



**ecbi** policy report

# Adaptation under the UNFCCC

ecbi partner FIELD  
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**About the authors:**

The Foundation for International Environmental Law and Development (FIELD), an ecbi partner, is a group of public international lawyers committed to promoting fair and effective outcomes for all by helping vulnerable countries, communities and campaigners negotiate for fairer international environmental laws. Our work is more than that of a conventional law firm: it includes capacity building, research and advocacy. We work with local partners, national and international NGOs and institutions. Website: [www.field.org.uk](http://www.field.org.uk).

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## Acronyms

AOSIS	Alliance of Small Island States
AWG-KP	Ad hoc Working Group on further commitments for Annex I Parties under the Kyoto Protocol
AWG-LCA	Ad hoc Working Group on Long-term Cooperative Action under the Convention
BAP	Bali Action Plan
COP	Conference of the Parties
GEF	Global Environment Facility
GHGs	Greenhouse gases
IPCC	Intergovernmental Panel on Climate Change
LDCs	Least Developed Countries
LEG	Least Developed Countries Expert Group
LDCF	Least Developed Country Fund
NWP	Nairobi Work Programme
NAPAs	National adaptation programmes of action
ODA	Overseas development assistance
SCCF	Special Climate Change Fund
SBI	Subsidiary Body for Implementation
SBSTA	Subsidiary Body for Scientific and Technological Advice
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change

## Executive Summary

The latest scientific evidence shows that many key climate indicators are already moving beyond the patterns of natural variability within which contemporary society and economy have developed and thrived. Science also shows that climate change is already having strong effects on human societies and the natural world, and is expected to do so for decades to come. Regardless of how quickly the world's countries reduce their greenhouse gas (GHG) emissions, an effective, well-funded 'adaptation safety net' is required for those people least capable of coping with these effects.

Africa is one of the most vulnerable continents to climate change and climate variability, a situation aggravated by the interaction of 'multiple stresses', occurring at various levels, and low adaptive capacity. Agricultural production and food security in many African countries and regions are likely to be severely compromised by climate change and climate variability. Among other things, climate change will aggravate the water stress currently faced by some countries, climate variability and change could result in low-lying lands being inundated, with resultant impacts on coastal settlements and human health, already compromised by a range of factors, could be further negatively impacted by climate change and climate variability.

The United Nations Framework Convention on Climate Change (Convention) provides an international platform for countries to work together to reduce greenhouse gas emissions and adapt to human-induced climate change. Nevertheless, articulating adaptation under the UN framework is a challenge because it is not addressed in the Convention in a comprehensive way. Many of the Convention's articles are relevant to adaptation and the term is used frequently, but it is not defined. Therefore, we are left to understand the term in relation to those terms which are defined, such as 'climate change' and the 'adverse effects of climate change'.

While adaptation has been discussed in the Convention process since it was agreed in 1992, progress on adaptation has been slow. The two Convention articles which are central to addressing adaptation in developing countries are articles 4.8 and 4.9. Article 4.8 requires all Parties to give full consideration to the actions necessary to meet the specific needs and concerns of developing country Parties 'arising from the adverse effects of climate change and / or the impact of the implementation of response measures', including actions relating to funding, insurance and the transfer of technology. The adverse effects of climate change and the impacts of response measures (measures taken to mitigate GHG emissions) have different causes, nature, and timing; and the groups affected have different vulnerabilities and interests. As a result, their linkage in the same article under the Convention has proven challenging in attempts to negotiate separately on ways to address adaptation to the adverse effects of climate change.

The needs of the least developed countries (LDCs) are addressed in article 4.9 of the Convention. Article 4.9 requires Parties to take full account of the specific needs and special situations of LDCs with regard to funding and transfer of technology. One of the central decisions on adaptation activities is 5/CP.7 which focuses primarily on the identification of actions under articles 4.8 and 4.9. More specifically, decision 5/CP.7 is divided into four areas: (1) the adverse effects of climate change; (2) the implementation

of Article 4.9 (which relates to LDCs); (3) the impacts of the implementation of response measures; and (4) further multilateral work. Decision 5/CP.7 is bolstered by decision 1/CP.10, which lays out areas in which further work is needed.

