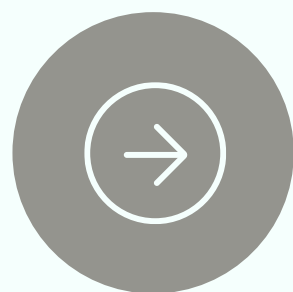


# LOSS AND DAMAGE IN INTERNATIONAL LAW



CIL

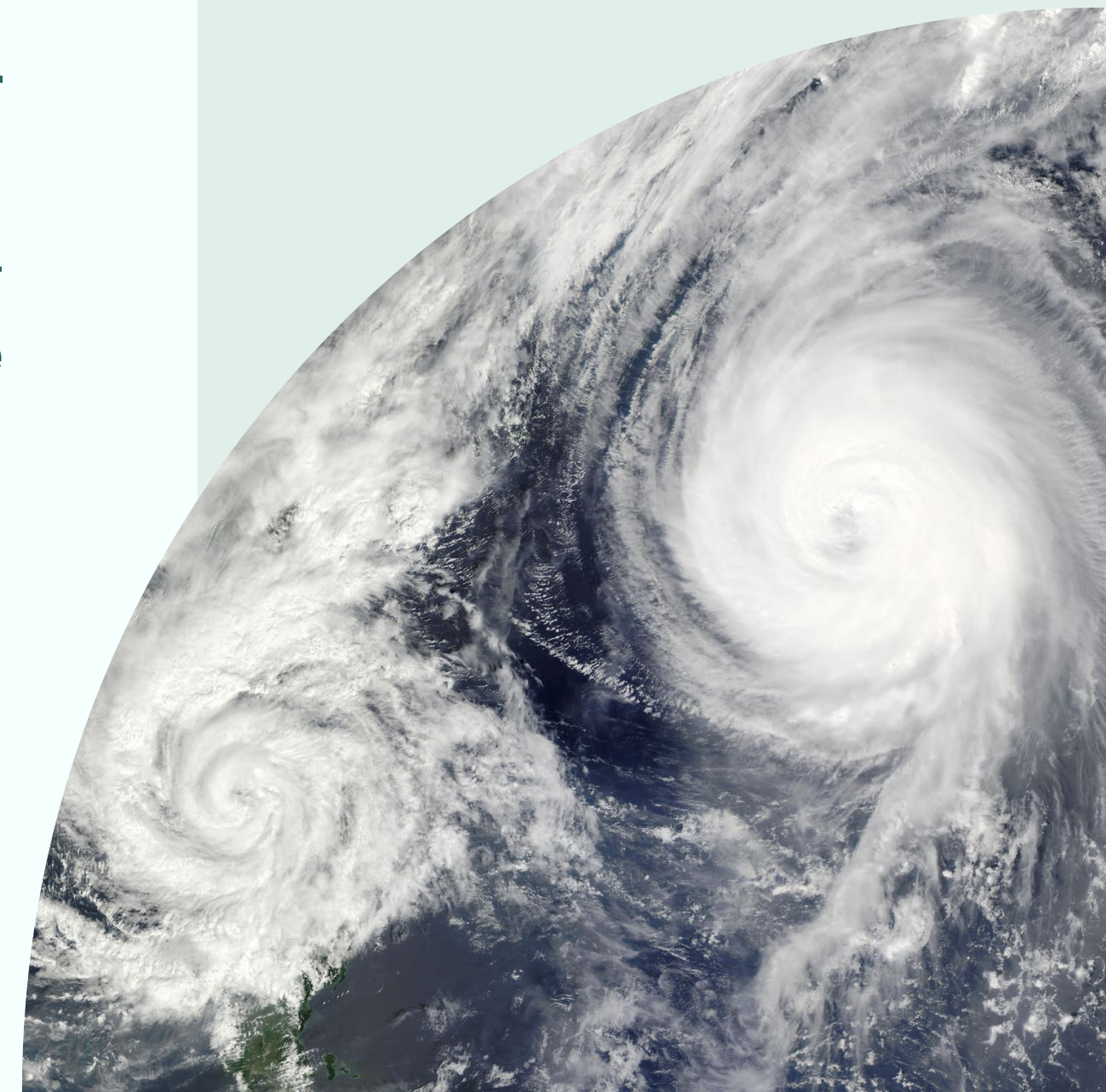
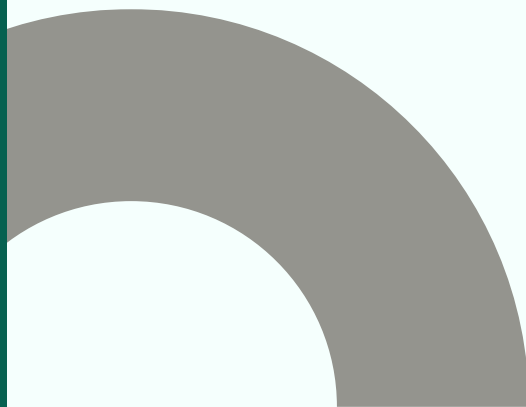
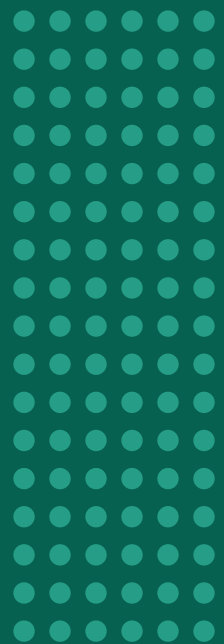
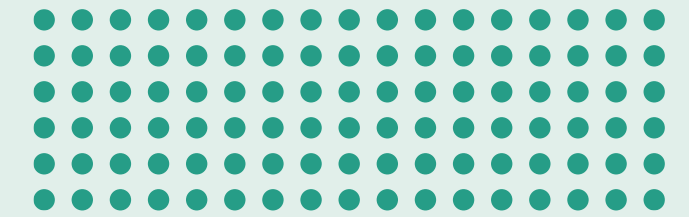
CENTRE FOR INTERNATIONAL LAW  
National University of Singapore

