

# THE SANTIAGO NETWORK: DECISION OPTIONS FOR COP27



by

Cathrine Wenger  
Wenger Law Firm

Jennifer Huang  
Center for Climate and Energy Solutions

October 2022

## INTRODUCTION

This paper presents options for each of the elements of a possible decision on the Santiago Network (SN) to be adopted at the 27th Conference of the Parties (COP27),<sup>1</sup> based on the draft element text considered at 56th Subsidiary Body meeting.<sup>2</sup> These elements include: operational modalities (structure, roles, and necessary processes); the role(s) of the Warsaw International Mechanism (WIM) Executive Committee (ExCom) and its expert groups, task force, and technical expert groups; the role of loss and damage (L&D) contact points and other relevant stakeholders at the subnational, national, and regional level; possible elements for the terms of reference (TORs) of a potential convening or coordinating body that may provide secretarial services to facilitate work under the SN; funding; and selection processes.

Many choices are interrelated; choosing one option will affect or determine other options. For instance, whether to establish the SN under WIM and/or ExCom is the deter-

mining factor for the role of ExCom in the SN.

These options are illustrative only; they may not reflect the full range of options available to Parties. Some elements drawn from different options could be combined to create alternative scenarios for a COP decision.

This paper also includes background information; additional context (Annex 1); the functions of the SN (Annex 2); a summary of the functions and roles of the WIM, ExCom, and its expert groups (Annex 3); and an example of TORs based on the Climate Technology Centre and Network (CTCN) (Annex 4).

**Key consideration:** What priorities for operationalizing the SN should guide reaching agreement at COP27?

# SANTIAGO NETWORK DECISION OPTIONS

## Operational modalities

### Potential structure, and role(s) of:<sup>3</sup>

- a potential convening/coordinating body/secretariat of the SN
- a potential advisory body/board with an advisory role
- the WIM, ExCom and its expert groups
- L&D contact points
- relevant organizations, bodies, networks and experts (OBNEs)/network members
- funding arrangements/modalities.

### Processes to carry out the SN functions, such as:

- L&D vulnerability and needs assessment process
- system for developing and supporting technical proposals, and structure for connecting those with needs with providers of technical assistance
- procedures for providing efficient and sufficient funding for technical assistance
- reporting and review structure for SN.

## Potential roles of the actors in the Santiago Network<sup>4</sup>

	OPTION 1	OPTION 2	OPTION 3	OPTION 4
<i>ExCom</i>	No role	Coherence/assistance role	Overseeing/guidance role	Overseeing/guidance role
<i>ExCom's expert groups</i>	No role	No role	Advisory role	Coherence/assistance role
<i>Advisory Body/board</i>	Advisory role	Advisory role	No role	Advisory role
<i>WIM</i>	Overseeing/guidance role	Overseeing/guidance role	No role	No role
<i>Secretarial body</i>	Facilitative/secretarial role	Facilitative/secretarial role	Facilitative/secretarial role	Facilitative/secretarial role
<i>OBNEs</i>	Implementing role	Implementing role	Implementing role	Implementing role

### The role(s) of the WIM ExCom and its expert groups, task force and technical expert groups:

- decide the level of coordination and guidance needed between the SN and the ExCom, expert groups, task force and technical expert groups
- identify the overlapping and decide on the potential new roles of the ExCom in carrying out the SN functions.

### The role of L&D contact points and other relevant stakeholders at the subnational, national, and regional level:<sup>5</sup>

- identifying and prioritizing relevant types of technical assistance and those who need it at national and local levels
- developing and communicating technical assistance needs and priorities/proposals, L&D information and knowledge, and comprehensive risk management approaches at the regional, national, and local levels
- liaising or connecting national network to SN body/bodies.

### **Possible elements for the TORs of a potential convening or coordinating body that may provide secretarial services to facilitate work under the SN:**

- adapt the TORs for the CTCN, to the SN: (i) mission, (ii) functions, (iii) architecture, (iv) roles and responsibilities, (v) governance, (vi) organizational structure, (vii) reporting and review, (viii) terms of agreement<sup>6</sup>
- adapt the TORs from another body.