The lack of adequate financing for adaptation is a major concern for developing countries, and one of the major failings of the Convention process thus far. Despite the clear language of Convention articles 4.3 and 4.4, funding for adaptation has eroded almost completely under the Convention's financial mechanism. Negotiations under the Ad-hoc Working Group on Long-term Cooperative Action (AWG-LCA) provide scope for injecting new momentum into elaboration of an adaptation framework under the Convention. While there are currently a wide range of ideas that have been articulated and put on the table in the LCA process, any approach to adaptation under the Convention must be able to assist developing country Parties in determining and expressing their adaptation needs while responding to these prioritised needs in an organised and equitable manner.

## Introduction

The 4<sup>th</sup> Assessment Report (AR4) of the Intergovernmental Panel on Climate Change (IPCC) published in 2007 finds that most of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in human-induced greenhouse gas (GHG) concentrations.<sup>1</sup> Furthermore, under current GHG mitigation policies, the IPCC has determined that GHG concentrations will continue to grow<sup>2</sup> and current evidence shows that regional climate change, particularly temperature increases have already begun to affect many natural systems.<sup>3</sup> As the leading body for the assessment of climate change, IPCC's AR4 is deemed to provide the best available scientific information on climate change. Among other things, this information guides Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in their review of national climate change policies and the calculation of emissions volumes.

**Adaptation** is the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

**Vulnerability** is the degree to which a system is susceptible to, and 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, the sensitivity and adaptive capacity of that system.

IPCC, 4<sup>th</sup> Assessment Report, 2007

While the 2007 AR4 has already been instrumental in increasing both public and political awareness of the societal risks associated with unchecked emission of GHGs, since the production of the IPCC report, new knowledge has emerged that furthers understanding of the impacts of human influence on the climate. This knowledge was recently brought together in an international scientific congress held in Copenhagen in March 2009.<sup>4</sup> One of the key messages coming out of this congress is that the climate is changing near the upper boundary of the IPCC range of projections. Many key climate indicators are already moving beyond the patterns of natural variability within which contemporary society and economy have developed and thrived.<sup>5</sup>

Another key message from the congress is that climate change is already having, and will have, strong effects on human societies and the natural world, regardless of how quickly and effectively the world's countries reduce their GHG emissions, and an effective, well-funded 'adaptation safety net' is required for those people least capable of coping with these effects.<sup>6</sup> It is now inevitable that human-induced climate change will result in sea level rise, changes in the intensity and frequency of extreme weather events, and alternations in patterns of biodiversity. The fact that we are reaching a dangerous level of climate change far more quickly than predicted just a few years ago, that we are

<sup>1</sup> IPCC AR4 Summary for Policymakers, p. 5, available at [www.ipcc.ch](http://www.ipcc.ch).

<sup>2</sup> *Id.* at p. 7.

<sup>3</sup> *Id.* at p. 2.

<sup>4</sup> For further information see the Synthesis Report: Climate Change – Global Risks, Challenges & Decisions, Copenhagen 2009, 10 – 12 March, available at [www.climatecongress.ku.dk](http://www.climatecongress.ku.dk).

<sup>5</sup> *Id.* at p. 6.

<sup>6</sup> *Id.*

already being required to adapt to these changes and the least capable of coping will suffer the most, provides the fundamental context for developing country Parties negotiating a deal on enhanced action on adaptation under the climate change convention.

### **Impacts, Adaptation and Vulnerability – Africa**

Key messages from the IPCC's 4<sup>th</sup> Assessment Report, Chapter 9, Africa

- Africa is one of the most vulnerable continents to climate change and climate variability, a situation aggravated by the interaction of 'multiple stresses', occurring at various levels, and low adaptive capacity (high confidence).
- African farmers have developed several adaptation options to cope with current climate variability, but such adaptations may not be sufficient for future changes of climate (high confidence).
- Agricultural production and food security (including access to food) in many African countries and regions are likely to be severely compromised by climate change and climate variability (high confidence).
- Climate change will aggravate the water stress currently faced by some countries, while some countries that currently do not experience water stress will become at risk of water stress (very high confidence).
- Changes in a variety of ecosystems are already being detected, particularly in southern African ecosystems, at a faster rate than anticipated (very high confidence).
- Climate variability and change could result in low-lying lands being inundated, with resultant impacts on coastal settlements (high confidence).
- Human health, already compromised by a range of factors, could be further negatively impacted by climate change and climate variability, e.g., malaria in southern Africa and the East African highlands (high confidence).