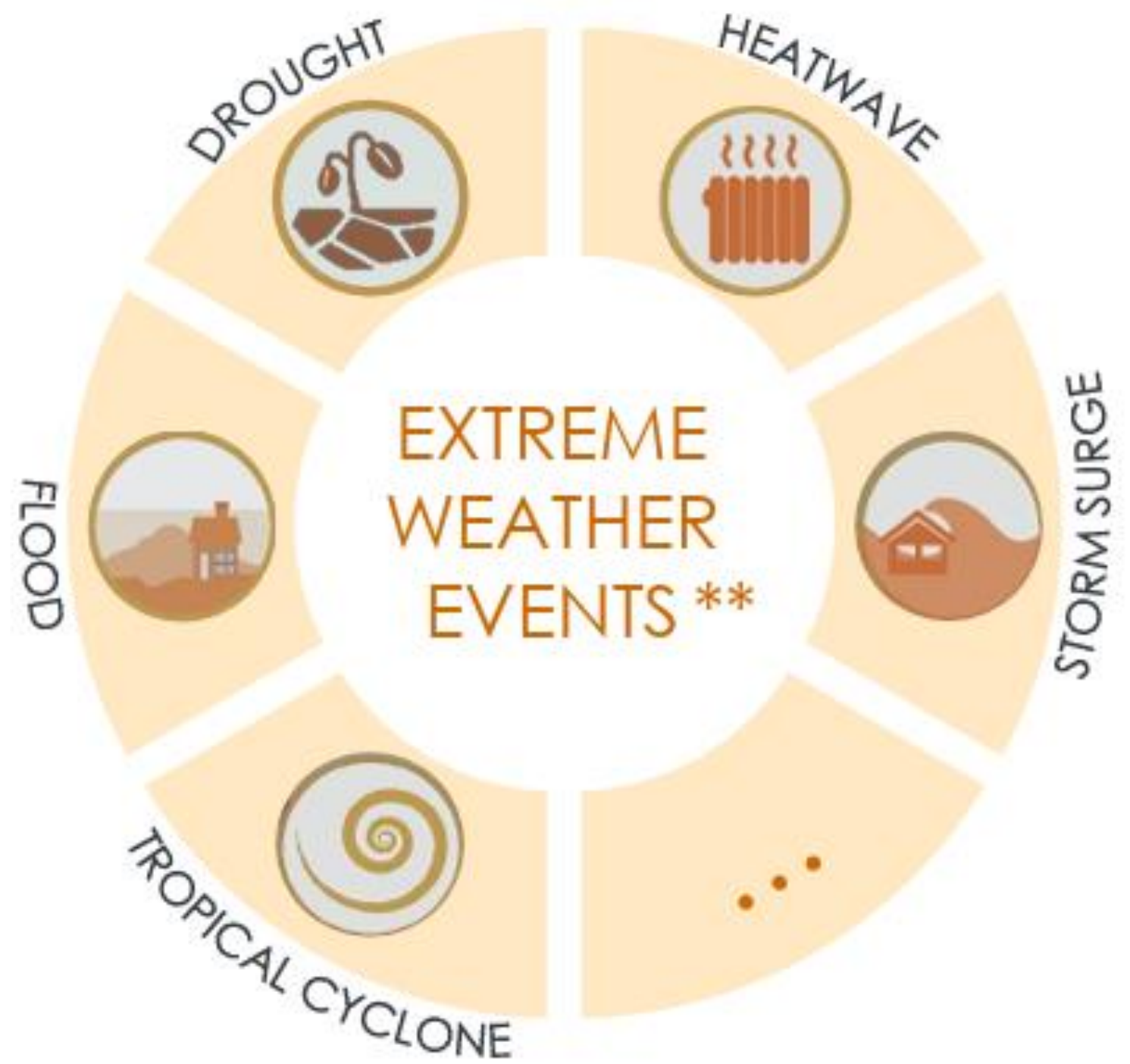
