

L&DC

THE LOSS AND DAMAGE COLLABORATION

*SUBMISSION: TO INFORM THE EFFECTIVE
OPERATIONALISATION OF A FIT FOR PURPOSE
SANTIAGO NETWORK FOR LOSS AND DAMAGE*



The Loss and Damage Collaboration (L&DC): Submission to inform the effective operationalisation of a fit for purpose Santiago Network for Loss and Damage

The Loss and Damage Collaboration is an informal network of people from both the global South and North working to ensure that developing countries and the vulnerable people and communities within them have the support they need to address loss and damage.



The Loss and Damage Collaboration (L&DC) is a group of practitioners, researchers, activists, creative practitioners and decision makers from both the global North and South working together to ensure that developing countries, and the vulnerable people and communities within them, have the support they need to address climate change related loss and damage. We are a group of committed individuals representing a range of organisations including the Climate Leadership Initiative: Empowering the New Generation, the International Centre for Climate Change and Development (ICCCAD) and the Pacific Islands Climate Action Network (PICAN) - among many others.

<https://www.lossanddamagecollaboration.org/>

Introduction

The Loss and Damage Collaboration's project for the Santiago Network is specifically focused on advancing the effective operationalisation of the Santiago Network under the United Nations Framework Convention on Climate Change. So far our work has shared technical expertise among networks and supported advocacy that has effectively advanced negotiations between parties to the Convention. We are pleased to be able to continue this role and appreciate the opportunity to share our thoughts on how best to operationalise the Santiago network.



Recommendations

The L&DC considers that the operational modalities needed to carry out the functions of the Santiago Network must be decided first. The structure of the Santiago Network including linkages with the ExCom, the role of Loss and Damage Contact Points (LDCPs) and other stakeholders, and the design of a terms of reference for a possible host of the Santiago Network will need to be shaped in a way that enables those modalities to be carried out.

Operational Modalities

The operational modalities required for the Santiago Network to carry out its functions will need to be somewhat flexible to enable the Santiago Network to learn, adapt and adjust its scope over time as needs to address loss and damage are better understood and the methods of addressing those needs evolve. That flexibility must be fact and data driven and could be inbuilt by using a set of guiding principles that shape the work of the Santiago Network. Those principles could be utilised as an accountability mechanism if operations fall short of those principles. The following could be a useful starting point:

Guiding principles of the Santiago Network for Loss and Damage

1. Focus on addressing loss and damage, filling the gap in action and support available beyond mitigation and adaptation measures across the full spectrum of loss and damage impacts including extreme and slow onset events and economic and non-economic losses.
2. Empower communities with the skills, knowledge and resources they need to address loss and damage themselves.
3. Enhance, and create coherence within and between existing processes, organisations, bodies, networks and experts including the disaster risk reduction and humanitarian assistance communities and not duplicate efforts.
4. Connect and coordinate across networks of expertise across the international, regional, national, and sub-national level.
5. Facilitate demand-driven, locally-led, sustainable and long-term solutions that are not dictated by funding limits.
6. Be simple and accessible to ensure that as far as possible lack of capacity is not a barrier to accessing support and already overburdened systems are not further burdened.
7. Assisted by strong transparency and accountability mechanisms, be nationally-led and controlled: the private-sector and donors should not dictate priorities.
8. Have the capacity and flexibility to respond rapidly in real time and at the scale needed.
9. Have proactive coordination that is fact and data driven.



10. Be guided by equity and climate justice principles taking into account human rights, gender-based, local and indigenous communities' perspectives.
11. Learn from existing technical assistance mechanisms and processes such as the Climate Technology Centre and Network.
12. Is provided with the resources, the mandate and the decision support tools to ensure the Santiago Network is able to respond to country requests in a timely manner.

The operational modalities must also take into account the role and responsibility of the Santiago Network vis-a-vis technical assistance providers, the Executive Committee (ExCom) of the Warsaw International Mechanism (WIM), LDCPs in each country, and government and non-government stakeholders at the international, regional, national and sub-national level. It will be important to not be too prescriptive; however the Santiago Network must be given a role and responsibilities that enable it to go beyond a secretarial “matchmaking” role.

L&DC proposes that the operational modalities be organised as below, noting that these modalities learn from those set out in the decisions of the Climate Technology Centre and Network (CTCN).

a. Roles and responsibilities of the Santiago Network

This would be divided into three parts, the advisory board, coordinating body, and the members. Much of this may be contained or elaborated in an annex to the decision.

Advisory Board: The Santiago Network would be accountable to and under the guidance of the Conference of the Parties through an advisory board. The advisory board would determine its operational modalities and rules of procedure based on the functions of the Santiago Network in paragraph 9 -/CMA.3. It would provide guidance e.g. on the report of the Santiago Network and prioritisation criteria; approve e.g. prioritisation criteria for responding to requests, criteria regarding designation of members of the Santiago Network, and the programme of work; endorse the appointment of the director of the coordinating body, budget and financial statement; ensure the application of fiduciary standard, and legal and ethical integrity; and monitor, assess and evaluate the timeliness and appropriateness of responses of the Santiago Network to requests. Parties would need to agree to the rules of procedure which would include inter alia constitution of the board with the aim of achieving fair and balanced representation; nomination process for representatives and the duration of their term; methods for appointment in the event a representative resigns or cannot complete their term; and arrangements for the chair, vice-chair, secretary, what constitutes quorum, agenda



and documents for meetings, decision-making, working language, participation of expert advisors and observers.

