered by the National Geographic provides the encyclopedic definition of the term 'climate refugee' and illustrates it. Simply put, climate refugees are people who lost or must leave their homes and communities owing to the effects of climate change and global warming. According to the International Red Cross, there are more environmental refugees than political ones resulting from wars and other political conflicts.*

United Nations Framework Convention on Climate Change. (2012, May 10). *Current Knowledge on Relevant Methodologies and Data Requirements as well as Lessons Learned and Gaps Identified at Different Levels, in Assessing the Risk of Loss and Damage Associated with the Adverse Effects of Climate Change. Technical Paper (FCCC/TP/2012/1)*. Retrieved on May 24, 2013, from: <http://unfccc.int/resource/docs/2012/tp/01.pdf>.

*This technical background paper by the UNFCCC provides an overview of existing methods and tools to assess the risk of loss and damage in the climate change context. Decision-makers and researchers should value this publication as a first-hand reference on approaches to counter the impacts of loss and damage in particularly vulnerable countries and on policy options to improve adaptation measures. The paper was drafted according to the request of the seventeenth Conference of Parties (COP-17) and served as a key input for the Doha conference (COP-18).*

United Nations Framework Convention on Climate Change. (2013). *Cancun Climate Change Conference - November 2010*. Retrieved on July 14, 2013, from: [http://unfccc.int/meetings/cancun\\_nov\\_2010/meeting/6266.php](http://unfccc.int/meetings/cancun_nov_2010/meeting/6266.php).

*This Web site briefly explains the result of the Cancun Agreement (UNFCCC COP-16), which marks an important point in the international debate on "loss and damage". The Cancun Agreements address the long-term challenge of climate change and call for immediate and concrete action to speed up the global response to it. A particular focus is put on helping developing countries to protect themselves from climate change impacts and build their own sustainable futures. Put simply, the Cancun Agreements' main objectives cover: Mitigation, Transparency of actions, Technology, Finance, Adaptation, Forests, and Capacity building.*

---

United Nations Framework Convention on Climate Change Conference of Parties. (2013, February 28). *Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012 (FCCC/CP/2012/8/Add.1)*. Retrieved on May 16, 2013, from: <http://undocs.org/FCCC/CP/2012/8/Add.1>.

*This source is the official outcome of the eighteenth Conference of Parties (CoP) of the UNFCCC, held in Doha in December 2012 and includes all decisions made there. Of particular relevance for this topic is Decision 3/CP.18, which for the first time calls for an international mechanism to address loss and damage associated with climate change impacts in particularly vulnerable developing countries. Delegates should consider this decision as their mandate to research and negotiate policy options to establish such a mechanism.*

Yoon-Mi, K. (2012, August 13). 윌리 텔라비 투발루 총리 "바닷물 들어와도 국토 포기 안해" (*Tuvalu Prime Minister Willy Telavi...*). The Science. Retrieved on July 14, 2013, from:

<http://news.dongascience.com/PHP/NewsView.php?kisaid=20120813100000000064>.

*This Korean news article addresses the common misconception that the Tuvaluan government is voluntarily giving up territory. The truth is that Tuvaluans continue to hold out, even though sea levels are rising, which directly threatens them. At the Yeosu Declaration Forum 2012, the Prime Minister of Tuvalu, H.E. Willy Telavi strongly announced that the Tuvaluan people will never abandon their land and therefore and for the sake of other small island states in a similar situation, the international community must find a consensus in climate policy rather sooner than later.*



## Bibliography

### *Committee History*

Hovi, J., T. Skodvin & S. Andresen. (2003). The persistence of the Kyoto Protocol: why other Annex I countries move on without the United States. *Global Environmental Politics*, 3(4), 1-23. Retrieved on May 2013, from [http://www.bupedu.com/lms/admin/uploaded\\_article/eA.500.pdf](http://www.bupedu.com/lms/admin/uploaded_article/eA.500.pdf).

*Kyoto Protocol to the United Nations Framework Convention on Climate Change*. (1998). Retrieved on May 15, 2013, from: <http://unfccc.int/resource/docs/convkp/kpeng.pdf>.

New Zealand Ministry of Foreign Affairs and Trade/Manatū Aorere (2012). *United Nations Handbook 2012/13. An Annual Guide for those Working with and within the United Nations*. Wellington: Ministry of Foreign Affairs and Trade/Manatū Aorere. Retrieved on May 17, 2013, from: <http://www.mfat.govt.nz/UNHB2012/index.php>.