## **Adaptation under the UN Framework Convention on Climate Change<sup>7</sup>**

Articulating adaptation under the UN framework is a challenge because it is not addressed in the Convention in a comprehensive way. Many of the Convention's articles are relevant to adaptation and the term is used frequently, but it is not defined. Therefore, we are left to understand the term in relation to those terms which are defined, such as 'climate change' and the 'adverse effects of climate change'.<sup>8</sup>

The two Convention articles which are central to addressing adaptation in developing countries are articles 4.8 and 4.9. Article 4.8 requires all Parties to give full consideration to the actions necessary to meet the specific needs and concerns of developing country Parties 'arising from the adverse effects of climate change and / or the impact of the implementation of response measures', including actions relating to funding, insurance

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<sup>7</sup> For a detailed analysis of adaptation under the UNFCCC, please see Mace, MJ, 'Adaptation under the UN Framework Convention on Climate Change: The International Legal Framework' in *Fairness in Adaptation to Climate Change* (Adger, WN et al eds.) 2006.

<sup>8</sup> UNFCCC, article 1.

and the transfer of technology. The adverse effects of climate change and the impacts of response measures (measures taken to mitigate GHG emissions) have different causes, nature, and timing; and the groups affected have different vulnerabilities and interests. As a result, their linkage in the same article under the Convention has proven challenging when negotiating separately on ways to address adaptation to the adverse effects of climate change.

The needs of the least developed countries (LDCs) are addressed in article 4.9 of the Convention. Article 4.9 requires Parties to take full account of the specific needs and special situations of LDCs with regard to funding and transfer of technology. Elaborating necessary actions under articles 4.8 and 4.9 is a slow and ongoing process. In 2001, the seventh conference of the Parties (COP 7) marked a breakthrough on adaptation with the Marrakech Accords which contain a series of decisions on adaptation actions and funding. The central Marrakech decision on adaptation activities is 5/CP.7 which focuses primarily on the identification of actions under articles 4.8 and 4.9. More specifically, decision 5/CP.7 is divided into four areas: (1) the adverse effects of climate change; (2) the implementation of Article 4.9 (which relates to LDCs); (3) the impacts of the implementation of response measures; and (4) further multilateral work.

Among other things, decision 5/CP.7 creates a work programme for LDCs and a mechanism for identifying the urgent and immediate needs of LDCs. 5/CP.7 also includes the development, preparation and implementation of National Adaptation Programmes of Action (NAPAs). These will be discussed in more detail below. The final section of decision 5/CP.7 provides for workshops to identify further actions under articles 4.8 and 4.9, including actions on integrated assessments, synergies between conventions, modelling, economic diversification and insurance. In the years since decision 5/CP.7, adaptation negotiations have been largely centred on how to take forward the outcomes of these workshops.

#### **Current adaptation agenda items being addressed by Parties**

##### Ad-hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA)

- Enabling the full, effective and sustained implementation of the Convention through long-term cooperative action now, up to and beyond 2012, by addressing, *inter alia*: Enhanced action on adaptation

##### Subsidiary Body for Scientific and Technological Advice (SBSTA)

- Nairobi work programme on impacts, vulnerability and adaptation to climate change
- Technology transfer
- Research and systematic observation

##### Subsidiary Body for Implementation (SBI)

- Article 4.8
- Article 4.9: LDCs and National Adaptation Programmes of Action
- Non-Annex I national communications
- Annex I national communications
- Funding for adaptation: Guidance to the GEF, Review of the financial mechanism, LDCF, SCCC and AF
- Capacity building
- Article 6 of the Convention (education, training and public awareness)
- Technology transfer



