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**Lost and damaged? The roles of civil society stakeholders involved in the development of loss and damage policy and the interplay with international loss and damage negotiations.**

A thesis presented in partial fulfilment of the requirements for the degree of  
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## ABSTRACT

Loss and damage is the impacts of climate change, when adaptation and mitigation measures fail the result is loss and damage. The loss and damage agenda aims to hold countries that were typically seen as polluters accountable for the yet unknown and undefined damages caused by climate change. The idea behind loss and damage is a step forward from the thinking of adaptation and mitigation to the idea that regardless of these two actions globally, some people/countries will still be affected by climate impacts and that these countries deserve some level of compensation/global financial support as compensation (Faruque & Khan 2013). Loss and damage is an ever-growing policy matter, political issue and lived reality for many. This thesis explores the development of loss and damage policy within Bangladesh, the first country to attempt to develop a national level policy, analysing the way in which key stakeholders are navigating national level policy development and negotiating loss and damage at the United Nations Climate Change Conference of the Parties.

The thesis research took place in two field locations: Dhaka (the Capital of Bangladesh) throughout 2018-2019, and the Conference of Parties 24 international meeting on climate change held in Katowice, Poland in December 2018. The research was conducted using qualitative research methods, including semi-structured interviews, observations of conference proceedings and document analysis.

The thesis found the following key results. That the lack of an instituted loss and damage policy means that a mechanism for actions and practical steps does not exist. Bangladesh has shown a remarkable level of leadership and has the potential through a national level policy to expand this leadership role. The role of CSOs and civil society members as advocates has been pivotal in loss and damage policy briefing and development at the local level. Developing country delegates and civil society representatives have contributed significantly towards the framing of loss and damage. Loss and damage challenges the traditional perceptions of Traditional Overseas Development Assistance (ODA). The use of constructed ambiguity is one of the many tactics used to evade responsibility by the global North. The importance of justice arguments are for demanding global North countries be held accountable. The ability to develop a framework and funding structure to tackle loss and damage would largely improve current climate change policy at the national level in Bangladesh.

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## CHAPTER 1: INTRODUCTION

The effects of anthropogenic climate change and our actions as a collective will define the future of the earth and how we live. Industrialisation and globalisation have shaped the 19th and 20th century, respectively, and have resulted in the present situation of anthropogenic climate change in the 21<sup>st</sup> century, which we now find ourselves having to combat. Climate change will affect everyone to varying degrees, regardless of location, geography or financial position. It is how we as people decide to respond to this call to action that will cement the future not only for ourselves but for generations to come (IPCC, 2018a).

Considering the nature of climate change, the globalised world in which we live, and the collective response required to combat climate change, it is essential that the development field understands the role different stakeholders and different countries play. Traditional non-government organisations and civil society groups, regardless of their field of practice, are recognising the need to prepare for climate change impacts on their projects and programmes. Climate change is a mainstream issue that needs to be addressed across the field of development (Warner et al. 2012)

This introductory chapter comprises a rationale and explanation of the research, both from a research perspective and a personal perspective. Following this is a description of the aims, objectives, research questions and methodology, a rationale for field locations and finally, an outline of the overall thesis structure.

### **1.1 Research justification: Background and rationale of the study**

Behind this research are two forms of justification, one is that from a personal perspective and the second is the academic rationale. These are both explored below.

#### **1.1.1 Personal rationale**

My interest in this topic stems from my work background in climate change research based in New Zealand, as well as my experience living and working in Bangladesh intermittently over

the past five years. I have spent some time in Bangladesh working and living in rural communities and another period working at the International Centre for Climate Change and Development (ICCCAD) as a visiting researcher, based in Dhaka. The two years I have spent working at ICCCAD has exposed me to many of the challenges and discussions around climate change in the context of Bangladesh, giving me insight into participation, the politics and the practitioners working on climate change, particularly the recent development around loss and damage. Through my work at ICCCAD I have had the opportunity to attend the United Nations Conference for Climate Change held in Katowice, Poland, in December 2018. This opportunity allowed me to use the UNFCCC negotiations to explore the context of this research further and the UNFCCC Conference of parties 24 to later became one of my field sites. Moreover, my post-graduate studies in international development has framed my interests in international development processes and in particular given me a more focused understanding of the development of international discussions on climate change and the impacts of such discussions on national level responses, particularly that of policy development.

### **1.1.2 Academic rationale**

Loss and damage aims to hold countries that were typically seen as polluters (i.e. countries that have benefited from the industrial revolution and have been emitters contributing to the rise of greenhouse gases) accountable for the yet unknown and undefined damages caused by climate change. The idea behind loss and damage is a step forward from the thinking of adaptation (taking practical actions to manage the effects of climate impacts) and mitigation (the practice of interventions that will directly reduce the level of greenhouse gases) to the idea that regardless of these two actions globally, some people/countries will still be affected by climate impacts and that these countries deserve some level of compensation/global financial support as compensation (Faruque & Khan 2013).

Within loss and damage there are two considerations:

- 1) Economic loss and damage: resources, goods or services that will either impact livelihoods or on a larger scale, economies, i.e. they can be quantified within the market; and
- 2) Non-economic loss and damage: the idea that some things have no economic value, for example, languages, heritage, and sacred sites. When a group of people lose their land, which results in forced migration, not only their livelihoods are affected, but their communities and cultures as well (UNFCCC, 2013).

With a general decline in readiness to give traditional Overseas Development Assistance (ODA) from many donor countries (UNICEF, 2014) there is growing space and negotiations happening around what the role of climate governance structures are for climate change, and how loss and damage will be framed in practice. Climate finance aims to address mitigation and adaptation needs in vulnerable communities and countries. However, this thesis argues that the systematic structures used for financing such programmes are a reproduction of traditional development structures and the donor/recipient nature of climate finance parallels that of traditional ODA relationships. The same could be said of what will become of the practice and implementation of loss and damage; however, as of yet there is no climate finance for loss and damage specifically.

Loss and damage is one of the most contentious issues within the United Nations Framework Convention on Climate Change (UNFCCC) because the aim of Least Developed Countries (LDC) is to demand recognition, compensation and liability of the harm caused by the actions of developed nations. This research in part aims to respond to a call for research articulated in two 'Action areas' areas within the Warsaw Mechanism for Loss and damage:

Action area 1: Enhance the understanding of how loss and damage associated with the adverse effects of climate change affect particularly vulnerable developing countries, segments of the population that are already vulnerable owing to geography, socioeconomic status, livelihoods, gender, age, indigenous or minority status or disability, and the ecosystems that they depend on, and of how the implementation of approaches to address loss and damage can benefit them. (UNFCCC, 2014).

Action area 5: Enhance the understanding of the capacity and coordination needs with regard to preparing for, responding to and building resilience against loss and damage associated with extreme and slow onset events, including through recovery and rehabilitation. (UNFCCC, 2014).

There is a need to theorise this new era of climate change through a development lens, in order to gain an understanding of the roles of (traditional development actors) CSOs in the context of a changing landscape of development politics. This research uses loss and damage as a case study, and aims to do two specific things; firstly, analyse the politics of policy, by looking at how a LDCs can develop potentially controversial policy and the relationship with global

policy mechanisms. Secondly, using climate change policy as a case study to understand the roles of (traditional development partner) Non-Government Organisations (NGOs) in the current changing landscape of development politics.

## 1.2 Research aim, questions and methods

Given the aforementioned this research explores the development of policy on climate change loss and damage in the context of Bangladesh to explore how key stakeholders (primarily from civil society) are negotiating discourse on loss and damage at the national level, through policy development, and at the global level, through their involvement in the Conference of Parties under the UNFCCC. In doing so, I look at the roles and opinions of these key stakeholders within Bangladesh as they engage with national level policy development and the challenges and possibilities enabled by their engagement in international negotiations. Therefore, my main aim is to explore how key stakeholders within Bangladesh are negotiating (the climate change-based) discourse on loss and damage at both the national and the global level.

To fulfil this aim, the research focuses on answering two key questions:

- 1. How are key stakeholders within Bangladesh negotiating the development of National Mechanism for loss and damage?*
- 2. How are key stakeholders within Bangladesh negotiating the discourse on loss and damage at the global level?*

To answer these questions, I undertook research in two field locations: Dhaka (the Capital of Bangladesh) throughout 2018-2019, and the Conference of Parties 24 international meeting on climate change held in Katowice, Poland in December 2018. The research was conducted using qualitative research methods, including semi-structured interviews, observations of conference proceedings and document analysis. A more detailed description of these methodologies is included in chapter 4.

## **1.3 Selection of field site**

### **1.3.1 Dhaka, Bangladesh**

Dhaka was chosen as a research site because Bangladesh is the first country to propose developing a national level policy in response to the Warsaw International Mechanism for Loss and Damage. Dhaka is the capital city and largest city of Bangladesh and is the country's economic hub, with a population of 21 million people and a population growth rate of over 3.5 for the last five years, largely due to climate related displacement (Macrotrends, 2020). In fact, Dhaka has the highest population density of any megacity globally, with 41,000 people per square kilometre (Demographia, 2019).

Dhaka is also the city in which all government departments are located, alongside the central offices of most civil society organisations. As such, the organisations involved in developing climate change-based policy work and function within Dhaka. The Ministry of Environment, Forest and Climate Change, the Ministry of Planning, the Ministry of Finance and the Ministry of Disaster Management and Relief, alongside the Office of the Prime Minister, are the predominant Government of Bangladesh ministries involved with climate change-related issues within the country. The Ministry of Disaster Management and Relief takes the leading role in terms of representation at the UNFCCC negotiations.

### **1.3.2 UNFCCC, Conference of Parties**

The United Nations Framework Convention for Climate Change (UNFCCC) is the predominant international environmental treaty, signed in 1992 at the United Nations Conference on Environment and Development in Rio de Janeiro and ratified in 1994. The UNFCCC was signed in order to “stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.” (UNFCCC, 1992). The UNFCCC was tasked (under the same name) as the governing body of the United Nations in charge of coordinating the international response to climate change. Consequently, there have been many agreements/mechanisms agreed to and signed under the Convention, including but not limited to, the Kyoto protocol (1997); the Bali Action Plan (2007); the Paris Agreement (2011); the Durban Platform for Enhanced Action (2011); Intended Nationally Determined Contributions (2013); the Warsaw International Mechanism for Loss and Damage (2013); and most recently the Paris Rule Book (2018). The UNFCCC

Conference of Parties is the current platform in which climate change is negotiated in the international arena.

The Conference of Parties (COP) 19 in November 2013 established the Warsaw International Mechanism for Loss and Damage associated with climate change impacts as the primary channel under the Convention to promote the development and implementation of different approaches to address loss and damage. Addressing loss and damage means dealing with both extreme and slow onset climatic events in countries that are vulnerable to the effects of climate change (UNFCCC, 2016). LDCs, including Bangladesh, are at the forefront of pushing the agenda on loss and damage within the official negotiation tracks at the COP.

Given the central importance of; the UNFCCC to the global governance of climate change responses; given it is the major international framework in which loss and damage is discussed; and considering this process is the current platform under which negotiations are advanced, the UNFCCC negotiations at the Conference of Parties 24, held in Katowice, Poland, 2018, was selected as the second field site. This ‘site’ was chosen so that international negotiations could be observed and allow for a better understanding of the context in which Bangladesh negotiates loss and damage within the international negotiations.

## **1.4 Outline of thesis**

*Chapter one* outlines the broad background to the research, and an introduction to loss and damage ensues. Furthermore, it justifies the rationale both personally and academically, followed by the context and positioning of the research landscape. Introducing the research aim, questions and methods brings the reader to the outline of this thesis.

*Chapter two* focuses on the literature surrounding the research and theory of loss and damage. This chapter is separated into five main sections: defining loss and damage, the global context of loss and damage, the Bangladesh context of loss and damage, ideas of climate justice and accountability.

*Chapter three* introduces the theoretical framework used in this research. In this chapter, I argue that a multilayered analysis of the roles of stakeholders is needed to understand the roles, relationships and engagement of NGOs both locally and internationally, to explore climate

change governance and power structures, and to understand the different, fragmented and historically derived systems of global governance. Lastly, this chapter uses a historical analysis to explore the notion of power by looking at the embedded struggles of the historically specific structures of global order, the class structures that underpin this order and the contention and dissent that threaten the stability of this global structure.

*Chapter four* turns to research design and the methods of data collection and analysis. As such an in-depth discussion of ethical considerations, positionality of the researcher, an explanation of the methods, and the limitations of the research. A reflection of the fieldwork experience and obstacles encountered in the field is also included alongside an explanation of data analysis post the field

*Chapter five* dives deeply into the context of loss and damage in Bangladesh, including the NGO sector in Bangladesh; Bangladesh's climate change vulnerability; and the country's current policies relevant to loss and damage.

*Chapter six* presents the findings of this research. The first findings section focuses on national level policy development. The second section explores the international development of loss and damage negotiations. The final section looks at the interplay between the national and international level.

*Chapter seven* discusses the findings and discusses this in relation to current development literature, and literature and discussions from previous chapters. Finally, this chapter draws together key points of the research and concludes the thesis.



## **CHAPTER 2: LOSS AND DAMAGE, CLIMATE JUSTICE, COMPENSATION; GLOBALLY AND LOCALLY**

### **2.1 Introduction**

This chapter introduces the varied definitions of loss and damage, the global context of loss and damage, and the experience of loss and damage in Bangladesh. Ideas of climate justice, compensation for loss and damage, accountability, and liability are then explored. Moving forward from the previous ideas this then allows for a discussion of the context of loss and damage negotiations within the UNFCCC.

### **2.2 Defining loss and damage**

In 1991, the Alliance of Small Island States called for a mechanism that would compensate those countries that would be affected by sea level rise (Subsidiary Body on Implementation, 2012). Over time, more climate vulnerable nations began to recognise they too would be affected by climate related events, and it would be beyond their capacity to cope with the impacts. The term loss and damage was first used at the Cancun Conference of the Parties, (COP16), where initial discussions at a global scale took place, where a loss and damage work programme was initiated. This discussion led to a commitment from the United Nations Framework Convention on Climate Change (UNFCCC) to establish a role in loss and damage discussions and to lead the discussion of loss and damage at the Doha Conference of Parties (COP18). In 2013 at the Warsaw Conference of Parties (COP19), the Warsaw International Mechanism for Loss and damage (WIM) was established alongside an executive committee, solidifying the recognition of loss and damage as a result of climate change (UNFCCC, 2017b). The WIM established important work, developing the concept through which loss and damage could be negotiated more vigorously. However, it arguably ignored hid from discussions around blame, liability and ultimately compensation. Loss and damage was later included in the Paris Agreement under Article 8. The contentious nature of loss and damage was fully realised at this point, as loss and damage became a sticking point of the Paris Agreement discussions. Any recognition of liability and compensation was ruled out of the Paris Agreement, as demanded by developed countries (Yeo & Pidcock, 2017).

The UNFCCC sets parameters for tackling loss and damage, but currently, there is no agreed upon definition of what loss and damage is. The UNFCCC (2012) broadly defines loss and damage as “the actual and/or potential manifestation of impacts associated with climate change in developing countries that negatively affect human and natural systems” (UNFCCC, 2012 pg. 3) but only within the context of a scoping paper produced by the working group for loss and damage.

The currently undefined status of loss and damage is because the particular wording around loss and damage is highly political and vigorously debated. The UNFCCC (2017a) defines the functions of the Warsaw Convention for Loss and Damage and how it aims to address the impacts and the varying approaches for its implementation, as described below:

- 1. Enhancing knowledge and understanding of comprehensive risk management approaches to address Loss and Damage associated with the adverse effects of climate change, including slow onset impacts.*
- 2. Strengthening dialogue, coordination, coherence and synergies among relevant stakeholders*
- 3. Enhancing action and support, including finance, technology and capacity-building, to address loss and damage associated with the adverse effects of climate change, to enable countries to undertake actions pursuant to decision 3.*

(3/CP.18, paragraph 6, UNFCCC, 2017a).

The UNFCCC has a mandate in which it will manage “anthropogenic interference with the climate system”, meaning that it will manage the human-induced effects of climate change, (UNFCCC, 1992, pg. 4). As policymakers support developing nations in their struggle to cope with loss and damage from climate change, there is a need to be aware of the potential impacts of climate change, which has currently been somewhat neglected. However, the WIM implies that it will deal with both current and future changes as a result of climate change and that it will also manage the associated risk attributed to climate change (James et al., 2014).

Currently the WIM is straightforward in the development and functionality, although it lacks accountability, consensus and explicit language about liability for addressing the reduction of greenhouse gases and resolving the related impacts of climate change events through

compensation (Johnson, 2017). The lack of clarity in definitions, including within the committee of the WIM, has allowed for the WIM to be developed and implemented as a technocratic and bureaucratic exercise that focuses on data collection, knowledge sharing and policy recommendations, rather than addressing the inherently political nature and challenges faced and the varying perspectives between different ‘non-state’ actors (Johnson, 2017).

Within the current literature there are various conceptualisations of loss and damage. These include simple definitions such as “damage from weather disasters” (Durand & Huq, 2015, pg. 2.) to more descriptive definitions such as “loss and damage is incurred when the costs of adaptation are not recuperated; or when adaptation efforts are ineffective, maladaptive in the long term or altogether impossible” (Durand & Huq, 2015, pg. 2). There is a strong tendency for definitions to highlight the exchange between adaptation, mitigation and loss and damage and that when adaptation and mitigation fail to deal with these climate effects, loss and damage will be the result. The UNFCCC paper defining loss and damage highlights the inherent need for one definition and for the current major differences in definitions to be clarified (UNFCCC, 2016). Clarification is required to address the major differences in representations of what loss and damage means, what impacts are included (whether these are slow-onset or sudden-onset events), the differences between ‘losses’ and ‘damages’, discussions about attribution, the irreversible nature of impacts, and understandings of the limits of loss and damage (Vulturius & Davis, 2016).

### **2.3 Dynamics of Loss and Damage**

The global agenda of loss and damage is hugely important at the national level in terms of climate change policy and practice (Roberts & Pelling, 2016). The difficulties of attributing anthropogenic climate change to both slow or rapid onset events, is in part due to a lack of understanding and direct evidence. Moreover, the challenge for policymakers is to be able to implement suitable measures in order to reduce the impacts of such events on vulnerable communities and nations. Attribution plays a major role in the implementation of policies and action at a global level (Roberts & Pelling, 2016).

Bangladesh is a country well aware of the effects of both slow onset and rapid onset climatic events. (The Bangladesh context is more discussed in detail in Chapter 5). Bangladesh is the largest river delta in the world, and the country frequently experiences natural calamities, such

as floods, cyclones, tornadoes, tidal bores, combined with the effects of deforestation, soil degradation, erosion, salinity intrusion and now sea level rise and increasing strength and variability's in such events (Huq, Kabir, Khan et al. Personal Communication, 2017). As it stands, the Government of Bangladesh (GoB) has been taking an active role in pre-disaster adaptation and mitigation and, as a result, has reduced the impacts of climate change disasters so far. However, with the increased occurrence and intensity of both rapid and slow onset events, the argument of loss and damage due to climate change comes into discussion. The GoB has been taking a proactive role in both national-level debates and global discussions of loss and damage. One of the actions Government has made is to initiate movement, in light of the current global context, to draft a National Mechanism on Loss and Damage. This draft policy includes an in-depth summary of the national context as well as legal mandates and institutional frameworks associated with loss and damage climate change. These include related environmental policies, disaster management, mitigation and adaptation policy and practices (Huq, Kabir, Khan et al., 2017. Personal Communication.)

Establishing and expanding on current policy would create a foundation from which new policies and programmes can be developed. This action will require input from a broad range of stakeholders including different ministries, academia, development sector and civil society to address the challenges of impacts not seen before. Recommendations for furthering the process of national development mechanism for loss and damage include performing a needs assessment looking at communities and individuals most vulnerable and developing a consortium to enhance collaboration and best practice between those working in different regions and also different countries (Roberts, Huq, Hasemann & Roddick, 2013). There is a need for long-term capacity building regarding research and knowledge of loss and damage cases, and for pilot projects on loss and damage to be undertaken in the field in order to understand different strategies of managing and coping with loss and damage events (i.e. insurance, management strategies, migration assistance) (Roberts, Huq, Hasemann & Roddick, 2013).

There is an inherent need for research to identify and develop suitable approaches for loss and damage. In the case of loss and damage, those exposed to the impacts of climate change most commonly are not included in such discussions, reflecting the extensive characteristics of structural imbalances and inequity of climate governance, in particular, between different

actors, including those responsible, liable, and affected by both the action and inaction of climate change discussions (Serdeczny, Bauer & Huq, 2017). Expanding the narrative on loss and damage in the global context and moving towards more comprehensive national action is going to be paramount for governments.

## **2.4 Ideas of climate justice**

Climate justice is the theoretical basis from which political and ethical perspectives of climate change, particularly loss and damage are argued. It extends the argument of climate change beyond that of solely an environmental and physical nature (Lyster, 2017). Merging ideas of justice and climate change gives those most vulnerable a 'legal' platform on which ideas of equality, human rights, collective rights, international principles of 'no harm' and historical obligations can be discussed. The fundamental understanding behind climate justice is that the most vulnerable are also those who are least responsible and those who will feel the effects of climate change most readily (Lyster, 2017).

However, opinions regarding climate justice vary, decision-making and negotiation derived from climate justice arguments can be used to create a standard for measuring value. Using a holistic outlook, there are three perspectives of climate justice from which a platform of understanding can be established (Cao, Wang & Cheng, 2016). Firstly, Human rights protection, the right of every human, both individually and collectively, to the fundamental principles laid out by the United Nations Human Rights Council. Secondly, the traditional concept of distributive justice (the allocation of resources in a socially just manner) and corrective justice (that those liable are held responsible for the injustice inflicted); these already understood legal platforms allow for formal frameworks to be built. The third and final aspect of climate justice is the principle of 'no harm', in which the violation of trans-boundary agreements violates state responsibility. Using these three aspects of climate justice, three remedial approaches are proposed; state responsibility, human rights, and international environmental law. However, the difficulties, advantages and disadvantages of all three approaches must be acknowledged, as no single approach will solve or resolve the issues of climate change loss and damage. The functionality of state responsibility is limiting in its complexities, and global environmental regulations do not allow for accountability for non-economic loss and damage. Regardless of the approach used, the framing of climate justice for

loss and damage will only continue to be a struggle to establish responsibility allowing those responsible to avoid liability (Cao, Wang & Cheng, 2016).

Within climate justice arguments, there is recognition of the imbalances of the impacts of climate change. The wealthiest countries have benefited most from the use of global resources, while poorer nations continue to suffer (Dundas, 2016). Given the stronger focus on mitigation in wealthy countries, it is also those countries who have the most resources available to adapt, despite the fact they are the least likely to experience severe impacts. It is important to identify the inequality, lack of recognition, disenfranchisement, and exclusion deeply rooted in climate change injustice. Broadly speaking, the undermining of basic needs, capabilities, agency, and the functioning of individuals and communities are all explored within climate justice arguments. Climate justice is the call for a process of mutual respect, self-determination, participation, and justice in the procedural process, particularly demanded by countries and communities most affected by climate change (Dundas, 2016).

The climate justice movement highlights the need to produce research, policies, and interventions that address both the ethical and human rights dimensions of climate change. Large-scale attempts at international, national, and state level policy development, and the responses attached to these processes, must address the capitalistic and political systems that allow the perpetuation of injustice (White-Newsome, 2016).

## **2.5 Accountability**

In relation to climate justice, accountability is a term used to describe the relationship between two actors or groups, in which one group can hold the other responsible for adhering to a set of pre-determined standards. This term is also used to assess whether such standards have been upheld and to impose some form of sanctions if it is perceived that these responsibilities have not been met. Underlying accountability is the presupposed relationship in which one party has the power and the other party has the ability to hold the other accountable. According to Grant & Keohane (2005) accountability is also used to frame and reveal mistreatments including the unauthorised and illegitimate exercise of power, with the decisions made from this use of power viewed as unjust. Within the political realm, the notion of accountability also means that there is transparency within the process through which power holders can be held accountable, generally through some forms of sanctions.