Santiago Network: The Santiago Network would be the coordinating body and would receive requests for assistance from developing country parties through their LDCP. As not every country has nominated a LDCP yet, there may be a need for interim or other measures that ensure the absence of a LDCP is not a limitation to a country engaging with the Santiago Network. The Santiago Network would also need to have modalities to assess requests received, respond to requests, build the membership of the Santiago Network, manage and coordinate the Santiago Network in executing its functions described in paragraph 9 of decision -/CMA.3, monitor and evaluate the quality and effectiveness of responses, and ensure the application of fiduciary standards and legal and ethical integrity by technical assistance providers.

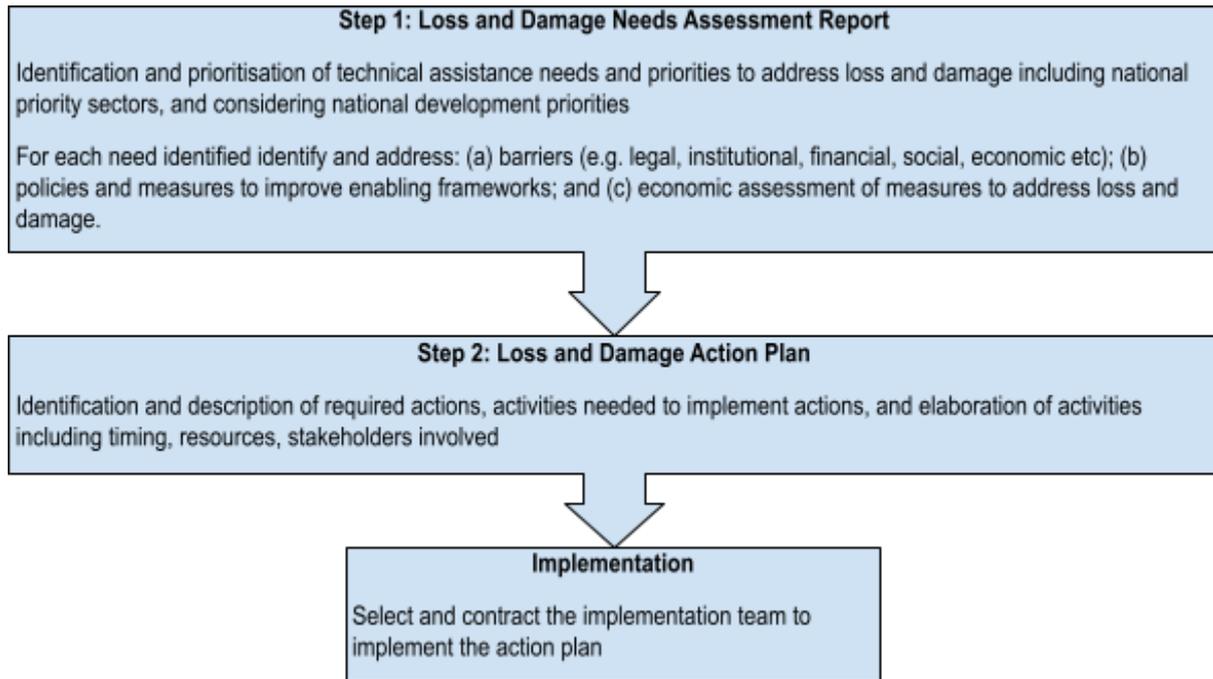
OBNEs: Organisations, Bodies, Networks and Experts (OBNEs) would undertake work as directed by the Santiago Network to respond to requests for assistance made by LDCPs and other stakeholders.

b. Managing requests from loss and damage contact points and other stakeholders and delivering responses.

This would elaborate on how requests from developing country Parties are managed and responses are delivered consistently with the function described in paragraph 9(b) of decision -/CMA.3. It should include, inter alia the Santiago Network assisting developing country Parties in:

- Identifying, prioritising and communicating technical assistance needs and priorities;
- Identifying types of relevant technical assistance;
- Actively connecting those seeking technical assistance with best suited OBNEs);
- Accessing technical assistance available including from such OBNEs;

Part of this assistance could be provided through support being provided for Loss and Damage Needs Assessments (LDNAs) that are developed in a similar way to technology needs assessments (TNAs) and other policies and measures in support of implementation of measures to address loss and damage. They would be a formal, structured and participatory method of elevating loss and damage needs and indicating the scale of the emergency in priority countries to enable actions to, for example, prevent additional risk exposure. They may be structured as follows.



In implementing a similar process to TNAs, Parties should of course consider the different characteristics of loss and damage and how the TNA process may need to be amended accordingly. Parties must also learn from the strengths and weaknesses of the TNA process more generally including the challenge of TNAs not creating permanent institutional integration in all cases. The process needs to consider how it will inform national governments to integrate LDNAs into the budget and criteria of political decision-making processes. In relation to implementation, Parties must be clear that the LDNAs will not be an end in themselves. They are a tool to support national and sectoral planning and will provide a basis for implementation of action to address loss and damage. In elaborating the modalities of the Santiago Network, Parties may consider how to assist parties to transition LDNAs into the implementation stage.