## Further implementation of adaptation under the Convention

By COP 10 in 2004, the Parties recognized that gaps remained in the implementation of 5/CP.7, and agreed on decision 1/CP.10, which lays out areas in which further work is needed. With respect to the adverse effects of climate change, these areas included: information and methodologies; vulnerability and adaptation; modelling; reporting; and financial support to address the needs of developing countries. Decision 1/CP.10 mandates a series of workshops relating to the adverse effects of climate change and the impact of the implementation of response measures. The following workshops were held:

- 3 regional workshops on the adverse effects of climate change
- 1 expert meeting for small island developing states (SIDS) on issues of concern to the group
- 1 pre-sessional expert workshop on the impacts of response measures
- 1 pre-sessional expert workshop on economic diversification

The three regional workshops and the expert meeting for SIDS fall under the heading of ‘adverse effects of climate change’. A synthesis report of the outcomes from the three regional workshops and the expert meeting for SIDS summarises some of the key outcomes of those meetings.<sup>9</sup> The two pre-sessional expert workshops were held in the context of the impact of the implementation of response measures. The workshops and meetings were organised to facilitate information exchange and to assist regional groupings of Parties to identify specific adaptation needs and concerns. Many of the recommendations emanating from the workshops and meetings were subsequently incorporated into a position developed by the G77 and China. The SBI has been attempting to negotiate a set of adaptation actions for nearly two years but to date has been unable to reach any conclusions.

At its last session in June 2009 (SBI 30), the SBI agreed to continue its consideration of progress on implementation of article 4.8, taking into account the draft text prepared by the Chair of the contact group on this matter at SBI 29 (December 2008, Poznan). Other inputs for consideration include:

- The Chair’s summary of the round table held at SBI 29 (see further discussion below);
- Previous submissions and documents on this matter, including FCCC/SBI/2008/MISC.4, FCCC/SBI/2008/MISC.9 and Add.1, FCCC/SBI/2008/MISC.10 and
- Documents referred to in annex III to the report of SBI 28<sup>10</sup>

The SBI also invited Parties and relevant organizations to make submissions to the secretariat with their views on possible further action on this matter. Finally, the SBI requested its Chair to prepare a draft decision text on further actions based on the documents above with a view to adopting a decision at COP 16 (December 2010).

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<sup>9</sup> FCCC/SBI/2007/14, 3 May 2007.

<sup>10</sup> FCCC/SBI/2008/8.

As in past sessions spent discussing the implementation of decision 1/CP.10, during SBI 30 developing countries called for action; however, very little (if any) substantive progress was made. Considering the likelihood that the meeting of the SBI in Copenhagen will be shortened significantly to accommodate the AWG-KP and –LCA processes, it may be 2010 before Parties have an opportunity to enter into a full discussion of decision 1/CP.10. At that point, the risk is much greater that decision 1/CP.10 negotiations could be subsumed by the outcomes of the AWG-LCA process.

## Terms of reference for the assessment of the status of implementation of Article 4.8

In addition to calling for further implementation of decision 5/CP.7, decision 1/CP.10 (paragraph 22) calls for an assessment of the status of implementation of Article 4.8 and decisions 5/CP.7 and 1/CP.10. The terms of reference for this assessment was agreed in June 2008 at SBI 28, and Parties made submissions with their assessments in advance of a roundtable discussion held at COP14 in Poznan to consider the outcome of the assessment. The aim of the roundtable discussion was to provide Parties with a clearer picture of gaps and needs and help identify future actions. Unfortunately, Parties were unable to agree on further actions at the meeting in Poznan. The plan for further action is described in the section above.

