

The Climate Show – Episode 34

Transcript

00:00:04 Linnéa Nordlander

Hi, and welcome to the Climate Show, a podcast that explores the law and politics of climate change. This podcast is brought to you by the University of Copenhagen.

00:00:16 Beatriz Martinez Romera

Hi, we are Beatriz Martinez,

00:00:18 Linnéa Nordlander

And Linnéa Nordlander

00:00:19 Beatriz Martinez Romera

And we are your host at the Climate Show

00:00:29 Beatriz Martinez Romera

Hello and welcome back to the Climate Show. Today we are diving into a hotly debated and fascinating issue in climate change law and policy, loss and damage, which raises tough questions about responsibility, justice and finance, and has been one of the most contentious topics in the international negotiations.

00:00:47 Linnéa Nordlander

If you're new to the term, loss and damage refers to the residual impacts of climate change, meaning that they can't be avoided either through mitigation or through adaptation.

00:00:56 Linnéa Nordlander

So, these are things like the displacement of entire communities by sea level rise or livelihoods being destroyed by extreme weather events.

00:01:03 Beatriz Martinez Romera

To help us understand this better, we are joined today by Professor Lisa Vanhala from University College London (UCL).

00:01:10 Beatriz Martinez Romera

Previously, she worked at the Centre for Social Legal Studies in Oxford and at the Centre for the Study of Human Rights at LSE. Lisa is a leading scholar of climate politics and her new book, *Governing the End, The Making of Climate Change, Loss and Damage*, explores how loss and damage has been constructed at the global level.

00:01:27 Linnéa Nordlander

This work draws on more than eight years of ethnographic research inside UN climate talks and over 150 interviews with negotiators, policymakers, UN staff and activists.

00:01:38 Linnéa Nordlander

We talk with her about what loss and damage means, the visible and hidden politics shaping it, and what the future might hold now that states have finally agreed to set up a loss and damage fund. So, let's get started.

00:01:54 Beatriz Martinez Romera

Lisa, welcome to the show.

00:01:56 Lisa Vanhala

Thank you. I'm so delighted to be here.

00:01:59 Beatriz Martinez Romera

To begin with, could you tell us a little bit about what inspired you to write this book?

00:02:04 Lisa Vanhala

Yeah, it's great. I've been working on it for eight years and I was really thinking about this in kind of 2013 when the first body on loss and damage was established within the UN climate change regime, the UN Framework Convention on Climate Change on loss and damage.

00:02:20 Lisa Vanhala

And it was a real breakthrough moment for loss and damage in the negotiations and there was a lot of coverage in the news. And one of the things that puzzled me at that moment was really thinking about how was this agreed to? This is something that developed countries were really against, and yet it was embedded in international law.

00:02:36 Lisa Vanhala

So, the book really started with thinking about this puzzle and the kind of following the work that's happened within that space since then.

00:02:46 Beatriz Martinez Romera

Just to delve a little bit into the issue, loss and damage has become one of the most high-profile issues in the climate negotiations in recent years, and yet there is still no single agreed definition on what it actually means.

00:03:00 Beatriz Martinez Romera

What is your understanding on what loss and damage is and why is the way we define it so important for international climate politics?

00:03:07 Lisa Vanhala

Yeah, so I think, you know, we might think about a very simple understanding of what loss and damage is and think about it in terms of 1/3 pillar of climate policy.

00:03:17 Lisa Vanhala

If our first aim in thinking about climate change in a policy perspective is thinking about how do we stop the warming of the atmosphere, you know, mitigation is a first branch.

00:03:28 Lisa Vanhala

The second, which emerged within the international climate change regime, was really thinking about, well, some of these impacts of climate change are starting to manifest. How do we adapt to them? What are we going to do to make sure that communities are able to live with climate change?

00:03:42 Lisa Vanhala

And then I think loss and damage emerges as this third pillar in terms of thinking about we're not effectively adapting to climate change in all of the places where it's happening and to all of the impacts that climate change is causing in the world.

