



LOSS AND DAMAGE AT COP 28

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LOSS AND DAMAGE AT COP 28

The 28th conference of the Parties (COP 28) will be held from the 30th of November until the 12th of December 2023 at the Expo City, in Dubai, in the United Arab Emirates. The context for COP 28 is outlined by the Chairs of two of the important bodies to convene Parties at COP 28, the Subsidiary Body on Scientific and Technological Advice (SBSTA) and the Subsidiary Body on Implementation (SBI), as follows:

“This year, more than ever before, the devastating impacts of climate change have led to loss of lives and destruction of livelihoods, severely impacting thousands of people in the Global North and South. From devastating floods and fires ... and intense heatwaves around the world, the spiralling impacts of climate change are evident. These and other impacts of climate change are occurring faster than scientists previously warned, heavily impacting the poorest and most vulnerable communities, many of whom are yet to be equipped with the skills, technology and financial resources needed to adapt to the impacts.”¹

Issues relevant to Loss and Damage will be discussed at COP 28 in the following agendas: matters relating to the Santiago Network for Loss and Damage (Santiago network); the first Global Stocktake of the Paris Agreement (GST); Loss and Damage Finance including the Loss and Damage Fund and Funding Arrangements; the New Collective Quantified Goal on Climate Finance (NCQG); and the Warsaw International Mechanism for Loss and Damage.

For each of these workstreams, this brief provides a short summary of what will be negotiated at COP 28, and the Loss and Damage Collaboration’s expectations on what COP 28 must deliver.

A.

THE GLOBAL STOCKTAKE (GST)

WHAT’S HAPPENED SO FAR?

The first Global Stocktake (GST) will conclude at COP 28, the culmination of two years of work to assess progress and ratchet up ambition to meet the goals of the Paris Agreement. Work so far - and impacts on the ground - have made it very clear that we are far off track and a radical transformation of efforts across the three pillars of the Paris Agreement - mitigation, adaptation and Loss and Damage is needed.

WHAT IS HAPPENING ON THE GST AT COP 28?

At COP 28 the GST is due to undertake the political phase, and thus conclude its work. In the first week high level roundtables will be held on elements of the GST’s work: adaptation (1 December), mitigation (2 December), and means of implementation or finance (2 December). Loss and Damage will be addressed within the adaptation workstream, and in the concept note is dangerously conflated with adaptation. Also

in the first week negotiation work will begin in joint sessions of the [SBSTA agenda item 5](#) and [SBI agenda item 8](#). In the second week negotiations will likely continue and conclude in the [CMA agenda item 4](#).

WHAT DO WE WANT ON THE GST?

The first GST must provide a clear idea of the loss and damage occurring already, and the pathways forward to address the gaps, including by:

- Recognising the interconnectedness of mitigation, adaptation and Loss and Damage, and include a roadmap to limit global warming to 1.5°C, including a commitment to a full, fast and fair phase-out of all fossil fuels; and address the impacts of climate change through both adaptation and addressing loss and damage comprehensively and holistically so that all have the resources they need to thrive in the midst of climate change.
- Providing a robust assessment of progress towards implementing the Paris Agreement, the GST outcome must include a dedicated section on Loss and Damage, recognising the need to address both economic and non-economic loss and damage in developing countries, both current and projected, given current emission trajectories.
- Laying out a roadmap for how the gaps and needs on Loss and Damage will be addressed including through fully operationalising the Santiago network, operationalising the Loss and Damage Fund, and acknowledging loss and damage needs of at least 400 billion USD. Parties must also commit to establishing a subgoal on Loss and Damage under the NCQG.

For further information please see the Loss and Damage Collaboration's GST briefing: [The Global Stock and Loss and Damage: the Outcome We Need at COP 28 to Create the World We Want](#) and our COP 28 briefing: [Standing in Solidarity with those on the Frontlines of the Climate Crisis: A Loss and Damage Package for COP 28](#).

THE SANTIAGO NETWORK

B.

WHAT'S HAPPENED SO FAR?

The Santiago network was established in 2019 at COP 25. It will provide technical support to enable countries and communities to gain insights into their Loss and Damage needs and assist in devising effective strategies to address them, including through a sound Loss and Damage needs assessment. Its functions include facilitating technical assistance from relevant organisations, bodies, networks and experts (OBNEs).²

At SB58 in June Parties were to agree the host of the secretariat for the Santiago network, between two options: the [United Nations Office for Disaster Risk Reduction \(UNDRR\)](#) with the [United Nations Office for Project Services \(UNOPS\)](#) or the [Caribbean Development Bank \(CDB\)](#). Whilst they drafted a Memorandum of Understanding text reflecting the need for the Santiago network secretariat to be independent from the host organisation, for the host organisation to have regional presence, and for the technical assistance provided by the Santiago network to address the full spectrum of loss and damage. They were not able to decide on a host, largely because developing countries could not come to a joint position within the G77 and China.³

WHAT IS HAPPENING ON THE SANTIAGO NETWORK AT COP 28?