## Nairobi Work Programme

In section IV of decision 1/CP.10 the Parties to the Convention request SBSTA to develop a structured five-year work programme on the ‘scientific, technical and socio-economic aspects of impacts, vulnerability and adaptation to climate change’. While Parties agreed the basic framework of this work programme in 2005 at COP 11, a first phase of activities was not agreed until 2006 at COP 12 in Nairobi. The resulting, Nairobi work programme on impacts, vulnerability and adaptation to climate change (NWP) is designed around the following nine areas of work:

1. Methods and tools;
2. Data and observations;
3. Climate modelling, scenarios and downscaling;
4. Climate related risks and extreme events;
5. Socio-economic information;
6. Adaptation planning and practices;
7. Research;
8. Technologies for adaptation; and
9. Economic diversification

The objective of the NWP is to improve understanding of climate change impacts and vulnerability, so that countries can make informed decisions about adapting to climate

change. The NWP has a second phase of activities currently scheduled through 2010, and it not clear at this time whether it will continue beyond that point.

The NWP was developed by the Subsidiary Body on Scientific and Technological Advice (SBSTA), a Convention body established to provide scientific and technological information and advice. Because SBSTA has no implementing authority, the activities currently agreed under the NWP framework are fairly passive in nature and include workshops, expert meetings and the publication and dissemination of information. During the negotiation of the NWP and its activities, the proponents of this working style argued that NWP activities had the ability to catalyse and co-ordinate concrete action on adaptation by Parties, organisations and other stakeholders at a range of different levels.

However, many of the developing countries were hoping for a programme that would result in more concrete actions, including the submission of written progress reports at each session of the SBSTA, which would reflect the views of Parties. Instead, progress during the first phase of the NWP was reported orally, which left many developing country Parties with the sense that the Convention's implementing bodies were not fully informed about the outcomes of the NWP.

In the context of the review of the activities of the first phase of the NWP at COP 14 in Poznan, the SBSTA recognized the catalytic role of the NWP and expressed its appreciation to the organisations that had undertaken, or had stated their intention to undertake, actions in support of the objective of the NWP. The SBSTA also provided the SBI with relevant information and advice emerging from the implementation of the first phase of the NWP. Developing country Parties were particularly keen to do this as it provided an opportunity to place potential adaptation actions in front of the Convention's implementing body.

At various intervals in the NWP process, Parties have considered the possible need for a group of experts and the role they might have in the further development of the NWP. While the Group of 77 and China advocated strongly for an expert group from the outset. Their view was that an expert group could play a pivotal role in overall management of adaptation under the Convention as well as in facilitating the implementation of adaptation actions. Unfortunately, the Parties were unable to agree on the inclusion of an expert group in the modalities of the NWP. Instead, the discussions of an expert group have been 'strung out' over a number of sessions. At COP 14 in Poznan, the SBSTA again considered the possible need for a group of experts and the role that this group could play in the implementation and further development of the Nairobi work programme. No conclusions were reached at that session other than to agree to continue consideration of the matter in June 2010.

While many have acknowledged that the topics covered by the NWP are relevant, its placement under SBSTA has served to re-enforce the fragmented manner in which adaptation is addressed under the Convention. Even though one of the expected outcomes of the NWP is to facilitate the implementation of decision 1/CP.10, in reality the flow of information between the SBSTA and SBI has been very limited.

## The LDC Work Programme and Scope for Capacity-building

Acknowledging that LDCs often lack the means to address their adaptation needs, decision 5/CP.7 established an LDC work programme, which includes:

- Preparation and implementation of NAPAs
- Strengthening climate change Secretariat and Focal Points
- Training in negotiation skills and language
- Promotion of public awareness
- Developing and transfer of technology

The specific scope for capacity building in LDCs is set out in an annex to decision 2/CP.7 (paragraph 17).

### National adaptation programmes of action (NAPAs)

Created by decision 5/CP.7, NAPAs (National Adaptation Programmes of Action) provide a process for Least Develop Countries (LDCs) to identify priority activities that respond to their urgent and immediate needs with regard to adaptation to climate change. The rationale for NAPAs rests on the limited ability of LDCs to adapt to the adverse effects of climate change.

