

An FCCC Impact Response Instrument as part of a Balanced Global Climate Change Regime*

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presented at

Tata Energy Research Institute, New Delhi, 16 May; CAN Equity Summit, Nusa Dua, Bali, 20 May;
IIED Special Event at FCCC SB16, Bonn, 11 June 2002, Brazilian Climate Change Forum, Rio de Janeiro, 26 June, and
Int'l Federation of Red Cross and Red Crescent Societies' Climate Change Conference, The Hague, 27 June.

Summary. Acknowledging the importance for the global climate change regime to continue its efforts in avoiding and limiting future anthropogenic climate-related disasters, this note argues that –since we have passed the point where complete avoidance could have been assured– the regime must face up to this inevitability and begin to prepare appropriate impact/disaster *response* measures. To do so efficiently, it is suggested that the three branches of disaster response –relief, rehabilitation, and recovery– be addressed in a new *Impact Response Instrument* under the Framework Convention on Climate Change. Given the existing threat, particular urgency is attached to a proposal for reform of the relevant disaster relief funding mechanism to achieve an international relief system adequate to the challenge. Because this is to involve merely a change in the payment mode, such a reform could be carried out with little or no additional costs (no ‘new money’), yet with significant benefits to the international community.

The Status Quo. In designating the 1990s as *International Decade for Natural Disaster Reduction* (IDNDR), the UN General Assembly gave its support to an emerging consensus in disaster management circles on the importance not to neglect disaster *reduction*, that is ‘measures designed to avoid (prevention) or limit ([impact] mitigation and preparedness) the adverse impact of natural hazards’¹ And by creating an *International Strategy for Disaster Reduction* to build on the IDNDR experience, the General Assembly reaffirmed this support in January 2002.

The reduction – avoidance and limitation– of unacceptable climate impacts on individuals and societies can be achieved both by *reducing the hazards* associated with climatic change (‘climate hazards’) and by *lowering the vulnerability* of the individuals and societies in question. The former is unusual in natural disaster management, where the occurrence of hazards (volcanic eruptions, hurricanes, tsunamis etc.) itself is largely beyond human control. The potential for climate hazards, by contrast, can be reduced by mitigating their anthropogenic causes, that is by mitigating net-greenhouse gas emissions into the atmosphere.

In the ten years since the adoption of the UN Framework Convention for Climate Change (FCCC) in 1992, the issue of reducing potential climate hazards through emission mitigation has figured prominently in the multilateral negotiations, culminating in the Kyoto Protocol with its recent operationalisation in the Marrakech Accords. And given the acknowledged differentiated responsibilities for the problem, it was right for the global regime to begin its impact-reduction efforts by focussing on emission mitigation.

This is not to say other climate impact management activities –subsumed under the heading of ‘adaptation’ in climate change parlance– had not been addressed. For example, the FCCC negotiations to date have seen the creation of several funds dedicated to encouraging adaptation measures, particularly in developing countries who are likely to bear the brunt of the predicted impact burdens in stark disproportion to their causal responsibility. True to the UN maxim for the last decade, these funds and most of the other adaptation measures adopted under the aegis of the Climate Convention –such as an

* The author would like to acknowledge with gratitude the sponsorship by the Shell Foundation and the feed-back and support he received from the UN Office for the Coordination of Humanitarian Affairs (V.B. Sakharov, Patricia Charlebois, Ramon Gavino), the UN International Strategy for Disaster Reduction (J.A. Harding), the International Federation of Red Cross and Red Crescent Societies (Josephine Shields), and its Climate Change Centre (Madeleen Helmer), the UNFCCC Secretariat (Youssef Nassef), Bangladesh Centre for Advanced Studies (Nasimul Haque), and last, but not least, Joanna Depledge and Carmen Schlosser-Allera.

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envisaged transfer of technologies— were designed to encourage and bring about medium- to long-term changes in order to reduce future impacts by reducing the vulnerability of the people and societies involved. Taking into account that disaster *preparedness* —such as early warning systems, and contingency planning (as decided on in the Marrakech Accords²)— officially falls under the category of disaster reduction, we find that practically all the decisions taken and measures adopted under the Framework Convention and the Kyoto Protocol pertain to climate impact *reduction*, in line with the FCCC Art. 3.3 stipulation that ‘the Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects’

This may, at least in part, be due to the climate change community recognizing the consensus within disaster management circles that disaster reduction has to be made a priority. Another reason, however, might be the complementary perception that climate impacts themselves are a medium- to long-term matter. The former is unquestionably correct, the latter, however, portrays a degree of ‘temporal presbyopia’ (the inability to focus on things that will happen in the near-term) which in the climate change context could border on negligence.

