

# Loss and damage negotiation at COP 18: Key issues are lost

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NEGOTIATIONS at COP 18 to agree on a mechanism to address loss and damage caused by the impacts of climate change drew immense attention of the country Parties, CSOs and policy think tanks. The continued lack of mitigation ambition and inadequate resources to implement adaptation actions are increasingly causing suffering and significant loss and damage of assets and properties all over the world, especially in the poor and vulnerable countries.

Studies confirm that loss and damage associated with the adverse effects of climate change can no longer be avoided through mitigation or adaptation. Multiple approaches should be undertaken, with some approaches having synergies with adaptation efforts, but with others requiring taking action through new arrangements and stand-alone approaches, which could be referred to as "beyond adaptation" measures.

Following a proposal by the Alliance of Small Island States (AOSIS) in 2008, loss and damage was included on the agenda of the UNFCCC negotiations. The COP 16 in Cancun decided to establish a Work Program to address issues related to loss and damage in developing countries in a more comprehensive and actionable manner, with a mandate for the Subsidiary Body of Implementation (SBI) to do this.

The draft decision adopted by COP 17 takes into account the following thematic areas to enhance understanding of and expertise on loss and damage: (1) assessing the risk of loss and damage associated with the adverse effects of climate change and current knowledge; (2) a range of approaches to address this, including impacts related to extreme weather events and slow onset events; and (c) the role of the Convention in enhancing the implementation of approaches to address loss and damage.

Meantime, four regional workshops under the guidance of SBI have been held to develop an understanding of the issues and challenges to aid the development of the work programme. Loss and damage is a relatively new issue in the UNFCCC negotiations but it has progressed, which raised expectations of achieving some tangible outcome at COP 18. The expected deliverables of COP 18 on loss and damage are: (a) finalisation of work programme and comprehensive response to loss and damage; (b) establishment of a mechanism to assess diverse risks and approaches; (c) consider the concept of a "Multi-Window Mechanism" put forward by AOSIS as a basis for future negotiations. Multi-Window Mechanism consists of three inter-dependent components, namely insurance, rehabilitation/compensatory payments, and risk management. These play complementary roles and comprise the necessary components of an integrated approach to risk reduction, risk transfer and risk management efforts; and (d) the establishment of a 2nd phase work programme to elaborate the functions and institutional structure of the international

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mechanism on loss and damage.

The negotiations at COP 18 are being sidetracked towards being limited to knowledge generation and capacity building to collect and analyse data for assessing the risks -- all to be implemented through an invitation to the Parties and relevant institutions outside of the Convention, as the US proposed. However, the key issues of addressing loss and damage, such as the establishment of a compensatory mechanism in the context of the notion of "beyond adaptation" and addressing the "residual losses" caused by both sudden onset and slow onset events, are missing.

In the context of slow progress and protracted discussion on loss and damage it is important to focus on at least three major issues. First, loss and damage resulting from slow onset events will be different from sudden onset events, and will cause more indirect losses over a longer time period. However, the current negotiation text gives little attention to slow onset events.

Second, the approaches discussed so far could be framed under three broad categories; (a) risk reduction by comprehensive disaster risk management and adaptation; (b) risk transfer by introducing insurance mechanisms,

and; (c) rehabilitation/compensatory mechanisms for unavoidable loss and damages. The ongoing negotiations at COP 18 seek to identify options and designing and implementing of country-driven risk assessment strategies and approaches, including mechanisms such as insurance, while the approaches under

rehabilitation/compensatory are grossly disregarded, especially by the developed country Parties.

Approaches to reduce and address disaster risks are mostly sudden onset disaster-centric, with no approaches for addressing slow onset events like ocean acidification, salinity intrusion, loss of ecosystem services or loss of economic preferences etc. On the other hand, insurance will merely create business opportunities for the insurance companies.

Third, the G77/China pushed "to establish an international mechanism which complements existing arrangements for adaptation actions by developing country Parties." However, the US, while agreeing that "all the impacts of climate change could not be addressed only by adaptation," wants to put all loss and damage-related issues under the Adaptation Committee and National Adaptation Programs. The US also urged to make strong cases of "unavoidable" and residual loss and damage of the impacts of climate change so that a stand-alone mechanism could be established.