Two main ideas need to be considered when thinking about accountability and loss and damage. The first is that the polluting countries have contributed the most to climate change and should be held accountable within the global context of climate change negotiations and action. However, the question of who is most accountable comes down to definitions and timelines of the already contributed greenhouse gases (GHGs). The second concept is the capacity of the earth's ability to absorb greenhouse gases should be used and "distributed" on an equitable basis. Historical notions then need to be considered, as those who have benefited in the past from the emitting of greenhouse gases differ from those nations that have later industrialised and are now globally high emitters (Johnson, 2017). Underlying these discussions is the question of whose standards and norms are used to judge the actions and decisions of those in power. Initial discussions around loss and damage created discourse about equity, accountability and responsibility, with negotiations now focusing more on language around financial commitments from developed nations, removed from any form of responsibility. Political bureaucracy and technocratic exercises seem to dominate global negotiations, and accountability and moral notions no longer appear to play a role (Johnson, 2017).

Accountability refers to the notion that there are authoritative actors, those in power, that need to justify their actions, their decision-making and outcomes. The other side of this is those affected whose role is to evaluate and then endorse the sanctions of those in power. Accountability is reflected as the relationships between decision-makers and takers. There is the need for these discussions of decision making to be conceptualised more in the context of global discussions, particularly around climate justice (Kramez & Park, 2017). Accountability should be a means through which environmental governance should be viewed. Rights and responsibilities of actors are also an essential feature of accountability. Within the system of accountability, there is a need to raise questions of the different purposes and roles of different stakeholders. However, accountability in itself is not enough. It is only a reflection of the politics underlying global discussions around climate change and climate justice. The dimensions of these politics need to be considered in the relationships' accountability and need to be viewed in all manner of upward, downwards and horizontal relations, between the global North and the global South. The obligatory political dimensions need to be understood and not taken for granted or based on prior assumption and need to provide true insights into the operations of accountability and an input-oriented focus of climate change discussions (Kramez & Park, 2017).

Those in power often avoid accountability since it affects the autonomy of the nation state. The idea of external accountability is described as a situation where one nation is accountable to a set of people outside that nation and when people external to a given nation are impacted by another nation practices. The question of when one nation is accountable to another nation, or communities is interesting and largely relevant to loss and damage discussion. If it is assumed that they are accountable, can accountability be achieved, or is there an accountability gap? (Keohane & Grant, 2005). Whether the nation or entity is being seen to be accountable or not depends on their intention. Within a global context, it is then difficult to ask who you are accountable to: is it the global audience or only to those who voted for you? Those who are in power or are viewed as powerful will only give a thought to accountability if it is aligned with what they are trying to achieve. Hence, a lack of external accountability is rather a question of power—the ability to not be held responsible reflects a level of power. There is a need to recognise that external accountability varies a lot due to imbalances in global politics and practices, meaning that inter-governmental organisations and smaller, fragile or dependent states are most easily held accountable. Secondly, in order for powerful states to be held accountable, there needs to be more effective mechanisms for multilateral governance. Moreover, there is a need to recognise that powerful nation states impose most negatively on the notion of accountability in world politics, including in the contest of loss and damage (Keohane & Grant, 2005).

As previously stated, the nations which are most vulnerable to climate change impacts are undeniably less economically stable and lack the resources to adapt and mitigate the effects of climate change. LDCs suffer a double injustice in light of climate change, as it will only continue to affect their ability to meet social and economic development goals, argued to be the result developed nations, who have organised the global economy around the extraction of resources and the use and trade of fossil fuels since the onset of the Industrial Revolution (Adelman, 2016). Climate justice theorists argue that developed nations that have benefited from activities such as colonisation and resource extraction have an ethical obligation to compensate for loss and damage in LDCs (Adelman, 2016).

In summary the notion of accountability is inherent in climate change discussions, especially in the idea that those in power need to be responsible for their decisions and actions, and the results of such choices, which includes the adverse and harmful effects of these impacts (Johnson, 2017). Climate justice scholars focus on the idea of accountability as a basis from



which they build their arguments (Hyvarinen, 2015). From a procedural perspective, accountability entails concepts of responsibility, appropriate behaviour, global sanctions, standards, organisational processes and the underlying implications that there will be some form of consequences if this understanding is violated (Johnson, 2017). Who is accountable for the impacts of climate is a question of responsibility, underlying which is the ability to establish who is at fault.

## 2.6 Liability

Arguments around climate justice and accountability have the support of some previously developed international frameworks on which they can find both a theoretical basis and, ultimately, a legal imperative on which a climate justice argument for loss and damage can be built. This includes the International Human Rights Framework, the “No Harm” Principle, the Polluter Pays Principle, the Paris Agreement on Climate Change, and the Warsaw International Mechanism for Loss and Damage.

The International Human Rights Framework is a resource from which legal imperatives and moral complexities can be framed in the hopes that appropriate responses to climate change impacts are developed. This uses human rights as an argument for climate change, rooted in ideas of equality and justice (Hyvarinen, 2015). The United Nations Human Rights Council has recognised the impacts climate change will have on human rights. Resolution 7/23 of human rights and climate change stated that climate change “poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights” (Human Rights Council, 2008, pg.1).

On the other hand, the “No Harm” principle is a notion to which states must ensure that activities within their jurisdiction do not cause significant cross-boundary environmental damage. Ideas of accountability are expressed in the “no harm” principle as a cornerstone of international environmental law, where it is being used as one of the currently standing international laws from which climate justice can be argued (Mayer, 2016). The sense of the no-harm principle is widely understood; however, the modalities of the principle are widely contested, particularly around the levels of obligation to prevent any cross-boundary harm. Moreover, the no-harm principle asks for nations to regulate their activities but does not extend to being held responsible for the resulting damages (despite the result to prevent damages).

Cases that invoke the no-harm principle typically apply across physical borders; this is one of the issues when considering the use of the no-harm principle in the context of climate change. Furthermore, damages from climate change are not the result of a single activity of a single neighbouring state, but rather the results of various activities by many contributing nations over decades.

Given these factors, the application of the no-harm principle is difficult in the context of climate change as it is the accumulation of activities by multiple actors over time that has and will result in harm. The historical failures of states to prevent damage from the actions that result in greenhouse gas (GHG) emissions ultimately does not compose a violation of the no-harm principles. Moreover, it is uncertain the obligation nations have in foreseeing the specific damages that may occur (Cao, Wang & Chen, 2016).

Moreover, the application of the Polluter Pays Principle is allowing for civil society and developing nations to argue for liability and ultimately compensation through the UNFCCC process. Polluter Pays Principle (PPP) is an economic, legal and ethical instrument that argues that polluters should pay for the environmental and social impact costs associated with climate change, including mitigation and adaptation efforts and the impacts of loss and damage. PPP reflects the most fundamental principles of justice and liability. Article 3.1 of the UNFCCC recognizes that;

*“The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.” (UNFCCC, 1992, p.4)*

This implies the provision of a market-based system to deal with the impacts of climate change, for which the PPP could be applied (Khan, 2015). PPP is considered by many to be a rational approach to deal with climate change both in an economic sense but also in a policy sense. CSOs and developing nations are pushing for the adoption of the PPP and is on the agenda of many countries as an equitable approach, including some of the largest emitters. The legal interpretation of the PPP holds that both nationally and at the local level governments are jointly liable for environmental damages caused by both private and public actions. Meaning both the polluter and the regulatory bodies are responsible for the generation of pollution.

The inclusion of Goal 13 within the Sustainable Development Goals, ratified by all nations at the United Nations, calls for immediate action to combat climate change and its impacts. As a result of the inclusion of this document, the Paris Agreement on Climate Change was adopted at COP21 in 2015, which followed the signing and commitment by all nations to not exceed two degrees of global warming. Article 4 of the Paris agreement states:

*Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions. In communicating their nationally determined contributions, all Parties shall provide the information necessary for clarity, transparency and understanding in accordance with decision 1/CP.21. (United Nations, 2015, pg. 5).*

While the Paris agreement does not address ideas of liability and compensation, it certainly calls for nations to be accountable for their own commitment to a reduction of emissions in order to achieve the global goal of not exceeding two-degrees.

In sum, the external frameworks mentioned above are a mode through which climate justice arguments can be built and framed, particularly for loss and damage discussions. The repeated argument for accountability from those who have caused climate is being challenged through previously existing international frameworks and as a result accountability is often paralleled with the idea of liability.

## **2.7 Compensation**

Ideas of accountability (or liability) have been excluded from global level policy on loss and damage. However, calls for compensation are synonymous with the need to recognise loss and damage. Attempts by the global North to de-politicise loss and damage discussions have been successful, through calls to enhance knowledge and understanding of approaches to address loss and damage; strengthen dialogue, coordination and coherence among relevant stakeholders; and enhance action and support to address loss and damage, as suggested by the Warsaw International Mechanism for Loss and Damage (UNFCCC, 2014). However, what is not included in this list of actions is any explicit recognition of culpability or requirement for financial compensation, accountability or liability at the international level. When these issues

have been raised, they have quickly been sidelined. There are also similar discussions focused at the national level. Governments are encouraged within international frameworks establish a national level policy to compensate communities or individuals. This has been framed in a manner that evokes ideas of state responsibility as discussed in the Rio Declaration of 1992 (Faruque and Khan, 2013) which states that “States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage” (The Rio Declaration, 1992, pg. 3).

This discussion of the development of a national policy on loss and damage is shortly followed by conceptually difficult questions, such as: Who will compensate? Who will be compensated? What is compensated for? (Faruque and Khan, 2013). The idea of compensation is particularly problematic because of how loss and damage is understood or misunderstood and how it is dependent on concepts of valuation and market values. Measuring a value of something which will be or has been lost or damaged is based not only on market value, but also on emotional state, connection, and people’s perceived perceptions or interpretations of what has value (Morrissey and Oliver-Smith, 2013). It cannot be assumed that all societies have placed the same value on certain things, different models and relations of production are produced from varying ways of thinking. An understanding of the role things play in social and material reproduction in any society is paramount in the negotiations of climate change discussions (Morrissey & Oliver-Smith, 2013).

The current de-politicisation of climate change arguments within the global context only allows for the underlying historic reasonings that have made Bangladesh vulnerable to climate change to go unspoken and for the people and interventions that have taken place to ignore accountability for past actions (Paprocki, 2017). The political implications of attributing the current environmental and ecological changes purely to climate change is problematic. Bangladesh has a long history of intervention through colonisation and at the hands of development interventions, dating back to the 1970’s, which had led to what Paprocki (2017) describes as an NGO-state nexus; in this context, she sees the current focus on climate change discourse as just a new framing in which the development sector avoids accountability and fails to address the structural conditions that reinforce poverty and inequality. Apolitical solutions to climate change impacts only undermine the political linkages to local and international power imbalances.

It can be argued that placing the imperative for compensation in the hands of national level governments, like Bangladesh, has both positive and negative implications in the context of loss and damage. In a positive sense, it gives individual nation states the authority to enable their own action, processes, and procedures around loss and damage, as Bangladesh is doing with the development of a National Mechanism for Loss and Damage. However, treating loss and damage as a national policy exercise erases the historical notions that sit behind the effects of climate change, and removes any obligation or moral imperatives from those who have caused it (Faruque & Khan, 2013). However, for nations such as Bangladesh, which sees climate change as not something on the horizon but rather something lapping at their shores, giving greater priority to developing national policies and legal norms to deal with loss and damage has been perceived as far more productive than waiting for agreed outcomes from UNFCCC or for debates on accountability and compensation to play out on global platforms (Faruque & Khan, 2013).

## **2.8 Identities within the UNFCCC**

One of the central arguments used by developing countries within the negotiations at the UNFCCC is a climate justice argument. The arguments below explore the relationships, power dynamics and the historical underpinnings of climate change. A central idea within climate justice is the idea of climate debt. Climate debt is an attempt to reshuffle the imbalance of power and to compensate for past action, through recognising the historical causation and associated responsibilities underlying the effects of climate change felt today. Ciptet, Roberts & Khan, 2015). The climate justice argument is founded on not only environmental issues but the recognition that environmental issues are implicitly linked to both social issues and economic issues, and the causality of climate change is underpinned by unjust economic distribution, lack of ethnic rights, gender inequality, uneven and western-driven development practices and unequal global trade policies. Climate debt is a form of restorative justice (Warlenius, 2017).

More practically, climate debt is the idea that those countries from the global North owe a debt to the global South for their share of the over-consumption of the absorption ability of the carbon sinks of the world, referred to as 'atmospheric space'. Climate justice argues that this atmospheric space is a global common, and as such the current system has allowed for the appropriation of national and world commons by the global elite. This domination is the

colonisation and occupation of the 'atmospheric space. Almost two-thirds of the atmosphere's ability to absorb greenhouse gases has already been spent, which means that the global North has used more than their share of this atmospheric resource. This debt as such should be repaid to the global South (Warlenius, 2017).

There are three ways in which this debt can be repaid (Warlenius, 2017). The first is an emissions debt, that would be the reduction of emissions by the global North to below their per capita share, reducing the levels of greenhouse gases to a level in which the global South is then able to use their share of the total atmospheric carbon sink in order to forward their development. This decolonisation of atmospheric space would come as a restorative debt to the global South. The second form of debt comes as an adaptation debt, that is the idea that financial and technological resources are moved from the North to the global South, to support adaptation and mitigation processes in the global South financially; a compensatory debt for the share of the current emissions that are unable to be repaid by the global North. This adaptation debt would facilitate the same level of 'development' as the North for the South, however without the emissions attached to it. The last form of debt is paying for the injustice of climate change impacts felt within the global South. This additional form of financial payment from developing nations to the global South would pay for the impacts experienced as a means to deal with, prevent and minimise the damages. This third area of compensation stands firmly within the arguments for loss and damage (Warlenius, 2017). Climate debt is an attempt to address the unjust histories, of industrialisation and climate change that originate in colonisation. The framing of climate debt brings into questions the power relations and identities held by the global North and the global South.

Different identities are assumed within the UNFCCC negotiations, as such there are three distinct ways in which postcolonial identities are manifested: from a legal stance, an economic perspective and through emissions discourse. Different countries press for climate justice within the UNFCCC, through assuming differing identities as 'developed' or 'developing countries' (Rajao et al., 2018). The global South views environmental issues as more closely linked to social and economic issues and the treat these pose on their sovereignty.

The global South views the climate negotiations as an arena in which the power imbalance between the North and the South can be inverted. That, however, is not to say that each sovereign state has the same interests, scientific grounding, technical capacities nor the same

domestic resources. The emissions discourse within the UNFCCC is a central discourse, and this as a platform for the manifestation of postcolonial identity. The negotiations highlight the causation of climate change, demand responsibility from the global North and also demands the sharing of remaining atmospheric space. The global South nations re-establish their identity as fundamentally different to that of the global North in the negotiation process and in doing so they use their positions as ‘developing’ to reaffirm this identity, enabling them to demand commitments from the global North to tackle climate change. Through this identity, they can deconstruct development, undermining the story of ‘developing’ in order to forward their political agenda (Rajao et al., 2018).

## 2.9 Summary

The development of loss and damage has been ineffective so far as wealthy countries do not want to take responsibility for their role in causing climate change and have turned it into a technocratic exercise (Ojha, Ghimire, et al. 2016). However, there is promise in the ideas of climate justice advocates – particularly the need for accountability.

With all the discussions and debates around loss and damage and climate justice, it is crucial to explore the ways in which stakeholders are negotiating and defining the new issues within climate change. Including the ways in which national responses and international responses are taking place and are being shaped, ideas of political representation, accountability and climate justice are theoretical and legal standpoints on which discussions are evolving. The ways in which national level policy development will lie alongside and influence the global context is evolving and developing. The context of this research aims to represent the policy development within Bangladesh and provide insight into the local level development and the interplay with international negotiations.

Arguments around climate justice and accountability provide theoretical and some legal provisions on which discussions can take place. The reality of climate change and the vulnerable people it will affect, is that years of discussions have not led to significant action. Global agreements to the reduction of emissions and the commitment to assist least developed nations and small island developing nations only translate into well-meaning outcomes if there is some level of ownership and action by those who are accountable for climate change. Bangladesh is at the forefront of global discussions, and national level policy development is

important for them as a nation. Arguments on definitions, five-year working plans, and inaction from the West only means waiting for further potential failings of development. The theoretical nature of current loss and damage debates, including climate justice debates and ideas of accountability, are paramount in challenging Western nations and furthering global discussions. However, from a practical, action-based platform, there is currently not much to show.



## **CHAPTER 3: CIVIL SOCIETY ORGANISATIONS' ROLES AND ENGAGEMENT IN INTERNATIONAL NEGOTIATIONS: A THEORETICAL FRAMEWORK**

### **3.1 Introduction**

A different optic has emerged in the development nexus, that of climate change (McMichael, 2008). Development has had an ecological blind spot and it's only in the last decade that this blind spot is being overcome. Climate change threatens the stability of nation-states, the ability to reduce poverty and global economic stability, increases the risk of disasters, and has the potential to ingrain pre-existing inequalities further. Having climate change recognised within international agreements such as the sustainable development goals acknowledges that in order to eradicate poverty and achieve equality, it is essential to address climate change and the associated impacts. The inclusion of climate change challenges optic within the development nexus makes it crucial to understand the different roles of CSOs, both traditionally and moving forward, what NGOs represent concerning civil society, how CSOs engage within global political institutions and how CSOs engage and respond to international power structures. This research goes on to explore the engagement of civil society actors, as a voice of the poor and the most vulnerable, in the context of Bangladesh, in their representation at the UNFCCC COP24 and as the representatives of Bangladesh respond to and negotiate the climate change issue of loss and damage.

This chapter introduces analytical approaches to understanding the role of NGOs in international negotiations and the influence they have in this context, and the structures in which they are situated. In the second part of this chapter, I build on this exploration of NGOs' roles to contextualise climate change loss and damage discussions within development theory, and to develop a specific theoretical framework for my research.

### **3.2 The role of NGOs in development**

The growth of the 20th-century post-war development sector has spawned much discourse over both the successes and the failures of traditional overseas development aid, the development

landscape and previous changes and continuing changes within it. Non-Governmental Organisations (NGOs) have played a crucial role in forming and implementing development policy since the 1950s. As such, they have played a significant role in the global political economy of today. NGOs have acted as an alternative model of development in many cases, fulfilling the functions of government and distributing traditional overseas development assistance. NGOs rose in popularity with their ability to access the poor, problem solve, and to be adaptable in their administrative roles and the context in which they can work. They are viewed as more cost-effective (than governments) (Desai, 2014), and generally considered reliable, with their ability as non-state actors to work outside the rules and frameworks of governments and their autonomy from the state, the market and donor nations (Desai, 2014). NGOs are also considered to represent the most vulnerable at the grassroots, evoking ideas of representation, advocacy, empowerment and participation (Desai, 2014). However, these ideas have also been challenged, there are many scholars who have critiqued NGOs claims. NGOs have been critiqued for their performance and actual effectiveness, issues around accountability issues, autonomy, the practice of the commercialisation of NGOs, and the ideological and/or political interpretations of the rising influence of NGOs (Reimann, 2005).

Korten (1987) describes three generations of NGOs and how they engage with development practices. The first generation of NGOs engages in *relief and welfare* work as immediate service providers, often relating to situations of disaster or in the context of war. This generation of NGOs works on the scale of individuals or at a family level. The second generation of NGOs engages in *small-scale self-reliant local development*; these projects base their work at the community level, their activities often parallel the activities of the government, where government services are lacking. Their strategies do not attempt to address the causes of the inadequacy of services, the larger institutional issues or the policy context of the NGOs own activities. The third generation is called *sustainable systems development*, NGOs that work in addressing institutional and policy constraints. These NGOs work at a regional, national or international level. These NGOs realise the need to exercise greater leadership in addressing dysfunctional aspects of the policy and institutional issues. They are involved with a variety of government, public and private organisations that control resource and policies. NGOs engaged with climate change discussions, policy development and negotiations generally work at a third generational level (Lewis, 2010). These NGOs engage with other institutions working to inform policy and working for structural change, and one of

the significant roles they play is that of advocates, which is addressed further in the next section.

### 3.2.1 NGOs as advocates

A pertinent role of NGOs is that of advocacy, particularly when looking at NGO engagement with climate change discussions. Advocacy defined by The Advocates for Human Rights (2015, pg. 97) is "a set of organised actions aimed at influencing public policies, social attitudes, or political processes". Further explained by UN Women (2012) advocacy is "designed to change systems...systems advocacy means efforts to change policy and practice at the local, national or international level; to change the situation for groups of individuals who share similar problems. While systems advocacy works to improve the system to the benefit of individuals, it is a long-term approach to problem-solving requiring sustained effort." *Southern Voices in Climate Change* (2011) define advocacy as " a process of influencing selected people or institutions in order to achieve desired policy, practice, social, behavioural or political changes that will benefit particular groups."

Within this role NGOs seek social change; whether it be in people's attitudes, the reform of state services or as they strive to inform policy and advocate for change at either a national or global level (Betsill & Corell, 2001. Desai, 2014). NGOs who engage with climate change discussions work predominantly as advocates, whether they are acting as representatives of national civil society, indigenous groups, minority groups, specific negotiating blocs or women's groups. In their role as advocates, particularly in policy development, NGOs work to shape attitudes, practices and policies of those who have influence or power. Particularly those NGOs involved in public interest politics, which rely heavily on the power of ideas and in their ability to disseminate information, as they try to promote positive change. Whether that change be in government or the development network, these NGOs are ultimately striving for broader structural change (Desai, 2014).

Non-government organisations have the power as advocates to mobilise large groups, connecting networks and build alliances that when active, stand as models of bottom-up democracy. Bottom-up democracy can then prompt top-down political change (Desai, 2014). More recently, NGO influence in the international environmental negotiation field shows that they can affect the development of domestic policies on natural resources and the negotiation

of international treaties, slowly changing the perceptions of environmental problems (Betsill & Corell, 2001).

When working as civil actors representing civil society, NGOs can work autonomously, bringing different actors into the political sphere, although their role to separate ties between government and donors is a point of contention. Moreover, the role NGOs can play when representing civil society ultimately allows for public opinion to be represented more broadly, including more voices in conversations. By encouraging and demanding good governance there is the ability to build social capacity, genuinely creating linkages and discussion between local levels, public voice and government (Betsill & Corell, 2001).

However, one challenge researchers face when seeking to understand the role of NGOs and CSOs has been the inability to document their role in politics, mainly focused on environmental issues such as climate change, is due to a lack of literature. There is a range of reasons why it is difficult to draw conclusions from the current literature, particularly in the field of environmental based NGOs. The first reason is that all studies related to the environment and NGOs are often treated as a single body of research. Secondly, there is a lack of understanding about what 'influence' means and how to understand and identify the influence of NGOs. Lastly, there is no explanation of the mechanism that causes linkages between NGOs and the outcomes of international negotiations (Pandey, 2015). There is a need for understanding the specific roles of NGOs by distinguishing the distinct positions they hold and the political areas they operate in. Moreover, there is a need to define what influence means, and to understand what mechanisms NGOs use to influence international negotiations.

This section has examined the roles of NGOs particularly that of NGOs as advocates. The discussion of advocacy highlights three main functions of NGOs. The first being the changes they seek both in policy and understanding, as they desire to engage and influence those with the power to shape policy. The second area is NGOs understanding the influence that large numbers of people can have, and their ability in mobilising large groups to create pressure and deepen the voice of civil society. Thirdly, NGOs aim to engage civil society groups in political discussions. This discussion has asserted, that there are holes in the literature surrounding climate change and the role of NGOs. Understanding the role of NGOs allows us to position NGOs not only in the context of development literature but also to understand the vast roles

NGOs have within development practice and their engagement with civil society, which is further examined in the following section.

### **3.2 NGOs and civil society**

Civil society represents a broad and varying range of groups and individuals made up of a network of organisations, communities and networks of people that stand between the individual and the modern state. NGOs are just one type of organisation within civil society (Banks, Hulme, 2012). Although 'civil society' is commonplace in the lexicon of development, there is broad, often overlapping understanding of the meaning of the term, considering who the different actors are within civil society and who represents civil society. 'Civil society' was used by Gramsci in his Prison Notebooks released in the 1950's in his definition of the term state, claiming that the state was made up of political society and civil society (Katz, 2010). The term civil society has increasingly been used in global processes and international negotiations, as civil society groups seek to represent themselves in global discussions (Lewis & Kanji, 2009).