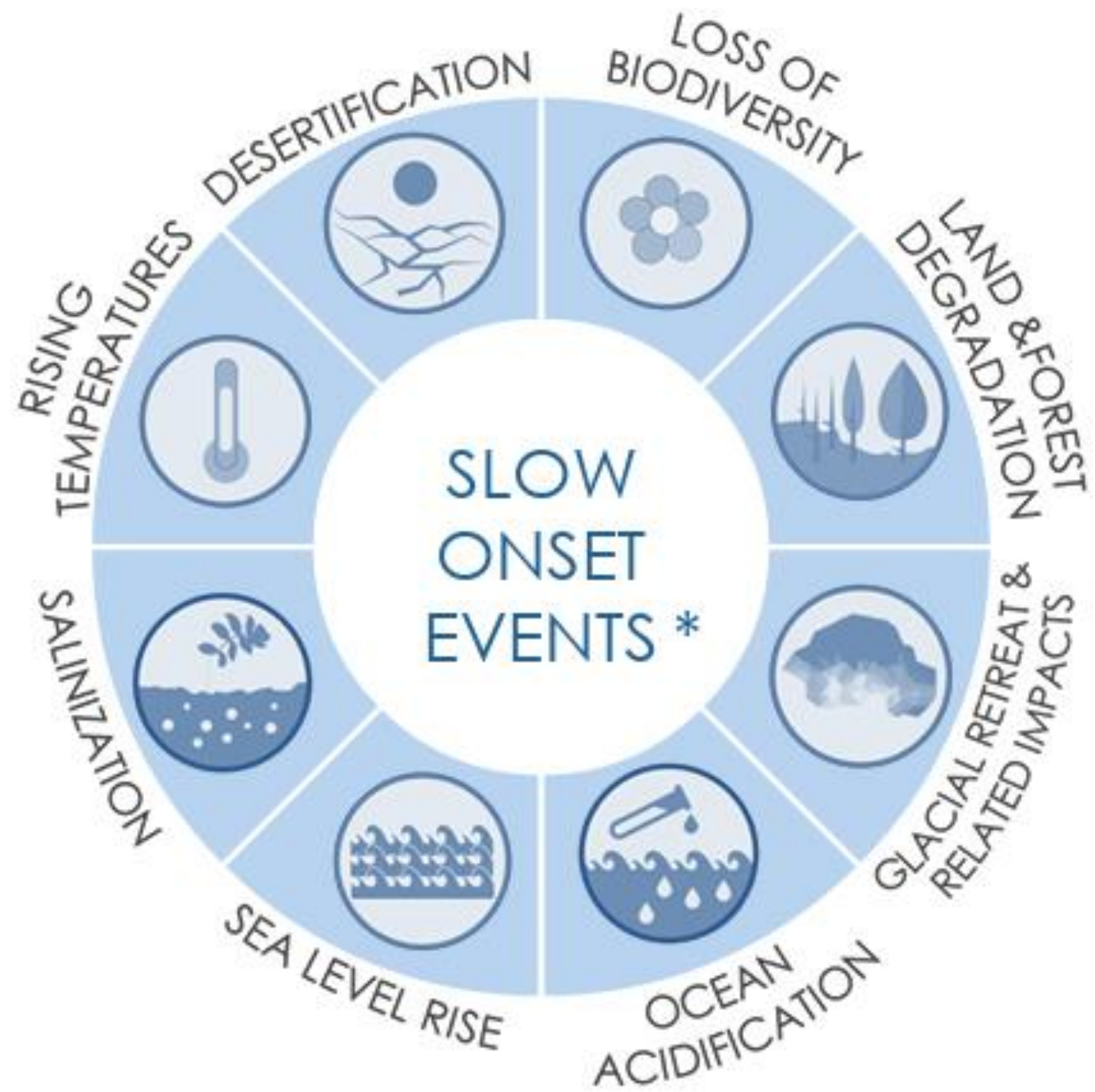