This means that a different and stand-alone mechanism will be required, one that will be complementary to the national adaptation actions. But there is still the potential of unavoidable loss and damage, and we need to explore "adaptation plus" mechanisms, institutions and opportunities to address unavoidable loss and damage.

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# A violent society?

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IS Bangladesh a blatantly violent society; is it violence or the transparency of violence featured on live television for everyone to watch that causes a sense of disgust? In my opinion, it is not either, it is both.

First, about violence. Media reports tell us that there has not been any let down in the level of violence. To understand violence and its place in Bangladesh first one has to do some rethinking. Is it the case that all Bangladeshis are saints, good law-abiding, non-violent citizens of the republic and only the cadres of the students' parties affiliated to the ruling political parties are the violent ones? Especially, the goons who brutally killed Biswajit. Today, it is the goons, also known as cadres, of the Chatra League, the student wing of the Awami League and tomorrow (as it was yesterday) the Jatiyo Chatro Dal goons, the affiliates of the Bangladesh Nationalist Party.

I beg to disagree with this simplistic position. We all like to think we are good and everyone else is bad. We need to take a closer look at our society. The spread of violence, the language of violence, acceptance of violence and the practice of violence at all levels of society are quietly ignored under the cover of a "holier than thou" attitude.

Bengalis in Bangladesh like to describe themselves as poetic and romantic, but rarely as violent. Just compare and contrast that image with not the murderers of hapless Biswajit but with the ordinary villagers who took a group of six college students for robbers and bludgeoned them to death. That violent incident on Shab-e-barat (the night of the blessings) was not videotaped nor was it on live television, and did not go viral on cyberspace.

The incident was reported in The Daily Star of July 19, 2011. A newspaper report does not give you a graphic imagery of violence or a sense of disgust but the intensity of violence is no less. The shock to the parents who lost their children that day is no less hurtful. Or consider the incident of an angry mob that dragged a woman out of a police van and clobbered her to death on suspicion of being a child-snatcher. The police acted bravely and tried to save her life but were overpowered by the mob.

In another incident, the police acted deplorably when they handed over a 16-year old youth to a mob in Tekerhat, Noakhali to be beaten to death on suspicion of being a robber. The brutalities carried out by the men in uniform during the so-called BDR uprising against their officers and their families in

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Pilkhana in February 2009 are still fresh in the memory of the nation. Just try to feel the pain of the suffering families and those at the receiving end of torture and unspeakable brutalities committed against them by people known to them. Remember the cases of tortures and mayhems caused by Bangla Bhai or the common villagers who often play the role of accusers, judges and executioners all at the same time.

The responsibility for violence has to be taken collectively and understood sociologically. Is violence deeply rooted in human psyche, a legacy from our collective primeval selves? Rene Girard, a French philosopher, thinks violence is part of and even the very basis of culture. Norbert Elias told us that civilising process involved "taming of the warriors." Violence was ever present in the medieval and early modern Europe. Advancement of civilisation meant state acquiring the monopoly over taxation and violence. Max Weber saw state as an institution with monopoly over the means of violence.

The complacency of Europe with civilisation was shattered by the brutalities of the state-sponsored violence by the Nazi state

against its own people. Following the historic violence of the Nazi sate when one was tempted to put the blame on the brutal SS forces, or to the psychosis of Hitler, Hannah Arendt reminded us of the banality of evil. One

does not have to be a fanatic or a sociopath to be evil; an ordinary human being can become as brutal and vicious under certain circumstances.

The problem at one level is the failure of the state in monopolising the means of violence as well as the regulation of violence. At another level the state and its institutions become complicit in privatising and outsourcing violence. Rather than "taming the warrior" and punishing the murderers, if the state and its institutions (political parties in a broad sense are the components of the state) indulge in a deadly game of unleashing murderers and violence on the public, then where will the members of the public go?

Mr. Delawar Hossain, brother of Shaheed Nur Hossain, in a phone call to a talk show, commented that having seen the brutal murder of Biswajit on television the other day, he felt like leaving this country, nay, the world -- he felt like setting himself on fire in protest and in disgust, a disgust the whole nation shares.