Stern, N. (2007). *The Economics of Climate Change: The Stern Review*. Cambridge: Cambridge University Press.

*United Nations Framework Convention on Climate Change*. (1992). Retrieved on May 15, 2013, from: <http://unfccc.int/resource/docs/convkp/conveng.pdf>.

United Nations Framework Convention on Climate Change. (2006). *Handbook*. Bonn: Climate Change Secretariat. Retrieved on May 30, 2013, from: <http://unfccc.int/resource/docs/publications/handbook.pdf>.

United Nations Framework Convention on Climate Change. (2013). *Background on the UNFCCC: The international response to climate change*. Retrieved on May 17, 2013, from: [http://unfccc.int/essential\\_background/items/6031.php](http://unfccc.int/essential_background/items/6031.php).

United Nations Framework Convention on Climate Change. (2013). *Clean Development Mechanism (CDM)*. Retrieved on June 14, 2013, from: [http://unfccc.int/kyoto\\_protocol/mechanisms/clean\\_development\\_mechanism/items/2718.php](http://unfccc.int/kyoto_protocol/mechanisms/clean_development_mechanism/items/2718.php).

United Nations Framework Convention on Climate Change. (2013). *Doha Amendment*. Retrieved on July 15, 2013, from: [http://unfccc.int/kyoto\\_protocol/doha\\_amendment/items/7362.php](http://unfccc.int/kyoto_protocol/doha_amendment/items/7362.php).

United Nations Framework Convention on Climate Change. (2013). *Executive Secretary*. Retrieved on July 15, 2013, from: [http://unfccc.int/secretariat/executive\\_secretary/items/1200.php](http://unfccc.int/secretariat/executive_secretary/items/1200.php).

United Nations Framework Convention on Climate Change. (2013). *First steps to a safer future: Introducing the United Nations Framework Convention on Climate Change*. Retrieved on June 14, 2013, from: [http://unfccc.int/key\\_steps/the\\_convention/items/6036.php](http://unfccc.int/key_steps/the_convention/items/6036.php).

United Nations Framework Convention on Climate Change. (2013). *International Emissions Trading*. Retrieved on June 14, 2013, from: [http://unfccc.int/kyoto\\_protocol/mechanisms/emissions\\_trading/items/2731.php](http://unfccc.int/kyoto_protocol/mechanisms/emissions_trading/items/2731.php).

United Nations Framework Convention on Climate Change. (2013). *Intergovernmental Panel on Climate Change (IPCC)*. Retrieved on June 14, 2013, from: <http://unfccc.int/bodies/body/6444.php>.

United Nations Framework Convention on Climate Change. (2013). *Joint Implementation (JI)*. Retrieved on June 14, 2013, from: [http://unfccc.int/kyoto\\_protocol/mechanisms/joint\\_implementation/items/1674.php](http://unfccc.int/kyoto_protocol/mechanisms/joint_implementation/items/1674.php).

United Nations Framework Convention on Climate Change. (2013). *Making those first steps count: An Introduction to the Kyoto Protocol*. Retrieved on June 14, 2013, from: [http://unfccc.int/essential\\_background/kyoto\\_protocol/items/6034.php](http://unfccc.int/essential_background/kyoto_protocol/items/6034.php).

United Nations Framework Convention on Climate Change. (2013). *Status of Ratification of the Convention*. Retrieved on June 14, 2013, from: [http://unfccc.int/essential\\_background/convention/status\\_of\\_ratification/items/2631.php](http://unfccc.int/essential_background/convention/status_of_ratification/items/2631.php).

United Nations Framework Convention on Climate Change Conference of Parties. (1995, June 6). *Report of the Conference of the Parties on its First Session, Held at Berlin From 28 March to 7 April 1995*. (FCCC/CP1995/7/Add.1). Retrieved on 15 July 2013, from: <http://unfccc.int/cop5/resource/docs/cop1/07a01.pdf>.

United Nations Framework Convention on Climate Change Conference of Parties. (2012, March 15). *Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action. Decision 1/CP.17*. (FCCC/CP/2011/9/Add.1). Retrieved on June 16, 2013, from: <http://unfccc.int/resource/docs/2011/cop17/eng/09a01.pdf>.

United Nations Framework Convention on Climate Change Conference of Parties. (2012, February 13). *Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012* (FCCC/CP/2012/8/Add.1). Retrieved on May 16, 2013, from: <http://undocs.org/FCCC/CP/2012/8/Add.1>.