The NAPA process is designed to use existing information at the grassroots level. The steps for the preparation of NAPAs include the synthesis of available information by a NAPA country team, a participatory assessment and review process, the identification of key adaptation measures as well as criteria for prioritizing activities, and the selection of a prioritized short list of activities. Upon completion, the NAPA is submitted to the UNFCCC secretariat, where it is posted on the website, and the LDC Party becomes eligible to apply for funding for implementation of the NAPA under the LDC Fund. A copy of the NAPA is also sent to the Global Environment Facility (GEF). To date 41 NAPAs have been submitted to the Secretariat.<sup>11</sup>

The process of preparing NAPAs has provided LDCs with extremely valuable experience, in particular in the areas of vulnerability assessments and the identification of adaptation needs. In fact, this level of experience is unique amongst developing countries. Unfortunately, the hopes of many LDCs that their NAPAs would be implemented on a timely basis have not been met. Some LDC Parties have begun to question the relevance of the urgent and immediate needs identified in NAPAs that are now more than a few years old.

Funding has been one of the primary hindrances in the implementation of NAPAs. While the level of funding required to implement the urgent and immediate adaptation needs of the LDCs has been estimated at approximately US\$2 billion, estimated financing for proposals submitted to the GEF will not exceed US\$85 million, and the current level of funds in the LDC Fund is US\$176m. In addition, a number of LDCs believe that accessibility to the LDCF is not fully understood by the implementing agencies, since they are not always part of the regional dialogue that takes place between

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<sup>11</sup> See [unfccc.int](http://unfccc.int) under adaptation.

the GEF and the LDCs. Co-financing requirements are also a real obstacle facing the LDCs.

With no real mechanism for implementing priority projects identified under NAPAs and limited amounts of funding (see further discussion below), it is not surprising that many LDC Parties have expressed their disappointment in the progress of the NAPA process.

### Least Developed Countries Expert Group (LEG)

The COP established the Least Developed Countries Expert Group (LEG) in 2001 to advise on the preparation and implementation strategy for NAPAs (decision 29/CP.7). The LEG meets twice each year, and reports on its work to the SBI.

At COP 13 in Bali (December 2007), the Parties reviewed the progress of the LEG, the need for continuation of the group and its terms of reference and decided to extend the mandate of the LEG under the terms of reference adopted by decision 29/CP.7.

COP 13 also requested the LEG to develop a work programme that contains its objectives, activities and expected outcomes and takes into account the results of the stocktaking meeting and the Nairobi work programme on impacts, vulnerability and adaptation to climate change. The LEG prepared its work programme for 2008 – 2010 and presented it to the SBI in June 2008.<sup>12</sup>

The LEG has been very important for the LDCs. It played a significant role in the preparation of the NAPAs. It is expected that the LEG will continue to play an important role in the implementation of NAPAs. Indeed, the LEG has a mandate to prepare and disseminate a step by step guide on NAPA implementation. However, many LDCs feel that the LEG, and the LDCs programme in general, are facing a severe limitation of resources.

### Financing Adaptation

The Convention provides for financial transfers from Annex II Parties to developing country Parties under articles 4.3 and 4.4. Article 4.4 considers developing country Parties that are ‘particularly vulnerable’ to the adverse effects of climate change. At COP 7 in Marrakech, the following funds were created to supplement funds contributed to the Global Environment Facility (GEF), the operator of the Conventions’ financial mechanism<sup>13</sup>:

- An LDC fund, under the Convention, to address the work of the LDC work programme;
- A Special Climate Change Fund (SCCF), under the Convention, to finance adaptation, technology transfer, climate change mitigation, and economic diversification; and
- An Adaptation Fund, under the Kyoto Protocol, to support concrete adaptation projects and programmes.

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<sup>12</sup> See FCCC/SBI/2008/6, 19 May 2008.

<sup>13</sup> See UNFCCC, article 11.

The GEF has been entrusted to operate both the LDCF and the SCCF. The Adaptation Fund Board (AFB) operates the Adaptation Fund.

**Current funding opportunities for adaptation include:**

- the GEF Trust Fund, including support for vulnerability and adaptation assessments as part of national communications;
- the Least Developed Countries Fund (LDCF) under the Convention;
- the Special Climate Change Fund (SCCF) under the Convention;
- The Adaptation Fund (AF) under the Kyoto Protocol and managed by the AFB.