It would be useful for Parties to consider linkages with the TNA process under the CTCN and Nationally Determined Contributions (NDCs) and how outputs from each process could be used as inputs for the other. NDCs are already used as a starting point for TNA analysis. LDNAs could also start with NDCs and also use loss and damage related information and recommendations from TNAs - this is critical to avoid duplication of work and risk overlaps and confusion during interconnected decisions and build on existing capacities.

Parties must also consider that the modalities required for a rapid response to a cyclone, for example, are different to those required for long-term planning to address sea level rise. Ex-ante requests could include a preparatory or general request that may or may not require a comprehensive LDNA to narrow the parameters of such a request and best tailor available technical assistance to



address the needs identified. Ex-post requests on the other hand may require an accelerated review and design process and rapid implementation response and action. The accelerated review and design process may be undertaken through simplified methods of engagement such as thresholds or trigger mechanisms that may remove the administrative burden on those suffering the impacts of loss and damage to access support immediately.

c. Facilitating access to action and support including finance, technology and capacity building

This modality would elaborate on how the Santiago Network would carry out the function described in paragraph 9(f) of decision -/CMA.3. The process for mobilising funds particularly to address loss and damage can be impenetrable particularly where resources are scarce and funding criteria is complex. Access should be simplified and made more flexible. Until such time as that occurs, the Santiago Network could play a critical role in assisting developing country Parties to identify potential donors or funds to address identified needs, and also assisting them to develop funding proposals for those donors. It is critical that these processes are considered at the outset of project development to ensure that projects are bankable.

The Santiago Network would similarly work with developing country Parties to assist them to access technology and capacity building that enables them to address loss and damage including implementation of Loss and Damage Action Plans developed through the LDNA process. The Santiago Network must also consider that local people on the ground may not have the capacity to carry on complex projects without assistance or the knowledge to operate and maintain technologies that have been transferred. In that regard, Parties must consider the need for sustainable structures in countries that enable the local community to reproduce and replicate actions to address loss and damage. They must also consider how the modalities would differ between the provision of finance, technology and capacity building?

As a starting point to support the Santiago Network effectively and efficiently provide this assistance, there will need to be modalities that see it assess available action and support and opportunities for helping developing country Parties to access what is available. In relation to finance, the Santiago Network should consider, for example, engagement with the Green Climate Fund Readiness Programme that has been implemented under the CTCN in terms of lessons learned. A draft technical paper reviewing this process under the CTCN found that "...the consistent, step-wise path from first establishing and strengthening a recipient country's institutional set-up to enable continued engagement with the GCF followed up by the provision of country programming support that serves to operationalize that machinery through a relatively modest request, typically for [technical assistance], has been a valuable



capacity-building approach.” Other financial instruments outside the GCF should also be considered as options.

d. Facilitating the consideration of a wide range of approaches relevant to averting, minimising and addressing loss and damage including but not limited to current and future impacts, priorities and actions;

This modality would elaborate on how the Santiago Network would carry out the function described in paragraph 9(c) of decision -/CMA.3. This function recognises that approaches to address loss and damage exist on a broad spectrum ranging from those that address extreme events, slow-onset events, economic and non-economic losses. There will also be a need to prioritise. For example, the recent IPCC report indicates that by 2050 there will be 1 billion people living in low-lying coastal cities which are particularly at risk because of sea level rise, salinisation, flooding and heavy rainfall. The Santiago Network may need to prioritise approaches to act on those locations as they are areas of high economic activity, connectivity to inland areas and because of their exposure to a wide range of risks.

e. Facilitating and catalysing collaboration, coordination, coherence and synergies to accelerate action

This modality would elaborate on how the Santiago Network would carry out the function described in paragraph 9(d) of decision -/CMA.3. The modalities of this function must be designed to build the capacity of policy makers and organisations to accelerate action to ensure actors operate in collaboration rather than in silos. The Santiago Network must enhance the existing landscape not duplicate efforts. The Santiago Network could undertake a mapping exercise building upon a [technical paper](#) published by the UNFCCC secretariat in 2013 which reviewed gaps in existing institutional arrangements inside and outside the Convention carrying out activities relevant to addressing loss and damage.

f. Facilitating the development, provision and dissemination of, and access to, knowledge and information on loss and damage

This modality would elaborate on how the Santiago Network would carry out the function described in paragraph 9(e) of decision -/CMA.3. It may include coordination of workshops at the subnational, national and regional levels including facilitating the attendance of experts in relevant fields to help developing country Parties better understand what assistance is available for what needs. The Santiago Network



might map and create an up-to-date list of national stakeholders who can be invited to participate in these initiatives.

g. Financial arrangements of the Santiago Network

The cover decision to decision -/CMA.3, paragraph 67 “Decides that the Santiago network will be provided with funds to support technical assistance...in support of the functions as set out in paragraph 9 of decision -/CMA.3.” Paragraphs 68 and 69 of the cover decision decide that the management of funds “provided for technical assistance” and the terms for their disbursement shall be determined by the negotiations process in 2022, and the body “providing secretarial services to facilitate work under the Santiago network” will administer the funds. Paragraph 70 “Urges developed country Parties to provide funds for the operation of the Santiago network and for the provision of technical assistance as set out in paragraph 67 above”.