United Nations Framework Convention on Climate Change Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP). (2012, December 8). *Doha amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change*. Retrieved on June 14, 2013, from: [http://unfccc.int/files/kyoto\\_protocol/application/pdf/kp\\_doha\\_amendment\\_english.pdf](http://unfccc.int/files/kyoto_protocol/application/pdf/kp_doha_amendment_english.pdf).

United Nations General Assembly. (1990). *Protection of Global Climate for Present and Future Generations of Mankind (A/RES/45/212)*. Retrieved on May 30, 2013, from: <http://www.undocs.org/A/RES/45/212>.

### ***I. Assessing the role of Regional Economic Integration Organizations, in particular the European Union, in the Durban process***

Afionis, S. (2009). European Union Coherence in UNFCCC Negotiations Under the New Treaty of Lisbon (Reform Treaty). *Sustainable Development Law & Policy*, 9 (2), pp. 43-47. Retrieved on July 14, 2013, from: <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1111&context=sdlp>.

Bäckstrand, K., & Elgström, O. (2013). The EU's role in climate change negotiations: from leader to 'leadior'. *Journal of European Public Policy*, (ahead-of-print), 1-18. Retrieved on July 8, 2013, from: <http://dx.doi.org/10.1080/13501763.2013.781781>.

Bodansky, D. (2012, July). *The Durban Platform Negotiations: Goals and Options*. Harvard Project on Climate Agreements: Viewpoints. Retrieved on July 8, 2013, from: [http://belfercenter.hks.harvard.edu/publication/22196/durban\\_platform\\_negotiations.html](http://belfercenter.hks.harvard.edu/publication/22196/durban_platform_negotiations.html).

Breslin, S., & Elliott, L. (2011). Researching comparative regional environmental governance: causes, cases and consequences. In: Elliott, L., & Breslin, S. *Comparative environmental regionalism* (pp. 1-18). London: Taylor & Francis.

Delreux, T., & Van den Brande, K. (2013). Taking the lead: informal division of labour in the EU's external environmental policy-making. *Journal of European Public Policy*, 20 (1): pp. 113-131.

Egenhofer, C., & Alessi, M. (2013). EU Policy on Climate Change Mitigation since Copenhagen and the Economic Crisis. *CEPS Working Document*, 380 (March 2013): pp. 1-18. Centre for European Policy Studies. Retrieved on July 8, 2013, from: <http://www.ceps.eu/ceps/dld/7812/pdf>.

European Commission. (2011, 7 July). *Inventory of Agreements Containing the REIO clause*. Retrieved on July 12, 2013, from: <http://ec.europa.eu/world/agreements/viewCollection.do?fileID=58593>.

European Commission. (2012, 10 September). *The EU climate and energy package*. Retrieved on July 8, 2013, from: [http://ec.europa.eu/clima/policies/package/index\\_en.htm](http://ec.europa.eu/clima/policies/package/index_en.htm).



European Commission. (2013, January). *The EU Emissions Trading System (EU ETS)*. Retrieved on July 8, 2013, from: [http://ec.europa.eu/clima/publications/docs/factsheet\\_ets\\_2013\\_en.pdf](http://ec.europa.eu/clima/publications/docs/factsheet_ets_2013_en.pdf).

Groen, L.; Niemann, A., & Oberthür, S. (2013). The EU's Role in International Climate Change Policy-Making: A Global Leader in Decline?. In: Boening, A; Kremer, J.-F. & Van Loon, A. *Global Power Europe-Vol. 2* (pp. 37-54). Berlin/Heidelberg: Springer.

Irish Presidency of the Council of the European Union. (2013, 27 May). *Process for Ensuring Ambitious Mitigation Commitments in the 2015 Agreement. Submission by Ireland and the European Commission on behalf of the European Union and its Member States*. Retrieved on July 8, 2013, from: [http://unfccc.int/files/documentation/submissions\\_from\\_parties/adp/application/pdf/adp\\_eu\\_workstream\\_1\\_20130527.pdf](http://unfccc.int/files/documentation/submissions_from_parties/adp/application/pdf/adp_eu_workstream_1_20130527.pdf).

Neframi, E. (2012). Mixed Agreements as a Source of European Union Law. In: Cannizzaro, E.; Palchetti, P. & Wessels, R.A. *International Law as Law of the European Union* (pp. 325 – 349). Leiden/Boston: Martinus Nijhoff.

The Economist. (2011, 17 December). *A deal in Durban*. Retrieved on July 8, 2013, from: <http://www.economist.com/node/21541806>.