NGOs often claim to represent civil society or a particular group within civil society. Depending on the role individual NGO assumes, their connections to the groups they claim to represent and how they relate and interact with broader civil society varies. This variation occurs depending on the historical roots, their core focus and the locations in which they have grown (Banks, Hulme, 2012). NGOs in their activities support specific groups. When NGOs focus their intentions on 'demand-side approach' rather than as service providers, there is an ability to empower groups of people, giving a platform from which the voices of the people can be heard, allowing for individuals to articulate their perspectives and positions. When NGOs act in this way, it allows for NGOs to be real actors of civil society (Fowler, 2000).

Ciplet, Roberts, Khan (2015a) describe three different types of civil society actors that exist within climate change negotiations: NGOs and academics, social movements and NGOs, and grassroots groups. NGOs and academics typically engage with the state in negotiations in order to achieve incremental change and are often pragmatic concerning their approach and the outcomes they aim to achieve. Social Movements and NGOs have a more radical agenda; however, they cannot often work with governments and lack ties to power in order to achieve change. The third and final group are those connected to the grassroots; these actors work at a locally rooted level with locally rooted strategies and lack involvement in negotiations.

Traditional overseas development assistance has allowed NGOs to expand their reach, through the groups and communities in which they engage, ultimately expanding the space which they occupy within civil society. However, this has been in a manner that has not always facilitated the pathways through which marginalised communities can engage with political and economic processes or challenge for more significant structural change. Banks, Hulme, & Edwards (2014) conclude that while there needs to be a recognition of the broad range of voices from civil society, whether by donor nations or other organisations, that despite the intense focus on NGOs, their lack of ability to fully represent civil society has led to difficulties. Regardless of the ability for networked transnational NGO's to build capacity and accountability in response to both social and environmental problems that are outside the realm of national control, these groups are also limited in their function by nation states and are often side lined in the policy process (Derman, 2012).

The UNFCCC formed the Marrakech Partnership for Global Climate Action after the Conference of Parties 22, in order to support and promote collaboration between state actors and non-state actors, including a large variety of groups: civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and indigenous peoples. This development is a recognition by the UNFCCC of the role all civil society actors have to play in climate change negotiations, acknowledging the global scope of climate change and the role everyone has in tackling the issues both present now and in the future. This approach further recognises that policymakers alone do not have the answers to solve climate change and that the scope for civil society engagement is broad, whether it be in framing climate change negotiations or in NGOs' role as knowledge experts (Ciplet, Roberts, & Khan, 2015c). Exploring the role NGOs have in current climate change discourse allows us to see how they are engaging in different ways. In the next section, I extend this analysis to look at how NGOs engage with political institutions and the structures in which they function, as seek to effect change.

### **3.3 NGO engagement with political institutions**

Development and development actors have long been an apparatus of the state. The colonial ideologies of the enlightenment era have shaped both postcolonial practices and ideas. In the aftermath of World War Two, development was a new tool promoted and used by western nations, intended to reduce poverty and encourage economic growth in the LDCs. The policies

and economic underpinnings of western nations were forced on developing nations, as the way to 'develop'. Ideologies exemplified western nations as normal, and therefore seen as a target model for any development and non-western nations as 'other' and were the dominant underpinnings of the development rhetoric. Moreover, both 'whiteness' and western nations symbolised authority, expertise and knowledge, a notion that still exists today (Craggs, 2014).

NGOs vary in how they engage in political discussions. Some NGOs engage directly with the national government through Ministry's, Ministers and government representatives. While others engage in political discussions indirectly, through community knowledge dissemination or public awareness raising campaigns. What these activities result in is how political an NGO may be perceived to be (Ghosh, 2009). NGOs like many other political institutions may compete or engage with other political actors in order to negotiate as intermediaries between the state, civil society and citizens in their activities (Ghosh, 2009).

A robust civil society plays a role in strengthening democracy. If NGOs have the ability to increase participation in the public realm, then there will be increased political engagement, especially for marginalised groups. Blair (1997) believes that the very presence of an NGO within a given nation shows a sense that there is a desire to be more democratic in their activities or outlook. However, the notion that despite what development discourse represents and strongly advocates for, development practices ultimately become a depoliticised process, removed from the political nature of interventions. Instead, the process of development has become a process of simple solutions, avoiding politicisation, treating the process of development as purely technocratic. Ferguson argues that the overall effect of the development agenda has been to "de-politicise" the ideas and arguments behind development and strengthen bureaucratic power in the process (Ferguson, 1990).

NGOs operate in two distinct aspects of the political context in which they operate. The first is the way an NGO mobilises the resources it has access to, how they use these resources to sustain themselves and the political context in which they work and how this determines the relationships they have with both donors and social movements. Secondly, how the promotion of democracy is a result of the relationships NGOs foster between the state and civil society. Through the encouragement of participation, NGOs seek the engagement of both civil society and the state, and as a result, promote democracy and political engagement (Ghosh, 2009).

There are two reasons why NGOs fail to meet their desired goals. Firstly, due to the funding ties they have with donors, they are often restricted from being able to challenge the governments or the institutions which fund them. In this process their autonomy as independent actors is diminished, meaning there is less room for them to be political institutions of change. Secondly, due to their close ties with donors and governments, they are often side-lined in development processes, being purely viewed as implementors and only capable of technocratic aid processes. This process ultimately results in depoliticised NGOs who are unable to represent the communities or positions they set out to represent in the beginning (Banks, Hulme & Edwards (2015).

Ciplet, Roberts, Khan (2015a) believe there are three main reasons why NGOs have failed while representing civil society groups in their responses to address climate change. The first being a lack of resources and links to those who have the power. Large international NGOs, who approach climate change discussions with a reformist approach do have the ties to those with power. However, due to their positioning, they have limited leverage in which to push governments or negotiators. They have not shown a commitment to change or to alter political notions nor do they challenge existing power relations, often acting as 'norm entrepreneurs' without the power to create transformational norm changes. They also are seen to take a soft approach to negotiations and make weak demands. Secondly, Ciplet, Roberts, & Khan (2015a) believe civil society has failed when trying to create either a viable or a coordinated strategy for building any strength in their approach. When any moment where they could be of significant influence has arisen, civil society has fallen short due to a lack of coordination. Lastly, they believe civil society has failed to acknowledge and engage with alternative governance frameworks, instead only focusing on United Nations climate processes, neglecting other potential actions for climate change.

This section has described how NGOs engage with political institutions. The way in which NGOs work is inherently political and as such they are political institutions in their own right. To further the understanding of NGOs engaging with political institutions the following section focuses on understanding power and the power structures that bind the functions of political and international institutions.



### 3.4 NGO engagement with power structures

Any discourse within the development nexus involves the idea of power, whether discussing partnerships, empowerment, accountability, global order or the historical notions that underlie such discussions. Relationships formed within the development nexus are vast and complex, and many actors are involved, playing various roles, fulfilling a diversity of needs and embedded within complex hierarchies of power. A lack of symmetry within aid discourse has been foundational, whether discussing political, economic or cultural power. The structures of economics, politics and culture on which international development aid are formed determine the processes and institutional framework that govern the international development sector.

Betsill and Corell (2001) highlight the difficulty in defining the terms 'power' and 'influence', both of which are crucial and intertwined concepts when discussing the role of NGOs, particularly in the instance of global political negotiations. How influence relates to power, and how these words are both perceived varies depending on perspective, also given the context and the manner in which influence or power is used and expressed.

Power is most commonly described and initially linked to the power of the nation state, including both the power one nation-state has over another nation-state, but also the idea that the state has power over its people and civil society. Gramsci (1999), describes a complex and developed perspective of power, and its relation to the state and civil society, which he describes as hegemony. This relationship between the state, civil society and hegemony are complex and multifaceted. Hegemony is the idea that power is expressed through the process of political domination through ideological domination. This dominance is achieved by the people who have the most power, using the state, culture, media, education and religion to reinforce the ideologies which support their position, reinforcing their position of power. This concept is further explained by Katz (2010) who discusses the cyclical reinforcement of power, "within this relationship civil society plays a dual and dialectic role, as an agent of government and the hegemonic forces that control the state, which on the one hand is used as an instrument to maintain the current relations of power in society"(pg. 2). The role that NGOs play in civil society can either maintain the hegemonic dominance or as described by Katz (2010) can become a place of counter-hegemonic movements, as "civil society is the arena of creativity where counter-hegemonic forces develop alternatives to the hegemonic ideologies and practices, and from where, under specific conditions, reformist processes can emerge" (pg. 7).

The ideas of Gramsci (1999) are predominant in the notion of power politics and are heavily used in the field of international relations. Goddard & Nexon (2016) define global power politics as “involving politics based on the use of power to influence the actions and decisions of actors that claim, or exercise, authority over a political community” (pg. 6). Further defining the study of power politics as, “in its primary form, an inquiry into the mechanisms, instruments, and logic by which such actors enhance their influence in global politics.” (pg. 6). States continue to expand their dependence on international institutions and law to examine their conflicts and pursue their interests, whether these interests be economic or political. Hierarchies condition the dynamics of global power politics, and at the centre of power, politics are processes of collective mobilisation (Goddard & Nexon, 2016). Collective mobilisation as it involves collective action focused on expanding influence at the detriment of a given other. Secondly, as it involves the relations, transactions, decisions and practices of actors, they exude or exercise authority over a political community.

The definitions and concepts taken from the international relations lexicon are interesting given the ways in which international negotiating blocs, nation-states, civil society and development actors respond and represent themselves in international negotiations. While the lexicon used in negotiations softens the framing of such debates, the inherent notion of hierarchy and power is just as prevalent. When reflecting on these broader ideas concerning development and the representation by NGOs, Nair (2013) discusses dominant representations within the aid-development nexus. Often what development claims to achieve, through dominant policy criteria and in its purpose and goals, with such terminology as ‘good governance’ or ‘empowerment’ power asymmetries are often reproduced. The danger is that in efforts to empower people regenerate inequalities of power, particularly representational power between that of donor and recipient. This idea describes the way in which ‘authority’ is prescribed to a particular side of the aid binary of donor and recipient when defining the problems of aid and determining solutions. Ideas around the various modalities of aid and the structures of aid, particularly that of representation, highlight how power is regenerated ultimately reproducing a hegemonic aid discourse.

McEwan (2014) draws on the literature on power and hegemony in development specifically the nature of power relations in the process of development, stating that through the discourse of development, representing specific ideas while excluding others "The texts of development contain silences" (McEwan, 2014, pg. 138). The question at hand is why and how are such

voices are silenced? By taking a postcolonial lens on such questions, the discourse of development is framed and shaped in such a way it reinforces the dominance and power of ideas. The products of development are circulated in text, reports and policy briefs, perpetuating the expressions of development literature into practice, promoting and justifying real-life interventions that have real-life outcomes for those affected.

By which mechanism does one gain the power or authority to represent or speak for someone else or to make decisions for someone else. Who creates the platform on which one can stand and speak for another, is western hegemony consuming the voices of the other in order to insert it into a western narrative? It is no longer acceptable to represent the other, to view the other, the global South as passive, unable to speak or represent themselves McEwan (2014). There has been a significant leap in the inclusion of a diverse field of voices in both policy and practice through grass-roots movements and participatory development, but as always there is still room for more.

In examining the role of NGOs, and how they engage with civil society, political institutions and power structures embedded in international relations and negotiations, I continue to look at a proposed framework that approaches analysis of climate change negotiations.

### **3.5 Approaches to climate change negotiations**

In the following section, I build on the discussions on the role of NGOs, NGOs engagement with civil society, NGOs engagement with political institutions and NGOs engagement with power structures. I discuss three elements of a *Strategic Power Analytical Framework* proposed by Ciptet, Roberts, Khan (2015a) in which I take a strategic view, a layered view and an historical view of global climate change governance structures, from which I discuss the application to the role of NGOs engaging in these structures.

#### **3.5.1 Framing power in climate change governance structures**

Ciptet, Roberts, Khan (2015a) propose taking a *strategic view* in analysing climate change governance power structures among the varying actors of civil society, the state and the market. The authors look at how transnational hybrid coalitions compete as they engage both in the preservation and challenging of ideas and operations and the resulting organisation of society

and analysing the dominance of alliances and the assertion of dominance through ideological, economic or military forces. This analysis breaks down both the legitimate and coercive forms of power by which coalitions interact strategically to either exert or challenge social change (Ciplet, Roberts, Khan, 2015b). This approach draws heavily on Gramsci's concept of hegemony, urging us to recognise how the governing ruling coalitions can reinforce themselves by shaping and defining what the accepted spectrum of reasonable solutions to climate change politics are (Gramsci, 1999).

This idea is further broken down by Nasiritousi, Hjerpe & Linner (2016) in the identification of the sources of power used by non-state actors in international negotiations. Recognising that non-state actors lack traditional forms of political power, they do however have alternative forms of power, from which they can exert influence/power. Nasiritousi, Hjerpe & Linner (2016) draw on the fundamental skills and resources culminated to form alternative sources of power within international institutions and climate change governance structures, that build their intellectual, membership, political or financial bases. Nasiritousi, Hjerpe & Linner (2016) build on this by outlining critical sources from which NGOs base their power, ultimately allowing them to gain authority in international global governance systems. These include symbolic power (legitimacy/moral claims), cognitive(knowledge/expertise), social (access to networks), leverage (access to those with legitimate forms of power and the decision making processes) and material (access to resources and positionality in the global economy). They argue similarly to Ciplet, Roberts, & Khan, (2015b) that the range of use of these alternative power sources varies depending on the actor, and that there is a need to differentiate between different non-state actors, as they play a diverse range of roles as they engage with global governance structures and work within the coalitions they form.

### **3.5.2 Exploring systems of global governance**

Ciplet et al's second level of analysis is a *layered view* and is used to analyse the different, fragmented and historically derived systems of global governance (Ciplet, Roberts, & Khan, 2015b). It is these structures that have enabled both distinct forms of social mobilisation and varying institutional approaches used in addressing or constraining global problems. This section of the analysis breaks down how the power struggles, identified in the *strategic view*, interact with the current global governance structures (Ciplet, Roberts, & Khan, 2015b) focusing on how competing coalitions identify themselves and define their interests and how

these coalitions navigate the global governance structures and the different institutions which they engage, by looking at how they reproduce, secure or challenge the relationships which perpetuate dominance and inequality in the international system. Nasiritousi, Hjerpe & Linner (2016) express the need for more research based in this area, examining which non-state actors are successful in employing agency in global governance systems, and how different non-state actors are more or less successful as authorities across global governance activities. This analytical framework puts a heavy focus on the definitions of influence, which they propose can be used as a guide for gathering clear evidence about the influence of NGOs.

Non-state actors, particularly NGOs, influence as opposed to exert any formal power. NGOs influence comes through their ability to persuade, and any other formal expression of power, other than influencing, would lead to exclusion from negotiations. Often an NGOs' biggest strength is their ability to build specialised knowledge and become experts in specific areas related to specific negotiations (Betsill & Corell, 2001). As experts, it is NGOs who have the ability to frame an issue, shape the agendas, construct the language used, persuade the negotiators and ultimately form the outcomes of negotiations, when they are successful. NGOs work within and outside of the coalitions they form, to analyse how they gain any intentional transmission of information and whether they attain any of their goals by looking at the outcomes achieved by the NGO within the international governance structures (Betsill & Corell, 2001).

### **3.5.3 Historic global order structures**

Lastly, the historical analysis, proposed by Ciptet, Roberts, & Khan (2015a) explores the notion of power by looking at the embedded struggles of the historically specific structures of global order, the class structures that underpin this order and the contention and dissent that threaten the stability of this global structure (Ciptet, Roberts, & Khan. 2015b). This section of the analysis looks at how historic structures of dominance and world order are constructed and conditioned, and how they are conditioned by the coalitions and the struggles that surround them (Ciptet, Roberts, & Khan, 2015b). In this, I consider an unequal ecological exchange, whereby pollution and environmentally destructive production are concentrated in the poorest countries, where the extraction of resources and labour power are used for the promotion of global capitalism benefitting the power of the elites and hegemony of predominantly western nations. These historically engrained conditions of inequality play a crucial role in shaping the

power relations of nations in the negotiation of global environmental discussions (Ciplet, Roberts, & Khan, 2015b). This power struggle exemplifies the global governance structures and the effective way they shape the forms of climate governance, particularly within the UNFCCC. Looking at the structures of the UNFCCC, and the official categorisation of both countries and non-state actors into negotiating blocs or constituency groups allows for the exploration of the forming of coalitions, on the basis they have been formed and accepted and how this shapes and is a perpetuation of global order (Nasiritousi, Hjerpe & Linner, 2016).

### 3.6 Conclusion

The last section discussed three theoretical concepts for analysing the role of NGOs in international negotiations and the influence they have in this context. Considering the above approaches, can inform the development of a framework to explore the context of loss and damage policy development and discussions. Understanding the international context of negotiations allows for a more informed discussion of influence of both NGOs and civil society actors, when developing policy in response to international negotiations. An integrated approach to understanding the role of NGOs, civil society, politics and power inform the conditions under which negotiations take place and the resulting national policy. Drawing from the three-part analysis of Ciplet, Roberts, & Khan, 2015b, and the other literature covered in this chapter, I now propose a theoretical framework.

**Table 3.1: Analysis framework for national level policy, international climate negotiations and the interplay between them**

<b>Focus</b>	<b>Concept</b>	<b>Specifics</b>
Analysis of National level policy development	The expression of ideas, actions and operations, that are promoting social change.	1.1 The roles different stakeholders take on in local level discussions 1.2 Representation by stakeholders and their organisations in the roles they play 1.3 Ideas stakeholders represent

Analysis of International level negotiations	Interaction with global climate change governance structures; how Bangladesh/ coalition groups identify themselves and define their interests.	2.1 The roles different stakeholders take on in international negotiations 2.2 Ideas stakeholders represent 2.3 Alignment of stakeholders within international negotiations 2.4 Messages stakeholders try to send/ represent within institutional frameworks
Analysis of the interplay between national level policy development and the international negotiations	Engagement/challenging of global climate change governance; analysis of how historically engrained conditions of inequality play a crucial role in shaping the power relations and how these are being challenged	3.1 How the maintaining or reshaping of any historical underpinnings of the current negotiations and coalitions is reflected 3.2 How power plays a role in reshaping arguments of traditional ODA in the context of loss and damage.

*Source: Author*

The above table presents a framework for the analysis of national-level policy development, international level negotiations and the interplay between the two. CSOs present at international meetings and are involved in negotiations, as members of civil society or as observers. CSOs are often the actors who play the same role of influencers, advisors, advocates and implementors when it comes to national-level responses to climate change policy development in their given country or countries of work. Moreover, it is essential to understand both the national and international context and the actions of the CSOs taking place and understanding the positionality of Bangladeshi stakeholders involved in the development of loss and damage national level policy. Through exploring the interplay of local level

development, I reflect on the current status of international negotiations and how Bangladeshi stakeholders are influencing the international discussions, through local level policy development and what this means in the international climate change landscape.

Given this discussion on NGOs and CSOs and the broad range of actors from civil society I have engaged with throughout this research. I will now solely use the term CSO, which encapsulates better the range of civil society members, including academics, negotiators, delegates, advisors and NGO representatives, than the less inclusive term NGO or NGO representatives.



## CHAPTER 4: RESEARCH DESIGN AND METHODS

### 4.1 Introduction

The purpose of this research is to explore the context of how key stakeholders within Bangladesh are negotiating (the climate change-based) discourse on loss and damage at both the national and the global level. Explaining the research design and methods gives an understanding of the considerations made and the planning and process that took place. Presentation of this chapter is in five parts. The initial discussion focuses on the ethics of research.

### 4.2 Ethical considerations

The research has undergone a Development Studies in-house ethics process and has been found to comply with the ethical principles required by Massey Universities Human Ethics Committee.

Various considerations need to be made in line with ethical principles when undertaking research. The primary ethical principles are “Autonomy, Avoidance of Harm, Benefit, Justice, Special Relationships, Whakapapa, Tika, Manākitanga, and Mana” (Massey University, 2017, pg. 6-7). Following the Massey Code of Ethical Conduct, ethical considerations need to be addressed with any research and are of most importance when dealing with human participants. There is a need to respect both participants and researchers in this process. The researcher's role is to allow for a platform where respect is upheld, alongside other fundamental principles from Massey’s Code of Ethical Conduct for Research, Teaching and Evaluations Involving Human Participants (Massey University, 2017).

Individuals involved in the process of the research need to be informed about the reasoning, purpose and nature of the study and the role they play in the research. This is the reasoning behind informed consent; participants are not obliged to be involved in any way and have the right to choose not to be involved at any point. Researchers must ensure the participants are

both informed, comfortable with the nature of the research and what the outcomes of the research may include (Scheyvens, 2014).

In the context of researching foreign countries, a researcher needs to be well aware of the cultural differences, including the differences in systems, politics, privilege, positionality, and positions of power (Stewart-Withers, 2016). Researchers need to allow for alternative realities, worldviews and perspectives, creating a comfortable and safe environment for those participating; this includes traditions around formalities and process. All voices need to be allowed to be voiced and listened to, not just allowing for hearing dominant voices (O'Leary, 2004).

Privacy and confidentiality will also play a role in the ethical considerations required in this research. Maintaining confidentiality is crucial as a participant may entrust the researcher with sensitive information (Stewart-Withers, 2016). The identification of a person who relays such information may not want to remain anonymous as it may impede on their workplace, position or safety, particularly in the context of this discussion and the political nature of loss and damage. However, other participants may want their voice and positioning voiced (Scheyvens, 2014), particularly in the case of climate change advocates.

### **4.3 Positionality**

Positionality is the recognition of the role and background the researcher plays in conducting the research, how that may influence the type of data collected and the interpretation of the research. There needs to be a recognition by the researcher of their positionality, which can include their race religion, class and life experiences, as this can also influence how participants choose to engage with the researcher. Being aware of your own positionality as a researcher and acknowledging this does not weaken the research as long as it is recognised (Stewart-Withers, Banks, McGregor & Meo-Sewabu, 2014). Being aware of my own positionality and taking a self-reflective and critical perspective on my position, the relationships I already hold with participants within Bangladesh will allow for a more sound and deeper interpretation of the research.

I am a 30-year-old white female raised in New Zealand, a developed' nation. My upbringing has been a middle-upper class, agnostic/atheist background. I have had the privilege of both

coming from an educated background and have had the experience myself to gain previous postgraduate qualifications. In the context of Bangladesh, I am considered young, however as a foreigner the treatment I received in comparison to someone local and a female of my age is vastly different.

I have spent the last four years living in between Bangladesh and New Zealand. During my time in Bangladesh, as mentioned in the introduction, I have lived in both rural Bangladesh and the capital Dhaka. I have been learning Bangla during this period and have gained a relatively good understanding of both the language and culture within Bangladesh. I have worked with and for the International Centre for Climate Change and Development (ICCCAD) for the past year and a half. International Centre for Climate Change and Development (ICCCAD) is one of the most active research and capacity building organisations working on climate change and development in Bangladesh. I have also worked for five years as a technician in New Zealand's largest Agricultural research centre in New Zealand, in which I worked in the climate change research team. Moreover, I have spent some years studying for a science degree in ecology and geology. Given my background and having had experience in this field and the context of Bangladesh, I believe I have a sound knowledge base for research based on climate change discussions based in Bangladesh.

#### **4.4 Qualitative research**

This research aims to gain a greater understanding of the context of policy development around loss and damage in Bangladesh. Research questions posed in order to explore further the perspectives and opinions of those involved and those representing themselves or an organisation, this ultimately helps to find a more in-depth interpretation of the subject matter (O'Leary, 2010).

Qualitative research focuses on the experiences and opinions of people, seeking an understanding of people's attitudes, interpretations, value systems and concerns. Qualitative research occurs in a naturalistic setting; this speaks to undertaking fieldwork. Fieldwork aims to collect data that explains and gains an understanding of the perceptions and experiences of an individual or a group, through understanding people's values, concerns, hopes, motivations, culture or lifestyle (Stewart-Withers, Banks, McGregor & Meo-Sewabu, 2014).

Roulston and Choi (2017) explain qualitative research as trying to represent the perspectives and outlooks of the participants in the research. Qualitative research explores the conditions within which people live and gain insight into the research context, by understanding concepts that frame or explain human social behaviour. Qualitative research focuses on using multiple evidence sources.

The techniques used in qualitative research aim to produce and build on current theory and literature, rather than test a hypothesis (Stewart-Withers, Banks, McGregor & Meo-Sewabu, 2014). Loss and damage is a new discussion within climate change research and theory, in the minds of many it is a topic of the future, it is in this context this research aims to build some understanding and explore the social and international structures that bind the development of this process. Qualitative research methods are employed to examine the development of policy around loss and damage, hearing and exploring a variety of voices, and considering the lives, cultures and livelihoods of those affected.