**Estimated future funding needs:<sup>14</sup>**

UNDP	USD 86 billion by 2015
World Bank	USD 10–40 billion by 2030
Oxfam	Greater than USD 50 billion by 2030
UNFCCC	USD 28–67 billion by 2030

The lack of adequate financing for adaptation is a major concern for developing countries, and one of the major failings of the Convention process thus far. Despite the clear language of Convention articles 4.3 and 4.4, funding for adaptation has eroded almost completely under the Convention's financial mechanism. The GEF's climate change focal area lacks a formal operating programme on adaptation. The apparent preference of the implementing agencies for larger projects, the GEF's cumbersome application procedures and co-financing requirements often deter countries from seeking funding.

While the LDC Fund, Special Climate Change Fund and Adaptation Fund were created in part to respond to these shortcomings, these funds are clearly insufficient, and many pledges of support for projects through these processes remain unfulfilled. Even when the Adaptation Fund is fully operational, new sources of funding will clearly be needed in addition to existing funding under the Convention.

Negotiations under the Ad-hoc Working Group on Long-term Cooperative Action (AWG-LCA) provide scope for guaranteeing regular, adequate and additional sources of funding for adaptation. A number of developing country proposals link funding for adaptation needs to GHG emissions, consistent with the polluter pays principle. The AWG-LCA will be discussed in more detail in the following section.

## Adaptation under the LCA process

The thirteenth session of the Conference of the Parties (COP 13) in Bali, December 2007 adopted the Bali Action Plan (decision 1/CP.13), which identifies adaptation as one of the five key building blocks required (shared vision, mitigation, adaptation, technology and financial resources) for a strengthened future response to climate change. One of the primary aims of the Bali Action Plan (BAP) process is to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012 (BAP, paragraph 1).

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<sup>14</sup> FCCC/TP/2008/7, 26 November 2008.

The Bali Conference was the start of negotiations to enhance the international climate change regime by the end of 2009 while setting a clear roadmap for negotiations - the Bali Road map process. It is worth noting that the BAP separates the adverse effects of climate change and the impacts of response measures into separate paragraphs. There is the hope on the part of a number of developing country Parties that this will facilitate separate discussions on these two issues.

There is no consensus in the G77 & China as to where in the negotiating process response measures should be considered. In fact some developing countries see the relevance of response measures in the transfer of technology. Developing countries have begun to consider impacts of response measures beyond the more 'traditional' oil-producing country examples, e.g. impacts created by a change in livelihoods resulting from biofuel production in Djibouti. Accordingly they do accept the consideration of this issue under adaptation. In order to push the adaptation discussion forward, a number of developing countries have begun to examine more closely the advantages and disadvantages of including response measures in negotiations on adaptation.

The Bali Action Plan is being negotiated under the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA). At the sixth session of the AWG-LCA, 1-12 June 2009, Bonn, Germany, Parties discussed and elaborated on the negotiating text prepared by the Chair. A revised negotiation text<sup>15</sup> has been issued and negotiations continued on this text during an informal meeting of the AWG-LCA, 10 - 14

The text is nearly 200 pages long, which is unwieldy as a negotiating text. It is also overly complex and confusing for most Parties with bits and pieces of longer submissions apparently scattered throughout. As a result, a large part of the week in Bonn was spent agreeing on a process for consolidating the text without losing ideas or excluding Party proposals. While an agreement on process was reached, the secretariat now has the task of producing a consolidated text in advance of the Bangkok negotiating session at the end of September 2009. Many Parties are still concerned that the consolidated text will lead to a compromise of positions before negotiations have begun properly. Given the limited time left between the meetings in Bangkok and Copenhagen (December 2009), many negotiating groups are concerned about how little time is left for negotiation.

At this stage of the AWG-LCA negotiating process, many procedural and substantive questions remain to be decided. Many Parties have stated their preferences for the legal form of a Copenhagen agreement, but the range of options remains broad. For the most part, the current LCA negotiating text is merely a compilation of views from countries and country groups. While there is currently no G77 and China position on adaptation, some overarching developing country views appear to be emerging. Many developing countries are in favour of a more formalised institutional arrangement for adaptation under the Convention although the setting of adaptation priorities should be made at the country level. Access to adequate funding that is adequate, predictable, sustainable and additional to overseas development assistance is paramount; and unencumbered transfers of technology are also viewed as a key component of an enhanced adaptation framework under the Convention. While it is understood that national planning and assessment processes are necessary, developing country Parties have emphasised the need for

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<sup>15</sup> FCCC/AWGLCA/2009/INF.1, *available at* unfccc.int.

immediate action at the project level as well. The following table summarises a range of developing country views on adaptation under the LCA process.