United Nations Environment Programme. (2012). *The Emissions Gap Report 2012*. Retrieved on July 8, 2013, from: <http://www.unep.org/pdf/2012gapreport.pdf>.

United Nations Framework Convention on Climate Change. (1992). Retrieved on May 15, 2013, from: <http://unfccc.int/resource/docs/convkp/conveng.pdf>.

United Nations Framework Convention on Climate Change – *Declarations of Parties*. (N.A.). Retrieved on July 12, 2013, from: [http://unfccc.int/essential\\_background/convention/items/5410.php](http://unfccc.int/essential_background/convention/items/5410.php).

United Nations Framework Convention on Climate Change Conference of Parties. (1996). *Rules of Procedure*. Retrieved on July 12, 2013, from: <http://unfccc.int/resource/docs/cop2/02.pdf>.

United Nations Framework Convention on Climate Change Conference of Parties. (2012, February 13). *Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012 (FCCC/CP/2012/8/Add.1)*. Retrieved on May 16, 2013, from: <http://undocs.org/FCCC/CP/2012/8/Add.1>.

United Nations Framework Convention on Climate Change Conference of Parties. (2012, March 15). *Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action. Decision 1/CP.17. (FCCC/CP/2011/9/Add.1)*. Retrieved on July 7, 2013, from: <http://unfccc.int/resource/docs/2011/cop17/eng/09a01.pdf>.

United Nations Framework Convention on Climate Change Conference of Parties. (2012, July 6). *Report of the Ad Hoc Working Group on the Durban Platform for Enhanced Action on the first part of its first session held in Bonn from 17 to 25 May 2012. (FCCC/ADP/2012/2)*. Retrieved on July 7, 2013, from: <http://unfccc.int/resource/docs/2012/adp1/eng/02.pdf>.

United Nations Framework Convention on Climate Change Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP). (2012, December 8). *Doha amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change*. Retrieved on June 14, 2013, from: [http://unfccc.int/files/kyoto\\_protocol/application/pdf/kp\\_doha\\_amendment\\_english.pdf](http://unfccc.int/files/kyoto_protocol/application/pdf/kp_doha_amendment_english.pdf).

Yan, B. & Zhimin, C. (2013). Europe, Asia and Climate Change Governance. In: Christiansen, T; Kirchner, E.; & Murray, P.B. *The Palgrave Handbook of EU-Asia Relations* (pp. 451-469). Basingstoke, UK: Palgrave Macmillan.

Youngs, R. (2013). The EU's Global Climate and Energy Policies: Gathering or Losing Momentum?. In: Goldthau, A. *The Handbook of Global Energy Policy* (pp. 421-434). Chichester, UK: Wiley-Blackwell.

## ***II. International Mechanisms to Address Loss and Damage***

ActionAid, CARE International, and WWF. (2012, November). *Tackling the Limits to Adaptation: An International Framework to Address 'Loss And Damage' from Climate Change Impacts*. Retrieved on May 24, 2013, from: [http://www.actionaid.org/sites/files/actionaid/tackling\\_the\\_limits\\_lr.pdf](http://www.actionaid.org/sites/files/actionaid/tackling_the_limits_lr.pdf).

Allen, L. (2004, August). *Will Tuvalu Disappear Beneath the Sea? Global warming threatens to swamp a small island nation*. Smithsonian Magazine. Retrieved on July 15, 2013, from: <http://www.smithsonianmag.com/travel/tuvalu.html>.

Crocker, M. (2013). *How to make the UNFCCC process more efficient and effective*. Alliance of Small Island States. Retrieved on July 14, 2013, from: <http://aoasis.org/how-to-make-the-unfccc-process-more-efficient-and-effective/>.

Hoffmann, J. (2007). *The Maldives and Rising Sea Levels*. ICE Case Studies 206. Retrieved on July 15, 2013, from: <http://www1.american.edu/ted/ice/maldives.htm>.

Huq, Saleemul. (2012, December). *COP18: Outcomes of the Doha Climate Talks*. International Institute for Environment and Development (IIED). Retrieved on May 24, 2013, from: <http://www.iied.org/cop18-outcomes-doha-climate-talks>.

Intergovernmental Panel on Climate Change. (2012). *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation (SREX). Special Report*. Retrieved on May 17, 2013, from: <http://www.ipcc-wg2.gov/SREX/>.

Integrated Regional Information Networks (IRIN). (2012, December 3). *Climate Change: Dealing with Loss and Damage*. Retrieved on May 24, 2013, from: <http://www.irinnews.org/Report/96956/CLIMATE-CHANGE-Dealing-with-loss-and-damage>.