00:03:56 Lisa Vanhala

And we are seeing these losses. So, we can think about loss and damage as existing beyond these limits to adaptation and really thinking about it being those impacts that exist even where we make efforts to mitigate or adapt to climate change.

00:04:12 Lisa Vanhala

So that's a really simple understanding of what climate change loss and damage is. But you pointed out this fact that there is no single agreed definition within the UN system.

00:04:21 Lisa Vanhala

And I think I've come to realize and articulate in the book the idea that this is intentional, right? We keep repeating within the literature that there is no single agreed definition.

00:04:32 Lisa Vanhala

And I think that has come about for a specific reason and has served the strategic interests of some of the parties within this particular system.

00:04:40 Lisa Vanhala

And so, what I try and do in the book is trace out how different actors within that system have come to understand it, and then how that then shapes what becomes possible in terms of policy making and institutional building and embedding this idea in loss and damage, and then really trying to address that at the national and local level.

00:04:58 Lisa Vanhala

So, making sure that the most vulnerable countries in the world that are experiencing these impacts of climate change first and the kind of most severe impacts are, that it's really making a difference at that particular level rather than something that just exists on paper at the global level.

00:05:14 Beatriz Martinez Romera

In the book, you highlight both successes and failures in how the international community has tried to go burn loss and damage. Where do you see moments of real progress and where do you think efforts have fallen short?

00:05:27 Lisa Vanhala

Yeah, it's a really interesting moment to be having this conversation, right? We're about to go into the 30th COP this autumn. And I think there's a lot of reflection on what this international system is really achieving at this particular moment.

00:05:40 Lisa Vanhala

And there's a lot of debate out there, and we can kind of talk about what some of those potential solutions are. Some of them are more incremental. Some of them are proposed as really rather radical. So, it's a great moment to be thinking about kind of how is the system working.

00:05:53 Lisa Vanhala

In terms of loss and damage, you know, at first glance, it really looks like a success story for developing countries. You had, for example, the adoption in 2013, of the Warsaw International Mechanism on Loss and Damage.

00:06:07 Lisa Vanhala

You had the establishment of this committee of 10 developing, 10 developed countries to try and really progress work on this topic within the multilateral arena. So that was a really important moment and seen as a victory for developing countries. Same with the Paris Agreement, right?

00:06:23 Lisa Vanhala

And in some ways, we really have to acknowledge like bringing 197 plus countries together and reaching agreement that there's going to be a specific article, Article 8 on loss and damage within the Paris Agreement, was really seen as important progress.

00:06:38 Lisa Vanhala

You know, in the lead up to those negotiations, some of those countries, the US, for example, didn't want a separate article on loss and damage, didn't want loss and damage mentioned at all necessarily. And so, you know, we can see that as a real moment of progress.

00:06:51 Lisa Vanhala

And since then, there's been a series of other institutions that have been established. There's been a series of expert groups to try and enhance understanding on some of these topics like non-economic loss and damage, some of those impacts of climate change on kind of people's lives and livelihoods and health and on cultural heritage and biodiversity loss.

00:07:11 Lisa Vanhala

So, you know, there's been a kind of increasing awareness among countries about what loss and damage means and about how to address it. And we had two years ago the

establishment of a new fund for loss and damage, which again was seen as a huge victory.

00:07:25 Lisa Vanhala

So I think at first glance, this is really a story of kind of embedding this idea of loss and damage in international law and building new institutions around it.

00:07:34 Lisa Vanhala

But what my book really tries to trace is actually, if you look more closely at some of what's happened in this implementation stage. A lot of these new bodies are kind of a thinner version of global climate governance than I think developing countries foresaw when they achieved these victories.

00:07:54 Lisa Vanhala

Over the years, a lot of these bodies are underfunded. They rely on kind of voluntary support from other UN organizations to do a lot of the work. I think a lot of the efforts, have fallen short in that implementation stage. And what I try and do in the book is kind of trace that out a little bit.

00:08:12 Beatriz Martinez Romera

So, this morning we had the pleasure at CLIMA here at the faculty of Law, the University of Copenhagen to hear a talk from you, one of our climate breakfast seminars, about the research of your book and the methodology that you've been using here.