Parties should consider elaborating the sources of finance to fund the running costs associated with the Santiago Network and the mobilisation of its services beyond developed country Parties as urged in paragraph 70. Sources may include the Financial Mechanism of the Convention, bilateral, multilateral and private-sector channels, philanthropic sources and financial and in-kind contributions from members and participants of the Santiago Network. The Santiago Network should foster synergies with financial institutions such as the Global Environment Facility (GEF) and Green Climate Fund (GCF). If there is a host arrangement, the host must be expected to not only provide the necessary administrative and infrastructural support for the effective functioning of the Santiago Network but also financial and in-kind contributions as well. Such an arrangement would as far as possible enable the funds provided to the Santiago Network to be utilised for its activities.

h. Reporting and review

Decision 2/CMA.2 already requests organisations, bodies and networks engaged in providing technical assistance under the Santiago Network to report on their progress to the ExCom and for the ExCom to include relevant information from those reports in its annual reports. In addition to that process, the Santiago Network should also be directed to report on its activities and on the performance of its functions in accordance with paragraph 9 of decision -/CMA.3. The report should contain all the information to meet the principles of accountability and transparency required by the Convention and also include information on requests received and activities carried out, information on efficiency and effectiveness in response, and information on ongoing work as well as lessons learned and best practices gained. The Santiago Network should consult with the ExCom to prepare a joint annual report that captures the information in its own report. This would require the coordinating body,

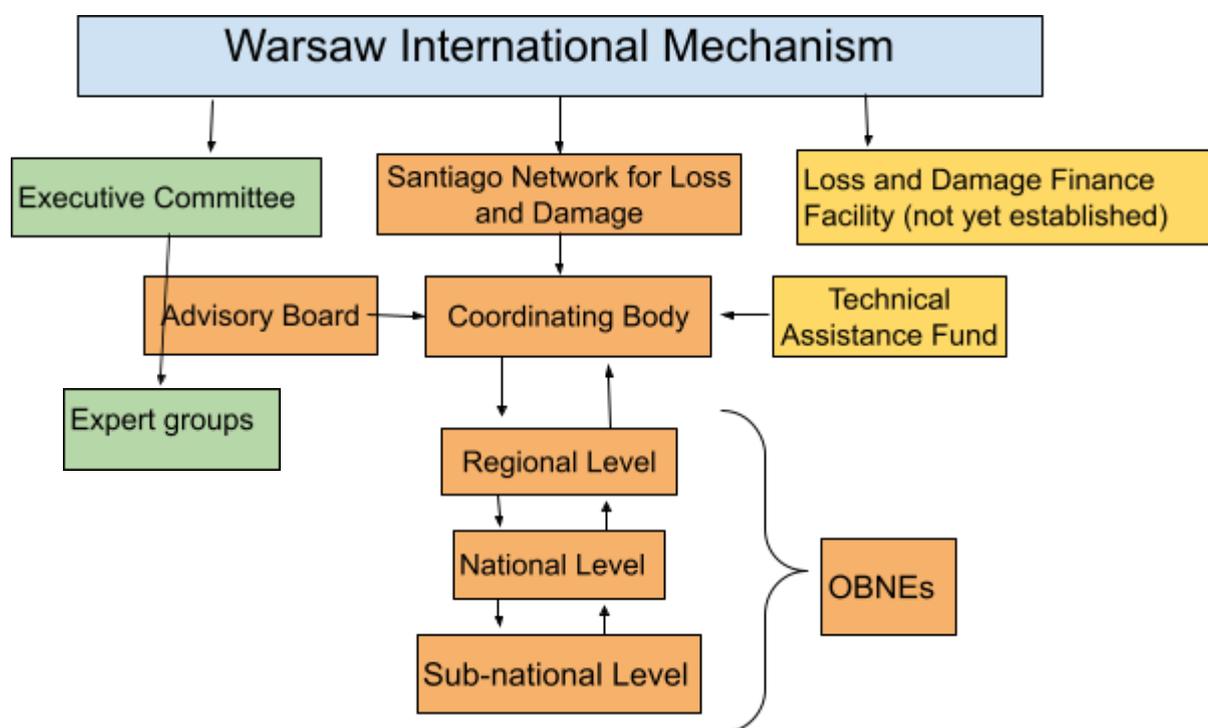


including through its advisory board, consulting with the ExCom to establish procedures for doing so.

i. Linkages with the Executive Committee

The guidance of the ExCom, including its work plan, will be critical in ensuring that the Santiago Network is effectively carrying out its functions, particularly those set out in decision -/CMA.3 paragraph 9(a), (c), (d), and (e). Parties may consider directing the ExCom and the Santiago Network to collaborate so as to promote coherence in the effective implementation of the functions of the WIM. Parties may also request the ExCom and its expert groups to do a stock take of national policies and structures that are already in place to address loss and damage and identify how they can be strengthened and where there are gaps that would necessitate the creation of new policies and structures. Vice versa the Santiago Network could request the ExCom to ask its expert groups to help solve some of the more difficult challenges. For example the Technical Expert Group on Comprehensive Risk Management (TEG-CRM) could help identify suitable regional actors that could help the Santiago Network develop thresholds and triggers for the delivery of assistance.