**Recent Developments and Perspectives  
from the ASEAN Region**

# Loss and Damage in the UNFCCC

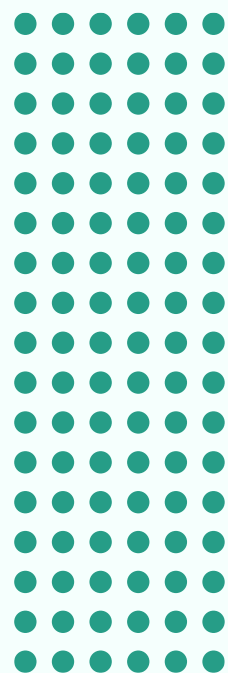
Negative impacts of climate change that occur despite mitigation and adaptation efforts, encompassing both economic and non-economic harms, including those from extreme and slow-onset events.







# ASEAN Vulnerabilities to Climate Change



## Severe Weather Impacts

9/10 Members in Top 50  
4/10 in Top 10



## Sea Level Rise

Indonesia and Vietnam have some of the highest numbers of coastal populations exposed and thus most vulnerable to disaster-related mortality



## Increased Rainfall and Flooding

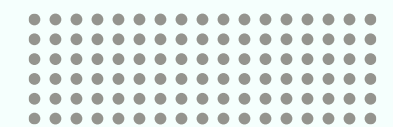
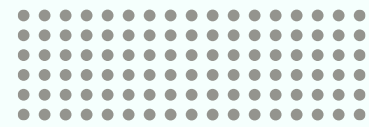
Cause thousands of casualties and displaces millions of people



## Biodiversity and Habitat Loss

Will affect food and water security, alter species interaction and spatial distribution of invasive species