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# Ensuring safety during construction: An imperative

RIDWAN QUAIUM

ACCIDENTS during construction due to failure of the under-construction structure are a rarity in most countries. The reason is that safety is considered as the number one priority in every construction work all over the world, be it a bridge, flyover, building or any other structure. There is no doubt that in other parts of the world it is not always that the most experienced contractor or the contractor with the most reputed track record is awarded the project, but the authority ensures that the contractor who is awarded the project has some experience in constructing the structure. This is done because a contractor who may not have prior experience in doing such type of project may not be aware of the proper techniques, which may lead to breach of the safety of the general public. This is why authorities in other parts of the world strictly ensure that no one plays with the safety of the public or tries to tamper with it because they highly value the lives of the general public.

Unfortunately, safety of the general public is not valued too highly in our country. The flyover at Bohoddarhat in Chittagong did not fail once but twice; girders were reported to have broken down during both incidents. The first incident happened about five months ago. As it happened around prayer time on Friday, there were not many people around the site of the collapse, so there were no casualties. However, no one was held responsible for the failure of the structure.

The investigation team, which was formed with the people who were responsible for the incident, concluded that it was just a mere accident. The same type of incident happened again on November 24. At

least thirteen people died when the girders of the flyover fell on top of them.

Failures of structures are not mere accidents. They may happen because of low quality construction materials, lack of safety measures during the construction process, improper construction techniques and inexperience of contractors in carrying out such projects. Most, if not all, of these factors played a role in the failure of the structure, and the price was paid with the lives of thirteen people.

In most countries, whether or not the director or chairperson is directly responsible for a mishap, the head of the organisation or company apologises to the public, assures them that such incident will not occur in the future, informs them about the new safety procedures and steps down immediately. They do it to ensure a proper investigation.

Unfortunately, this did not happen in the case of Bohaddarhat accident. Only a couple of officials who were involved in the project have been suspended temporarily. This basically means that, as soon as the news fades away, these officials will be reinstated back to their positions.

In addition, in developed countries, a neutral investigation team is formed to prepare an unbiased and credible investigation report. The people who are found guilty are punished so that such incidents do not

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recur, and also to let those responsible know that they will have to be accountable and face consequences if they jeopardise public safety.

The second incident at the Bohoddarhat flyover would not have happened if after the first incident a proper investigation was conducted to determine the actual cause of the accident, and the people who were found guilty were punished accordingly. Unfortunately, that did not happen and as a result the second incident took place. It seems that the lives of the thirteen people were not enough to change anything because, just like the previous incident, even this time an investigation team has been formed by the same organisation that was responsible for the accident. Therefore, it can be assumed that a proper investigation will not be conducted for this incident as well.

If a proper investigation report is not produced this time, identifying the persons and entities responsible for this accident, then it may not be surprising if a third incident happens at this same flyover or at any other under-construction structures in the country. This is because no one will be accountable for their wrongdoing. As a result, it will encourage others to ignore public safety even if that results in death of general public because they know that they will not have to face any consequences for violating public safety.

Accidents do not happen to a selected group of

people. They can happen to anybody at anytime, anywhere. People who are breaching safety during the construction process can become victims themselves. Life of a human being is precious; it is not something that can be compensated for with money or other tangible or intangible things. We do not have the right to take other people's lives or do something that may put their lives in danger.

The government should immediately form a neutral team comprised of experts who are not involved with this project to make sure that a proper investigation of the accident is conducted. Based on the results of the investigation team, the government should ensure the punishment of the people who were responsible for the mishap. In addition, the government should strengthen the inspection team so that they are able to ensure the safety of construction work of public infrastructures throughout the country and also ensure that the company that is awarded to do a certain project has previous experience and has a good safety record.

The government should also campaign for safety as number one priority in construction throughout the country and inform the people involved in the construction about the consequences they will face if they violate public safety. The media can help the government in publicising the campaign. Finally, every contractor in the country should realise the importance of public safety and should take an oath to not breach public safety as they or their loved ones can also become victims. A collective effort can have a positive impact in increasing safety during construction work and reducing the number of deaths and injuries in construction zones.

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