Structure



The Santiago Network should have a lean, cost-efficient organisational structure. The coordinating body should be a facilitating mechanism that is a relatively small centre and there should be a decentralised network of members and other technical



assistance providers with expertise at the international, regional, national and sub-national level. This structure will be critical to ensuring that an understanding of local circumstances is applied to implementation and capacity is built and retained at the ground level. There would need to be finance to support this structure, although its decentralised nature may reduce administrative burden 'at the top'. The advisory board would supervise and manage the Santiago Network. The diagram has the ExCom and the Loss and Damage Finance Facility in silos next to the Santiago Network however Parties must recognise that each of these three bodies or mechanisms are interconnected insofar as they are each under the WIM and they must relate to as to promote coherence and synergy.

Of course it is also of note that the Loss and Damage Finance Facility has not yet been established but this is a strong demand of developing countries who have long pushed for a financial arm of the WIM, culminating in the formal proposal for the Glasgow Finance Facility connected to the Financial Mechanism of the UNFCCC at COP26. Its inclusion in this diagram is intended to elucidate the clear gap under the WIM of financial support for the implementation of its functions and delivery of action to address loss and damage on the ground.

Coordinating body

The coordinating body may be within an existing institution and could be inside or outside the UNFCCC. Using the model of the CTCN, it could be led by a director who would manage a small core team of professional and administrative staff with both the director and staff to be appointed by and responsible to the governance structure of the existing institution that it is housed within order to meet their responsibilities and to efficiently and effectively perform its functions. The director of the coordinating body could also be the secretary of the advisory board.

If a host arrangement was pursued, it must learn from the challenges of the CTCN. The procedure to select a host was cumbersome and took some time. There were complications including with the tender process where funding was withheld and also location of the host institution which some Parties understood would be in the Global South but was instead established in the Global North. Parties should also be cautious about the potential of the host agreement not being reviewed and there being a need to 'start again' - countries will need continuity in the operation of the Santiago Network.

Practical Action (2021a: 54-5) proposed the following options for the coordinating body that may assist Parties to consider the feasibility of the different options:

1. Expanding the mandate of the CTCN
2. Hosted within the UNFCCC secretariat
3. A fully fledged independent entity



1. Expanding the mandate of the CTCN

<p>Strengths</p>	<ul style="list-style-type: none"> - In certain instances responding to loss and damage will require the development and transfer of technology; - The CTCN has a wide network that can be useful, in particular for SOE – tapping into this existing network will keep the focus on action and the possibility to engage with organisations that already exist and that can deliver; - The CTCN is fully operationalised and has gone through its ‘growing pains’; - The CTCN has a good capacity-building base and programme, gender policy, and linkages with Adaptation Committee and Standing Committee on Finance; - Network members of the CTCN could respond to matters pertaining to loss and damage that require technology-related interventions; - With clear TORs – this will operationalise the work of the Santiago Network without delay; - It is practical – it can build from what is already there; The CTCN TEC and the WIM ExCom are already engaging in conversations and work; It is easier to strengthen an existing institution than set up a new one; - Fewer administrative burdens; and - This will create a coordinating entity for the SNLD.
<p>Weaknesses</p>	<ul style="list-style-type: none"> - This could overburden the network / will put extra stress on the existing system; - Complexity that new COP decision will be required, willingness, and capacity of host, etc; - Will require additional functioning; - How to link it with the FM – because the TM is not even properly linked with the FM; - Funding comes from various sources and is voluntary; The current level of funding (max: \$250K and average \$125K) would be limiting for loss and technical assistance and support in countries, including for loss and damage needs assessment, transfer of technology to address loss and damage; It will mostly deal with SOE that will require technical development and transfer – what about extreme events? How would these be responded to? This will be a gap because the network can only deliver on the services that they have; and



	<ul style="list-style-type: none"> - Further negotiations will be needed.
Feasibility	<ul style="list-style-type: none"> - Parties have expressed views in support of looking at the CTCN; and - The TEC and the WIM ExCom have already engaged in meetings.

2. Host within the UNFCCC Secretariat	
Strengths	<ul style="list-style-type: none"> - Keeps it close to the COP; - Funding is automatic; - Will make it an agenda item; and - Not reinventing the wheel.
Weaknesses	<ul style="list-style-type: none"> - Funding smaller - Will there be enough capacity to respond to requests? - Raises the question of how the network of organisations will be handled; and - The unpredictable nature of extreme events makes it impossible to determine the amount and timing of requests.
Feasibility	<ul style="list-style-type: none"> - The Clean Development Mechanism Executive Board serves as an existing example - one that should be further examined.