Mason, M.K. (2013). *Tuvalu: Flooding, Global Warming, and Media Coverage*. Retrieved on July 15, 2013, from: <http://www.moyak.com/papers/tuvalu-climate-change.html>.

McDaniel, M., E. Sprout, D. Boudeau, & A. Turgeon. (2013). *Climate Refugee*. (Encyclopedic Entry). National Geographic Education. Retrieved on July 14, 2013, from: [http://education.nationalgeographic.com/education/encyclopedia/climate-refugee/?ar\\_a=1](http://education.nationalgeographic.com/education/encyclopedia/climate-refugee/?ar_a=1).

Morrissey, J. & A. Oliver-Smith. (2013, June). *Perspectives on Non-Economic Loss and Damage. Understanding values at risk from climate change*. (Advance Version). Loss and Damage in Vulnerable Country Initiative. Retrieved on July 16, 2013, from: [https://seors.unfccc.int/seors/attachments/get\\_attachment?code=OWO0LJ2ES2QBFXWPSM45THOREP685R9Q](https://seors.unfccc.int/seors/attachments/get_attachment?code=OWO0LJ2ES2QBFXWPSM45THOREP685R9Q).

Naik, G. (2013, June 2). *Rising Sea Level Tied to Faster Melt*. The Wall Street Journal. Retrieved on July 15, 2013, from <http://online.wsj.com/article/SB10001424127887324682204578517312171788462.html?KEYWORDS=Nature+Geoscience#>.

Senanayake, R. (2012, March 25). *Desertification and Biodiversity*. Groundviews (Centre for Policy Alternatives). Retrieved on July 15, 2013, from <http://groundviews.org/2012/03/25/desertification-and-biodiversity/>.

Siegele, L. (2012, August). *Loss & Damage: The theme of slow onset impact*. Germanwatch. Retrieved on July 14, 2013, from: <http://germanwatch.org/de/download/6674.pdf>.

United Nations. (2011). *Global Assessment Report on Disaster Risk Reduction. (GAR 2011)*. Retrieved on 17 May 2013, from: <http://www.preventionweb.net/english/hyogo/gar/2011/en/home/index.html>.

United Nations Environment Programme. (2006). *Climate Change Threat to Natural & Cultural Heritage*. Retrieved on July 14, 2013, from: <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=485&ArticleID=5412&l=en>.

United Nations Framework Convention on Climate Change. (2012, May 10). *Current Knowledge on Relevant Methodologies and Data Requirements as well as Lessons Learned and Gaps Identified at Different Levels, in Assessing the Risk of Loss and Damage Associated with the Adverse Effects of Climate Change. Technical Paper (FCCC/TP/2012/1)*. Retrieved on May 24, 2013, from: <http://unfccc.int/resource/docs/2012/tp/01.pdf>.

United Nations Framework Convention on Climate Change. (2012, November 26). *Slow Onset Events. Technical Paper (FCCC/TP/2012/7)*. Retrieved on May 17, 2013, from: <http://unfccc.int/resource/docs/2012/tp/07.pdf>.

United Nations Framework Convention on Climate Change. (2013). *Cancun Adaptation Framework*, Retrieved on July 14, 2013, from: <https://unfccc.int/adaptation/items/5852.php>.

United Nations Framework Convention on Climate Change. (2013). *Cancun Climate Change Conference – November 2010*. Retrieved on July 14, 2013, from: [http://unfccc.int/meetings/cancun\\_nov\\_2010/meeting/6266.php](http://unfccc.int/meetings/cancun_nov_2010/meeting/6266.php).

United Nations Framework Convention on Climate Change. (2013). *Expert meeting on assessing the risk of loss and damage associated with the adverse effects of climate change (26-28 March 2012. Tokyo, Japan)*. Retrieved on July 14, 2013, from: [http://unfccc.int/adaptation/workshops\\_meetings/items/6597.php](http://unfccc.int/adaptation/workshops_meetings/items/6597.php).

United Nations Framework Convention on Climate Change. (2013). *Kyoto Protocol*. Retrieved on July 14, 2013, from: [http://unfccc.int/kyoto\\_protocol/items/2830.php](http://unfccc.int/kyoto_protocol/items/2830.php).