00:08:26 Beatriz Martinez Romera

And basically, it's based on an extraordinary amount, of interviews, over 150 we've heard, which is a shocking number. A PhD takes like 20 or 30 to insight, no?

00:08:37 Beatriz Martinez Romera

And an observation of a number of cops, being inside the negotiating rooms, following everyday practices of diplomats and negotiators. Could you share how this process took place, how this material for your book came?

00:08:52 Lisa Vanhala

Yeah, so I've been really interested in kind of the methods that we use in studying global environmental governance and international law development.

00:09:01 Lisa Vanhala

And one of the things that I think has been really illuminating is looking at how others in the fields of anthropology and sociology have used ethnographic methods to reveal some of the things that might not necessarily emerge through other methods that we traditionally use.

00:09:20 Lisa Vanhala

Another kind of point that has been really driving the work is thinking about what happens beyond these kinds of big moments in global environmental politics. We pay a lot of attention to what happens to COP. That gets headlines. A lot of scholars focus on what's agreed there.

00:09:37 Lisa Vanhala

But there has been less work looking at what happens afterwards, how these agreements are put into place or not, as the case may be.

00:09:46 Lisa Vanhala

What I've tried to do is draw on some of these ethnographic approaches and use interviews and document analysis to kind of paint a kind of fuller picture of what happens in terms of how legal outcomes translate or not into what happens in the real world in terms of institution building and the kind of delivering of solutions that are really going to be effective for vulnerable countries and communities.

00:10:13 Lisa Vanhala

This was funded by a European Research Council starting grant, and so I had a fantastic team of early career researchers working with me. So, you know, a number of us were doing interviews as they were developing their own different prongs of the project.

00:10:26 Lisa Vanhala

And it was really, truly a collaborative effort, as well as reliant on the generosity of those people being interviewed, the diplomats, people who worked for the UN Secretariat, activists, young people.

00:10:37 Lisa Vanhala

But I'm really interested in trying to reveal, you know, mechanisms and processes that our traditional methods of political science wouldn't necessarily reveal and really trying to think about how can, we contribute to methodological development by developing this idea of political ethnography.

00:10:56 Lisa Vanhala

And Edward Schatz wrote a book more than 10 years ago now trying to develop what do we mean when we talk about political ethnography. So, I'm trying to use some of the tools of that and look at this international organization and this regime.

00:11:09 Beatriz Martinez Romera

One of the striking points you raise in the book relates to how ideas come into and how are embodied into international law. You talk about two comparing framings in the negotiation of loss and damage, and you talk also about the clandestine politics of institution building.

00:11:27 Beatriz Martinez Romera

Could you unpack these concepts for us? What kind of hidden politics did you come across and why do they matter?

00:11:33 Lisa Vanhala

Yeah, that's great. Thank you.

00:11:34 Lisa Vanhala

I very much rely on the kind of tools of sociologists. So one part of the book relies on Irving Goffman's frame analysis, and I really articulate kind of two different

understandings of loss and damage. So, developing countries really tended to understand this as a justice issue, right?

00:11:52 Lisa Vanhala

The countries that are going to feel the impacts of climate change the most were the least responsible for causing this problem. So, they really understand this problem of loss and damage as an injustice issue and as causing harm within their countries and communities.

00:12:06 Lisa Vanhala

And they very much saw loss and damage in the early years of negotiations about this as a problem to be dealt with in the climate change regime and as loss and damage as something separate and additional to adaptation.

00:12:18 Lisa Vanhala

Developed countries, on the other hand, were really trying to think about this as a risk problem, that this is uncertain. In the early years, it was unclear whether climate change was really causing these impacts.

00:12:29 Lisa Vanhala

Now that we have more kind of certainty in the science and an emerging science of the attribution of climate change, so where specific weather events can be kind of shown to be linked to climate change, the rhetoric has moved a little bit more towards where we don't know where these impacts are going to happen.