3. SNLD as fully fledged independent entity	
Strengths	<ul style="list-style-type: none"> - It can be autonomous. - 'Clean slate' i.e. no existing restraints or commitments; and - Would not have an inherent political or organisational legacy.
Weaknesses	<ul style="list-style-type: none"> - The process could be very slow – it will take a long time to establish; - No momentum to build on; - Will be a compromise – same parties that negotiated the CTCN for instance, will renegotiate a new instrument, will face the same burdens; and Once established will have to negotiate TOR, mandate etc.
Feasibility	<ul style="list-style-type: none"> - Seems to be a low appetite.



A fourth option emerging is that the Santiago Network be hosted or convened under the United Nations Office for Disaster Risk Reduction (UNDRR) network. This host arrangement could be modelled on the CTCN which is hosted by UNEP and UNIDO, but as noted above would need to learn from the unintended consequences of the CTCN process. Following the model of strengths, weaknesses and feasibility, we analyse that arrangement as follows:

4. Host within the UNDRR network	
Strengths	<ul style="list-style-type: none"> - Global network present in Africa, Asia and Latin America with a European presence – tapping into this existing network will keep the focus on action and the possibility to engage with organisations that already exist and that can deliver; - Existing OBNE networks and relationships; - Established UN network with transparency and accountability; - Existing institution and could get going quickly; - Experience with implementation of programmes in countries; and - Could use its own funds and processes for coordination releasing funds for activities.
Weaknesses	<ul style="list-style-type: none"> - If Parties elected to use a bidding procedure similar to select UNDRR out of a number of interested entities, there could be unintended consequences where those who were unsuccessful may withhold funding or not engage with the Santiago Network; - Raises the question of what happens if UNDRR does not renew its host agreement; - Will need to negotiate TOR, mandate, etc; - Existing organisational priorities and existing programmes risk shifting the focus of the Santiago Network to disaster risk reduction does not cover all dimensions of loss and damage; - Does not have existing processes for all dimensions of loss and damage; and - Outside the UNFCCC.
Feasibility	<ul style="list-style-type: none"> - Parties and civil society have been discussing this as a possible option.



Members

Members should go through a nomination process and there should be criteria for selection. There should be engagement by those members and also the coordinating body could coordinate work between members and OBNEs that may not want formal membership. The Santiago Network can build on and put together work already being done and incentivise organisations with regional contacts and networks to assist it to fulfil its mandate, for example the United Nations Economic Commission for Latin America and the Caribbean and United Nations Economic and Social Commission for Asia and the Pacific. The Santiago Network might also consider having a roster and database of experts on certain issues. The Santiago Network should also connect with global and regional thematic networks, for example the Zurich Flood Resilience Alliance for work on flooding; with the Gender and Disaster Network for support on gender inclusive approaches; and with regional climate centres under the World Meteorological Organisation to access key climate science and meteorology capacities.

Practically, to enable fast and flexible delivery Parties should consider a structure which supports framework contracts between the coordinating body and members on a drawdown basis rather than having to draw up new contracts every time for relatively small amounts. Parties should also consider what incentives there are to formal membership of the Santiago Network. Can a non-member provide assistance? What is required to become a member?

The Fund

The financial arrangements for the 'fund' and its administration must be in place from the outset and voluntary-based funding should be avoided to avoid a false start where the attention of the coordinating body is diverted to fundraising and does not fulfil its mandate of catalysing technical assistance to address loss and damage. One proposal has been to have ring-fenced amounts for specific modalities to get the processes going. Another idea could be to have ring-fenced amounts for needs assessments for each country. This would create certainty and kick start work at the national level. These ideas would require further discussion by Parties as to their feasibility and appropriateness. Although they may be useful initially problems can arise if funds are 'earmarked' and it can risk resources not being available for the needs that the Santiago Network through its members have identified as priorities.



The Advisory Body

The advisory body would inter alia provide guidance on the Santiago Network's report and criteria for prioritising requests, and take into account considerations and recommendations of the ExCom, the designation of organisations as members, and the programme of work. The constitution of the advisory board needs proper consideration by the Parties. It could learn from the CTCN advisory board and the Adaptation Fund Board as a starting point, the constitution of each I have set out below. The structure that is agreed needs to be de-politicised as far as possible to ensure effective decision making. Parties should also consider the need to include the co-chairs of the WIM Executive Committee and other relevant UNFCCC bodies, the expertise needed from the development, disaster risk reduction and humanitarian sectors, UNFCCC observer constituencies and expert observers. Parties also need to consider what decision making capacity each member should have.

The CTCN advisory board is constituted as follows:

- 16 representatives comprising equal representation Annex I and non-Annex I Parties
- 2 representatives Technology Executive Committee
- 1 representative Green Climate Fund representative.
- 1 representative Adaptation Committee
- 1 representative Standing Committee
- 1 representative CTCN (the Director)
- 3 representatives with one being selected by each of the following UNFCCC observer organisation constituencies, taking into account balanced geographical representation: environmental non-governmental organisations (ENGOs), business and industry non-governmental organisations (BINGOs), and research and independent non-governmental organisations (RINGOs), with relevant expertise in technology, finance, or business.
- Expert observers may also be invited to attend meetings based on specific agenda needs.