## **4.5 Sampling and data collection methods**

Employing a range of methods throughout the research period generated a range of data that can be used later for analysis. The methods used included document analysis, semi-structured observations, semi-structured interviews and a reflection journal. Defining each of these methods and a justification for their selection and use within the field is given below. Snowball sampling and triangulation in pursuance of well-rounded and verified data are also used.

### **4.5.1 Document analysis**

Document analysis is a way of understanding the participants through examining the texts that they produce (O'leary, 2010). These reproduced documents are generated for a general audience rather than for the researched. It is the researcher's role to find and collect the relevant documents to review. Through examining different documents, different stakeholders produce, and present will enable some level of understanding of their positionality, understanding the person or the institution that person represents, and uncovering any bias they may have (O'leary, 2010). Document analysis is a central element of the process of triangulation which cross-references the observations and the interview data collected. UNFCCC documents, decision texts, alongside publications and newsletters from NGOs were all used to verify

certain statements, happenings and timelines reported by participants or about specific texts or documents referred to by participants.

#### **4.5.2 Semi-structured observation**

Structured observation is a systematic data collection method, which requires the researcher to continuously negotiate their own bias and understand that in certain circumstances potentially impact the participants (O’leary, 2010). In semi-structured observations, the researcher is looking for presumed or predetermined criteria, whether that be issues, behaviour, actions or people. However, it allows for observation and recording of unplanned or unexpected observations (O’leary, 2010).

This research applies semi-structured observations to the UNFCCC climate change negotiations. The UNFCCC climate negotiations are a complex and multifaceted environment. At any point during the negotiations, more than six open meetings are being held, numerous closed meetings, various group meetings and civil society side events taking place. Throughout the two weeks attending COP24, my ability to understand the different platforms taking place increased. During the negotiations, my ability to arrange where my time would be spent best throughout this time improved, enabling improved exposure to the most relevant streams to follow in terms of meeting the requirements of my research. As a result, there is no claim that the observations were entirely systematic nor comprehensive. However, the observations that took place were exploratory in manner, paralleling the nature of the negotiations; dynamic, everchanging, coincidental and overlapping. Access to attend COP24 was dependent on having access to a badge, in my case an “observer” badge, which means that plenary sessions and informal meetings, classified “open meetings” were able to be attended. However, informal-informal meetings and other unannounced meetings are closed to those with “observer” badges. All and any meeting can be announced as closed at any stage as per the request of negotiators.

#### **4.5.3 Semi-structured interviews**

A semi-structured interview is a method in which the researcher has a set of specific questions. However, the questions were not used in the interview in a manner that constrained the conversation or manipulated points of discussions. Semi-structured interviews are considered to be flexible, allowing for a more natural style of communication and for any interesting tangents that may take place to be pursued (O’Leary, 2010). The use of semi-structured

interviews allows for some questions not to be asked, given the context and flow of the conversation (Laws, 2003). The interviews used in this research were on a one-on-one basis, this allowed people to express their opinions freely and for the researcher to guide the process of the interview (O’Leary, 2010). Given this, I had a preset list of written questions, that could guide the flow of the interviews. Some questions were added or subtracted depending on how relevant they were to an individual, given their position and their level of engagement with loss and damage nationally or internationally. Also depending on the answers given by participants, alternative questions were asked in order to gain clarity or expand on a point that had been made by a given participant. All participants gave verbal consent to being and were asked if they would want to remain anonymous. Given the small circles and the political nature of loss and damage, as a researcher, I decided at the conclusion of the semi-structured interviews to keep all participants anonymous so that there was no risk of damage to an interviewee’s reputation or position.

**Table 4.1: List and Description of Participants**

<b>Interviewee list</b>	<b>Description</b>
Participant one (P1)	P1 is an advisor to the LDCs during the negotiations, an active member of civil society, and academic who has published multiple papers on loss and damage and someone who have lived and worker in Bangladesh working on climate change research.
Participant two (P2)	P2 is a Bangladeshi advisor to the LDCs and an advocate for loss and damage, from an academic and development background and a member of an NGO.
Participant three (P3)	P3 is a Bangladeshi delegate for the COP negotiations, a well published academic on climate change and a member of an NGO
Participant four (P4)	P4 is an academic who has been following a tracking loss and damage in the negotiations as an observer for the past 5 years. P4 is a published academic and has lived and researched in Bangladesh for many years.

Participant five (P5)	P5 is a Bangladeshi figure who works for an NGO and is a member of the Bangladeshi delegation. P5 is well versed on all climate change matters and is an academic.
Participant six (P6)	P6 is an advisor to the LDCs for loss and damage negotiations and has worked extensively on loss and damage in an academic capacity
Participant seven (P7)	P7 is a well-known advocate for LDCs and is a member of the CAN network. P7 has written extensively on loss and damage and is a civil society member engaged with loss and damage as an observer at the negotiations.
Participant eight (P8)	P8 is a member of the UNFCCC on loss and damage.
Participant nine (P9)	P9 is a well-known advocate for LDCs and is a member of the CAN network. P9 has written extensively on loss and damage and is a civil society member engaged with loss and damage as an observer at the negotiations.

*Source: Author*

#### **4.5.4 Journal of reflection**

A reflection journal is a way to ensure a reflective approach in the research process; this helps in the process of acknowledging the positionality of the researcher. Rather than attempting to manage the values of the researcher or assumptions, a reflection journal consciously aims to recognise the values and positionality of the researcher (Ortlipp, 2008). Keeping a reflective journal allows for the practice of reflexivity during the process of the research, it provides for reflection on the researcher's experiences, including the encounters that take place and the relationships that develop throughout the field research (Stewart-Withers, Banks, McGregor & Meo-Sewabu, 2014).

The reflection journal became a useful way of organising my time while at COP24. Every day I would set out the sessions I would aim to get into, work out whether these were open or closed, or whether these meetings would later be opened or closed to observers. Every morning, I attended the RINGO (Research and Independent Non-Governmental Organisations constituency to the UN Framework Convention on Climate Change) meeting which laid out

the different meetings of the day, allowed for researchers to make connections and work out where smaller organisation meetings would be held. Through this connection, I was then able to attend the daily CAN (Climate Action Network) Loss and Damage meetings, which provided daily feedback from observer organisations related explicitly to loss and damage. This meeting provided an excellent overview, insight and reflection from multiple people regarding loss and damage negotiations and side events that I was then able to reflect on within my reflection journal. Another daily meeting I would attend at the end of the day, was the Bangladeshi delegation meeting. This meeting allowed for Bangladeshi delegates to reflect on the different streams each member attended. The delegation members opened these meetings to any civil society members representing Bangladeshi NGOs. This opportunity gave me insight into the delegation members and the coordination of the Bangladeshi delegation.

#### **4.5.5 Participant recruitment and snowball sampling**

Snowball sampling is a technique used by asking one participant to refer you to the next respondent, whom they think is a suitable participant for the research. Snowball sampling is also known as “chain referral sampling” or “respondent driven-sampling” (O’Leary, 2010). As I had previously worked with the International Centre for Climate Change and Development (ICCCAD), I had some understanding and knew ICCCAD worked in the field of loss and damage. ICCCAD had already been involved with policy recommendations around loss and damage. For this research the chain of referral began with ICCCAD and this arose because I was aware that they were active in the field of loss and damage policy development. Recommendations from ICCCAD participants then let me understand the building of networks and coalitions, both within Bangladesh and Internationally. These participants recommended further participants, creating a snowball effect of participants for the research (O’Leary, 2010).

The chain of referral led to introductions to members of civil society who were engaged with loss and damage both nationally and internationally through people I had already made contact with or interviewed. This process was particularly useful for making contacts during the negotiations. Due to the busy nature of the negotiations, it was useful for someone to introduce me to people who are relevant to loss and damage negotiations, as it is easier to grab someone’s attention and be remembered if you have a point of reference. Especially as there was little time to interview people during the negotiations, it was helpful to use this with follow up email requests for interviews.



#### **4.5.6 Triangulation**

The use of multiple data points, known as triangulation, is a recommended strategy when conducting qualitative research (O’Leary, 2010). Triangulation aims to make a stronger and more robust piece of research, through the use of multiple lines of actions, which describes the use of various data sources, various methods, multiple theories and in some cases numerous researchers. Triangulation is not merely the use of multiple data sources, but rather the attempt to relate the different sources of data, to validate the data collected (Berg, 2007, pg. 15). In this research, triangulation of the findings took place through the use of multiple data sources and methods described above, and different theoretical underpinnings (described in the previous chapter).

### **4.6 Limitations, constraints and bias**

There is a need to acknowledge the limitation, constraints and biases of the research, and how these can influence the results from the fieldwork and shape the factors considered during analysis.

#### **4.6.1 Limitations and constraints**

As globalisation brings us all closer together in the context of the climate change issue that will affect us all, there is a need for discussions and qualitative research that is both linguistically and culturally representative. The recent 2018 Bangladesh elections hampered my ability to interview government members/ ministers. In some sense, this is because of the political instability surrounding the elections, but also because members of the government are busy and focused on the elections. Moreover, questioning by a researcher at a politically sensitive time was not welcomed.

Following the elections, members of ministries changed, specifically the Ministry of Disaster Management and the Ministry of Environment and Climate Change, who are involved at the national level and international level for climate change negotiations. New ministers have not necessarily been briefed or engaged in the specifics of loss and damage, which presented difficulties in interviewing them about the specifics of the proposed national mechanism.

In terms of the International negotiations, as described above, navigating such a vast and varied platform for the first time, meant that my ability to attend and capture all relevant information and meetings proved somewhat tricky. Meaning the meetings and events attended were reflective of the negotiations but in no way entirely systematic nor comprehensive.

Loss and damage is a highly complex discussion, however the range of actors at the international level is relatively small. Not only are those involved a small group but the literature addressing loss and damage is also relatively limited. Overall loss and damage would be considered a limited field; however, it is growing, and more people are engaging in a more serious manner within the negotiations and within the literature.

#### **4.7 Reflecting on fieldwork experience and data collection**

The first and most apparent bias experienced during the research was my previous association with ICCCAD, the International Center for Climate Change and development. ICCCAD is one of the leading research centers on loss and damage within Bangladesh. While they have no specific programme working on loss and damage, members of ICCCAD are some of the most active and most visible civil society members pushing loss and damage national level policy development. My role at ICCCAD is the role of a Visiting Researcher and my association while beneficial to my research in regard to access to participants, conferences and attending COP24 as a member of the ICCCAD observers' group, definitely creates bias, both positive and negative.

During COP24, I attended with an “observer” badge under a Bangladeshi organization, ICCCAD, that meant I was welcomed to attend the Bangladesh delegation meeting. These meetings were closed to all other people. Despite the fact the information discussed in these meetings was in a confidential context and under “The Chatham House Rule”<sup>1</sup>, the exposure to these meetings no doubt gave me as the researcher insight I would not have gained otherwise.

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<sup>1</sup> “The Chatham House Rule is used throughout the world as an aid to free discussion of sensitive issues. It provides a way for speakers to openly discuss their views in private while allowing the topic and nature of the debate to be made public and contribute to a broader conversation. The Chatham House Rule reads as follows: When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.” Chatham House, (n.d) *Chatham House Rule*. Retrieved from <https://www.chathamhouse.org/chatham-house-rule>

Secondly, as I had an “observer” badge, I was only able to attend particular meetings within the negotiations. Meaning that closed meetings, that can be attended by delegation members and some other badges are not open to those with an “observer” badge.

Lastly, as a member of an association under the RINGO, I was able to attend RINGO coordination meetings, these are morning briefing meetings, which allows coordination both online and off-line for organisations associated with RINGO. Also, some meetings during COP, with high observer attendance require a ticketing system, that allows for a set of members from groups such as RINGO, to attend. Attending the RINGO meeting allows for RINGO members to gain access to these ticketed meetings. RINGO also allows for online access to meeting notes from those who attended, for those who were unable to attend, offering a great source of documentation for RINGO members.

#### **4.7.1 Dhaka, Bangladesh reflections**

During the process of my masters, I lived and worked in Dhaka, which gave me a lengthy period to familiarise myself with the people, associations and groups working in the climate change space, specifically loss and damage. Having these connections, made it a lot easier to identify people who would be relevant to the research. This level of knowledge and connections worked both in my favour and against me. In some cases, people I had met knew both my association with ICCCAD or because they have seen me at conferences, within Dhaka, felt that I was as informed or more informed as them on loss and damage and as a result chose not to respond to an interview request. On the flip side, other people who were familiar with me and knew my name and association, readily agreed to be interviewed, which may not have happened as quickly if they had not known me.

I did, however, face obstacles in trying to get interviews with government officials, this was due in some ways to the dynamics between ministries and ministry members (discussed in the findings section), alternately this was due to my interview period being both before and after the 2018 election period within Bangladesh. Due to the political tension around the elections and the subsequent change in ministry members, specifically within the Ministry of Disaster Management and the Ministry of Environment, it became impossible to manage interviews during this period. Despite ministry members agreeing to interviews in person, they later did not reply to my emails, which is unfortunate.

#### **4.7.2 COP24, Katowice, Poland reflections**

Attending COP24 was an amazing research experience. Being an observer at the negotiations truly solidified the understanding of the interplay between national level policy development and the UNFCCC international negotiations. It allowed for the process and the outcomes of the negotiations to inform my research findings and allowed me to make contact with international negotiators, members of the UNFCCC and civil society members engaged in loss and damage, who later became key participants in this research.

The difficulty with trying to interview people at the negotiations is that people are busy, whether they are contributing to side events, attending meetings or negotiating themselves, everyone has their agenda, making it difficult to ask people for interview times during COP. My tactic soon became to introduce myself, my research and follow this up readily with an email, requesting an interview after the closure of the COP. Most people were more responsive to this approach, and alternatively, those who seemed uninterested during the COP were the same people who later did not respond to interview requests. Participants I met at COP24, and who agreed to be interviewed all allowed me to contact them and interview them later through online meetings.

#### **4.8 Data analysis**

The process of data analysis started with a one-page reflection of my findings, highlighting key points. I followed this by creating a diagram of the findings I had highlighted. I arranged this diagram in a manner that reflected my research questions. I printed out all of my transcriptions, and highlighted quotes and allotted them into the sections, responding to the research questions, highlighting relevant and interesting quotes, slowly building a storyline both in response to the national and international context. From this, for each section, I created diagrams explaining the different themes found in each section and how they related to each other. This process helped in formalising the sections and sub-sections within the findings, allowing for analysis that aligned with the aim and the research questions and enabled me to be familiar with both the data and the overall outcomes of the data before I began formal analysis of the data. Following the above process allowed for the research questions to be central to the design of the findings.

## **4.9 Summary**

This chapter outlined the justifications, reasoning and methodology used throughout the research. The application of methodologies framed understandings and allowed for a practical understanding of the research that took place. The researcher's experiences during the research were outlined including the positionality of the researcher and the ethical considerations that were made throughout to ensure optimal ethical outcomes. The data handling and processing and the approach taken to lay out the findings are also outlined as a way to frame the research.

## **CHAPTER 5: FLEEING FLOODS, DROUGHTS AND RISING SEA LEVELS: BANGLADESH CONTEXT; NGO'S, DEVELOPMENT AND LOSS AND DAMAGE**

### **5.1 Introduction**

Historically, Bangladesh has been heavily dependent on overseas development aid and NGO presence, and the country's development has been significantly affected by these external factors. The relationship between NGOs and the Government of Bangladesh has influenced, and to some extent constrained, both Government and NGO responses to the impact of climate and climate change. In the past, Bangladesh has been vulnerable to both flooding and drought, and these climate challenges are exacerbated by climate change, including rising sea-levels, and extreme weather events, such as cyclones and storm surges. The government has been proactive in its response to both current and potential impacts of climate change, and its policies and actions reflect the particular vulnerability of Bangladesh to climate, as well as the influence of external players. These contextual features also frame discussion and plans on how best to address loss and damage both nationally and internationally.

This chapter is the first chapter that engages directly with the Bangladesh context. The beginning of this chapter explores the Bangladesh context, its history, particularly as a country historically heavily dependent on overseas development aid and the presence of NGOs, thereby gaining a better understanding of the rooted historical dependence and the role external influence has had within the country. The second section explores the idea of the political engagement of NGOs within Bangladesh, particularly the engagement with the Government of Bangladesh. In the third section, Bangladesh's exposure to climate change impacts are outlined, framing the current and potential impacts of climate change on the country to then understand the importance of loss and damage discussions to this truly vulnerable country. In the fourth section, I reflect on the policies related to climate change and where loss and damage policy development stands today.

## 5.2 Bangladesh NGO development history

Since gaining independence in 1971, Bangladesh has been both heavily dependent on and influenced by International NGOs and their development agendas. The international development sector has played a considerable role in the development of the country over the past 50 years. At the end of the Liberation War of 1971, the new Bangladesh, that had previously been East Pakistan under the political administration of West Pakistan (modern-day Pakistan), lacked infrastructure and economic stability, and its state institutions were weak and fragmented, Bangladesh had suffered through nine months of the war, the genocide of millions of Bengalis, including the eradication of the educated elite of the country, and this was quickly followed by a post-war famine (Lewis, 2009). Those who had previously held military and bureaucratic power and positions returned to West Pakistan, leaving a vacuum in the skills, experience, and resources needed to provide the basis for the new government. Formal government power now rested in a very different set of hands, the hands of the farmers, small-scale entrepreneurs and industrial trade unions. The challenges faced by the new government were vast, and included: the need to grow what had been a decade-long stagnation of the economy; rebuilding of infrastructure; development of government processes and agencies; reestablishment of law and order, and the need to refocus armed liberation fighters as peaceful citizens of a new Bangladesh (Lewis, 2011). This created the space and need for external support from NGOs working within Bangladesh, alongside a heavy dependence on Overseas Development Assistance (ODA), in order to rebuild the country from the ground up. So began the trajectory of Bangladesh as one of the world's most NGO/development aid saturated countries (Lewis, 2011).

International NGO presence in the 1970s grew in response to the need to provide immediate relief and basic social services including medical relief for those who were freedom fighters; assisting those displaced as a result of the war; and developing necessary infrastructure (Islam, 2016; Zohir, 2004). This kind of response is what Korten (1987) would describe as 'first-generation' NGO activities – the provision of immediate relief. While this is what is described as an appropriate response to the given situation, it does not function as a development strategy that has long term sustainability, nor does it solve any structural problems.

Moving into the mid-1970s and the 1980s, NGOs began focusing on rural communities and the development of agriculture, supporting a move away from external dependence, and

focusing on development strategies that would contribute to independence. Micro-finance programmes were a feature of this approach (Islam, 2016, Zohir, 2004). The 1980s saw a gradual growth both in micro-finance and the growth of local NGOs, particularly with the success of Grammenbank. However, development aid was still mostly provided by external agencies, and this further entrenched the dependent nature of donor-recipient relationships (Islam, 2016; Zohir, 2004). The early 1990s saw many local institutions emerge, which focused on the provision of social services, and the continued support for micro-finance schemes. A significant number of micro-finance institutions emerged, cementing the role of micro-finance structures, still largely used in Bangladesh today. NGOs in the 1990s were largely membership-based structures, but there was an increasing focus on the empowerment of women, extreme poverty and indigenous rights. The movement away from immediate relief towards self-reliant focused development practices is described by Korten (1987) as 'second-generation' activities. This entails working at the village level with specific groups of people, and often parallels or supplements the activities of government.

The political influence of NGOs also grew during the late 1980s and into the 1990s as the country moved from a military-bureaucratic state into formal 'democracy'. NGOs played a significant role in this process, particularly through the work of Association of Development Agencies in Bangladesh (ADAB), the largest coordinating organization of local NGOs in the country. This group was based on large grassroots memberships and embraced an ideology of freeing people from oppressive and subordinate relationships (Devine, 2006). The ADAB and other NGOs were very active in applying political pressure, with vocal support for particular parties, and mass demonstrations of their members. These actions by NGOs resulted in the dissolution of the ruling Jatiya Party, the removal of Ershad as Prime Minister in 1990, the first democratic elections in 1991, and the introduction of the caretaker government leading up to the 1996 elections (Devine 2006, Islam, 2016).

The increasing presence and strength of local organisations has been accompanied by a decreasing dependence on Overseas Development Aid (ODA) over the decades, and although the volume of ODA is increasing, ODA as a share of Gross Domestic Product (GDP) has steadily declined (Hasan, 2011). Whereas Bangladesh was primarily a state dependent on ODA when independence was established, it is now classified as a low middle-income country with hopes of progressing to a middle-income country by 2025.



NGOs, and the balance between international and local agencies has changed, and they will continue to adjust their mandates of work, building on what they have previously done and incorporating new goals into their work, following the needs of the people they work with and in response to the environment in which they work (Haider, 2011).

### **5.3 Bangladesh NGO engagement with government**

The engagement of NGOs with Government within Bangladesh is complex and needs to be understood in the context of culture, structure, style and emphasis. While the Government of Bangladesh works alongside development agencies, the two groups have differing priorities. The government tends to adopt a relatively top-down approach with an emphasis on control and authority, and both view the role of NGOs primarily as a means of implementing development projects. Government also works more directly with local government, politicians and local elites, rather than listening and responding to grassroots needs and interests. More specifically, the Government's focus is on infrastructure projects, agriculturally based initiatives, and improving facilities with an emphasis on economic growth.

In contrast, NGOs emphasise engagement with practices of social inclusion, rights-based ideas, and capacity development, particularly when focusing on political and administrative processes. As a result, attempts by NGOs to engage with the Government is often complicated due to their differences in approach, practice and structure (Jamil, 2000). NGOs and civil society groups are dependent on the state in order to function, and they require government support to implement development programmes. This means that there is a tendency for the state to co-opt or pressure NGOs to align themselves with government policy and programmes. At the same time, however, the state in turn relies on NGOs for the delivery of their programmes and the support of large numbers of local constituents. The result is that the two groups are mutually dependent and rely on each other to reproduce themselves and their functions (Karim, 2001).

In terms of political direction, NGOs have been encouraged by the government to address issues of poverty, but this has sometimes been at the cost of fully supporting the rights and interests of indigenous and minority groups (Devine, 2006). This has meant that NGOs have tacitly accommodated the current political situation rather than challenging the status quo.

Karim (2001) describes the relationship between NGOs and political parties in Bangladesh by explaining that NGOs are protected by, and aligned to, a given national level party in exchange for the extensive access to rural votes that the NGOs 'control'. In essence, NGOs receive government support in return for strengthening party support. This 'clientelism' effectively stymies the opportunity for NGOs to encourage or engage in the politics of collective action but is required if they are to run programmes that have a positive material benefit for their communities. In describing this lattice of overlapping interests, Devine (2006) argues that Bangladesh clientelism continues to be the basis for understanding the matrix of social, political and cultural relationships within the development networks of NGOs. These practices are often unequal, hierarchical and exploitative and may be at odds with the ideological goals that NGOs would prefer to support but are 'required' for NGOs to both function and be productive within the realm of their work (Devine, 2006).

In turn, the Government of Bangladesh functions within a broader international context of agreements and protocols. In relation to climate change and disaster risk reduction, the Government has been signatory to international agreements such as the Bali Action Plan, the Sendai Framework, the Paris Agreement, and the Sustainable Development Goals (SDGs), which all include mandates for partnerships between civil society groups and governments. These multilateral treaties focus on the role of civil society organisations not only as implementors, but also as researchers, decision-makers, representatives, advocates, and overseers or regulators (Long, nd.)

As such, these international agreements have some potential to provide space for NGO/CSOs supported collective action which might be more in line with the promotion of social justice goals that NGOs and CSOs express. Lopa et al. (2016) argue that CSOs and/or NGOs involved in policy and advocacy work need to form coalitions, and build networks based on particular themes, or similar areas of work, particularly in the climate change arena. However, there is a lack of formal cooperation which limits the voice of NGOs, and minority groups on national issues.