# International Legal Framework



1991 INC

Proposal for an International Insurance Pool to compensate for sea level rise

2007  
COP 13

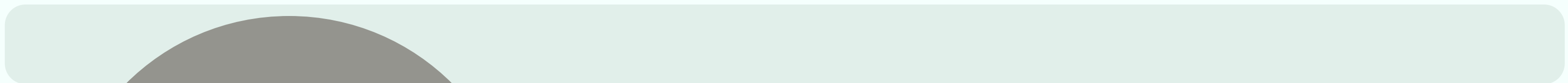
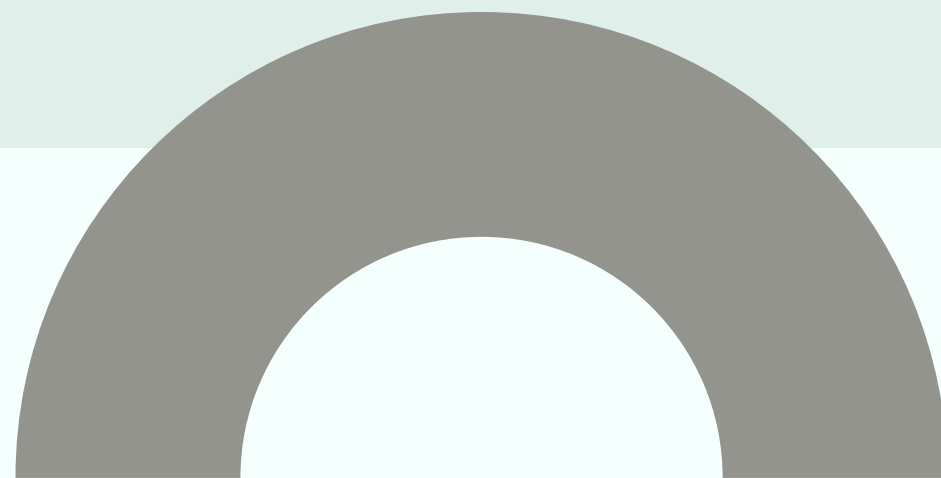
Adoption of the Bali Action Plan that introduced L&D as part of enhanced action on adaptation

2010  
COP 16

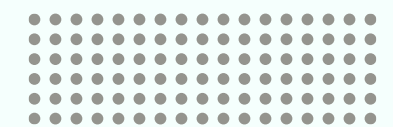
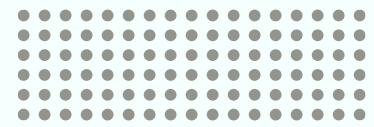
Work Programme established to consider available approaches to address L&D