The Adaptation Fund Board is constituted as follows:

- 2 representatives from each of the five UN regional groups (Africa; Asia-Pacific; Latin America/Caribbean; Eastern Europe; Western European & Others)
- 1 representative from Small Island Developing States
- 1 representative from the Least Developed Countries
- 2 representatives from Annex I
- 2 representatives from Non-Annex 1



The role of the Executive Committee and its expert groups, task force and technical expert group

The ExCom brings together a range of expertise and stakeholders to guide the implementation of the functions of the WIM. It has five thematic expert groups for each of its workstreams: expert group on slow-onset events; expert group on non-economic losses; technical expert group on comprehensive risk management; task force on displacement; and expert group on action and support. They are largely focussed on knowledge and information, and some groups are more advanced than others in their work.

The co-chairs of the ExCom should take part in meetings of the Santiago Network advisory board and other collaborative arrangements between it and the Santiago Network. ExCom technical outputs of each of the expert groups, task force and technical expert group including risk assessment and risk management tools should be used to guide the operations of the Santiago Network including in relation to LDNAs and specific policy briefs.

As has been recommended in the operational modalities, preparation of a joint annual report by the ExCom and the Santiago Network would be beneficial. It would contribute to creating synergy and coherence between the two bodies in carrying out the effective implementation of the functions of the WIM consistent with the function of the Santiago Network in paragraph 9(a) of decision -/CMA.3.

Parties will need to be mindful in engaging with the ExCom, and directing it to provide additional technical inputs e.g. specific to gaps identified by the Santiago Network, that the ExCom itself has limited resources to undertake existing work. In an assessment of the performance of the ExCom (2021b) Practical Action identified that directions in COP/CMA decisions assisted to bolster the work of the ExCom. Also relevant is that the ExCom is planning its new work programme. Parties could consider the processes to include activities to support the Santiago Network in that work plan.

The role of Loss and Damage Contact Points and other relevant stakeholders at the subnational, national and regional level

Practical Action (2021a) noted in the review of the CTCN to inform recommendations for the operationalisation of the Santiago Network, “One of the biggest lessons learned from the CTCN is that the mechanism is only as strong as the link between it and the country. Without an effective NDE, the CTCN cannot fulfil its functions.” At



COP22 in Marrakech, 2016, Parties invited interested parties “to establish a loss and damage contact point through their respective UNFCCC national focal point, with a view to enhancing the implementation of approaches to address loss and damage associated with the adverse impacts of climate change at the national level;”

The vision of LDCPs in the context of the Santiago Network is that they would operate in a similar way to a Nationally Designated Entity (NDE). NDEs are the contact point between the national government and the CTCN and other national stakeholders. They are usually based in national ministries of environment or energy. Although they are a vital intermediary, the NDEs are not always able to fulfil their role due to lack of resources and local governance issues leading to delays and inefficiencies. Capacity building activities can address this, however, they must be maintained and there must be a particular focus on building capacity in Least Developed Countries and Small Island Developing States to ensure that those least able to address loss and damage are given the tools to engage.

To improve national level coordination, capacity should also be built not only with LDCPs but also across other relevant national entities and structures to enhance internal coordination and communication between different departments and communication and support between the LDCP and higher-ranking officials. In some countries focal points share the same hats or sit in the same ministry. Others work alone and it is more challenging to coordinate with everyone. This is critical to creating a wider national platform familiar with loss and damage and the processes available to address it.

The issue with LDCPs is that there are currently only 46 nominated and their roles and responsibilities, and capacities are unclear. It would be a failure of the Santiago Network if Parties were to assume that LDCPs could be the effective link with the country at the present time and that these contact points could be provided sufficient capacity building and resources by the Santiago Network to scale up with the urgency needed. Parties will need to consider future plans for countries to nominate their LDCPs to create a clear link between the Santiago Network and the national level. This will depend on countries’ prioritisation of these processes particularly where the LDCP may be viewed as an additional expense and commitment. Countries from the outset must undertake a national stocktake exercise and a gap analysis to identify existing structures that could support their loss and damage needs and fill gaps.

Where there is a gap, Parties must consider what other methods are available for the country to make requests to the Santiago Network and how those can be inbuilt into the decision adopted at COP27. Care must be taken, however, to ensure that this does not overburden individuals in countries where capacity is limited. Countries may consider bringing together and utilising other UNFCCC focal points including



National Focal Points and NDEs as well as other relevant departments to strengthen capacity to engage with the Santiago Network. Parties should also note, however, in a recent draft technical paper reviewing the CTCN, it was reported that “one of the CTCN’s main challenges to ensure effective collaboration [at the national level] has been attributed to its limited financial resources”. This further solidifies the critical role of new and additional loss and damage finance to ensure the Santiago Network is fit for purpose.

Parties should also consider how the Santiago Network will connect to the regional and subnational levels. How will the subnational level be engaged in and be made aware of the Santiago Network and its services? Once aware of its services, how will the subnational level connect with the national level to communicate needs? How will expertise and resources available at the regional level be utilised to enhance the effectiveness of the Santiago Network in creating linkages between existing processes and services being tailored to local contexts?