United Nations Framework Convention on Climate Change. (2010, December 7). *Statement by the Honorable Johnson Toribiong, President of the Republic of Palau, to the COP 16 / CMP 6*. Statements made in connection with COP 16 / CMP 6 at Cancun, Mexico. Retrieved on July 14, 2013, from: [http://unfccc.int/files/meetings/cop\\_16/statements/application/pdf/101207\\_cop16\\_hls\\_palau.pdf](http://unfccc.int/files/meetings/cop_16/statements/application/pdf/101207_cop16_hls_palau.pdf).

United Nations Framework Convention on Climate Change. (2013). *Thematic areas – Loss and Damage*. Retrieved on July 14, 2013, from: [http://unfccc.int/adaptation/workstreams/loss\\_and\\_damage/items/7546.php](http://unfccc.int/adaptation/workstreams/loss_and_damage/items/7546.php).

United Nations Framework Convention on Climate Change. (2013). *UNFCCC side event on Current knowledge, expertise and potential support to the work programme on loss and damage under the Cancun Adaptation Framework*. Retrieved on July 14, 2013, from: [http://unfccc.int/adaptation/workstreams/loss\\_and\\_damage/items/6010.php](http://unfccc.int/adaptation/workstreams/loss_and_damage/items/6010.php).

United Nations Framework Convention on Climate Change Conference of Parties. (2010). *Report of the Conference of the Parties on its sixteenth session (FCCC/CP/2010/7/Add.1)*. Retrieved on May 17, 2013, from: <http://undocs.org/FCCC/CP/2010/7/Add.1>.

United Nations Framework Convention on Climate Change Conference of Parties. (2012). *Report of the Conference of the Parties on its eighteenth session, held in Doha from 26 November to 8 December 2012 (FCCC/CP/2012/8/Add.1)*. Retrieved on May 16, 2013, from: <http://undocs.org/FCCC/CP/2012/8/Add.1>.

United Nations Framework Convention on Climate Change Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP). (2012, December 8). *Doha amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change*. Retrieved on June 14, 2013, from: [http://unfccc.int/files/kyoto\\_protocol/application/pdf/kp\\_doha\\_amendment\\_english.pdf](http://unfccc.int/files/kyoto_protocol/application/pdf/kp_doha_amendment_english.pdf).

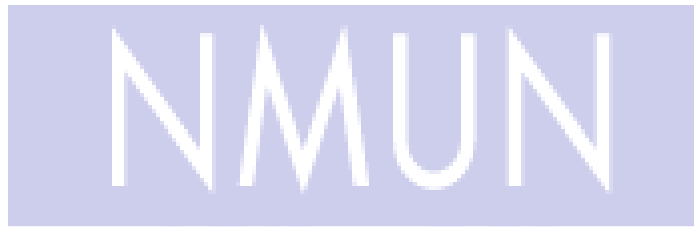
United Nations Framework Convention on Climate Change - Subsidiary Body on Implementation. (2012). *Paper of Nauru on Behalf on the Small Island States (FCCC/SBI/2012/MISC.14)*. Retrieved on July 15, 2013, from: <http://unfccc.int/resource/docs/2012/sbi/eng/misc14.pdf>.

United Nations News Centre. (2011, September 11). *Palau seeks UN World Court opinion on damage caused by greenhouse gases*. Retrieved on July 14, 2013, from: <http://www.un.org/apps/news/story.asp?NewsID=39710&Cr=pacific+island&Cr1=%20-%20.Ub4UnBblQ80#.UeMnbY2-0m9>.

United Nations Office for Disaster Risk Reduction (UNISDR). (2012, March). *Building cities' resilience to disasters: protecting cultural heritage and adapting to climate change (Conference announcement)*. Retrieved on July 14, 2013, from: <http://www.unisdr.org/we/inform/events/25027>.

Warner, K. & S. A. Zakieldeen (2012, February 12). *Loss and Damage Due to Climate Change. An Overview of the UNFCCC Negotiations*. European Capacity Building Initiative. Retrieved on July 14, 2013, from: <http://www.eurocapacity.org/downloads/LossandDamage.pdf>.

Yoon-Mi, K. (2012, August 13). *Tuvalu Prime Minister Willy Telavi...* The Science. Retrieved on July 14, 2013, from: <http://news.dongascience.com/PHP/NewsView.php?kisaid=2012081310000000064>.



# **Rules of Procedure**

## **United Nations Framework Convention on Climate Change Conference of Parties (UNFCCC COP)**

### ***Introduction***

1. These rules shall be the only rules which apply to the United Nations Framework Convention on Climate Change Conference of Parties (COP) (hereinafter referred to as “the Conference”) and shall be considered adopted by the Conference prior to its first meeting.
2. For purposes of these rules, the Plenary Director and the Assistant Director are designates and agents of the Secretary-General and Deputy Secretary-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Deputy Secretary-General or her or his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the Conference, which can be any Member of the Secretariat or their designate.