Despite this, climate change initiatives offer the potential to reflect broader interests. Because of the urgency and scale of the threat posed by climate change to Bangladesh, it is important that the Government is seen to be promoting policies and practices that are in line with these broader international commitment to inclusion, partnership and social justice. In line with this,

climate change-based NGOs are generally invited to consultation workshops regarding climate resilience, disaster risk reduction or migration issues which involves the engagement with multiple ministries, particularly the Ministry of Environment and Climate Change and the Ministry for Disaster Management. This engagement with multiple stakeholders focuses on issues of climate resilience, migration, disaster response and adaptation measures, development planning, capacity building, policy reform and can include investment planning in line with the Sustainable Development Goal's and the Paris agreement and other international agreements (USAID, 2011).

#### **5.4 Climate change vulnerability**

Most of Bangladesh lies within the world's largest delta: the Ganges-Brahmaputra-Meghna delta (GBM delta). The formation of deltas occurs through the interaction of rivers and tidal processes, resulting in rich sedimentary deposits, which provide fertile land for agriculture and access to the coast, rivers and waterways, which support fishing, transport and trade. Resource availability and life support functions have contributed to the development of the GBM as the world's most populous deltaic area (Brammer, 2014). Bangladesh has a population of approximately 164 million people nestled within 147,570 sq km, earning it a designation as one of the most populated countries in the world (UNDESA, 2017).

Bangladesh's geographic location, with most of the country situated in low-lying lands and crossed by hundreds of rivers and waterways, means that it is at the forefront of the impact of climate change (Haque et al., 2019) and, as of 2019, it ranks ninth on the Climate Risk Index which refers to the extent to which countries have been affected by weather-related loss events (Germanwatch, 2019). The results of climate change include rising sea levels, extreme and repeated flooding events, increasing numbers of cyclones and storm surges, tidal surges, salinity intrusion and disturbances to aquatic ecosystems (Haque et al., 2019). Such climate change related events can in turn result in loss of life; significant loss of property and infrastructure; and detrimental impacts on soil formation, primary production, food supply, water quality and disease regulation.

The Asian Development Bank Report (2014) estimates the yearly decrease of annual GDP in Bangladesh will reach 2% by 2050, increasing to over 9% by the end of the century. Single catastrophic events, such as Cyclone Sidr of 2007, caused an estimated 2.6 per cent decrease

of the GDP or \$1.7 billion in damages. Devastating economic impacts and non-economic loss and damages further confirms the need and desire to address climate change impacts immediately (World Bank, 2016). While other countries stall in taking action to combat climate change, Bangladesh is well aware of the desperate need to plan and prepare for the future. The impacts of climate change and the need for urgent planning are the country's most significant challenges. The government and communities are aware of the effects of both slow onset, and rapid onset climatic events, and of the ever-changing climate (Huq, Kabir, Khan et al., Personal Communication, 2017; Ghosh 2016).

The 2018 Intergovernmental Panel on Climate Change (IPCC) special report on 1.5°C global temperature change details the stress the GMB delta is likely to incur as the impacts of climate change increase (IPCC, 2018b, pg. 232). The IPCC states with high confidence that at both 1.5°C and 2°C degrees, “impacts associated with sea level rise; changes to the salinity of coastal groundwater; increased flooding and damage to infrastructure; are projected to be critically important in vulnerable environments, such as small islands, low-lying coasts and deltas.” (IPCC, 2018a, pg. 181). The particular vulnerability of Bangladesh's coastal and agricultural communities is confirmed by the IPCC report which states that: “Populations at disproportionately higher risk of adverse consequences with global warming of 1.5°C and beyond include disadvantaged and vulnerable populations, some indigenous peoples, and local communities dependent on agricultural or coastal livelihoods (high confidence).” (IPCC, 2018a, pg. 11).

#### **5.4.1 Specific effects of climate change**

##### ***Flooding***

Bangladesh's location and its subtropical monsoon climate mean that it annually experiences high levels of rainfall both within the country and upriver, generating regular floods. These floods have broad ranging effects on the economy, development, and the levels of poverty, and effect almost every sector of the country (Shaikh, et al., 2015). According to the Ministry of Environment, in an ‘average’ year one quarter of the country is inundated due to flooding, with flooding affecting up to 60% of the country every four to five years. Communities living in flood prone areas have adapted in the past by raising the level of areas of land and raising their houses using stilts but, these measures are increasingly ineffective, with flooding causing loss

of life and increasingly negative impacts on homes, livelihoods, agriculture, and infrastructure. Most commonly the poorest communities are most vulnerable to these effects (MoEF, 2009).

### ***Drought***

Ironically, Bangladesh also suffers from droughts. Droughts have broad ranging effects on agriculture, domestic water supplies and economic activities dependent on water. Prolonged periods of little or no rainfall result in ground water depletion, shortages of surface moisture and, in combination with high temperatures results the depletion of soil moisture levels, causing plants to experience moisture stress due to the lack of available water. Clearly, these affect both crop yield and vegetative growth, and has an impact on agricultural systems. According to Shaw et al (2013) Bangladesh is expected to experience more heat waves and hot days, extended dry spells and, as a result, is more likely to experience droughts, especially in susceptible areas which will be warmer and drier than the previous 50 years. After long periods of sustained droughts, the economic, social and environmental impacts can be devastating (CEGIS, 2013).

The communities who suffer from the impacts of droughts have undertaken a range of methods and practices thus far allowing them to continue with their livelihoods. These have included diversifying crops, changed cropping systems, and moving from traditional agriculture to becoming fruit farmers. Some households have become involved in a range of income generating activities, such as establishing businesses, engaging in paid labour, offering services in construction and other non-agricultural farming-based activities, while others have chosen to seasonally migrate to cities such as Dhaka for employment (CEGIS, 2013).

### ***Cyclones and storm surges***

The Ministry of Environment, Forest and Climate Change, reports a severe cyclone hits Bangladesh every 3 years on average (MoEF, 2009). This most commonly occurs during or either side of the monsoon season and is associated with the movement of warm air over the Bay of Bengal. Storm surges are coastal floods caused by the rising of water, associated with a low-pressure weather system. In coastal Bangladesh— due to the wide and shallow continental shelf, and a coastal shape which funnels cyclones into the low-lying land— storm surges are common and cause devastating effects. Storm surges typically reach of up to seven

metres causing loss of life, and extreme damage to houses and agriculture in these coastal communities (MoEF, 2009). It is expected that climate change will increase the frequency and the intensity of cyclones, meaning an increase in the frequency and height of storm surges. As such, these storm surges pose an ever-increasing threat to coastal Bangladesh (Ali, 1996, Karim & Mimura 2006).

### ***Sea level rise***

Sea levels are expected to rise as the climate changes, particularly in low lying delta areas (Hamilton, 2010; Dudgeon, 2012). This will increase coastal flooding, inundation, rates of erosion, and saltwater intrusion in both surface waters and groundwater systems. These changes will have ongoing economic, stability, health and livelihood implications for the communities living in these areas (IPCC, 2018a). Reduced dry season flows are expected to cause a drop in groundwater levels, this can often result in land subsidence, which then increases exposure to coastal flooding, inundation and sea level rise. Deltaic urban environments in Asia, already vulnerable to anthropogenic subsidence issues, are at higher risk of further subsidence and flooding (Nicholls et al., 2008). Saltwater intrusion is expected to affect arable land, and therefore food supply chains. In Bangladesh, rice production in the delta area is particularly threatened by rising sea levels (Wassmann et al., 2009).

Sea level rise will affect the livelihoods of those who are involved in freshwater capture fisheries and aquaculture production in river deltas (De Silva & Soto, 2009). As Bangladesh is largely an agriculture and fisheries-based economy, these impacts have already had a devastating impact on rural livelihoods.

## **5.5 Loss and damage**

Despite, or possibly because of, the long lists of the negative impacts of climate change experienced within Bangladesh, it is known as one of the best examples of countries proactively tackling these impacts. It had recognized potential problems in advance and has established comprehensive disaster risk management policies and practices (Habiba, et al., 2013). Proactive risk management approaches have reduced the levels of mortality and further prepared the country for the continuing impacts of climate change.

### **5.5.1 Current Bangladesh climate change related policy**

#### ***The National Adaptation Plan of Action (NAPA, 2005)***

The National Adaptation Plan of Action (NAPA) (2005) acknowledges the Bangladesh Government's recognition that climate change is a crucial issue for the country, and it was the first country to create such a plan, as a response to the decision of the Seventh Session of the Conference of the Parties (COP7) of the United Nations Framework Convention on Climate Change (MoEF, 2005). The NAPA attempts to address potential responses and measures for reducing the impacts of climate change in order to prevent and help secure the development planning process (MoEF, 2005). While Bangladesh has had a long history of long exposure to, and recovery from extreme climatic events, the increase in frequency of such events (floods, cyclones and storm surges) has shortened preparation times for events and depleted respective budgets for managing impacts. As a result, disasters can result in conditions such as extreme food shortages which have severe impacts on the well-being of vulnerable countries and communities. NAPA outlines 15 adaptation strategies which include reforestation, access to fresh water, capacity building, the promotion of research and dissemination of information, and the implementation of adaptation measures in agriculture and fisheries (MoEF, 2005). Policy mainstreaming and development as well as the exploration of insurance and other emergency preparedness measures to cope with enhanced climatic disasters are also on the list of actions.

#### ***Bangladesh Climate Change Strategy and Action Plan (BCCSAP, 2009)***

Following the development of the NAPA, and in response to the Bali Action Plan which came out of COP13, the Government of Bangladesh developed the Bangladesh Climate Change Strategy and Action Plan (BCCSAP) (2009). Much like the Bali Action Plan, the Bangladesh Climate Change Strategy and Action Plan (BCCSAP) is built on 'pillars of action'. These pillars include: 1) food security, social protection and health; 2) comprehensive disaster management; 3) infrastructure to ensure that existing assets are retained; 4) research and knowledge management; 5) mitigation and low-carbon development; and 6) capacity building and institutional strengthening (MoEF, 2009). The BCCSAP intends to meet the needs of economic growth and social development resiliently and progressively, despite the expected turbulence associated with climate change. The focus on a pro-poor strategy means that the

poor and vulnerable, including women and children, will be prioritised in all activities implemented under BCCSAP. It includes a range of immediate, short, medium and long-term programmes and outlooks (MoEF, 2009). The Bangladesh Climate Change Trust Fund (BCCFT) and the Bangladesh Climate Change Resilience Fund (BCCRF) were two funds established to support the implementation of the BCCSAP. The BCCFT was a fund set up for the purpose of distribution of internal government funding and the BCCRF is funded by and managed by the World Bank (BCCT, 2016. Haque, 2019).

### **5.5.2 National Mechanism on Loss and Damage**

Both NAPA and BCCSAP reflect the Bangladesh Government's willingness to address climate change head-on, with ambitious and far-reaching adaptation and mitigation processes in place. The next phase for the Government of Bangladesh is to develop its response to issues of loss and damage. A number of research publications and policy briefings focus on the need to address loss and damage at a national level in Bangladesh. These include, for example: *Loss and damage: From the global to the local* (Roberts et al., 2013); *Early Lessons from the Process to Enhance Understanding of Loss and Damage in Bangladesh* (Roberts et al., 2013); and *Loss and Damage from the Local Perspective in the Context of a Slow Onset Process: The Case of Sea Level Rise in Bangladesh* (Nishat et al., 2013). Each of these papers explores loss and damage in the local context of Bangladesh and highlights the necessity of addressing and developing a national level response, despite the lack of international agreements on these issues. Reflecting the Bangladesh Government's proactive stance in response to climate change issues, it has already taken steps to develop, and plans to implement, a national mechanism for addressing loss and damage (Roberts et al. 2013). Thus, although the government's active role in pre-disaster adaptation and mitigation should have reduced the impacts of climate change disasters so far, it is inevitable that the increased level of both rapid and slow onset events will necessitate measures to address loss and damage in the future.

The draft National Mechanism on Loss and Damage was in part a response to international-level discussions, which have currently stalled in a quagmire of debates about compensation and liability for losses and damages. In reflecting on the early lessons of loss and damage, Roberts, Huq, Hasemann & Roddick, (2013) outline the need to develop a National Loss and Damage Mechanism. Roberts et al. (2013) suggests that the Government of Bangladesh, alongside other stakeholders, should develop a working group for loss and damage. The agenda



for such a working group would include more research, needs assessment and the implementation of pilot programmes. Using current policies as a base of expansion and with input from a broad range of stakeholders including different ministries, academia, the development sector and civil society, new policies and programmes could be developed to address the challenges of impacts not seen before.

Further recommendations for on-going development of the National Mechanism on Loss and Damage include performing a needs-based assessment focused on the most vulnerable communities and individuals (Roberts et al., 2013); and developing a consortium to enhance collaboration and best practice and sharing the knowledge between those working in different regions or different countries. There is also a need for long-term capacity building regarding research capability and knowledge management around loss and damage cases (Roberts et al., 2013).

The proposed National Mechanism includes an in-depth discussion of the national context of loss and damage associated with climate change, as well as existing policy and institutional approaches to loss and damage in Bangladesh. These include related environmental policies, disaster management, and mitigation and adaptation policy and practices. It also explores potential pitfalls and restrictions, and the potential to overcome these issues (Huq, Kabir, Khan et al. (2017). Personal Communication). Pilot projects for loss and damage are planned to be field-based, as a way to understand different strategies of managing and coping with loss and damage events (i.e. insurance, management strategies, migration assistance) (Roberts et al., 2013).

## **5.6 Summary**

Understanding the history of development and of NGOs within Bangladesh, their role and the relationships they hold with the Government of Bangladesh allows for a more comprehensive understanding of the environment in which the research was undertaken. The current national level policy frames the situation in which a National Mechanism for Loss and Damage is being developed. Understanding the threat climate change poses to Bangladesh further explains the space in which and frames why a National Mechanism is relevant to Bangladesh. Moving forward in Chapter Six we now have a better understanding of the context and relevance of a loss and damage national level policy alongside an understanding of the potential difficulties those advocating for a National level policy may be facing.

## **CHAPTER 6: FINDINGS AND ANALYSIS**

### **6.1 Introduction**

This chapter explores the perceptions and opinions of those involved in loss and damage discussions both within Bangladesh at a national level and internationally. The first section examines the stakeholders involved in the national level policy discussions within Bangladesh, exploring the strengths and drivers of national level development, followed by the second section which analyses the obstacles faced at the national level. The third section examines those engaged in the international negotiations, including those who work alongside Bangladesh stakeholders at the UNFCCC conference of parties, and focuses on the drivers and strengths of loss and damage negotiations within the UNFCCC. The fourth section then explores the obstacles being faced by those arguing for loss and damage development within the international negotiations. Through the use of semi-structured interviews and conference observations, I draw a picture of the activities both nationally and internationally and explore the interplay between a national level policy development and the happenings in the international sphere in the final section.

### **6.2 Stakeholders and drivers of the national mechanism on loss and damage**

The first section of this chapter will explore the different stakeholders and organisations who are engaged with loss and damage and how these actors and the given context has situated Bangladesh to be a leader primed to drive loss and damage policy development. The initial discussion will look at the first emergence of loss and damage discussions and research in the context of Bangladesh. It is followed by an analysis of the range of stakeholders who are the current drivers of loss and damage discussions and policy development. Thirdly, the historical context of the presence of NGOs is explored.

Loss and damage was first raised, by Bangladesh specifically, as an issue at COP17, held in Durban in 2011, through the launch of the ‘Loss and Damage in Vulnerable Countries Initiative’. This initiative was launched in response to a request by the Government of Bangladesh as a way to understand the emerging issue of loss and damage and was the first civil society response. The initiative funded by Climate and Development Knowledge Network

(CDKN) appointed various organisations, including Germanwatch, United Nations University-Institute for Environmental and Human Security (UNU-EHS), International Centre for Climate Change and Development (ICCCAD) and Munich Climate Insurance Initiative (MCII), to build a basis for a common understanding of loss and damage and what it meant for vulnerable countries (CDKN, 2012). P1, a member of civil society engaged with the start of research in Bangladesh through the *Loss and Damage in Vulnerable Countries Initiative*, outlines their experience of the emergence of the topic within Bangladesh:

*“I had no idea what Loss and Damage was nor did anyone else, none of us knew what it was. It was not until the Bangkok session on UNFCCC, which was in September of 2012. At the beginning of September, there was a session in the UNFCCC their workshop of loss and damage and I basically manipulated the secretariat to get as many of our people from Bangladesh invited to the workshop in different capacities. Different groups started to see ‘oh this could actually be a really interesting agenda to work with,’ so from then they started to engage more.”* (Participant 1: Bangladesh Civil Society Member, Researcher).

In Bangladesh the Vulnerable Countries Initiative involved at the start individual research-based organisations who began to explore what loss and damage was, how it was affecting people, and how this will continue in the future. Context-specific research allowed for Bangladesh to begin building knowledge of the importance of loss and damage, both nationally and internationally. Different members of civil society became involved from this point onwards.

This early engagement of CSO actors has been significant in development of Bangladesh as a knowledge leader on loss and damage. Early international academic publications focused on the potential impacts of loss and damage in Bangladesh, it has also meant that CSO members have engaged with loss and damage since the emergence of the topic (Roberts et al., 2013); (Roberts & Huq., 2013); (Nishat et al., 2013). Bangladeshi CSO members and Bangladesh as a nation within the UNFCCC process now have a robust and informed stance as a knowledge leader on loss and damage. Bangladesh now has a strong presence at the negotiations and can argue and bargain in a manner that has given them more leverage in discussions both in official tracks within the UNFCCC and the civil society spaces at COP. The significance of Bangladesh being involved with loss and damage from such an early stage has allowed for loss and damage

to become a leverage point through which Bangladesh has begun to engage with an issue that has the potential to change and challenge traditional aid relationships.

There have been multiple stakeholders engaged from an early stage across the broad range of aspects involving loss and damage; this early engagement and the depth of knowledge associated with the large range of involved actors is a unique situation, which has allowed Bangladesh to be engaged with loss and damage developments to an extent where they are now viewed as leaders on the issue. For example, P2, a member of civil society and vocal in the loss and damage discussions outlines the breadth of perspectives on loss and damage.

*“In Bangladesh broadly speaking there are the negotiators, that is a very narrow set of discussions under very tight conditions. There are discussions with operational discussions on the ground, who have to deal with the impacts of climatic events, disaster managers for example, volunteers, Red Cross people like that. That’s on the practical side. Then there is general public, public awareness, people learning about it. Then there is the scientific community, scientists who are working on attribution on loss and damage, and so unfortunately the scientific investment on the issue of loss and damage as a new emerging issue has been very-very poor.”* (Participant 2: Bangladesh Civil Society Member).

The range of actors involved is vast, as described within the above quote, whether these are actors responding to the impacts of climate change, those involved in the collection of data and the framing of the issue or those engaged in advocacy and awareness raising around climate change issues such as loss and damage.

Despite the initial interest by the Bangladesh Government in furthering understanding of loss and damage, this work is now being driven by CSOs and the Government has to some extent backed away from a leadership role. For example, P3 spoke about the current situation and those involved whereby dialogue around loss and damage, both nationally and internationally, is driven by members of civil society, through conferences, publications and engaging government on the issue.

*“In the national discussion, loss and damage is not a very kind of topical issue. At the NGO level its very, very active. NGOs, we are trying to buy the minds of the*

*government. We [civil society] are actively trying. But in loss and damage, there is not much money. But government gradually is trying to be on board, still not fully on loss and damage issues.”* (Participant 3: Bangladeshi Delegate, Researcher, Loss and Damage Advocate).

The idea that there is a need to ‘buy the minds of the government’, leaves a powerful image and truly encapsulates the drive of the CSOs involved. CSO members, have the perception that in order to gain traction at the local level on loss and damage, as Government members are reluctant to initiate the draft policy, there is some convincing or persuading of government members to do. CSOs believe it is in their interest and those they seek to represent, to encourage the Government to accept the loss and damage within the realm of existing climate change policy.

Despite the lack of associated funding for loss and damage (further explored in the next section), certain CSOs have an overwhelming drive to forward loss and damage development, engaging with arguments of justice and accountability. The long-standing involvement of CSOs in Bangladesh with their emphasis on the importance of development, social justice and human rights has meant that these ethical concerns have been especially influential in the understanding of loss and damage in Bangladesh. This idea is further explored by P2:

*“Bangladesh has a very strong NGO tradition, as you know, but within the NGO tradition, as the NGOs overlap with the climate change arena, quite a lot of development NGOs now do climate change, so that area is overlapping. Within that there is a very strong paradigm of justice. Loss and damage that is the issue that is closely linked to climate justice or injustice. Climate injustice is loss and damage.”* (Participant 2: Bangladesh Civil Society Member).

The different groups engaged, and the long-standing tradition of NGOs within Bangladesh means that the strength of networks and groups involved in loss and damage discussions and disaster response is in some ways unique to Bangladesh. Bangladesh, as described in previous chapters, is not new to responding to disaster situations, CSOs have long been engaged in disaster risk practices on the ground. CSO actors and development practitioners understand climate change in this context as explored above in this section, the early engagement of actors involved in loss and damage discussions has primed Bangladesh to be an early leader on this

issue. Moreover, justice arguments play a significant role in the paradigm of climate change, as stated above? by P2. CSOs have historically used justice arguments across a broad range of development issues. As such, CSOs are not new to arguments of justice in the context of Bangladesh, nor are they new to what are now impacts exacerbated by climate change. This history situates Bangladesh in a prime position to be engaged in both responses to loss and damage but also in developing a policy which informs the justice-based arguments for loss and damage. Considering the history described above and the ideas that are engrained within loss and damage discussions, P4 emphasizes this in describing the perception of Bangladesh and the role they represent in the international negotiations.

*“I think generally within the UNFCCC they [Bangladesh] are similar to the island nations, who are seen as a moral actor. They are seen as one of the most vulnerable countries in the world so what they are saying is because, any statement they say is because they are so deeply affected by it. I think they are kind of seen as a leader on loss and damage in an intellectual sense.”* (Participant 4: Researcher and advocate for loss and damage).

Thus, the position Bangladesh has as one of the most vulnerable countries to climate change and how deeply affected they are has shaped them as an authority on loss and damage. Bangladeshis from civil society and from government engage in loss and damage negotiations because they see and are experiencing the effects of loss and damage already, it is a lived experience for many and arguing the injustice of the reality of loss and damage is in the interest of Bangladesh.

### **6.3 National level challenges**

In this section, national level challenges are discussed, seen to be the cause of stagnation of national level loss and damage policy development. Challenges to the development of loss and damage policy at the national level include funding and government engagement. These two issues are interconnected and the first difficulty in funding policy development is directly linked to the government’s lack of engagement.

### 6.3.1 Funding as compensation

Ultimately, it is clear that funding for loss and damage measures will need to come from the international community. However, CSO representatives in Bangladesh argue that the case for applying and receiving funds could be strengthened by the development of a transparent and well-thought out policy to ensure the most appropriate and constructive response to loss and damage and clear pathways to compensation. To date, the Government has tended to withdraw from engagement. P2, a member of civil society involved with developing the national policy draft, expressed frustration with the lack of government engagement.

*“The national mechanism we [Bangladesh] are going to do it ourselves. He [government representative] feels, if we are going to do it ourselves then we are getting no money. So, his ill principle, principle argument is that better not do anything ourselves. We need to ask for money, we won’t ask for money. If we start doing something ourselves, we won’t be able to ask for money or we won’t get money.”*  
(Participant 2: Bangladesh Civil Society Member).

The difficulty in government not funding the national mechanism means that it has led to little action moving the draft policy forward. If government representatives does not see the importance of having a national level policy and therefore government do not fund the national level policy it is difficult for the Bangladesh to pressure and to show a functional level policy and associated funding channels when pushing for international funding (Hijioka, et al. 2014). Also, it means that any action CSOs wish to implement have limited funding options. A massive step in challenging traditional aid relationships and pushing for compensation would be by showing the international community that despite inaction at the international level, Bangladesh is going to keep moving forward with loss and damage development at the national level. P2 argues that government involvement is essential if international support is to be gained and that in any case inaction in the case of climate change and loss and damage is not an option.

*“My [civil society] counter-argument is that, which I haven’t convinced him yet, is if we demonstrate with our own money, what we can do and show that its feasible and transparent good idea, then we will get a lot of money. The money will come if we initiate it ourselves rather than say, you know, we need money, if we don’t get money,*

*we don't move to anything. That's not a feasible argument that we won't do anything if we don't get funding. So, let's see, I haven't given up.*" (Participant 2: Bangladesh Civil Society Member).

Despite the overall lack of funding internationally (further discussed in following sections), CSO's continue to pressure government to push the national mechanism forward demanding compensation from the global North through the UNFCCC process. P3 additionally describes how, regardless of whether the government develops a national mechanism, that ultimately, the government will approach the international community for funding in order to compensate those affected by loss and damage.