00:12:47 Lisa Vanhala

And the way that national governments are doing climate risk management means that actually, they're responsible because they're not taking this seriously enough.

00:12:58 Lisa Vanhala

So, they very much understood this as a problem of, to be dealt with at the national level, that this is about country governments doing this. And if it was to be dealt with in

the multilateral arena, it should be something that's left to the disaster risk community or the humanitarian community or the development community, not a problem of climate change.

00:13:19 Lisa Vanhala

So, you had this kind of contestation. And we did reach some kind of a vague, ambiguous understanding, as we've talked about, what loss and damage is.

00:13:26 Lisa Vanhala

But what you see is that the kind of fingerprints of those two different framings emerge in the way that these institutions are built. And I trace through a number of different mechanisms through which this kind of clandestine politics happens.

00:13:39 Lisa Vanhala

So, one way in which it happens is that developed countries tended to appoint disaster risk management experts to these bodies. It was very much they were bringing an expertise on risk management into these bodies. And it meant that these committees lacked a lot of the other forms of knowledge that's necessary for really thinking about loss and damage more holistically.

00:14:00 Lisa Vanhala

So, one mechanism was these appointments to these committees. Another is what kinds of expertise they brought in and who was excluded you tended to see a lot of the expert groups dominated by UN organizations, but other voices and the lived experience of those dealing with some of these problems related to, for example, climate change related migration or some of those non-economic impacts of loss and damage, you know, related to cultural heritage or health or biodiversity.

00:14:30 Lisa Vanhala

A lot of that expertise was kind of kept out of the room. Same with the politics, sorry, the science on attribution. So, a lot of the kind of attribution experts, they were included in the beginning, but then slowly you saw a lot of that expertise kind of fall away from some of these organizations.

00:14:45 Lisa Vanhala

And then I look at the kind of more nitty-gritties of the meetings. So I observed hours and hours of some of these meetings of the executive committee. And if you've ever sat in kind of departmental meetings, you know, they can go on a long time. And so I have at points wondered why I've signed up to watch hundreds of hours of other people having meetings as opposed to just sitting in them myself.

00:15:06 Lisa Vanhala

But actually, you see a lot of power play out on this micro level and who gets to speak, who's excluded, who's invited to the table, which meetings are open, which meetings are closed. And so, what I'm trying to do is trace through some of these kinds of less visible forms of power that have played out in this implementation stage.

00:15:27 Beatriz Martinez Romera

And you mentioned earlier the loss and damage fund. So COP27 countries agreed to establish this new fund, something that was unthinkable just a few years ago.

00:15:38 Beatriz Martinez Romera

How does your research help us understand the politics that led to this breakthrough and looking ahead, what do you see as the key risks and opportunities in how the fund will actually be financed and deployed?

00:15:50 Lisa Vanhala

Yeah. So, this fund is something that, small island developing states have been calling for more than 30 years now, right?

00:15:57 Lisa Vanhala

They were talking about this in the early 90s before the UN climate change regime was even set up. In some ways, this tracks with my story about at first glance, this looks like a major success.

00:16:09 Lisa Vanhala

But I think it also aligns with some of what we see in other developments on loss and damage with these institutions kind of being hollowed out and resourced to the minimum possible level.

00:16:21 Lisa Vanhala

So, I think what led to this breakthrough is that there was a kind of growing momentum that something needed to be done. I think there are interesting questions to be asked about the extent to which climate change impacts and disasters in developed countries, as much as in developing countries, was shaping thinking on this. So, I think there was some kind of real goodwill towards trying to find some kind of agreement on this.

00:16:46 Lisa Vanhala

But what you see, what you saw actually, our COP 27 and COP 28 is developed countries were very much talking about a fund, but they always use the term fund and financial arrangements.

00:16:57 Lisa Vanhala

And there was a lot of discussion and the book traces this through a little bit in terms of thinking about what they called a mosaic approach. This idea that the fund is going to be one part of a broader picture of thinking about funding on this particular topic.