Another relevant stakeholder that Parties should consider linkages with is Green Climate Fund (GCF) focal points (NDAs), and the GCF more generally. Given the recommended modality of the Santiago Network assisting countries with funding proposals to carry out its function in paragraph 9(f) of decision -/CMA.3, it would be useful for there to be collaboration in this regard. The CTCN has already established this model which has been successful so Parties should look to that in terms of lessons learned. A similar arrangement could be established with other relevant stakeholders connected to the Financial Mechanism of the UNFCCC. This will be particularly relevant when a loss and damage finance facility is established under the WIM.

Possible elements for the terms of reference of a potential convening or coordinating body that may provide secretarial services to facilitate work under the Santiago network

The Terms of Reference (TOR) will of course be dependent on what Parties decide regarding how the convening or coordinating body should be structured. Broadly speaking, the TOR will need to give that body a sufficient mandate to ensure that the functions can be delivered. The memorandum of understanding (MOU) for the United Nations Environment Programme (UNEP) when it was established as the host of the CTCN is a useful reference. The decision text set out a request for UNEP to convene and facilitate the first meeting of the Advisory Board, launch the work of the CTCN including the appointment of the director of the CTCN who would facilitate the recruitment of staff, and a requirement to provide updates on matters relating to



its role as host. Borrowing from the MOU in decision 14/CP.18 Annex I, an arrangement where UNDRR, for example, was the host may be as follows:

- I. Purpose
- II. Role and responsibilities of the Conference of the Parties
- III. Role and responsibilities of the United Nations Office for Disaster Risk Reduction
- IV. Role and functions of the Santiago Network
- V. Role and functions of the Director and personnel of the Santiago Network
- VI. Financial arrangements of the Santiago Network
- VII. Implementation of this Memorandum of Understanding
- VIII. Dispute settlement
- IX. Entire agreement
- X. Interpretation
- XI. Term of this Memorandum of Understanding
- XII. Notification and amendment
- XIII. Entry into force
- XIV. Termination

Conclusion and way forward

The L&DC is ready and willing to support the effective operationalisation of the Santiago Network for Loss and Damage. It looks forward to engaging in the ongoing discussions including the workshop being hosted by the secretariat prior to the June intersessional meetings to discuss and build upon the submissions. It also looks forward to better understanding what it can do to support the secretariat as the interim body overseeing the operations of the Santiago Network.

The L&DC is concerned about the urgency of addressing loss and damage and understands that operationalisation will not happen comprehensively and immediately. It is therefore looking forward to collaborating on ways for the work of the Santiago Network to start as soon as possible and for its members and other technical assistance providers to start providing the much needed technical assistance that frontline communities need including the vulnerable communities that L&DC members are already working with.

Once Parties have an understanding of what is required to carry out the functions of the Santiago Network they will be in a position to consider the appropriate structure. We recommend that Parties consider the advantages, disadvantages and feasibility of each option keeping in mind that any structure will need to have the capacity to carry out the agreed modalities at scale and at rapid speed. The ExCom has a critical role to play but Parties should be careful to ensure that clear guidance is



provided to provide a mandate for the ExCom and Santiago Network to relate so as to promote coherence and synergy in the implementation of the functions of the WIM. Finally, the connection with the national level is critically important and Parties must turn their attention to considering their national circumstances and how to enhance the capacity to engage.

Recommended reading

- Decisions operationalising the Climate Technology Centre and Network:
 - Decision 1/CP.16
 - Decision 2/CP.17
 - Decision 14/CP.18
 - Decision 25/CP.19
- Practical Action (2021a) Review of the Climate Technology Centre and Network: To inform ongoing negotiations to establish the Santiago Network for Loss and Damage, Practical Action, Rugby, UK.
<https://practicalaction.org/knowledge-centre/resources/review-of-the-climate-technology-centre-and-network-to-inform-ongoing-negotiations-to-establish-the-santiago-network-for-loss-and-damage/>
- Practical Action (2021b) Assessing the Performance of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, Practical Action, Rugby, UK.
<https://practicalaction.org/knowledge-centre/resources/assessing-the-performance-of-the-executive-committee-of-the-warsaw-international-mechanism-for-loss-and-damage-associated-with-climate-change-impacts/>
- UNFCCC (2019), 'Elaboration of the sources of and modalities for accessing financial support for addressing loss and damage'
<https://unfccc.int/documents/196468>
- UNFCCC (2013), 'Gaps in existing institutional arrangements within and outside of the Convention to address loss and damage, including those related to slow onset events.'
<https://unfccc.int/documents/7970>
- (Draft) UNFCCC (2022) 'Experiences, lessons learned and good practices from GCF and GEF's support for technology'
- White, H (2022) Preliminary findings to inform the operationalization of a fit for purpose Santiago Network for Loss and Damage
<https://www.lossanddamagecollaboration.org/publication/preliminary-findings-to-inform-the-operationalisation-of-a-fit-for-purpose-santiago-network-for-loss-and-damage>
- White, H (2022) Preliminary findings to inform the operationalization of a fit for purpose Santiago Network for Loss and Damage: what is loss and damage?
<https://www.lossanddamagecollaboration.org/publication/preliminary-findings-to-inform-the-operationalisation-of-a-fit-for-purpose-santiago-network-for-loss-and-damage>



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