Near-term Threats. The problem is that we have passed the point when the spectre of unacceptable climate impacts could still have been avoided through implementing such impact (disaster) *reduction* measures. For the next decades, we are locked-in to an unavoidable rise in global mean temperature by virtue of our past emissions due to factors such as the large thermal inertia of the earth’s oceans.³ This is unlikely to pass without creating serious climate hazards. As reported in the *Times of India* (‘Himalayas lakes filling rapidly,’ 16 April 2002), Klaus Töpfer, Director General of the United Nations Environment Programme (UNEP), for example, has been ‘giving early warning’ on behalf of UNEP that 44 glacial lakes in Bhutan and Nepal are filling so rapidly because of rising temperatures that ‘any one of these could, unless urgent action is taken, burst its banks in five to ten years time with potentially catastrophic results for people and property hundreds of kilometres downstream.’

Disaster Response Measures. Notwithstanding its fundamental importance, disaster *reduction*,⁴ by itself, does not exhaust the ‘continuum’ of disaster management. It is complemented in an important way by the ‘triptych’ of disaster *response* activities, divided into disaster-relief, -rehabilitation, and -recovery (see Box for definitions). As long as there is a residual risk of disasters happening in spite of past and future *reduction* efforts, a balanced climate impacts regime must also ensure the provision of adequate impact *response* measures. As early as 1991, Vanuatu —on behalf of the Alliance of Small Island States (AOSIS)— put forward a proposal for an ‘International Insurance Pool to provide financial insurance against the consequences of sea level rise, a pool which was meant to be replenished by mandatory country contributions and ‘used to compensate the most vulnerable small island and low-lying coastal developing countries for loss and damage resulting from sea level rise.’⁵ Until recently, however, the only

Box: The Disaster Management ‘Continuum’. Some Basic Terminology

The Pre-disaster Phase (Disaster Reduction)

- **Prevention:** Encompasses activities designed to provide permanent protection from disasters. It includes engineering and other physical protective measures, and also legislative measures controlling land use and urban planning.
- **Mitigation:** Measures taken in advance of a disaster aimed at decreasing or eliminating its impact on society and environment.
- **Preparedness:** Activities designed to minimize loss of life and damage, to organise the temporary removal of people and property from a threatened location and facilitate timely and effective rescue, relief and rehabilitation.

The Post-disaster Phase (Disaster Response)

- **Relief:** Assistance and/or intervention during or after disaster to meet the life preservation and basic subsistence needs. It can be of emergency or protracted duration.
- **Rehabilitation:** The operations and decisions taken after a disaster with a view to restoring a stricken community to its former living conditions, whilst encouraging and facilitating the necessary adjustments to the changes caused by the disaster.
- **Reconstruction (recovery):** Actions taken to re-establish a community after a period of rehabilitation subsequent to a disaster. Actions would include construction of permanent housing, full restoration of all services, and complete resumption of the pre-disaster state.

Source: Internationally Agreed Glossary of Basic Terms related to Disaster Management, IDNDR/DHA 1992

significant trace of this proposal in the decisions of the COP was the inclusion of the word ‘insurance’ in Article 4.8 of the FCCC,⁶ and Article 3.14 of the Kyoto Protocol. The fortunes of this climate impact recovery mechanism finally changed in July 2001 when –as part of the Bonn Agreement– the COP agreed ‘to consider, at its eighth session, the implementation of insurance-related actions to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change’.⁷ From the point of view of balancing the current climate (impact) regime, this has to be a welcome development. Rehabilitation and reconstruction are important elements of any impact response regime which have to be promoted and fostered – but they are important only to those who survive. And the threat of climate-related disaster, as indicated above, is not only real, but immediate.

The Need for Adequate Climate Disaster Relief. This is why the climate negotiations’ neglect of the third component in the disaster response triptych, disaster *relief*, must be addressed urgently, given that the present system is likely to prove inadequate in dealing with climate-related disasters.

Throughout the last three decades, the UN General Assembly has been ‘mindful of the need to strengthen further and make more effective the collective efforts of the international community, in particular the United Nations system, in providing humanitarian assistance.’⁸ As a consequence, it called upon the Secretary-General in 1971 to appoint a Disaster Relief Co-ordinator at the Under-Secretary-General (USG) level ‘to mobilize, direct and co-ordinate the relief activities of the various organizations of the United Nations system.’ In 1992, the General Assembly created several structures –such as an Inter-Agency Standing Committee (IASC), and a Department of Humanitarian Affairs (DHA)– to strengthen the UN system. It also introduced a Central Emergency Revolving Fund (financed by voluntary contributions) ‘to ensure the provision of adequate resources for the use in the initial phase of emergencies.’⁹ DHA –under the new name of ‘Office for the Coordination of Humanitarian Affairs’ (OCHA)– had its effectiveness further enhanced as part of the Secretary-General’s 1998 reform programme.¹⁰ And yet –notwithstanding the considerable successes of this continuous drive for structural improvements– the experience of the last thirty years has made it clear that such institutional reforms will not be able to achieve their aim in the absence of a complementary reform of the piece-meal voluntary funding mechanisms and the concomitant lack of co-ordination between governments and aid agencies.