2012  
COP 18

First mention of “loss and damage” in a COP decision



# International Legal Framework



**2013**  
**COP 19**

**Warsaw International Mechanism and its ExCom were established**



**2015**  
**COP 21**

**Inclusion of Loss and Damage in the Paris Agreement (Art. 8)**



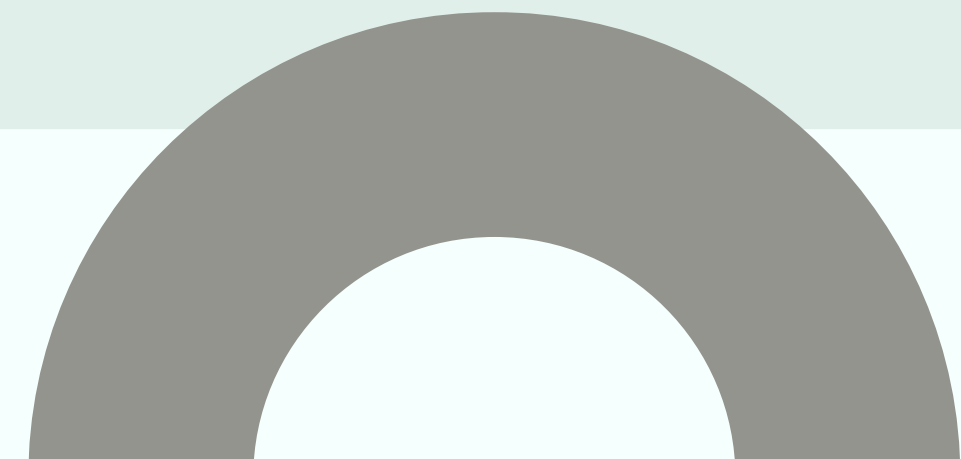
**2023**  
**COP 28**

**Fund for Responding to Loss and Damage (FLRD) operationalized**



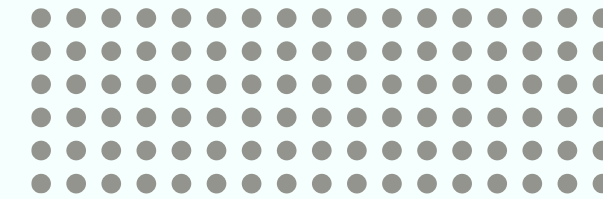
**2024**  
**COP 29**

**FLRD funded. To date, pledges are at around \$730 million**

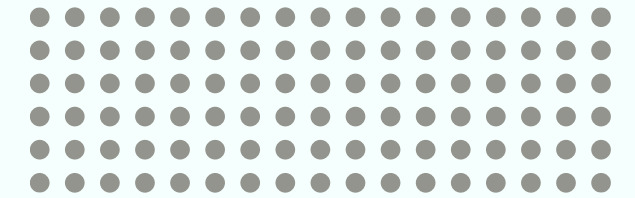
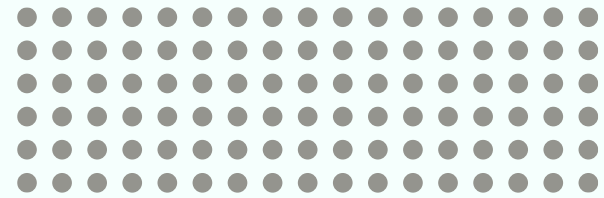


# Fund for Addressing Loss and Damage

- **Trustee Agreement and the Secretariat Hosting Agreement signed by the Co-Chairs of the Board, the World Bank**
- **Host Country Agreement signed with the Philippines**
- **Current total pledges equal to more than \$720 Million as of COP 29**
- **Contributions voluntary but singles out developed countries and urges them to provide enhanced and additional support**
- **Framework does not specify what exactly constitutes loss and damage nor provide methodologies for valuing damages and equitable mechanisms for fund distribution**

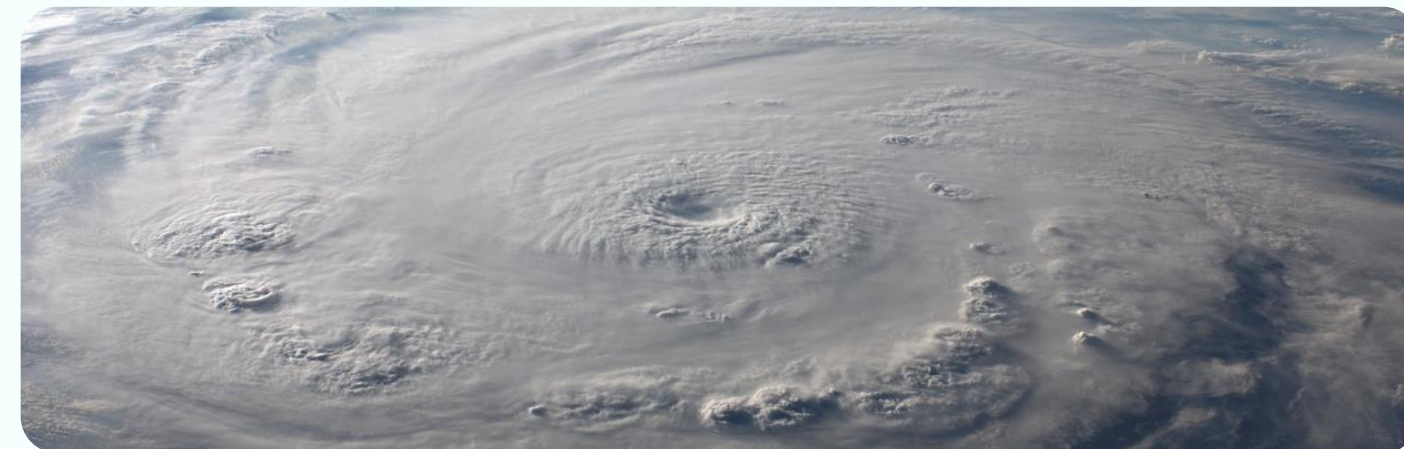


# Recent Developments in ASEAN Climate Action



## ASEAN Strategic Action Plan 2025-2030

Roadmap for addressing climate change in ASEAN up to 2030



## ASEAN Centre for Climate Change

Established in Brunei Darussalem to facilitate regional cooperation and coordination on climate change initiatives

## ASEAN Catalytic Green Finance Facility

Infrastructure Fund initiative to support members to prepare and finance green infrastructure

## ASEAN Common Carbon Framework

Aims to create a unified, transparent, and efficient carbon market across ASEAN

# ASEAN NDCs

As of March 2025, only Singapore have submitted their 2nd Nationally Determined Contribution due last February 2025.

