

Terms of reference of the Expert group on action and support of the Executive Committee of the Warsaw International Mechanism

I. Background

1. The WIM was established at COP 19 to address loss and damage associated with the impacts of climate change, including extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change; and its Executive Committee was also established to guide implementation of the functions of the WIM.²
2. COP 20 decided that the Executive Committee may establish expert groups, subcommittees, panels, thematic advisory groups or task-focused ad hoc working groups to help execute its work in guiding implementation of the WIM, as appropriate, in an advisory role, which report to the Executive Committee.³
3. COP 21 adopted the Paris Agreement, and its Article 8 recognizes the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, and states that Parties should enhance understanding, action and support, including through the Warsaw International Mechanism (WIM), as appropriate, on a cooperative and facilitative basis with respect to loss and damage associated with the adverse effects of climate change.
4. Following the first review of the WIM, COP 22 recommended that the Executive Committee may consider establishing, as appropriate, additional expert groups, subcommittees, panels, thematic advisory groups or focused working groups to assist it in conducting its work and supporting its efforts to enhance action and support in relation to loss and damage as provided for in decision 2/CP.19, paragraph 5(c).⁴
5. Following the second review of the WIM, CMA 2, noted by COP 25, requested the Executive Committee to establish, by the end of 2020, in accordance with its procedures and mandate, an expert group,⁵ drawing on the work of and involving, as appropriate, existing bodies, organizations, networks and experts under and outside the Convention and the Paris Agreement, ensuring a fair, equitable and balanced representation within the group.
6. Accordingly, the Executive Committee established an Expert Group on Action and Support and convened the first meeting in 2021 to develop a draft Plan of Action, which the Committee endorsed subsequently, and started the implementation of the activities in the same year.⁶
7. CMA 2, noted by COP 25, also established the Santiago network, as part of the WIM.⁷ COP 27/CMA 4 established and COP 28/CMA 5 operationalized a Fund for responding to Loss and Damage.
8. The Executive Committee, at its 20th meeting (March 2024) decided to initiate the development of a second Plan of Action of the Expert Group on Action and Support and review the membership of the group, and further decided to take into consideration the outcomes of the 3rd review of the WIM in developing the second Plan of Action.

¹ The text in this document reflects the version adopted at ExCom 24 and has not been subject to formal editing.

² Decision 2/CP.19, paras. 1–2.

³ Decision 2/CP.20, para. 8.

⁴ Decision 4/CP.22, para. 4(b).

⁵ Pursuant to decision 2/CP.19, para. 5(c).

⁶ The link to the first Plan of Action: https://unfccc.int/sites/default/files/resource/POA_ASEG.pdf.

⁷ Decision 2/CMA.2, para 43, noted by decision 2/CP.25.

9. COP 29/CMA 6 began undertaking the 3rd review of the WIM, which was completed at COP 30/CMA 7.

II. Mandate

10. CMA 7, endorsed by COP30, requested the Executive Committee to update the terms of reference, including with regard to membership and the Plan of Action of the Expert Group on Action and Support in the light of the evolving loss and damage landscape, noting the cross-cutting nature of action and support, and ensure that action and support are systematically considered in the work of its other expert groups, technical expert group and task force in order to promote synergy and consistency in their work.⁸

III. Scope of work

11. The expert group on action and support will assist the Executive Committee in implementing COP and CMA decisions and its five-year rolling workplan as it relates to action and support, including finance, technology and capacity-building, guided by workstream (e) of the workplan, as well as in addressing new mandates related to action and support arising from guidance provided by Parties to the Executive Committee.

12. CMA 7 requested the Executive Committee to include activities in the future Plan of Action of its Expert Group on Action and Support that inform the Executive Committee's work in assisting developing countries that are particularly vulnerable to the adverse effects of climate change in accessing technical assistance and finance for responding to loss and damage associated with the adverse effects of climate change.⁹

13. Recognising the need for urgent and enhanced action and support and in light of the evolving loss and damage landscape, the expert group shall develop a focused plan of action, considering the following:

(a) Maintaining the flexibility to address new mandates related to action and support arising from guidance provided by Parties to the Executive Committee.

(b) Collaboration with the other expert groups, technical expert group and task force, considering the cross-cutting nature of action and support and the need to ensure that action and support are systematically considered under the Warsaw International Mechanism, and in order to promote synergy and consistency in the work;

(c) Collaboration with relevant organizations, bodies, networks and experts under and outside the Convention and the Paris Agreement, including members of the Santiago Network;

(d) Supporting the Executive Committee, as appropriate, in its collaboration with the Advisory Board of the Santiago Network and the Board of the Fund for Responding to Loss and Damage.

IV. Membership

14. The expert group on action and support should consist of:

(a) Balanced numbers of Executive Committee members representing Annex I Parties and non-Annex I Parties;

(b) Technical experts, including representatives of the Santiago Network Secretariat and FRLD Secretariat;

⁸ Decision 22/CMA.7, para 17(b), endorsed by decision 11/CP.30.

⁹ Decision 22/CMA.7, para 17(a), endorsed by decision 11/CP.30.

(c) Representatives of relevant constituted bodies and operating entities of the Financial Mechanism under the Convention and/or the Paris Agreement.