The acknowledged common but differentiated responsibilities for climate change phenomena make the funding of climate-related disaster relief a prime candidate for a transformation from relying on voluntary charitable donations to being based on binding contributions. One way of achieving this would be by creating an FCCC Disaster Relief Fund –annually replenished by *binding up-front* contributions from the industrialised country parties to the FCCC – to cover the costs of the international relief effort for climate-related disasters. The contributions could be proportionate to the parties’ differentiated responsibilities and their ability to pay, and the Fund be administered by OCHA –in collaboration with IASC agencies such as the International Federation of Red Cross and Red Crescent Societies– under the guidance of the COP and the Under-Secretary-General for Humanitarian Affairs (as key representative of the UN disaster management system¹¹).

Given the relatively modest over-all size of these costs –in the region of \$100 million for 2001, according to the UN Financial Tracking System operated by OCHA– and the fact that most of them are already borne by national governments (over 80 percent in 2001), such a reform would be feasible¹² with considerable benefits at marginal additional costs to the international community.¹³ The costs incurred in 2001 may not be representative, but this is immaterial if one assumes that the international community will continue to pay the costs for such international relief activities. The Fund proposed here is not about getting ‘new money,’ it is about making existing expenditures more effective.

Carrying out such a reform would have important ancillary benefits. For one it would involve the key players of the disaster response community –such as the International Red Cross Movement¹⁴– at the heart of the FCCC process. This involvement might moreover facilitate what I believe to be a long overdue terminological shift from the evolutionary biology term of ‘climate change adaptation’ to the more humanitarian concept of ‘climate impact management.’¹⁵ Indeed, it might help to avoid the inefficiencies of a piecemeal approach by ensuring that such a reform would form an integral part in establishing an effective FCCC Impact Response Instrument as part of a more balanced global climate change regime.

Notes.

¹ ISDR working definition of ‘Disaster Reduction’ 2001.

² In the decisions on Implementation of Art. 4.8 and 4.9 of the FCCC.

³ See, Francis W. Zwiers, ‘The 20-year forecast’ *Nature*, Vol.416 (18 April 2002):690-1. www.nature.com

⁴ Disaster Reduction = Disaster-prevention, -mitigation, and -preparedness.

⁵ Document A/AC.237/WG.II/CRP.8 of 17 December 1991, submitted to the Intergovernmental Negotiating Committee for a FCCC, WG.II, Fourth Session.

⁶ ‘... the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, *insurance* and the transfer of technology, 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 ...’ Note, incidentally, that ‘response measures’ here refers to emission mitigation measures.

⁷ Annex to Decision 5/CP.6: VI.1.2; FCCC/CP/2001/5, p.40. Note that the inclusion of these insurance issues into the FCCC agenda means that the Parties are willing to consider disaster response measures under the Convention.

⁸ 14 December 1971 and 14 April 1992.

⁹ A/RES/46/182 (14 April 1992).

¹⁰ In 1994, OCHA and UNEP furthermore established in 1994 a Joint Environment Emergency Unit as the principal UN mechanism to mobilize and coordinate assistance to countries affected by various environmental emergencies and natural disasters with environmental impact.

¹¹ As Emergency Relief Coordinator, the Under-Secretary-General for Humanitarian Affairs (USG) not only heads the Office for the Coordination of Humanitarian Affairs, but also chairs the Inter-Agency Standing Committee (IASC) and the Executive Committee on Humanitarian Affairs (ECHA). Under the International Strategy for Disaster Reduction (ISDR)—the successor arrangement for the International Decade for Natural Disaster Reduction—the USG also has direct authority over both the Inter-Agency Secretariat of the ISDR and the Inter-Agency Task Force for Disaster Reduction.

¹² One of the key objections to including impact management measures in the FCCC regime—the difficulty of attribution, i.e. of separating man-made climate consequences from natural ones—becomes irrelevant in the context of disaster *relief*, given that the costs for the non-man-made impacts would as before be covered under the principle of solidarity.

¹³ For more on such a reform see Benito Müller, *Equity in Climate Change: The Great Divide*, Oxford: OIES, forthcoming August 2002.

¹⁴ The International Federation of Red Cross and Red Crescent Societies has already acknowledged the importance of climate change for their future planning by establishing a Climate Change Centre under the aegis of the national Red Cross Society of the Netherlands.

¹⁵ The origin of the term ‘adaptation’ in evolutionary biology entails certain connotations—such as the onus being on the impacted system to adapt or die—which I believe are unacceptable and which can be avoided by borrowing the conceptual scheme of disaster management, which also ensures that impact *response* measures are given the same conceptual prominence as impact *reduction* activities (such as. emission mitigation and ‘adaptation’ as currently used).