The following countries mentions reducing loss and damage as a national priority:

Malaysia

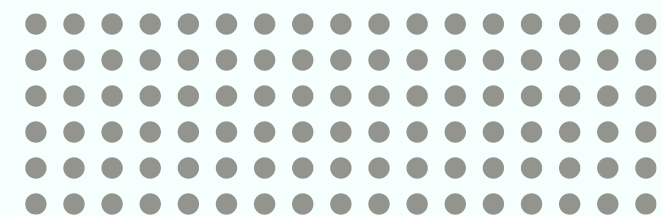
Vietnam

Thailand

Cambodia

Philippines

Myanmar



Examples of priority areas: water-related disasters, agriculture, forestry, ecosystems, human security, social protections, and urban planning



# Implications of the ICJ Advisory Opinion on Climate Change



**Addresses two main questions:**


- 1) The obligations of States to ensure the protection of the climate system and other parts of the environment for present and future generations and**
- 2) the legal consequences under these obligations for States which, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment**

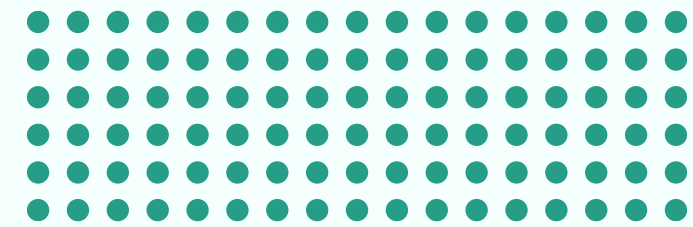


**Indonesia, Philippines, Singapore, Vietnam, and Thailand submitted written and oral statements to the ICJ, Myanmar made an oral statement**



**Discusses issues of reparation, compensation, restitution, and satisfaction as consequences of international wrongful conduct and delves into the issue of attribution and historical responsibility**





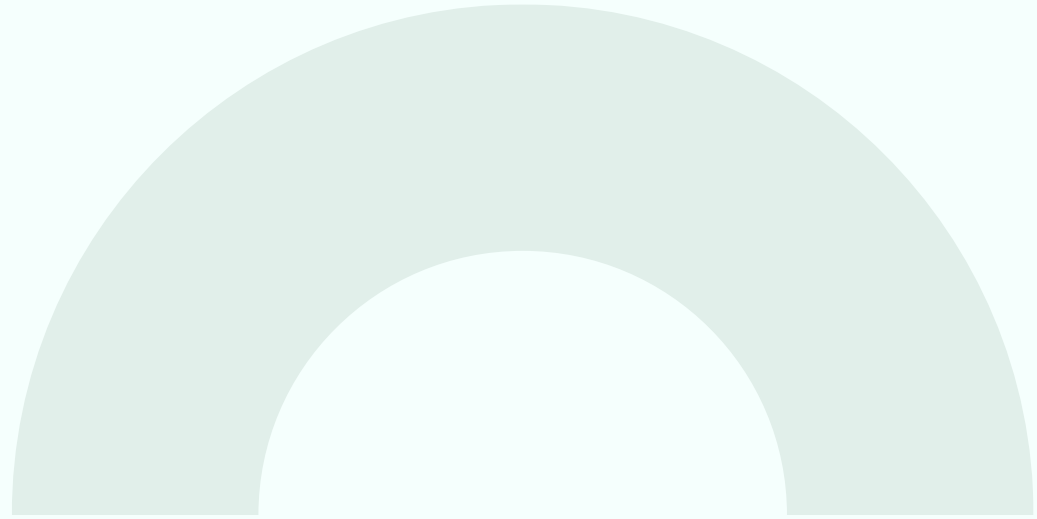
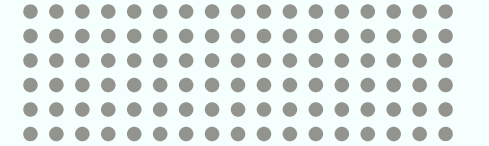
# What is the Future of Loss and Damage?

Can compensation and liability play a role in these discussions?

# THANK YOU!

**CIL**

CENTRE FOR INTERNATIONAL LAW  
National University of Singapore



**Railla Puno**  
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