00:17:13 Lisa Vanhala

And it was really interesting because the discussions of the transitional committee, which is the committee established to set up the fund, focused a lot on kind of what the World Bank was doing. And this was the time at which the World Bank was also under pressure to take climate change impacts more into account.

00:17:31 Lisa Vanhala

And so developed countries were often pointing to, well, we have bodies like the World Bank and the IMF that are going to be thinking about this and developing countries

which, really vocally, I think, for the first time, were saying, they're not within, the realm of action that we can look at with under the UNFCCC.

00:17:52 Lisa Vanhala

We have no control over what they're doing, even though obviously it's the same countries that are kind of sitting in these particular places. And so there was, I think, a lot of real debate about what's going to be possible within the UN climate change regime and a lot of reliance by developed countries on arguments about what's going to be happening in other particular spaces.

00:18:10 Lisa Vanhala

So, there's still a lot of the kind of questions about how the fund is going to be operationalized and, who's going to be able to access that funding through what kind of, what kind of mechanisms or direct access is going to be possible.

00:18:23 Lisa Vanhala

And this idea of project-based funding and whether that's really appropriate for loss and damage. So a lot of these questions are still very much at play and still very much alive.

00:18:32 Lisa Vanhala

And one of the things we looked at this morning is thinking about some of the funding that has been pledged for that loss and damage fund and how we've seen actually a decrease in funding for the adaptation fund as the loss and damage fund has come into play.

00:18:45 Lisa Vanhala

And because we have the loss and damage fund doesn't mean that there's less funding needed for adaptation. We need more funding for adaptation and yet we're seeing this kind of decrease over time.

00:18:55 Lisa Vanhala

And so, I think there are real questions to be raised about the interplay between what this fund is doing and what's happening with other funding out there.

00:19:03 Lisa Vanhala

And really, again, coming back to this question about who's going to be able to access this funding and who's going to be protected in a world of increasing climate threats and who isn't?

00:19:14 Beatriz Martinez Romera

Really interesting and a lot of food for thoughts there. Before we wrap up, what do you hope policy makers, negotiators, academics or civil society will take away from your book? And is there any other issue that you would like to raise, and we haven't touched up on?

00:19:31 Lisa Vanhala

Yeah, that's great. I think the point and the way the book fits into the broader conversation at the moment about is this current COP process working?

00:19:41 Lisa Vanhala

And there are a lot of discussions about this. And I think the Brazilian presidency is really taking this seriously about what kind of reform is needed. And some people argue for more incremental approaches and argue, you know, a lot has been achieved through this COP process in terms of forging agreements.

00:19:57 Lisa Vanhala

But what we're really seeing at the moment is this implementation gap that we're missing some of those mechanisms in terms of translating what has been agreed into reality in the world, right?

00:20:09 Lisa Vanhala

So, something I read this morning was talking about the need for less talk of ambition and more action on implementation.

00:20:18 Lisa Vanhala

So, in terms of policy makers, negotiators, civil society actors, I think there's a lot of room for thinking about what their particular role in this process is and being thoughtful about what this broad machinery is able to achieve and their particular part in that.

00:20:35 Lisa Vanhala

And really kind of pushing forward in terms of thinking about if we're trying to think about these communities that are most vulnerable to climate change, what is it that we are doing? What is it I am doing as a policy maker, as a negotiator, or as a civil society actor that is really going to result in something that is causing change on the ground in terms of addressing vulnerability and trying to mitigate some of these worst impacts of climate change.

00:21:03 Beatriz Martinez Romera

Lisa, thank you so much for joining us today at the Climate Show, for sharing your insights. Your book is no doubt such an important contribution to our understanding of climate, politics and climate governance.

00:21:16 Beatriz Martinez Romera

It is a pleasure to have you here in Copenhagen. I hope you come again soon to visit us and we can continue the conversation.

00:21:25 Beatriz Martinez Romera

To our listeners, until next time, thank you ever so much.

00:21:28 Lisa Vanhala

Thank you.

00:21:33 Beatriz Martinez Romera

Thank you for listening to this episode. You can find more information about Professor Vanhala's research and her book in the show notes. Stay tuned for our next episode.