*"Nowhere [does] the compensation comes from? It may come from the national government because they have direct interaction with the international arena, so the GCF and this facility. So, the national government will approach, obviously the international community."* (Participant 3: Bangladeshi Delegate, Researcher, Loss and Damage Advocate).

All CSO participants argued for greater government involvement and the development of a National policy but all also emphasised the need for loss and damage action to be supported by the international community in relation to both liability and compensation rather than just another vague addition within a model of development in which wealthier countries decide on how aid should be managed and distributed. P4, for example further builds on this argument.

*"Bangladesh isn't really awash with resources, for throwing solutions at people, or compensating them. It's also really difficult because a lot of loss and damage is ideally is a form of compensation, the solution to it is some form of compensation from countries that have caused climate change. Industrialized countries are not just throwing money at countries who are experiencing loss and damage. There is no liability."* (Participant 4: Researcher and advocate for loss and damage).

The need for compensation is closely linked to the idea of liability (see chapter two), and the need for compensation to come from the global North, is due to the fact that loss and damage is explicitly linked to the carbon emissions and the subsequent development of the global North. However, the global North has refused to take any liability in the causation of loss and



damage and as such at the point refuse to give any monetary compensation. However, compensation is something developing nations are continuing to push for within the UNFCCC process.

A crucial factor in understanding how loss and damage might be developed in Bangladesh is that those whose livelihoods and well-being are most likely to be negatively impacted by climate change are also those who are most economically disadvantaged and who are least likely to be able to access compensation if it were available. P3 raised one specific form of compensation discussed within the UNFCCC, that of insurance and the role of the private sector. However, where an insurance mechanism for loss and damage fails is that it does not constitute compensation because the premiums are funded by the vulnerable individuals or governments of climate vulnerable countries, meaning that the idea of compensation is not addressed by insurance mechanisms which are the most spoken about response to loss and damage.

*“The most impacted communities who are poor are not covered by the insurance sector. Because insurance is a profit-making scheme and they are not insurance worthy. The poorest people are not insurance worthy. But a little bit of thinking is already there and getting into their consciousness and they are expanding their insurance net to cover the low-income farmers.”* (Participant 3: Bangladeshi Delegate, Researcher, Loss and Damage Advocate).

The above quote illustrates that any form of compensation needs to be relevant and useable for those who are most vulnerable to loss and damage. Insurance is often identified as integral to processes of compensation for loss and damage. It is clearly unreasonable to expect that those countries peoples who have in fact benefitted least from the causation of climate change through industrialisation, should be required to insure themselves against the impacts of climate change and loss and damage. While insurance has been identified as a solution, this only shifts focus away from liability and compensation. While the involvement of the private sector includes insurance is perceived by some as a possibility, there is little evidence that this is likely to be a source of funding in the foreseeable future.

Moreover, while Bangladesh continues to push for compensation the difficulty in advancing any actions in the country and the mechanism through which funding might be channelled is

further explored by P5. P5 describes that any form of compensation mechanism as a result of funding could be problematic, because those most in need would probably not get access to these funds.

*“Now if you talk about compensation, looking into the governments structure of the country, I don’t think it is going to be a good thing. Money will go to the muscle man of the political people. Common people, the most effected people would not benefit unless say they specify the “Char” [fragile sedimentary islands] people would get the money.”* (Participant 5: Bangladesh delegation member).

Once again, P5 suggests that unless any national level mechanism truly provides a legitimate structure and a well thought out process that all those affected are able to access, there is the potential for funding for loss and damage to not help those most in need. Ideally if a mechanism was developed early in the process, Bangladesh could provide a transparent pathway for funding to those most vulnerable. Firstly as described, a national mechanism will help Bangladesh to establish a case for receiving funding, Secondly, if an implemented policy takes place prior to international funding mechanisms, there is potential for a Bangladeshi driven funding pathway that is both transparent and an appropriate response to be in place.

However, to develop such a mechanism does require a certain level of initial funding from government, and until such funding becomes available it is difficult to have any coordinated action of any form.

### **6.3.2 Government Engagement**

The civil society representatives I interviewed shared a general feeling of frustration at the government’s lack of engagement with addressing loss and damage. Climate change has many facets and involves engagement across a broad range of ministries. However, as P4, an international academic engaged in national level research surrounding loss and damage notes, there is often a lack of communication channels between certain ministries.

*“I don’t know if at the national level there a commitment is to figure out loss and damage. There is a lack of communication between ministries and departments, that 100% true, people say that to me in interviews.”* (Participant 4: Researcher and advocate for loss and damage).

The perceived lack of government commitment on the issue of loss and damage is only the start of a conversation about the difficulties civil society has in engaging the government in loss and damage discussions. It is not just a general lack of commitment, rather it has many political undertones which I will explore further below. P1 begins by addressing the perceived confusion over which ministry has ‘ownership’ over the proposed national level policy.

*“One of the things is there is a bit of a turf warfare between some on the ministries. Some of the people in the MOEFCC think it is in their per view or portfolio. and MODM have been working on loss and damage in a DRR sense for decades, so it’s a turf war for who’s in control.”* (Participant 1: Bangladesh Civil Society Member, Researcher).

To explain this ‘turf war’, we need to understand how climate change funding is changing the landscape of Bangladesh. As the country moves towards middle income status, climate change funding represents a new source of monetary flow for different ministries, which in turn means a given ministry can gain more power. The difficulty in this is that the Ministry of Environment and Climate Change views climate change within their work mandate, and from an environmental perspective this may appear true. However, the perspective of civil society on loss and damage is that the Ministry of Disaster Management is better suited to engage with loss and damage as they have been dealing with disaster risk response for decades, as explained by P2. An exemplar of the said “turf-war” played out at COP24 where there was meant to be an official launch of the National Mechanism for loss and damage.

At COP24, CSOs and the Ministry of Disaster Management had planned to launch the draft policy on loss and damage developed jointly. However, because the Ministry of Environment, Forest and Climate Change are the official representation of Bangladesh at COP the launch was essentially vetoed. In the eyes of CSOs at COP24, the “official launch” became the “unofficial launch”. At the Bangladeshi delegates meeting prior to the “unofficial launch”, CSO participants met with the reps from both ministries (Ministry of Environment, Forest and Climate Change and the ministry of Disaster management). As one of the CSO participants, my role was to partake in helping ensure that all Ministry officials were successfully ushered into Ubers and transported to the event, in the hope that a collective event might assist in furthering discussions and actions back in Bangladesh. Before we were able to accomplish this all of the Ministry of Environment, Forest and Climate Change representatives left the delegation meeting saying they would not or were unable to attend the meeting. The CSO

participants felt and it was perceived that the Ministry derailed the event because the Ministry resented their lack of control and participation in the development of the policy.

The events at COP24 provide a specific example of the conflict between ministries and gives a perspective on the complex dynamics around discussion and action in climate change policy development. The above incident reflects not only the conflict between ministries but also on the challenges faced by CSOs negotiating across different ministries. This is further exacerbated by the ways in which changes in government shift power and personnel within the ministries. P2 further explains that the recent elections resulted in further stagnation of national mechanism.

*“What happened after COP24 December, is [Bangladesh] hit the election, so everything got put in cold storage for the election. Now we are back into normal business, certain balls are being picked up again and this ball will be picked up now.”*  
(Participant 2: Bangladesh Civil Society Member).

The recent elections meant a change in ministers, secretaries and deputies, those expected to engage with policy development. The continued changes in the ministry, due to elections but also due to the continued rotation of ministry members (a policy in Bangladesh used to avoid corruption) means civil society is continuously having to engage new people on loss and damage, which includes presenting them with the idea of a national policy, educating them on what loss and damage means, the international politics of the issue and what it entails for Bangladesh. However, with new members to engage with, some civil society members now believe there is more room for movement moving on from the elections. P2 continues by explaining the National Mechanism moving forward, under a new Secretary post-election.

*“So if he [Secretary of Disaster Management] wants to do it he can make it [national mechanism] happen, and he has the political clout to do so, that the Environment [Ministry] doesn't. So I am pretty sure they can manage it before COP25, so then we can launch it there.”* (Participant 2: Bangladesh Civil Society Member).

Not only is there a new Secretary of Disaster Management, but he is seen to have more political strength to move the National Mechanism forward. Civil society members require political buy-in by those in power to move the National Mechanism forward. Due to a lack of

engagement from those in power thus far, the current draft policy has sat in its current state since the middle of 2017. Civil society members drafted the policy with encouragement from the then Secretary of Disaster Management and due to a change in leadership, there has been no movement forward to enacting or further developing the policy. However, as described above, P2 is optimistic about the ability with the current change in leadership to move things forward. P1 acknowledges the momentum shifts as there are changes in the ministry, the perceived lack of leadership and engagement is again raised as an issue as to why there is a sense of stagnation in relation to loss and damage at the national level.

*“I have definitely seen a change not only in the momentum but also in the ministry. I think the biggest thing really is the change in leadership at higher levels, you just don’t have the same tripartite leadership from the minister really driving things because that was important definitely.”* (Participant 1: Bangladesh Civil Society Member, Researcher).

As loss and damage has been raised as a potential space for new policy development within Bangladesh, those from civil society have seen three separate sets of ministers across their time of engagement, and yet, there has still been little movement to solidify a National Mechanism for loss and damage. While P2 remained more optimistic post the recent election, they recognise that initially the desire to move the process forward quickly was apparent, but now there is a sense of stagnation surrounding loss and damage at the national level.

*“From the Government, honestly there is not any champions within the government. It’s really being approached, its standing at a block. I know that he’s [MOEF representative] is not necessarily someone like the ex-Deputy Secretary [MOEF] who was very dynamic, who pushed things, so I think things are stagnating.”* (Participant 2: Bangladesh Civil Society Member).

The difficulty in engaging multiple rounds of people at the ministry and the lack of tripartite leadership between the two involved ministry and civil society has greatly affected the movement and development of loss and damage national level policy development. The sense of ownership of policy is highly problematic alongside the change in leadership and a subsequent lack of engagement makes it very difficult for CSOs to continually engage with government on loss and damage policy development.

## 6.4 Stake holders in international negotiations

### 6.4.1 Differences in framing between global North and global South

The most vulnerable countries are often developing countries, who have contributed least to climate change. They claim that developed countries (the global North) are liable for the loss and damage they are now facing and the likelihood that this loss and damage will continue. P6, a member of civil society tasked with working with LDC countries on loss and damage, expands on this point.

*“Since from the very beginning it was about who pays basically, who is responsible for the damage that emerges. [...] We require support from you to deal with the consequences of your emissions. It is in their [vulnerable developing countries] interest to have the resources to keep surviving.”* (Participant 6: Advisor to LDCs on loss and damage).

P6 also recognises the reluctance of the global North to enter into discussions of liability.

*“At the same time, on the other side it is in the interest of countries who would potentially have to pay. To say, no. First of all its hard to say what is loss and damage and you should manage your resources way better. Secondly, they also say it is unethical to already give up and we need to put all our resources all our efforts into avoiding and minimizing impacts. So I think, I’m convinced that it is politically motivated. Each country in the political space are speaking from self-interest.”* (Participant 6: Advisor to LDCs on loss and damage).

By questioning developing nations on their use of resources, and having their approach be focused on mitigation and adaptation practices as opposed to responding to the question of loss and damage, negates discussions of compensation and liability. It is true, while mitigation and adaptation play a massive role in responding to anthropogenic climate change, the question of whether loss and damage will take place is not really negotiable in the minds of people in developing nations, who are already experiencing loss and damage, and those who are experiencing it do not have adequate resources to respond to it.

This political nature of the positions countries hold transfers into the narrative around loss and damage and how it is understood under the UNFCCC. P6 discusses the idea of constructed ambiguity, meaning the use of particular language is used in an ambiguous way, often to frame a sensitive or political issue, like that of loss and damage. This tactic has been used by developed nations to avoid discussions of liability and compensation. The global North and countries who both have been major emitters in the past and countries who continue to emit today frame and discuss loss and damage in a manner that allows them to avoid conversations about accountability for damages and to avoid discussions about direct funding for loss and damage (Hoffmeister & Roberts, 2016). The way in which it has ultimately been framed and how different parties view this framing is further complicated due to the lack of a concrete definition and evidence for loss and damage:

*“So within the UNFCCC you have this whole thing around constructed ambiguity where different parties mean different things. You have the risk framing where all potential impacts of climate change are loss and damage, and the goal of policies is to avoid these impacts, so sort of the adaptation kind of framing where loss and damage is always something in the future, it’s a risk, we are always looking forward, and we are putting all our efforts into minimising those risks.”* (Participant 6: Advisor to LDCs on loss and damage).

By looking at loss and damage as something that is always in the future and something to be avoided directly negates the reality of vulnerable people who are already experiencing loss and damages. P6 continues by explaining the counter argument.

*“There are other stakeholders who say, no hang on we have waited too long, it is already materialising, we also need to look back, it’s already happening and there needs to be resources in place to help countries who are affected, where it hasn’t been minimised and avoided, so the risk have materialised into impacts. The affected and vulnerable countries will be drawing attention to that.”* (Participant 6: Advisor to LDCs on loss and damage).

Developing nations who are already experiencing the effects of loss and damage and who are arguing for compensation and resources to address the impacts are looking for actors to take accountability for past actions and respond in a manner that would facilitate climate justice for

those facing the impacts of loss and damage. The different narratives from the global North and the global South on how to frame and therefore respond to loss and damage discussions is complex and the reality of accessing loss and damage only adds to the ambiguous nature of the discussion. P6 continues on by explaining a lack of scientific knowledge and base line data is often missing in developing countries. This lack of scientific knowledge is problematic. This lack of knowledge can lead to an inability to have targeted solutions in certain areas or sectors, an ability to understand the adaptive capacity and how this may develop over time. These knowledge gaps can contribute to an inability to have pointed discussions, as the background basis for such discussions relies on having this data.

*“So there is some knowledge gaps if you like, that also impede substantive discussion sometimes. Including due to data lag, developing countries are often hit unprepared. You don’t actually have the climate data, if you don’t have a proper evaluation of your assets, if you don’t really have the data to create your risk profiles, there is hardly anything you can do to prepare for unprecedented climate change. So I think nationally capacity in developing countries are so under developed. Which gives many developed countries an easy way out, saying you don’t even know what you need, so what are you asking of us.”* (Participant 6: Advisor to LDCs on loss and damage).

The above gives one example of how constructed ambiguity is used in a manner that derails discussions. In order to access loss and damage, baseline data and assessments are needed to construct risk profiles or access loss and damage, without such data it is difficult for any practical discussions about the required resources or appropriate responses to loss and damage to take place. However, without any funding for loss and damage, countries with limited resources would find it difficult to produce any of the data and create risk profiles. The lack of this data also allows developed nations to avoid having discussions about compensation (Hoffmeister& Roberts. 2016).

The ambiguity of what one country or negotiating group means is a continuous theme in reference to loss and damage. This was evident in the Subsidiary Body for Implementation (SBI) formal and informal consultations on the report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, at COP24, where I sat and watched the negotiations over multiple days. The opposing positions of parties and the process of the negotiations means that all decisions and actions



have to be agreed on by everybody. Every sentence, every word has to be decided on by every delegate in the room, which later then needs to be approved by the Ministers of each country. From watching the negotiations take place, I often found the process tedious.

It is often in some country's interests to stall and make arguments around particular wordings in a sentence, reducing the time for, what might be considered, more important discussion topics to take place. Meetings can be extended, sometimes for hours, over wording that to an observer might seem inconsequential. The whole document is 'bracketed', meaning up for negotiation, until the entire document is agreed on. This goes for any document negotiated under the UNFCCC COP. Watching this process, I observed the dynamics between the different negotiators, some of whom were working together (AOSIS, LDCS, African Group) and some of whom were working against the proceedings (China and Saudi Arabia). Given that the topic was a series of recommendations to the COP on the work of WIM task force and was not highly contentious or problematic in any way, the behaviour was surprising to observe. The overarching tensions around loss and damage means that anything labelled with loss and damage ultimately becomes something contentious. The different wordings suggested by different countries/ negotiating groups, slightly altering the sentence structure or the use of words that a previous country/negotiating groups had recommended highlighted the way in which a simple change in the wording swayed the meaning of a sentence, often opening up a given area to be interpreted in a number of ways.

#### **6.4.2 Alliances and coordination**

I attended several Bangladesh delegation meetings during my time at COP24. The delegation met every evening at 6pm and allowed civil society representatives from Bangladesh to attend. Some of the delegates are academics or specialists and others are ministry members. They would go over the meetings each person attended and give feedback on the progress of the Agenda items, SBSTA and SBA meetings from the day. Delegates on some days would come and report, then immediately return to the negotiation meetings that were running beyond time, which is typical of COP meetings. The delegates spoke openly about the politics taking place within the meetings and were aware of the proceedings of each other's works streams. I was surprised by the cohesion in the room, considering my prior understanding of some of the local level politics within Bangladesh. All members respected what each other had to say and gave

feedback or varying perspectives. There was a general sense of coordination and cohesion among the group of delegates.

One of the Bangladesh delegates is the lead co coordinator for loss and damage. P7, an active member of the Climate Action Network (CAN), explains there is a range of themes in the negotiations and introduces the coordinators for loss and damage under the COP who represent the LDCs. The role the coordinators take on representing the LDCs is crucial. Often countries from the global South like Bangladesh do not have the resources to send large numbers of delegates to COP. So, the overarching coordination of groups such as that of the LDCs plays a pivotal role of these countries being represented in a manner that they feel as appropriate. Countries are free to speak as individual nations in any track, however a lack of representation present at the COP can mean one individual may be assigned to multiple tracks, meaning they need to be present in multiple negotiation rooms at a given time. P2, a Bangladeshi academic and vocal advocate, explains that the LDC group for loss and damage has a coordination meeting every year, in order to draw up their collective strategy for the negotiations. They invite experts to come and contribute to the discussions, later involving other negotiating groups:

*“In between this from the 16th to the 18th of May the LDC group are having an LDC meeting in Bhutan, chaired by Bhutan, Hafijj will brief them on what to do, from an LDC perspective. Hafijj is the LDC negotiator in the loss and damage track. This is all his official activities. He will try and get the LDC chair, the LDC group to support our strategy going forward. Have a meeting in June have the chair come, be ready with a game plan for COP25.”* (Participant 2: Bangladesh Civil Society Member).

P2 explains that there is a strategy going into COP; LDCs coordinate across all negotiating tracks and ready themselves for the negotiations as a group. They identify what is important to them, how they are going to negotiate given agenda items and have a clear plan of where they are flexible and where they draw their bottom lines, and they may draft texts prior to the negotiations on certain points. This level of coordination allows for a cohesive argument to be built, alignment between different countries within a negotiating group and sometimes different negotiating groups and for a consistent message to be repeated coming from the global South about their expectations and requirements.

P2 further explains how the LDCs engages with other countries from the global South through pre-cop coordination meetings and the inter-sessional meetings. Through this coordination the collective group then has the ability to arrive at the COP with prepared plan, with draft documents and a strategic way of moving forward as a collective.

*“Now within the inside track negotiations, which we [Bangladesh] are involved, with Hafij on behalf of the LDC group. Reaching out to AOSIS, AILAC and the GAFS. LDCs have already established within COP24 a good working relationship, with the pre-COP workshop, so we are going to do that again. The four groups have got a game plan, this is what we want to do to work together on this. Our success was quite good at doing that in the past.”* (Participant 2: Bangladesh Civil Society Member).

This coordination allows for the countries represented within these four groups, to form a collective. It allows one person to represent a huge number of countries. When a resounding number of people stand up repeating the same message, there is a greater impact.

## **6.5 International obstacles**

In this section, international level challenges are discussed, that are causing stagnation of loss and damage within the COP process. Challenges to the development of loss and damage include a lack of knowledge or understanding and funding issues.

### **6.5.1 Lack of knowledge or understanding**

P8, a member of the UNFCCC engaged with loss and damage negotiations, explains that a lack of understanding of what loss and damage is leads to a lack of consensus around a definition for loss and damage. People also do not know what climate change and its impacts mean for the people experiencing the effects. P8 further explains that people tend to act after having an understanding of a given situation. However, this approach may lead to missed opportunities to tackle climate change and loss and damage. Waiting for further understanding may mean that the potential to act now and change the given situation will only diminish with time as the opportunities to react accordingly to loss and damage and to prevent loss and damage are reduced.

*“I think that one of the biggest challenges is we don’t really understand what loss and damage means. People tend to act once they understand, and by the time we understand the consequences of our communal choices as humanities, a lot of the changes will be locked into the system. Our biggest challenge is we are too slow, we don’t understand the consequence, by the time we do we will have missed those windows. We are going to have new windows of opportunity, but we are going to head into a new world and this beautiful planet we live in, we may not have those kinds of chances in the future.”*  
(Participant 8: Member of UNFCCC).

P8 explains that people generally move slowly or cautiously, wanting to understand the entire context and the potential outcomes of a given intervention. However, with this hesitation, there is less time to act, meaning that the potential to prevent loss and damages through actions implemented now diminishes. People want to make informed decisions, however on the flip side this is also used as a reason to stall processes and prolong action. While loss and damage is politically charged and in some circumstances dealing with very sensitive issues, for example the loss of lives, there are certain responses in the broader context of climate change that are clear solutions to current problems, such as the immediate reduction of carbon emissions. As further expanded on by P8 further below.

*“We are so short sighted in our decision making and the decisions that we are making basically by default, a hesitancy to act boldly in reducing emissions and changing our lifestyles. A lot of time it’s not rocket science. We know the right things to do. We don’t do them and we are going to, we already feel the consequences. I think a lot of those consequences will result in loss and damage, even though we don’t have a strict definition and we don’t know how to measure loss and damage. The negative consequences of our hesitancies are just getting started. I think that’s the biggest challenge for loss and damage.”* (Participant 8: Member of UNFCCC).

As described in the previous section and as highlighted in the above quote, the lack of knowledge around loss and damage is being used by some as a reason for inaction. However, the continued hesitancy in the process of addressing loss and damage, ultimately means there are no processes for compensation and genuine action plans for loss and damage being implemented. Rather a process of learning is taking place. P9, an active member of Climate Action Network, clarifies that although things are moving slowly there is the recognition that

loss and damage needs to be addressed and as such there has been research conducted under the Executive Committee of the WIM. Despite this, P8 would like to see loss and damage moving at a faster pace.

*“I can see that the issue of loss and damage is slowly coming up, not in the way that we want but the issue is now there right at centre in the international context and nobody can disagree. Things are moving there; I would say a little bit slowly. Let’s say there are many task forces under the Warsaw International Mechanism that are moving forward. Like non-economy losses, like task force on displacement, things are moving ahead, maybe in a slow level, but not at the pace that we want.”* (Participant 8: Member of UNFCCC).

Civil society members generally have a desire for discussions to move forward within the UNFCCC, and while they acknowledge that there is always room for learning, exploring examples of loss and damage, and disseminating knowledge surrounding loss and damage, civil society members engaged in loss and damage discussions would like to see some form of mechanism to deploy resources for dealing with the impacts of loss and damage, for example the transfer of technologies and funding for loss and damage. Civil society has played a massive role in framing loss and damage, bringing lessons and the stories of those effected by loss and damage, and understanding the potential impacts certain countries or people may face to the forefront of discussions within the UNFCCC.

### **6.5.2 Funding issues**

The concept of loss and damage, and in particular the way in which it might be addressed in Bangladesh, always comes back to the need for funding and support. All the interviewees in this research made it clear that they believed that those countries who had benefitted most through practices that have contributed to climate change, have a legal and moral responsibility to offer compensation through funding, technology transfer and expertise to those countries who were facing the repercussions of climate change most severely. The basis for this demand is reflected in international law: including concepts of ‘polluter pays’, human rights and the principle of ‘no harm’ (Setzer and Byrnes, 2019), (Khan, 2015), (Lyster, 2017). P7 summarises this view:

*“Obviously rich countries have an obligation to pay for loss and damage, because they are the ones who have caused the majority of climate change. The loss and damage that is being suffered stems from essentially their development. They got rich off the back of fossil fuels, which have gone on to cause climate change but now they don’t want to pay for the damage they have caused, in order to develop their economies and get rich. So, they have an obligation to pay for loss and damage, morally but also in international law if you cause damage, to another state you have got an obligation to provide restitution.”* (Participant 7: CAN member and advocate for loss and damage).