At COP 28 Parties are expected to agree a host and other elements that will allow the Santiago network to get up and running. In the first week, Santiago network will be negotiated within a joint [SBSTA agenda item 4](#) and [SBI agenda item 13](#). In the second week negotiations will move to [COP agenda item 7](#) and [CMA agenda item 9](#).

WHAT DO WE WANT ON THE SANTIAGO NETWORK?

COP 28 must ensure the Santiago network has the tools it needs to immediately start supporting developing countries to develop their approaches to addressing loss and damage so that programs can be implemented from 2024, and ramped up when funding is provided through the Loss and Damage Fund. This will require:

- Selection of the Santiago network host organisation that has a presence and history in developing countries and with a wide range of skills and knowledge on loss and damage to effectively support the implementation of Santiago network activities.
- Election of members of the Advisory Board, ensuring the Board has a diverse range of technical experience and knowledge related to averting, minimising, and addressing the loss and damage and includes women and gender constituencies, Indigenous peoples organisations, and children and youth non-governmental organisations.
- Acknowledgement that the Santiago network Board and secretariat should be accountable to the COP and CMA to ensure it meets the needs of developing countries, and therefore should be independent from the host organisation.
- Developed countries provide immediate, additional support to the Santiago network, as well as embedding support for the Santiago network within the Loss and Damage Fund decision, to assure finance for technical assistance.

For more information see our Santiago network briefing: [Unpacking the Link Between the Santiago Network and Funding Arrangements and Fund for Loss and Damage](#), and our COP 28 briefing: [Standing in Solidarity with those on the Frontlines of the Climate Crisis: A Loss and Damage Package for COP 28](#).

THE LOSS AND DAMAGE FUND AND FUNDING ARRANGEMENTS

WHAT'S HAPPENED SO FAR?

The Loss and Damage Fund was agreed at COP 27, and a Transitional Committee established to propose details on how it would work to COP 28. The Transitional Committee had five meetings across 2023, two workshops, a Dialogue, and was informed by two Ministerials. At its final meeting (TC5) the Transitional Committee agreed highly fought over recommendations to forward to the COP and CMA that include a proposed COP and CMA decision, a proposed governing instrument for the Loss and Damage Fund, and recommendations in relation to the new funding arrangements.

WHAT IS HAPPENING ON LOSS AND DAMAGE FINANCE AT COP 28?

At COP 28 Parties may accept the package of agreements put forward by the Transitional Committee, in which case they will be relatively little discussed, or they may be opened for negotiation in the second week under COP agenda item 8(g) and CMA agenda item 10(g).

Outside of official negotiations, developed countries are expected to make pledges to contribute to the Loss and Damage Fund and funding arrangements. The EU has already indicated it is ready to announce a substantial financial contribution by the EU and its Member States to the loss and damage fund at COP 28.

WHAT DO WE WANT FROM COP 28?

At COP 28 in Dubai countries must operationalise a fair and fit for purpose Loss and Damage Fund that is directly accessible to developing countries and communities and able to meet their needs now, as well as being capable of scaling up to meet future needs. This means a Loss and Damage Fund that is operationalised as:

- The central Fund to address Loss and Damage as a stand-alone⁴ operating entity of the financial mechanism of the Convention, and under the guidance of and accountable to the COP and CMA. It should have a coordinating role across other Loss and Damage funding arrangements.

- The Fund should ensure an equitable allocation across thematic areas, through windows or similar modalities such as: i) Disaster response window; ii) Reconstruction and rebuilding window; iii) Slow-onset window; iv) Micro-/Small-Grant window to provide direct access to impacted communities, Indigenous Peoples, local government, and civil society. There should be no ability to ear-mark to specific activities, including via sub-funds. The Board should have the power to make allocation decisions in line with the priorities of affected countries.
- Acknowledging that a minimum of 400 billion USD a year reflects the current needs of developing countries and that this is expected to rise, the Loss and Damage Fund should establish a floor of funds to be raised and disbursed each year.
- Developed countries must commit to providing grant funding, other countries should be invited to contribute and pathways for new sources of funding that are polluter pays and equitably implemented – such as a tax on the fossil fuel industry, a frequent flyer levy, a tax on international shipping fuel, a global wealth tax or financial transaction tax – should be laid out at COP 28.
- The Loss and Damage Fund must provide funds as grants, and not exacerbate the existing debt crisis amongst vulnerable countries.
- The Board should be composed with equitable representation, with a majority of seats for developing countries, with gender balance, and should give voice and vote to representatives from affected communities and civil society organisations as full board members.
- The Fund must be human rights-based and gender-responsive. In addition to the principles of the Convention and the Paris Agreement, including equity, historical responsibility, and capacity, principles that respect and uphold human rights and ensure active, meaningful and effective participation of affected communities, including women, children, youth, Indigenous Peoples, and civil society organisations in the design, implementation, monitoring and evaluation of Loss and Damage Fund's policies and activities should be implemented. The Loss and Damage Fund must take into account Indigenous, traditional and local knowledge and act at the most local level possible.
- A criteria should be established in order for finance to count as Loss and Damage finance - inside the Loss and Damage Fund, and outside in the funding arrangements - and transparency and regular reporting adding up to a regular Loss and Damage gap report.