15. The total number of members referred to in paragraph 14(a) above shall be four. The total number of members referred to in paragraph 14(b–c) above will range between 10 and 18. These numbers may be reviewed and revised by the Executive Committee, as appropriate.

16. The Executive Committee members referred to in paragraph 14(a) above will identify the technical experts referred to in paragraph 14(d) above from, inter alia, the WIM roster of experts, and propose the list of potential members of the expert group, including the representatives of relevant constituted bodies referred to in paragraph 14(d) above, as appropriate, for endorsement by the Executive Committee, following which the Executive Committee Co-Chairs will liaise with the technical experts and constituted body(ies).

17. The selection of the technical experts referred to in paragraph 14(c) above will take into account the needs for expertise from developed and developing countries across regions for regional balance, and will be based on the following requirements:

(a) Demonstrable and internationally or regionally recognized expertise, taking into consideration, as appropriate, the need for transdisciplinary expertise;

(b) Practical international, regional or national experience in addressing issues related to averting, minimizing and addressing loss and damage associated with the adverse effects of climate change corresponding to the expert group’s mandate, including in priority thematic areas of work, as determined by the Executive Committee.

18. On the recommendation of the expert group, the Executive Committee can invite additional technical experts, including those listed on the WIM roster of experts and those from relevant organizations, to contribute to specific activities of the expert group, on an ad hoc basis, as needed:

(a) Ad hoc members with the requisite expertise may be invited to contribute to specific activities in keeping with the plan of action of the expert group;

(b) Efforts to ensure regional balance among members of the group shall be pursued, recognizing the importance of the inclusive participation of experts from developing countries.

19. Technical experts in the expert group will serve for two years and their terms can be renewed or the experts replaced, as needed, in accordance with the prioritized topics under strategic workstream (e) of the five-year rolling workplan of the Executive Committee. For members representing constituted bodies, their term in the expert group will not exceed their term in the body they represent.

V. Mode of work and outputs

20. The modalities of work of the expert group on action and support will comprise:

(a) Electronic means, for example email, videoconferencing and teleconferencing;

(b) In-person meetings, as necessary, held back-to-back or in parallel with meetings of the Executive Committee, sessions of the subsidiary bodies or relevant external events, as far as possible, with a view to maximizing overall efficiency and effectiveness;¹⁰

(c) Engagement with organizations, bodies, experts and networks, including the Santiago network,¹¹ and the Fund for Responding to Loss and Damage,¹² engaged in

¹⁰ Support for the participation of eligible Executive Committee members applies only to in-person meetings that the Committee has approved in advance.

¹¹ The Santiago network was established by decision 2/CMA.2, para. 43, to catalyse the technical assistance of relevant organizations, bodies, networks and experts for the implementation of relevant approaches at the local, national and regional level in developing countries that are particularly vulnerable to the adverse effects of climate change.

¹² A fund for responding to loss and damage whose mandate includes a focus on addressing loss and

providing technical advice, guidance, support and assistance to developing countries, through, inter alia, electronic means; workshops, including at the national and regional level; and outreach through other organizations, as appropriate.

21. The expert group will be co-facilitated by Executive Committee members.
22. The expert group will develop a rolling plan of action at its 1st meeting¹³ in line with the mandate and scope of work defined in chapters II–III of these terms of reference and taking into account the respective strategic workstream of the five-year rolling workplan of the Executive Committee. The plan of action should include specific activities with associated deliverables, indicative time frames and the names of leads and co-leads, and will be subject to endorsement by the Executive Committee before implementation.
23. The plan of action may be updated, as appropriate, on the basis of advice from the Executive Committee, guided by priorities identified in its five-year rolling workplan and, if applicable, by further guidance from the Executive Committee on the thematic areas of work.
24. In developing or updating its plan of action, the expert group will take into account information from the Santiago network and the Fund for Responding to Loss and Damage, as appropriate, and the plans of action of the other expert groups of the Executive Committee to enhance coherence, collaboration and synergies, where relevant.
25. The outputs of the expert group will be presented for consideration by the Executive Committee.
26. Members of the expert group, including ad hoc members, who are not Executive Committee members may not act as representatives of the Executive Committee.
27. Keeping within the mandate and scope of work defined in chapters II–III of these terms of reference, the expert group may prepare knowledge products, outputs and other deliverables. The appropriate branding and disclaimers must be applied, as appropriate, on the basis of guidance from the Executive Committee and within the broader guidelines of the UNFCCC process.

VI. Reporting

28. The expert group will report to the Executive Committee on a regular basis, at the meetings of the Executive Committee and via written reports, which include, to the extent possible, detailed information on progress in implementing the plan of action of the group.
29. The Executive Committee will determine the contribution of the expert group's reports to relevant synthesis reports for the technical assessment component of the global stocktake.¹⁴
30. The progress of work of the expert group will be captured in the annual reports of the Executive Committee.

VII. Confidentiality and conflict of interest

31. The conflict of interest and confidentiality guidelines of the Executive Committee will apply mutatis mutandis to all members of the expert group.

damage, was established by decisions 2/CP.27 and 2/CMA, para 3, in the context of establishing the new funding arrangement, and operationalized by decisions 1/CP.28 and 5/CMA.5.

¹³ The standard time frame for the rolling plans of action of the Executive Committee's expert groups is two years.

¹⁴ Per decision 19/CMA.1, para. 36(e).