The establishment of WIM and the Paris Agreement (Article 8) reflect a very general notion that loss and damage should be addressed. However, both stand back from demanding accountability, liability and compensation from wealthier countries, and this has allowed discussions to become bogged down in vague recommendations about the potential role of the insurance industry or ideas about support that avoid any implication of accountability. This in turn is reflected in UNFCCC documents which acknowledge the need for ‘enhancing action and support’ which may include the need for finance, but fail to identify the fundamental issues of who should be paying for loss and damage, and discussions of liability and accountability. In this way funding is identified as ‘aid’ rather than ‘compensation’. P4 notes that:

*“I think the number one biggest obstacle is that it brings elements of liability and compensation that countries especially the US, but what would be industrialized countries have been avoiding since the UNFCCC was created. The notion of liability has been completely stricken out of every UNFCCC document for the last three decades. I just think they just don’t know what to do with that. So, I think you can’t get any clear language on it because anything that is definitive gets really close to compensation of liability and that just something, definitely the US and other developed countries don’t want in there, and they will just strike it.”* (Participant 4: Researcher and advocate for loss and damage).

P5 comments on the limitations of WIM to have provide any firm basis for action or results:

*“The developed countries put three conditions – no historical emission business; no reference to compensation; and no reference to a global insurance mechanism. If you*

*take these three out, then where are the teeth and nails of a loss and damage mechanism?” (Participant 5: Bangladesh delegation member).*

For the participants in this study the lack of action in progressing issues of liability are a source of considerable concern. They perceive rich countries as deliberately obfuscating and avoiding the issue. In essence it is a Pandora’s box that they wish to avoid opening, but this means that not only is funding not forthcoming, but the immediate consequences of loss and damage are not addressed either, so that the most vulnerable countries and communities are left to deal with the issues without any support. P7 summarises the issue:

*“I think this is really one main obstacles, people create other ‘obstacles’ in inverted commas in order to hide the main one. The main one is that rich countries do not want to pay. In my opinion it is the middle, the beginning, and the end of the argument or the objections/obstacles. So, they come up with all sorts of extremely tortuous reasons about why we can’t discuss this or why we can’t discuss that, because they are trying to avoid paying for loss and damage [...]By talking about enhancing action and support, setting that as a mandate, as one of the elements of the mandates of the WIM. Then that was reinforced in the Paris Agreement where they talked about providing finance on a collaborative and facilitative basis. So, they have agreed over and over again to provide support for loss and damage, but they keep (they, being rich countries) keep putting all the blocks in they possibly can, slowing all the talks down, making sure the WIM has no money to actually do much. So instead of talking about finance we end up talking about financial instruments and insurance in particular. So, they can help their friends in the insurance industry. So, there are multiple blockers on multiple fronts, in order to ensure they don’t have to pay for the damage they have caused by allowing climate change to unfold.” (Participant 7: CAN member and advocate for loss and damage).*

Although discussion of who is accountable and who should pay has been blocked or avoided, there is extensive literature and associated discussions exploring different financial mechanisms and insurance for loss and damage. However, as P7 emphasises in this quote, without conversations about accountability, compensation and funding none of the proposed mechanisms can move forward. P6 emphasised the crucial role that NGOs are playing in trying to move discussions along so that more innovative ideas of who should pay can be explored:

*“The question is more where the funds will come from and here you know particularly NGOs, not only NGOs, but the loudest, we are calling for implementation of the polluter pays principle so a carbon levy or a share of financial transaction tax going into loss and damage, things like that.”* (Participant 6: Advisor to LDCs on loss and damage).

Other interviewees in this research also noted the possibility of including a carbon levy, in the form of an international airline passenger levy, or a climate damages tax on fossil fuel companies. From their perspective such measures have the potential to target those directly responsible for climate change (as opposed to the idea of ‘insurance’, in which responsibility for damage can be overlooked).

NGOs, CSOs and academics have been at the forefront in making demands for compensation, and continually raising these issues in different fora including the UNFCCC. P2 for example, explains that while these discussions are not happening within the official meetings of the UNFCCC, NGOs and CSOs work hard to create spaces in which these discussions might take place:

*“On this issue of finance, at the end of the WIM meeting where NGOs are allowed to sit in as observers, we on behalf of the NGOs, if you are not going to take finance onto your agenda, to talk about it. Then we the observers are offering to hold a workshop on this topic at the intersessional in June in Bonn. Where we would like you to come, invite others and have a discussion around this issue. This offer is now made, we from the NGO side are planning.”* (Participant 2: Bangladesh Civil Society Member).

It is pertinent that civil society, despite their frustration with inaction inside the official tracks of the UNFCCC, has a space within the COP, in which they can have more ambitious and productive discussions. The civil society side of the COP (the green zone) allows for a broader range of topics and perspectives to be heard, and increasingly they provide an opportunity for the voices of developing and vulnerable nations to be heard. I observed that the closing plenary session of the SBI of COP24 was dominated by contributions from developing nations and civil society representatives talking about their disdain for the lack of movement and lack of funding for loss and damage.



## 6.6 Interplay

It is clear that loss and damage is a particularly contentious issue at both national and international levels, and that political and economic forces have effectively undermined the need for this aspect of climate change impacts to be addressed.

Bangladesh is the only country to have a draft policy on loss and damage. However, political issues have meant that progress on policy development has stalled. The policy itself still requires considerable research to ensure that it will adequately and effectively ensure that funding and support reaches those who need it in ways that are culturally appropriate and meet the demands of social justice, climate justice and human rights.

Reasons cited by politicians for not supporting the ratification of the draft policy rest heavily on the claim that funding for refining the draft policy should come from international sources. NGOs and CSOs argue that unless the policy is developed and seen to exist in a substantive way, the case for funding by the international community will not be strong enough to garner the respect and attention that the issue deserves. Representatives of NGOs and CSOs also perceive the lack of progress on the part of the government as due to conflicting agendas on the part of government agencies in terms of who ‘owns’ loss and damage. They are concerned that a lack of a national policy will mean that support from the international community for those negatively impacted by climate change will be provided in ways that are not locally driven, and will not adequately address issues of climate justice, nor necessarily be appropriate to the cultural context.

At the international level, some acknowledgement of loss and damage resulted in the drawing up of WIM and Article 8 of the Paris Agreement. However the refusal of the Global North to acknowledge liability, responsibility and accountability has effectively made progress on loss and damage in terms of really addressing the impact of climate change impossible. Essentially, the concept of compensation has been rejected (because it reflects underlying assumptions of cause/responsibility/blame). NGOs and CSOs have been proactive and consistent in raising issues of climate justice at international levels, despite the blocks that have been put in their way.

The interplay between these national and international political contexts means that any progress for Bangladesh in terms of addressing loss and damage has come to a standstill. As participants in this research continually asserted: this lack of action is not an option, because

climate change is happening and its impacts are most felt by those who have least resources, and have done least to cause the current situation.

## **6.7 Conclusion**

Despite these difficulties there is huge potential and willingness in Bangladesh (within the NGO, CSO communities) to make progress with the National Policy. There is also considerable support from the wider international community in terms of the potential for Bangladesh to provide leadership in how loss and damage might be used to address climate and social justice in other vulnerable countries.

Moreover, through developing their own national level mechanism, Bangladesh has the potential to inform other countries and the UNFCCC of the processes and structures they have put in place at a national level to address loss and damage. These local level actions then tie into the international negotiations through the presence and representation of Bangladesh at the international level. This national level movement allows Bangladesh to develop their local level approaches, responding to their own needs and highlighting the needs and support they may need from the international level. Additionally, this prepares Bangladesh for the flow of technology, funding, guidance, support and international response structures for loss and damage, as they arise, as systems are already in place and support has been identified and then voiced at the international level.

While Bangladesh at the national level has both strengths and obstacles to face, the potential to influence international negotiations alongside other developing nations is strong. Movement of a national level policy has vast potential to strengthen the success of loss and damage development and responses at the international level. Support from civil society both nationally and internationally is strong, and arguments of justice play a crucial role in the response and argument for loss and damage. The strength of the collective of developing nations will only proceed to push developed nations to respond to international demands and ultimately move loss and damage forward. This support and collective response allow those nations most affected by loss and damage to prepare themselves better when faced with further loss and damage at the national level.

## **CHAPTER 7: NAVIGATING THE STORM: DRAWING IT TOGETHER AND FINDING A WAY FORWARD**

### **7.1 Introduction**

The previous chapter explored the varying perspectives of CSO members at the national level and international level, their opinions on national loss and damage policy development, their engagement at the international UNFCCC negotiations and the potential interplay between these two different areas. In looking to answer the research questions, this chapter now discusses these findings, supported further with participant voices, engaging also with loss and damage literature some of which was presented earlier in the thesis. Discussions of the development of compensation, liability, the role of CSOs and Bangladesh in the international climate negotiations will ensue and a summary discussion concludes this research.

### **7.2 Bangladesh stakeholders negotiating the development of National Mechanism for Loss and Damage**

The following section responds to the first research question proposed in this thesis: How are key stakeholders within Bangladesh negotiating the development of a National Mechanism for loss and damage?

#### **7.2.1 Bangladesh National Policy**

The lack of an instituted loss and damage policy means that a mechanism for actions and practical steps within Bangladesh does not exist. The first draft for the National Mechanism for loss and damage was completed and presented in July 2017. The development of the policy drew on the knowledge of many of the participants from this research. To date, the draft policy has not been accepted, formalised or implemented by the government and remains in limbo.

The launch of a two-year work programme was announced in January 2019, but as of February 2020 approval from the finance ministry was still pending, and no work has taken place (Huq, 2020, Personal Communications). Clearly, if a policy is neither instituted or actioned, it will

have little impact on addressing the implications of loss and damage. On a practical note, without an instituted loss and damage policy, it seems futile to continue to speak of Bangladesh's development of a national mechanism to address loss and damage. As described by P4, as long as the national mechanism remains something in theory, it has minimal impact on addressing the multitude of issues faced. Until there is a framework in place guiding procedures and processes that are channelling actions, providing money or support to those affected by the impacts of loss and damage, little will be achieved. The proposed policy, when raised four years ago, seemed progressive and proactive, now there are many examples of real experiences of loss and damage (Huq, 2020, Personal Communications).

P4 among other participants, stated that until Bangladesh has implemented and has a functioning policy from which lessons can be learnt, there is little influence that the policy could have:

*“As long as the national mechanism remains a thing in theory then, not actually happening. I think most international folk don't even think or are even aware that Bangladesh is even trying to create a national mechanism on loss and damage. That said if one were to be created and it led to any sort of framework I think in a real way because of the status as one of the most vulnerable countries in the world. I think it would be something the international community would pay attention to.”* (Participant 4: Researcher and advocate for loss and damage).

There is hope, representation and a strong message at the international level from Bangladesh and other LDCs on will continue to show that there is a need to address loss and damage. Until there is a concrete policy or framework for addressing loss and damage in the wake of climate change impacts, the potential footprint Bangladesh can have as a leader on loss and damage is limited.

Bangladesh has a broad range of climate change policies, including the Bangladesh Climate Change Strategy Action Plan, National Adaptation Programme of Action, Nationally Determined Contributions and the associated funds the Bangladesh Climate Change Trust Fund and the Bangladesh Climate Change Resilience Fund. These policies address a broad range of climate change-related issues (Pervin, Barua, Immam et al., 2019, MoEF 2005). However, the lack of a legislative, institutional and policy-related mechanism to address loss and damage

impacts, presents a significant divide in holistic climate change mandate (M. Haque et al., 2018). The figure below outlines the three main pillars of climate change and links them with the associated national level climate change policies of Bangladesh. It also highlights that loss and damage has no established associated policy presently.

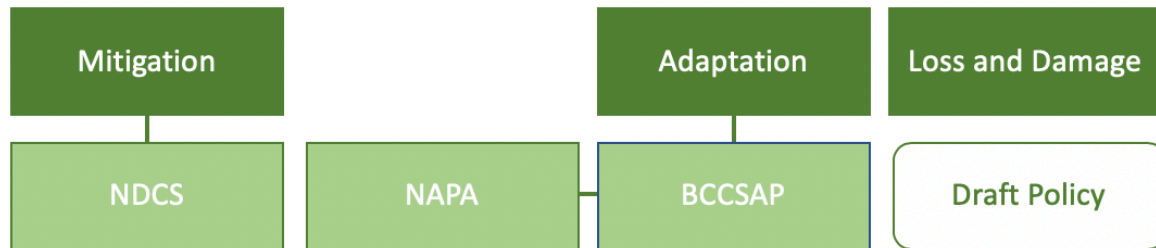


Figure 7.1: International pillars of Climate Change under the UNFCCC and related national policy

Source: Author

Developing nations, including Bangladesh, have long argued that loss and damage should be considered the third pillar of climate change approaches under the UNFCCC framework, and through the adoption of a climate justice approach, developing nations have been pushing for a compensation mechanism (Taub et al., 2016). The development of national policy would reflect this approach at the national level and would have the potential to tie into the UNFCCC framework proactively and responsively. P4 continued expanding on this idea.

*“I think it would be influential in shaping international agendas on loss and damage if it provided some sort of framework of it that could be based on. I think when it comes to climate change people look to Bangladesh or pay attention to what’s going on in Bangladesh as a place where it is really happening. If Bangladesh can figure stuff out on its own and tell the world how to do it even better.”* (Participant 4: Researcher and advocate for loss and damage).

Bangladesh has the potential to develop local, targeted solutions to loss and damage that are clear and efficient and appropriate.

On a practical note, adaptation and disaster risk reduction policies are reducing some of the impacts of loss and damage. Bangladesh has a range of policies, and while not explicitly

addressing loss and damage, they are playing an essential role in avoiding some of the impacts of climate change. Bangladesh has put in advanced efforts to integrate and coordinate disaster risk reduction (DRR) efforts and climate change adaptation (CCA) (Puig, Calliari, Hossain, Bakhtiari, Huq, 2019).

If Bangladesh fails to address the vulnerabilities and impacts of climate change, both presently and in the future, it becomes more apparent that they will be unable to address issues and protect those who are vulnerable against future projected impacts (Awal, 2013; Coirolo, Commins, Haque, Pierce, 2013). Loss and damage can be addressed in some part through social safety net programmes. Expanding or improving existing social safety net programmes and frameworks, including elements of losses and damages posed by anthropogenic climate change, would enable those most vulnerable to cope with these effects at the community and individual level (Coirolo, et al. 2013). An integrated programme that includes traditional safety social nets, coordinating between Disaster Risk Reduction and Response, Social Safety Nets and Climate Change Adaptation would contribute significantly (Awal, 2014). Currently, social safety net programmes criteria and targeting criteria are homogenous across the country, thereby failing to account for the many dimensions faced by their target audience (Coirolo, et al. 2013). These social safety net programmes do not account for social circumstances or livelihood resilience; also, they fail to recognise the added impacts of climate change.

As this research has highlighted there is a need for a coordinated policy response from the Government to address loss and damage. In order to do this, there is a need to improve targeting mechanisms, especially in the broadening context of climate change and its associated loss and damage. Targeting requires the consideration of geographic location, intensity of disasters and the consideration of slow-onset climatic events (Awal, 2014; Rahman & Choudhury, 2012). Disaster response activities in Bangladesh are currently positioned across roughly 20 agencies that include a variety of ministries and CSOs, and this means that the management of response efforts and distribution coordination is a difficult challenge when responding to disasters promptly (Coirolo, et al. 2013).

This research has highlighted also the difficulties in coordination across ministries and across electoral cycles, and the current lack of engagement from Government on loss and damage. Therefore, without a coordinated effort to address loss and damage from the government, the role again will fall on civil society networks and NGOs to address loss and damage, through

associated programmes or social safety nets. While this is in some form an answer to loss and damage, as described above currently these programmes fail to distinguish between those who are vulnerable and between those who are vulnerable to the effects of climate change (Awal, 2013).

Social protection instruments theoretically can be used to support adaptation goals, thereby reducing the impacts of loss and damage. However, these frameworks need a massive overhaul to address the risks, shocks and vulnerabilities faced. The expected increase in loss and damages from intensifying effects of climate change will require social safety net programmes to be redesigned, including the development of targeting, administration and funding. This process would improve the government's ability and capacity to manage, monitor and evaluate social safety net programmes in the light of climate change (Coirolo, et al. 2013).

The process of developing social safety net programmes in order to address loss and damages will, however, require inputs from the government, including research, funding, and policy development. As this research has suggested throughout, without the resources to address loss and damage, whether from the Government at the initial stage or whether from international funding, there is little civil society can do to address loss and damage at the local level. The proposal of social safety net programmes is one new way of managing loss and damage, without replicating existing frameworks, allowing loss and damage to be incorporated into already existing programmes and tools. Building on an existing framework that has proven to in some part to address the vulnerabilities that exist in the country seems more productive than the alternative. Without addressing the long-term effects of climate change the government will by default undermine their current efforts of forwarding other human development and human rights outcomes in Bangladesh. A coordinated effort and recognition of loss and damage is needed by the government to bring in coordinated policy response.

### **7.2.2 Bangladesh, a leader on loss and damage**

As highlighted in this research, Bangladesh has shown a remarkable level of leadership and has the potential through a national level policy to expand this leadership role and exemplify that they are not passive actors in climate change discussions by implementing a national level policy. P8 explains this here:

*“It is remarkable for a least developed country like Bangladesh, to say hey we are going to do this. We are going to set up a mechanism and this is so important that we are just going to dive in and do that. It’s great that a country would do that it’s a great example and, in a way, that it sends to the international community is that a country like Bangladesh is doing what they can, it’s not waiting, it’s not passive. It’s really actively showing leadership. Both, moral leadership, intellectual leadership, as well as really practically getting it done. I think that’s really positive”* (Participant 8: Member of UNFCCC).

Bangladesh has emerged as a leader in climate change. As a vulnerable nation accustomed to dealing with the impacts of climate change, (Ali, 1996) Bangladeshis have a vast range of knowledge on the ground and at the policy level dealing with the impacts of climate (Haque et al. 2019). In 2009 the Government developed a comprehensive climate change strategy and action plan, alongside a national fund for climate change using their own resources, the first country globally to do so (Haque et al. 2019). This is an example of Bangladesh’s leadership, which has sent a message to the global community that despite being a developing nation they are willing to tackle climate change head on, despite governance issues and limited resources. The vibrant CSO community has greatly contributed to the expansion and success of the Governments actions around climate change and are now pushing for loss and damage policy development.

The range of leadership displayed by Bangladesh is varied. From the perspective of the negotiations, Bangladesh delegates and the Government, have used different diplomatic and negotiation tactics and skills, setting the agenda on loss and damage and prioritizing this issue. From a CSO perspective, members have organised side events, given presentations, engaged in discussions and helped initiate the declaration of Bangladesh’s National Mechanism, shaping the framing and discussions on loss and damage within the COP (Corneloup & Mol 2013). This entrepreneurial or moral leadership has given voice to the perspective of Bangladesh on loss and damage, influencing the manner in which loss and damage is presented in the context of institutional bargaining, bringing a multitude of willing actors together (Young, 1991).

Moreover, Bangladesh actors have also contributed greatly to the science and the framing of loss and damage concept, the knowledge generated has greatly influenced the movement of



loss and damage discussion within the UNFCCC as explored within the previous chapter. The knowledge generated has informed the formation of new concepts and innovative solutions and has greatly influenced the perspectives of those involved and helped influence the positions countries represent in the negotiations (Andersson & Mol 2002). This intellectual leadership has had a strong impact on shaping the arguments for loss and damage, specifically from a climate justice perspective (Corneloup & Mol 2013).

In terms of advancing the loss and damage discussion, Bangladesh could greatly improve their role as leaders if they developed a national level policy and associated practices. By doing so they would show their continued commitment to tackling climate change. It would also legitimize the position they hold as climate change leaders and specifically on tackling loss and damage within the negotiation position and thereby build greater leverage within the negotiations (Andersson & Mol 2002). This sort of environmental leadership would solidify the reality of loss and damage, build on the interests and ideas they have previously expressed and further the discourse on loss and damage (Corneloup & Mol 2013).

Leadership is closely aligned with the idea of power (Baillat, 2018). Baillat (2018) describes Bangladesh as a “Weak Power Climate Leader”, by which she means the ability for Bangladesh to transform their vulnerabilities to climate change into a comparative advantage, by increasing their influence in the negotiations. The above described leadership style has contributed greatly to the increased presence of Bangladesh within the UNFCCC negotiations. Developing a national policy for loss and damage would respond to the currently excluded loss and damage elements within existing national climate change policy and further broaden the argument for loss and damage in the international arena and strongly support the continuation of the argument for climate justice, liability and compensation.

### **7.2.3 CSO community and policy development**

The role of CSOs and civil society members as advocates has been pivotal in loss and damage policy briefing and development at the local level. Realistically the only pressure and activities keeping loss and damage relevant in this context have been performed by a small number of individuals from CSOs. The strength of these actions had kept some pressure on the government, maintaining awareness of loss and damage developments and awareness of the small movements that have taken place under previous ministers. While Bangladesh aligns

itself with LDCs and other developing nations on this issue within the international negotiations, locally, the internal politics means no one ministry has managed to take the drafted policy and turn this into anything of substance. Until someone within the current relevant ministry recognises and responds to the challenges and obstacles and takes the role of forwarding the movement of this policy as a top priority, it will remain in the hands of CSOs.

There have been huge difficulties in getting ministries to prioritise loss and damage. Nixon (2011) discusses the notion of politicians adopting environmental issues, including those of climate change, explaining that often these issues are added to Ministers' portfolios when there are resources available and soon dropped when resources become tight. Preventative policies and legislation that address actions, what Nixon (2011) describes as "slow violence" such as loss and damage, do not deliver electoral cycle results, therefore they are often not prioritised, despite the long-term benefits of addressing preventative or remedial issues. Considering that loss and damage currently has no funding, this further impedes the political will to adopt and implement further actions. Functional policy again is limited by the lack of resources and the politics of short-term electoral cycles, which means that underfunded or overstretched ministries, who are best suited to implement this policy lack the political motivation to do so.

Civil society organisations have long played an essential role in representing the most vulnerable, advocating for the rights of those people or communities. CSOs have a long tradition also of putting pressure on governments. While this has been the case regarding a national level mechanism to address loss and damage, it is difficult to maintain this pressure across many election cycles. In 2019 a new set of ministers came into power after the recent electoral cycle, the third cycle of ministers to now potentially engage with the drafted loss and damage policy. CSOs working on loss and damage again have to introduce these new ministers within the MOEFCC and the MDRR to the idea of loss and damage, again beginning the cycle of building their awareness of this issue and educating them on why this is something Bangladesh needs to be addressing. While many environmental issues, including climate change, are viewed as critical, they are not considered urgent. As noted previously, this then leads to generational cycles of politicians deferring action on specific issues, adding to a pile-up of deferred actions (Nixon, 2011).

The frustration displayed by civil society representatives' comments on funding and state delay tactics was palpable during my interviews. This lack of movement has greatly impacted the

lack of movement on the agenda of loss and damage, and is due in part to the absence of exchange between CSOs and government, despite the efforts of CSOs. CSOs have been active participants in the areas of economic development, poverty alleviation, climate change planning and disaster management capabilities within Bangladesh. Despite this and the long history of CSOs engaging throughout Bangladesh's history, CSOs involved with climate change issues are still at the early stage of engaging the wider CSO community and the government on the challenges of impacts. There are three potential contributing factors to the limited uptake of loss and damage action amongst CSOs that have been distilled from this research. Firstly, CSOs are largely funded by external donors, meaning they are resource dependent on foreign sources. As a result, this often defines the scope and agenda of the projects and the advocacy roles CSOs take on. Pointedly, climate change especially issues related to loss and damage planning, are not included in broader programmes and interventions, or given their own mandates within an organisation. Secondly, due to close donor ties and other contributing factors, CSOs are not aligned in their approach towards activities, often working along fragmented pathways. As a result, they lack networks among themselves and the public sector and as a result are less effective in knowledge sharing and building greater influence (Pervin et al., 2019). Thirdly, climate change issues, including adaptation and loss and damage, have not been mainstreamed into the agendas of CSOs across all sectors. Climate change is not being treated as a cross cutting issue, despite the fact most CSOs programmes and projects and the lives of those they seek to support will be directly or indirectly affected by climate change (Pervin et al., 2019). To truly address climate change impacts, mainstreaming of this issue is needed within the mandates of CSOs. Furthermore, there is a need for widespread financial and technical and technological support needed from the international community, for this to be implemented there are also the need for pre-conditions, of proper governance structures, financial mechanisms and well-functioning and coordinated CSOs.