It will be crucial for developed countries to show good faith and build trust by making contributions at COP 28 to enable the Loss and Damage Fund to be set up and begin to be capitalised. - above and beyond existing climate finance and ODA.

For further information see the Loss and Damage Collaboration's COP 28 briefing: [Standing in Solidarity with those on the Frontlines of the Climate Crisis: A Loss and Damage Package for COP 28.](#)

NEW COLLECTIVE QUANTIFIED GOAL (NCQG)

WHAT'S HAPPENED SO FAR?

The New Collective Quantified Goal (NCQG) was established to supersede the 2009 finance goal of 100 billion USD a year. The 100 billion USD goal was inadequate, as it only covered mitigation and adaptation, was magnitudes too small in its scale, and has so far not been met. The ad-hoc work programme on the NCQG started in 2022 and will conclude at COP 29 in 2024. Four Technical Expert Dialogues (TED) each year have been held, as well as regular public consultations and annual High-Level Ministerial dialogues of finance ministers.

WHAT IS HAPPENING ON THE NCQG AT COP 28?

The eighth Technical Expert Dialogue (TED8) will be held immediately ahead of COP 28, on Tuesday 28 November with a theme of stocktake to assess work to date and plan for work in 2024. The Co-chairs report will be addressed at CMA agenda item 10(e) and take stock of progress made in 2022 and 2023 and provide further guidance on the work programme

WHAT DO WE WANT ON THE NCQG?

Acknowledging that loss and damage finance needs are at least 400 billion USD and growing, the NCQG is well placed to provide a goal or guide for loss and damage finance, including through the Loss and Damage Fund. Therefore we recommend at COP 28 countries agree to:

- Include loss and damage in the NCQG agenda in 2024, as a separate sub-goal in the NCQG, at par with similar sub-goals for mitigation, adaptation, and biodiversity conservation.
- Hold at least one additional dialogue (preferably hybrid) in 2024, whereby NCQG negotiators, loss and damage negotiators, civil society, communities, other stakeholders and advisors come together to include loss and damage in the NCQG.
- A formal relationship between Loss and Damage Fund and UNFCCC's global finance goals, thereby supporting the Fund's capitalisation and replenishment to disburse finance to address loss and damage.
- Regular reviews of the NCQG should be undertaken to evaluate progress and feed into the development of an annual loss and damage gap report.

For further information please see the Loss and Damage Collaboration's briefing: [The Role of the New Collective Quantified Goal on Climate Finance in Filling the Loss And Damage Fund](#) and and our COP 28 briefing: [Standing in Solidarity with those on the Frontlines of the Climate Crisis: A Loss and Damage Package for COP 28](#).

ENDNOTES

- 1 UNFCCC. (2023, November 17). Joint Note by Subsidiary Bodies Chairs ahead of SB 59. <https://unfccc.int/documents/633401>
- 2 Niyitegeka, H. (2023, November). Unpacking the link between the Santiago Network, Funding Arrangements and Fund for Loss and Damage. The Loss and Damage Collaboration. <https://www.lossanddamagecollaboration.org/publication/unpacking-the-link-between-the-santiago-network-and-funding-arrangements-and-fund-for-loss-and-damage>
- 3 Niyitegeka, H. T Ormond-Skeaping, J-A Richards, E Roberts. (2023, July 11). What happened at the 2023 Bonn climate conference (SB58) and where are we now on the road to COP 28? Loss & Damage Collaboration. <https://www.lossanddamagecollaboration.org/pages/what-happened-at-the-2023-bonn-climate-conference-sb58-and-where-are-we-now-on-the-road-to-cop-28>
- 4 This means not within the World Bank. For information on why the World Bank is not appropriate see the Loss and Damage Collaboration's COP 28 briefing: [Standing in Solidarity with those on the Frontlines of the Climate Crisis: A Loss and Damage Package for COP 28](#).

IMAGE CREDITS

1. Cover image: Fridays for Future and other youth delegates hold an action to demand that a Loss and Damage Fund be established at COP27 on the 19th of November, 2022. Image credit: [UNFCCC COP27 19Nov22 CivilSocietyActions KiaraWorth-9](#), UNFCCC / Kiara Worth, licenced under [CC BY-NC-SA 2.0 DEED](#)
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