### **I. SESSIONS**

#### ***Rule 1 - Dates of convening and adjournment***

The Conference shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

#### ***Rule 2 - Place of sessions***

The Conference shall meet at a location designated by the Secretary-General.

### **II. AGENDA**

#### ***Rule 3 - Provisional agenda***

The provisional agenda shall be drawn up by the Deputy Secretary-General and communicated to the Members of the Conference at least sixty days before the opening of the session.

#### ***Rule 4 - Adoption of the agenda***

The agenda provided by the Deputy Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting.

*The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, those present and voting means those Member States and observers, in attendance at the meeting during which this motion comes to a vote. Should the Conference not reach a decision by conclusion of the first night’s meeting, the agenda will be automatically set in the order in which it was first communicated.*

#### ***Rule 5 - Revision of the agenda***

During a session, the Conference may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Debate on the inclusion of an item in the agenda shall be limited to three speakers in favor of, and three against, the inclusion. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Conference so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Conference decides otherwise by a two-thirds majority of the members present and voting, be considered until a commission has reported on the question concerned.

*For purposes of this rule, the determination of an item of an important and urgent character is subject to the discretion of the Deputy Secretary-General, or his or her designate, and any such determination is*

*final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Conference to be placed on the agenda. The votes described in this rule are substantive votes, and, as such, observers are not permitted to cast a vote. For purposes of this rule, —the members present and voting — means members (not including observers) in attendance at the session during which this motion comes to vote.*

***Rule 6 - Explanatory memorandum***

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

### III. SECRETARIAT

***Rule 7 - Duties of the Secretary-General***

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Conference.
2. The Secretary-General, in cooperation with the Deputy Secretary-General, shall provide and direct the staff required by the Conference and be responsible for all the arrangements that may be necessary for its meetings.

***Rule 8 - Duties of the Secretariat***

The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the Conference, and shall distribute documents of the Conference to the Members, and generally perform all other work which the Conference may require.

***Rule 9 - Statements by the Secretariat***

The Secretary-General, or her/his representative, may make oral as well as written statements to the Conference concerning any question under consideration.

***Rule 10 - Selection of the President***

The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Conference for the duration of the session, unless otherwise decided by the Secretary-General.

***Rule 11 - Replacement of the President***

If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General.

### IV. LANGUAGE

***Rule 12 - Official and working language***

English shall be the official and working language of the Conference.

***Rule 13 - Interpretation (oral) or translation (written)***

Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

*This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit.*

### V. CONDUCT OF BUSINESS

***Rule 14 - Quorum***

The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the members of the Conference are present. The presence of representatives of a majority of the

members of the Conference shall be required for any decision to be taken.

*For purposes of this rule, members of the Conference means the total number of members (not including observers) in attendance at the first night's meeting.*

***Rule 15 - General powers of the President***

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Conference, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Conference and over the maintenance of order at its meetings. He or she shall rule on points of order. He or she may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

*Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference and is limited to entertaining motions.*

***Rule 16 – Authority of the Conference***

The President, in the exercise of her or his functions, remains under the authority of the Conference.

***Rule 17 – Voting rights on procedural matters***

Unless otherwise stated, all votes pertaining to the conduct of business shall require a majority of the members present and voting in order to pass.

*For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this rule is applied. Note that observers may vote on all procedural votes; they may, however, not vote on substantive matters (see Chapter VI). There is no possibility to abstain on procedural votes.*

***Rule 18 - Points of order***

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

*Such points of order should not under any circumstances interrupt the speech of a fellow representative. They should be used exclusively to correct an error in procedure. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this motion comes to vote.*

***Rule 19 - Speeches***

No representative may address the Conference without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

*In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, the Secretariat will set a time limit for all speeches which may be*

*amended by the President at his/her discretion. Consequently, motions to alter the speaker's time will not be entertained by the President.*

***Rule 20 - Closing of list of speakers***

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Conference.

*The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Conference. A motion to close the speakers list is within the purview of the Conference and the President should not act on her/his own motion.*

***Rule 21 - Right of reply***

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

*For purposes of this rule, a remark that impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Conference by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.*

***Rule 22 - Suspension of the meeting***

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

***Rule 23 - Adjournment of the meeting***

During the discussion of any matter, a representative may move to the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Conference shall reconvene at its next regularly scheduled meeting time.