### **7.3 Bangladesh stakeholders negotiating the discourse of loss and damage at the global level**

This section now moves away from national level discussions, to answer the second research question which asks: How key stakeholders within Bangladesh [alongside other developing nations] are negotiating the discourse of loss and damage at the global level?

### 7.3.1 Alliances and climate justice

Developing country delegates and civil society representatives have navigated the difficult discourse of loss and damage and have contributed significantly towards the framing of loss and damage as the third pillar under the Paris Agreement. Developing nations have framed loss and damage largely along ethical and legal lines, incorporating arguments of climate justice, fairness and equity (The Mary Robinson Foundation (2019). This framing has allowed for the conceptualisation of loss and damage within international discourse (Vanhala & Hestbaek, 2016). Through the use of this framing, developing nations have highlighted that climate change threatens the survival of entire nations, those often with the least capacity and resources to cope with the impacts and those who will disproportionately suffer from the impacts of climate change. This has by no means been an easy pathway; the inclusion of Article 8 in the Paris Agreement and the development of the Warsaw International Mechanism has been a difficult and highly political process. Developed nations have attempted to subvert loss and damage arguments into adaptation, disaster risk reduction and humanitarian frameworks, pacifying the demands of the developing nations and attempting to frame developing nations as indigent passive recipients ready to receive yet another form of ODA funding (Calliari, Surminski, Mysiak, 2019).

Alongside this, the use of scientific evidence specifically in relation to attribution issues has been employed by developed nations to negate both the ethical and legal arguments of developing nations (Calliari, Surminski, Mysiak, 2019). As argued in Chapter two, developed nations have further politicized the issue through claiming it is inappropriate to give market values to non-economic damages, including the loss of lives, livelihoods and other assets of the most vulnerable peoples. Despite this, developing nations have institutionalized loss and damage as something beyond adaptation both through the introduction of the Warsaw International Mechanism on Loss and Damage in 2/CP19 and as a separate Article under the Paris Agreement (Serdeczny, O., Waters, E., Chan, S. 2019).

Power relations are an important consideration to make when considering the role of different actors within the climate change negotiations, as argued in chapter three. Those countries with more resources and who can send larger delegations to engage in the climate negotiations have a perceived sense of stronger negotiating power, seemingly resulting in achieved outcomes

mirroring levels of negotiating power. However, the ability of developing nations, despite the lack of resources and capacity to engage in the negotiations in the same manner developed nations, has been through the use of discursive or collective power (Calliari, Surminski, Mysiak, 2019). The strong ties and coalitions built between developing nations has contributed largely to the shaping of climate change arguments and the resulting Paris Agreement document and particularly in regard to loss and damage. Developing nations have worked in a manner that has allowed for significant outcomes (Calliari, Surminski, Mysiak, 2019). The outcomes of COP24 with the inclusion of loss and damage reporting within the Paris Rule book, at the last minute, once again shows the use of discursive power and developing nations ability to push for more equitable outcomes within the UNFCCC.

Loss and damage under the Paris Agreement has never had an equal footing with mitigation and adaptation under the Paris Agreement, however COP24 saw the (mostly) finalised guidelines for the PA under the Paris Agreement rule book. The rulebook contains rules and guidelines detailing how the Paris Agreement will operate in practice, including individual countries Nationally Determined Contributions (NDCs), and how they should review and communicate their NDCs moving forward, with the view of updating their NDCs every 5 years (Cogswell and Dagnet, 2019). Until COP24, Article 8 had no cross reference to any of the seemingly associated Articles of the PA, including the Purpose of the Agreement (Article 2), in reference to the need for ambitious efforts (Article 3) nor the transparency framework (Article 13) and the global stock take (GST/ Article 14).

However, with vehement efforts by the LDCs and other developing nations in the final days of negotiations at COP24, loss and damage was included both in the GST and the transparency framework under the Paris Agreement rulebook. This framework will allow for the inclusion of official reporting on the impacts suffered both in the past and those expected in the future, furthermore, the planned actions to avert or minimize these losses and damages and the implementation mechanism for these activities. This allows for countries experiencing loss and damage, to disclose the support they need to address these impacts. This reporting will then contribute greatly to the five-year reports of climate change action through the reports of the GST (Serdeczny et al. 2019).

The successes of developing nations to shape certain outcomes in the negotiations, evokes questions of how nations seemingly lacking in power and thought to be historically passive

(ref), manage to challenge asymmetric power relations in order to achieve desired outcomes in international climate negotiations. Power dynamics are hugely relevant when looking at the outcomes achieved within the negotiation setting(ref); they are complex, with asymmetric and multilayered attributes (Calliari, Surminski, Mysiak, 2019). CSOs have contributed greatly to levelling the power asymmetries often filling the void of specialist knowledge, capacity and resources of developing nations (Banks, E., & Hulme, D. (2012). Moreover, the legal and ethical argument used in framing loss and damage (which are further explored in the next section) are a means through which developing nations have accomplished sidelining some of the interests of certain parties, putting parties on a level footing in regard to loss and damage negotiations. This research has showed the power of collectives of developing nations, of communication within the Bangladeshi delegation and across the different delegations, and the commitment by CSOs and how these groups have worked collectively influencing the process of negotiations and forwarding climate justice arguments for loss and damage. The research suggests that developing nations, including Bangladesh, use the building of alliances, through LDCs and through broader networks from the global South, come together to negotiate on behalf of their given groups, but also strengthen their arguments through these broader networks. Arguments for justice tie these groups together and the strength in this negotiation style allows for those countries from the global South to challenge power asymmetries within the COP negotiating process.

### **7.3.2 Loss and damage and traditional development aid**

Loss and damage challenges the traditional perceptions of Traditional Overseas Development Assistance (ODA). ODA has long described the relationship of financial transfers between the global North and South, measuring a narrow set of activities of project-based nature (Slater & Bell, 2002). ODA has served a wide range of political, economic, social and cultural activities (Severino & Ray, 2010). However, the main force driving interventions has been geopolitical. It has been a means through which nations have maintained a say in former colonies in both economic and political realms (Severino & Ray, 2009). Developing countries have long been the recipients of funds, that have focused on a small set of development goals, functioning on a project by project basis, with the aggregation of development programmes aiming to address broader structural issues and promote convergence between colonisers and their colonies (Slater & Bell, 2002). ODA was initially designed to measure OECD contributions with little

input from recipient countries, resulting in a long association with patronising practices (Slater & Bell, 2002). Loss and damage and climate justice seeks to flip this traditional perspective of its head, recognising that loss and damage seeks compensation, and should be treated in a manner that changes the traditional perceptions of ODA. It is not at the will of the global North to give as much funding as they see fit, rather it is owed for the damages and losses they have directly caused. The research has shown different ways in which Bangladesh has done this, for example, as Bangladesh has built itself into a climate change leader.

Today there is a recognition of the profound social divide and the interdependency between the global North and South. In a short space of time, the expansion of global challenges, (including and compounded by the demands of climate change), have come to the forefront of the international agenda. Moreover, the recognition that the current global system is ill-equipped to manage and cope with the set of challenges we are facing, that of loss and damage. A national-level development of a policy for loss and damage is only one example of how these former colonies are challenging the historical systems and the long association of developing nations as passive recipients. It exemplifies that developing countries are not only engaged in their development, but they are willing to challenge long engrained global narratives and the structures that these narratives perpetuate (Severino & Ray, 2009).

Traditional ODA systems are still used to account for and stand as a “benchmark” for the official flows between the global North and global South. However, they fail to acknowledge the roles that the global South now participate both in its own and others development (Severino & Ray, 2009). Developing nations continually contribute to financing global policy and agendas. They are demanding to be heard, through developing their contributions towards global policy and through finance (Severino & Ray, 2009). Developing nations, often the most vulnerable to climate change impacts are no longer willing to sit by as passive participants. The production of hyper collective action against global challenges leaves no space to structure international policy of action around an outdated authoritative system. Collective thinking, discussion, negotiation and action is the only way forward. There is no more extended room for top-down decisions.

The North-South divide created in the context of loss and damage, is perhaps a contributing factor to the stagnation and the politicization of loss and damage (Toussaint & Blanco, 2019). Those “most vulnerable” to the effects of loss and damage have been framed in two differing

ways. One is in the context of geographic locations, (those people from small island developing states and those in low lying coastal areas) and those from particular areas already effected by extreme drought as described by IPCC reports. These geographically aligned countries described largely fall into the categorisation of developing countries. The other being those who are economically vulnerable, this categorization however, expands further than borders. Those in both the global North and the global South who come from economically disadvantaged communities will face the consequences of climate change and loss and damage at greater rates. Reframing loss and damage as a global issue, an economic issue as opposed to a geographic issue would further build collectivism on addressing loss and damage, as opposed to an issue purely affecting the global South (Toussaint & Blanco, 2019).

While the ability to depoliticise arguments of loss and damage may be true, what it fails to acknowledge is the long-rooted histories that affect issues of attribution and compensation. Developing nations strive to gain acknowledgment of these issues through arguments of climate justice, particularly on the issue of loss and damage. Moreover, loss and damage arguments highlight the need to recognise developing nations as engaged participants active in their own development, following their own path of development into the future as those who are going to be most greatly affected by climate change's loss and damage. The nations projected to experience and who are already experiencing loss and damage, have not followed the same development trajectory as their western counterparts who are largely to blame for anthropogenic climate change. These nations have not developed as a result of the consumption of fossil fuels, rather they have suffered from unfair resource extraction and now disproportionately face the effects of climate change. For decades the global South has been following the mandates and funding from western nations in order to achieve "Development", in a manner that is no longer sustainable.

Moving forward into the next section these issues of the dichotomy on the perspectives on loss and damage between North and South are further discussed.

### **7.3.3 Evading responsibility**

The global North continues to evade responsibility for their contributions to the current climate change situation, through different actions they continue to perpetuate the current inaction in North-South climate negotiations. The use of constructed ambiguity is one of the many tactics



used to evade responsibility by the global North demonstrated throughout this research. Addressing issues of justice and inequality are central to addressing international cooperation on the development of climate change policy. Scholars have long argued the reasons why and how the global North continues to stall international negotiations, including self-interest, bargaining power, and coercive forms of power (Timmons, 2008). However, an often less talked about perspective on this topic is the use of constructed ambiguity. The use of ambiguity is intentional, 'it is not just a passive failure or a deficit in governance, but also a resource that is often constructed,' (Khan, 2013, pg.75). Ambiguity is often persistent within organisational structures, documents, and practices, due to unintentional or intentional introduction. While the intentional introduction of ambiguity allows for flexibility in policy, this often results in power struggles. Ambiguity allows for multiple parties to interpret given policy or interject meaning into or take meaning out of a given policy strategically, by those in the position to take advantage of this strategic power (Best, 2008). The use and perpetuation of constructed ambiguity to evade responsibility by the global North, includes the use of stalling tactics within the negotiation room, the dulling of wording in UNFCCC documents (specifically the Paris Agreement), the exclusion of any reference to compensation and liability, and the limited linkages of Article 8 to other articles in the Paris Agreement Rule book. The use of constructed ambiguity has framed the portrayal of differing perspectives seen from the global North throughout this research. While ambiguity has been used to allow for the framing of loss and damage and its current existence within the Paris Agreement. It has also been used as a source of power through which the global North constructs a given interpretation of the meaning of loss and damage, and what their role in addressing loss and damage is according to the existing international frameworks, avoiding responsibility and arguments of climate justice.

Loss and damage discussions and the use of constructed ambiguity in associated discussions has transpired in a lot of distrust between the global South and the global North, little reciprocity has been seen in loss and damage negotiations. Between Western nations there is a deep-rooted level of trust, western nations have a long history of joint collaboration on a wide range of policy and development ventures in the global South. However, no such history exists between the North-South, rather a relationship of colonialism and top-down development practices under the guise of partnerships. North-South relationships are often characterised by high levels of mistrust and significant power asymmetries, which is seen and reflected throughout this research (Slater & Bell, 2002). Those from the global South want to see a

recognition of liability from the global North as a reflection of them recognising their past wrong doings and as a change in the norm from traditional development practices.

#### **7.3.4 Liability and compensation**

Beginning by unpacking the perspectives of climate justice, my research highlights how important justice arguments are for demanding global North countries be held accountable. Several participants spoke of climate change as a moral and legal issue, a theme which is taken up in the work of climate justice scholars and activists. In this section, I outline keyways in which climate justice scholars suggest moving forward with mechanisms for loss and damage.

Climate Justice frames climate change as both an ethical and political issue, using science as the background for its argument, and responding to scientific knowledge to further build the argument (The Mary Robinson Foundation, 2019). The need for liability in response to loss and damage is an argument that climate justice advocates seeks. Climate justice argues climate change is both a moral and legal issue, acknowledging that as a global issue, that needs a fair and equitable approach not solely an environmental or physical issue. Climate Justice brings a range of legal concepts to the forefront of climate change discussions, including environmental justice, social justice, human rights, collective rights and historical attribution (The Mary Robinson Foundation, 2019). Legal arguments of climate justice only continue to develop, using a broader range of legal arguments, and bringing international frameworks into the discussion, including international human rights law, the concept of No-harm and the Polluter Pays Principle. The expected impacts of climate change including loss and damage are to have on human rights is well recognised and is also included in the preamble of the Paris Agreement (Setzer and Byrnes, 2019).

Climate change litigation continues to be viewed as an avenue to influence policy outcomes and private sector behaviour. These arguments are being used for litigation in two different manners, routine cases and strategic cases. Routine cases are exposing courts to climate change arguments, although these cases may have come in front of the courts regardless, the framing as climate justice cases are new. Moreover, strategic cases take a more visionary approach, challenging public and private accountability, aiming to seek broader influence through policy change. While these cases tend to focus on mitigation and adaptation efforts, loss and damage

cases against emitters are increasingly taking place, regarding compensation (Setzer and Byrnes, 2019).

International law, whether based on a series of customs or a treaty has a different role to play in international climate litigation. Despite the lack of movement under the UNFCCC's Warsaw International Mechanism on loss and damage, CSOs are using international frameworks to initiate movement on loss and damage outside the UNFCCC framework, questioning how human rights issues can be applied in international law to address the issue of loss and damage. Moreover, the application of the no-harm principle and the polluter pay principle is relevant to climate change as it attempts to hold accountable the legal responsibility of developed nations for their GHG emissions and demand climate justice.

Overall the impact of litigation strategies aims to seek some form of liability, pushing for those actors who have caused damage to be held accountable for their actions presently. While there are issues surrounding the forwarding of litigation action, what the overarching outcomes that litigation actions are asking for is recognition and ultimately forwarding climate change action around loss and damage, outside of the UNFCCC frameworks (Sands, 2016).

Moreover, as litigation strategies push for liability, suitable financial instruments are needed in order to compensate those effected by loss and damage. Given this mandate of the WIM, the resulting list of financial instruments included in the work programme of the WIM resulted in the research into comprehensive risk management capacity with risk pooling and transfer; catastrophe risk insurance; contingency finance; climate-themed bonds and their certification; catastrophe bonds; and financing approaches to making development climate-resilient (FCCC/SB/2014/4). Each of these financial mechanisms raised issues of justice and equity, asking who would pay for the losses and damages and whether these approaches would help those countries facing permanent damages from climate change (Roberts et al. 2017).

Most instruments highlighted for discussions focus on insurance mechanisms of different forms. Many CSOs argue that insurance is a type of band-aid and may not be an appropriate solution for slow onset events, ongoing occurrences, or non-economic loss and damage (Munich Climate Insurance Initiative, 2012). The idea that developed nations should acknowledge, "the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in

accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, “ (UNFCCC 1992, pg. 1). By definition, developed nations with the economic potential to do so, should take on the costs of development and operating costs of varied insurance approaches (Roberts et al. 2017).

Insurance mechanisms are the dominant means through which climate financing is discussed under the UNFCCC WIM, especially in the form of regional insurance pools and micro-insurance structures. Funding inputs into these insurance mechanisms continue to be framed as humanitarian-based aid on the principle of solidarity, rather than about compensation (Bayer, Surminski, Bouwer, 2019). Insurance allows one party (a nation, region) to transfer risk, in this case, associated financial impacts as a result of loss and damage to another party, the insurer. This results in the transfer of financial risk ex-ante, guaranteeing payouts in the case of agreed-upon losses and damages from disasters, or climate events after the fact, ex-post (Bayer, Surminski, Bouwer, 2019, Gewirtzmam, et al., 2018,) allowing those most vulnerable to transfer their risk to parties of a relatively stable financial basis, in exchange for an insurance premium (Gewirtzmam, et al., 2018). Three of the most dominant versions of this insurance coverage comes in the form of comprehensive risk management capacity with risk pooling, and transfer, catastrophe risk insurance and contingency finance, descriptions and relevance of their application are described below.

Innovative financing for loss and damage, however, provides new combinations or adjustments to existing instruments and resources currently available, rather than new financial instruments aimed exclusively at addressing climate change. Innovative financing refers to a range of non-traditional mechanisms to raise additional funds for climate financing through “out of the box” financial mechanisms. New innovative proposals such as the International Airline Passenger Levy, (Durand, Hoffmeister, Roberts, 2016., Chambwera, Njewa, & Loga, D. 2018), and the Climate Damages Tax (Richards, Hillman, Boughley, 2018 & Wewerinke- Singh & Salili, 2019), alongside others can be designed, implemented and regulated to prevent climate change impacts felt by the most vulnerable to loss and damage. They have the potential to hold those liable for climate change damages accountable and provide much needed funding for loss and damage (ActionAid, 2019.)

A recent study produced by ActionAid (2019) found that no current proposed market-based mechanisms account for or incorporate a human rights-centered approach towards finance for

loss and damage impacts. A market-based mechanism generally maintains the norm with the burden placed on developing nations. Moreover, market-based mechanisms lack transparency, accountability and participatory decision-making, failing to include those most vulnerable to the impacts of climate change in any real manner (ActionAid, 2019).

The inclusion of non-insurance tools is also paramount, given insurance tool limitations to directly address losses associated with slow-onset events or non-economic loss and damage. Innovative tools for finance provide external sources of financing outside of traditional market-based methods (Hoeppe, 2016). However, there are currently still huge gaps around these mechanisms and tools. These gaps include but are not limited to how these mechanisms will be implemented and how they will support the initiatives that developing countries most affected have begun to develop and will continue to do so as loss and damage becomes more of a reality (CIGI, 2016). Moreover, innovative tools for financing are providing the burden of financing and managing the impacts of loss and damage away from those developing nations, back on to those countries who have contributed most to climate change and its impacts.

As discussed, there is the need for the Global North to accept liability is crucial in moving practical responses to loss and damage forward. Moreover, loss and damage needs appropriate funding, generated in a manner that fairly compensates those affected by loss and damage.

### **7.3.5 Mainstreaming loss and damage**

Mainstreaming loss and damage into national level policy is paramount. The ability to develop a framework and funding structure to tackle loss and damage would largely improve current climate change policy. While there is policy targeted at mitigation efforts and more pointedly at adaptation efforts, making local responses more suitable and bringing loss and damage into the fold of local climate change policy will further ready Bangladesh for loss and damage as it is mainstreamed internationally and impacts the country more. The recognition by Government and CSOs within Bangladesh of the expected impacts of climate change are well spoken about and understood, so it is essential loss and damage is addressed through policy.

The potential interplay with the UNFCCC process and local level loss and damage policy has been spoken about broadly (section 7.1) in this research. The example of Bangladesh developing their own policy would firstly set an example of a least developed nation addressing

loss and damage head on. Through integrating this practice into existing social safety net programmes and disaster risk response practices, Bangladesh could give a specific example of the processes put in place and the level of funding required to do so. Again, Bangladesh has the potential to lead the way in developing more knowledge on loss and damage and furthering their leadership role within the UNFCCC.

Moreover, the additional pressure and leverage that could be used would send the message to the international community that loss and damage is not to be relegated to the “too hard basket”. LDCs and other developing nations are not willing to sit by, they are fighting for climate justice as active participants in the development of loss and damage policy and its development in the UNFCCC. Bangladesh alongside other LDCs will continue to push for compensation and the liability and push for loss and damage to be viewed in the same manner in which mitigation and adaptation are viewed and addressed within the UNFCCC. CSOs are instrumental in this process, as they have been key players in driving loss and damage thus far, moreover, they are often those working at the community level and understand the national, and community level needs. CSOs have championed climate action and specifically action on loss and damage, because they understand the need to compensate those most affected.

Mainstreaming loss and damage in policy is crucial, as climate change is mainstreamed into development practice, there needs to be clear considerations around, what communities and individuals experiencing loss and damage need (Awal, 2013). Solutions need to be relevant and not imposed and specific to the situation of loss and damage in the given country. However, the most important consideration in this is that loss and damage funding is not and should not come in the form of traditional development aid. Funding for loss and damages needs to be in the form of compensation and address the causation of these impacts, that being the anthropogenic climate change as a result of the emissions by the global North.

## **7.4 Creating the climate for change: Summary**

This research has shown the crucial role civil society actors play in both the momentum of the loss and damage national policy in Bangladesh and also the role they play in the international negotiations. This research contributes to the limited literature available on loss and damage

particularly the role of stakeholders. The contribution adds the understanding of CSOs role in both climate change and development policy.

At the National level, it can be concluded that a Bangladesh national policy is needed so that their case for compensation is strengthened. Bangladesh needs a national policy so that local, targeted solutions to loss and damage are transparent, efficient, appropriate and not imposed. Moreover, Bangladesh is in a prime position to become an international leader on loss and damage and developing a national mechanism would strengthen their current position significantly.

The research found that CSOs have been instrumental in identifying the need for loss and damage both at the national and international level. Their experience is crucial in policy development within Bangladesh, and they will continue to play a vital role in advancing loss and damage discussions and responding to loss and damage on a practical level.

At the international level, it can be concluded that the strength of alliances Bangladesh has formed with other vulnerable countries will continue to strengthen arguments for climate justice and challenge the current position of the global North. There needs to be the recognition that loss and damage cannot be addressed within a framework of traditional development aid. Also, compensation must not be just considered another form of ODA. Moreover, the global North needs to accept liability and contribute to the varied funding mechanisms for compensation.

Lastly, loss and damage should be mainstreamed in both international and national discussions of climate change. CSOs are instrumental in this process of mainstreaming loss and damage into national level practices. It needs to be understood that loss and damage is at the heart of addressing climate change and cannot be relegated to the 'too hard basket'.

Loss and damage is an incredibly complex and contentious issue. Loss and damage requires more research, especially in areas less spoken about in the research, such as innovative finance and non-economic loss and damage. Climate change is such a changing field of research and policy, any policy that is developed in Bangladesh should be ever-evolving and responding to the needs of the current situation. There is no sense in a final concrete policy and any

implemented policy must be open to negotiation, renegotiation and reformulation, so it can respond to the ever-changing elements of climate change.

On a personal note, although the process seems complex with many institutions and governments that are resistant to the issue of climate change, specifically loss and damage, it is easy to feel pessimistic engaging with the issue. However, there is strong evidence that CSOs and individuals are demanding that governments respond. The strength of CSOs has been leading the discussion and the discussion of loss and damage in Bangladesh accentuates the importance of civil societies, communities and individuals in the fight against climate change.

Public opinion and outpouring for those experiencing loss and damage on a personal level is real. Climate change is at the forefront of the public domain, and the recent Australian bush fires, only highlight the reality of climate change and loss and damage. The awareness globally, particularly in the west, that loss and damage is a lived experience for many across the globe, is demonstrated in the outpouring of aid for those experiencing the consequences of the impact of climate change. It will be interesting, to follow the outcomes of the Australian bush fires and how a developed nation, (whose government is hugely opposed to loss and damage discussions within the UNFCCC negotiations) will manage the aid, how loss and damage will be addressed and how loss and damage as a concept will become relevant in this context.

Clearly New Zealand will also have to address loss and damage and address the colonial relationship with Pacific countries as Small Island Developing Nations are also highly vulnerable to loss and damage. Recognising and having had the experience of witnessing how loss and damage and climate change threatens people's lives and livelihoods has indeed highlighted my understanding of the importance of this research. We cannot sit by and let loss and damage be lost and damaged.



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