Party or Parties	Submission date	Proposal
<b>Algeria on behalf of the African Group</b>	Bonn 1-12 June	<p>New and comprehensive <b>programme</b> which shall:</p> <ul style="list-style-type: none"> <li>• Provide access to means of implementation: technology , finance and capacity building</li> <li>• Implement urgent and immediate adaptation actions at global, national and regional level</li> <li>• Promote coherence and linkages with other international programmes (e.g. NWP)</li> </ul>
<b>Lesotho on behalf of the LDCs</b>	Bonn 1-12 June	<ul style="list-style-type: none"> <li>• The new post-2012 institutional arrangement should include a <b>new subsidiary body on adaptation managed by an executive board</b> accountable to the COP. The executive board will be responsible for the management of a new <b>Adaptation Fund</b> and act to facilitate the design and implementation of a new work programme on adaptation</li> <li>• <b>The Convention’s Adaptation Fund</b> would be linked to the Adaptation Fund under the Kyoto Protocol to coordinate financial flows. Funded by contributions from developed countries and other sources compatible with the Convention’s principles with two windows: <ul style="list-style-type: none"> <li>○ one will support compliance with adaptation commitments under the Convention</li> <li>○ the other will compensate damages and losses that result from the impacts of climate change</li> </ul> </li> <li>• Financial resources should be adequate, predictable, sustained and additional to overseas development assistance (ODA).</li> </ul>



<p><b>Guatemala on behalf of Belize, Costa Rica, Dominican Republic, El Salvador, Honduras, Nicaragua and Panama</b></p>	<p>Bonn 29 March – 8 April</p>	<ul style="list-style-type: none"> <li>• There is a need for stable, predictable, and timely financial resources, additional to ODA in order to implement national plans on adaptation</li> <li>• Recognize the total real costs of priority measures on adaptation</li> <li>• Make the Working Group on Adaptation operative under the Convention with the objective to support the implementation of National Action Plans</li> </ul>
<p><b>Alliance of Small Island States (AOSIS)</b></p>	<p>Poznan, 1 – 10 December 2008</p>	<p>AOSIS has called for a structured but flexible approach to adaptation that includes:</p> <ul style="list-style-type: none"> <li>• a Permanent Adaptation Committee (PAC) to facilitate adaptation to the adverse effects of climate change for developing countries. The PAC would be managed by a Board comprised of Party members nominated for fixed terms. It will be responsible for developing, implementing and coordinating future actions on adaptations taken under the Convention</li> <li>• a Convention Adaptation Fund</li> <li>• a Multi-Window mechanism to address loss and damage from climate change impacts with insurance, rehabilitation/compensatory and risk management components</li> <li>• knowledge sharing and transfer of technologies</li> <li>• national-level adaptation planning and implementation mechanisms, building on existing processes and methodologies where available and appropriate (e.g. NAPAs or national communications)</li> </ul>

## Conclusions

Recent science shows that human-induced climate change is occurring now and at the upper ranges of most projections. The developing country Parties that are the most vulnerable to the adverse effects of climate change have contributed the least to global emissions. This presents a compelling case for assistance. It is the needs of these vulnerable countries that should be driving current negotiations on adaptation actions and funding. While there are currently a wide range of ideas that have been articulated and put on the table in the LCA process, the approach to adaptation under the Convention

must be able to assist developing country Parties in determining and expressing their adaptation needs while responding to these prioritised needs in an organised and equitable manner. A successful approach to adaptation under the Convention must be bolstered by political will on the part of those most responsible and most able to address the causes of climate change.<sup>16</sup>

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<sup>16</sup> Mace (2006), p. 72.

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