*As this motion, if successful, would end the meeting until the Conference's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Conference.*

***Rule 24 - Adjournment of debate***

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. Two representatives may speak in favor of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

***Rule 25 - Closure of debate***

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Conference favors the closure of debate, the Conference shall immediately move to vote on all proposals introduced under that agenda item.

***Rule 26 - Order of motions***



Subject to rule 18, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- a) To suspend the meeting;
- b) To adjourn the meeting;
- c) To adjourn the debate on the item under discussion;
- d) To close the debate on the item under discussion.

***Rule 27 - Proposals and amendments***

Proposals and amendments shall normally be submitted in writing to the Secretariat. Any proposal or amendment that relates to the substance of any matter under discussion shall require the signature of twenty percent of the members of the Conference [sponsors]. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Conference for all purposes, including subsequent amendments.

*For purposes of this rule, all proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Conference by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution during formal speeches. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Conference. These draft resolutions are the collective property of the Conference and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.*

***Rule 28 - Withdrawal of motions***

A motion may be withdrawn by its proposer at any time before voting has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any member.

***Rule 29 - Reconsideration of a topic***

When a topic has been adjourned, it may not be reconsidered at the same session unless the Conference, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

## VI. VOTING

***Rule 30 - Voting rights***

Each member of the Conference shall have one vote.

*This rule applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to member(s) do not include observers, who are not permitted to cast votes on substantive matters.*

*Please note that the European Union does not have a delegation at NMUN-Korea. Therefore, each European Union Member State has one vote at all times, including all substantive votes. Rule 41 of the 1996 Rules of Procedure for the UNFCCC is not applicable at the NMUN-Korea conference.*

**Rule 31 - Request for a vote**

A proposal or motion before the Conference for decision shall be voted upon if any member so requests. Where no member requests a vote, the Conference may adopt proposals or motions without a vote.

*For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote.*

**Rule 32 - Majority required**

1. Unless specified otherwise in these rules, decisions of the Conference shall be made by a majority of the members present and voting.
2. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

*All members declaring their representative States as “present and voting” during the attendance roll call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain on substantive votes.*

**Rule 33 - Method of voting**

1. The Conference shall normally vote by a show of placards, except that a representative may request a roll call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each member shall be called in any roll call, and one of its representatives shall reply “yes,” “no,” “abstention,” or “pass.”

*Only those members who designate themselves as present or present and voting during the attendance roll call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying pass must, on the second time through, respond with either a yes or no vote. A pass cannot be followed by a second pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.*

2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Conference shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll call or a recorded vote shall be inserted in the record.

**Rule 34 - Explanations of vote**

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

*All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends.*

**Rule 35 - Conduct during voting**

After the President has announced the commencement of voting, no representatives shall interrupt the

voting except on a point of order in connection with the actual process of voting.

*For purposes of this rule, there shall be no communication amongst delegates, and if any delegate leaves the committee room during voting procedure, they will not be allowed back into the room until the Conference has convened voting procedure.*

***Rule 36 - Division of proposals and amendments***

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*For purposes of this rule, most radical division means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is most radical is subject to the discretion of the Secretariat, and any such determination is final.*

***Rule 37 - Amendments***

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal.

*An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect preambulatory clauses.*

***Rule 38 - Voting on amendments***

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

*For purposes of this rule, furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.*

***Rule 39 - Order of voting on proposals***

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted.

***Rule 40 - The President shall not vote***

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

## VII. PARTICIPATION OF NON-MEMBERS OF THE CONFERENCE

***Rule 41 - Participation of non-Member States***

The Conference shall invite any Member of the United Nations that is not a member of the Conference and any other State, to participate in its deliberations on any matter of particular concern to that State.

A sub-organ or sessional body of the Conference shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State. A State thus invited shall

not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

*If the Conference considers that the presence of a Member invited according to this rule is no longer necessary, it may withdraw the invitation. Delegates invited to the Conference according to this rule should also keep in mind their role and obligations in the committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Conference is no longer required.*

***Rule 42 - Participation of national liberation movements***

The Conference may invite any national liberation movement recognized by the General Assembly to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

***Rule 43 - Participation of and consultation with specialized agencies***

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled: a) To be represented at meetings of the Conference and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Conference or of the subsidiary organ concerned.

***Rule 44 - Participation of non-governmental organizations and intergovernmental organizations***

Representatives of non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis by the Conference on the recommendation of the Secretariat, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Conference on questions within the scope of the activities of the organizations.