### **Operational modalities**

#### **Funding:**<sup>7</sup>

- modalities for the management of funds provided for technical assistance under the SN and the terms for their disbursement
- funding [arrangements] for the operation of the SN and modalities for the management and disbursement of funds provided for technical assistance under the SN.

#### **Selection processes for the constitution and membership of the SN bodies, such as a potential advisory board:**

- adapt the selection process for the CTCN advisory board to the potential SN advisory board<sup>8</sup>
- adapt the selection process from another body
- agree on a selection process unique to the SN.

## **ANNEX 1: CONTEXT FOR OPTIONS FOR A DECISION ON THE SANTIAGO NETWORK**

The SN has great potential for unlocking action and support for averting, minimizing and addressing L&D associated with the adverse effects of climate change. In establishing the SN, Parties have added additional layers that create a strengthened and more focused structure to the work of the WIM and its ExCom for technical assistance of organizations, bodies, networks and experts. The SN is meant to coordinate actors and respond through a more structured and demand-driven system for assessing needs, identifying technical assistance available and connecting these actors.

The SN can engage the L&D contact points and other relevant stakeholders at all levels, and work as an effective channel for technical support for the most vulnerable developing countries. As such, the SN could catalyze and expedite demand-driven technical assistance for the implementation of relevant approaches to avert, minimize and address L&D in vulnerable developing countries.

In short, the functions, hereunder the ‘what’ has been agreed. The Parties now need to agree on ‘how’ to ensure that the ‘what’ is carried out, and ‘which’ institutions should undertake it. It follows that Parties also need to decide on whether current institutions/bodies can undertake the ‘how’, or whether it is necessary to establish new ones.

To have a successful outcome on the SN at COP27 in

Sharm el-Sheikh, Parties will need to come to agreement on an array of issues at both the political and technical level, including agreeing on the terms of reference for a convening/governing body.

This annex provides more context for the dynamics and options around the options for each of the elements for a decision.

### **OPERATIONAL MODALITIES**

Modalities and procedures can be elaborated by a chosen body under the SN and should be based on the functions of the SN and the agreed terms of reference, with a view to making a decision at a future COP/ Parties to the Paris Agreement (CMA) to be decided by the Parties.<sup>9</sup> The operational modalities encompass the convening or coordinating body and its structure, including key roles, and necessary processes to carry out SN functions, such as reporting.

#### ***The convening or coordinating body***

The convening or coordinating body is often referred to as the host secretariat. In a decision text, the United Nations Framework Convention on Climate Change (UNFCCC) Secretariat can be requested to issue a call for proposals in

order to find suitable candidate(s) for the role of convening or coordinating body. It can set out the criteria for the proposal responses. The specific criteria could be decided by the Parties and annexed to the decision. The procedure for choosing a convening or coordinating body could also be set out in the decision, and Parties could look to the procedure established for the CTCN's Technology Mechanism's secretariat.<sup>10</sup>

Parties are divided on whether it would be necessary to establish an *advisory body/board* which could develop the operational modalities and rules of procedure, periodically identify and prioritize issues and themes to be targeted and explored, provide recommendations to the secretariat for membership criteria and criteria for the assessment of funding requests, etc.<sup>11</sup>

At the Copenhagen workshop both countries and providers of technical assistance underscored the importance of better understanding the needs and barriers for L&D action and support.<sup>12</sup> There were different views on how to best ensure that L&D needs, gaps and barriers were integrated with existing assessments and informing national and local planning processes. Parties could consider:

- establishing a *L&D vulnerability and needs assessment process*, which will guide the integration of L&D risk and needs aspects in existing assessments and national and local planning processes, including the national adaptation planning plans (NAPs), post-disaster needs assessment, technology needs assessment, and impacts and vulnerability assessments
- ensuring that the modalities are flexible and can evolve to reflect the nature and range of activities and areas necessary to respond

Parties seem to agree on three broad components of the SN:

- *A country component* providing an effective way to identify and communicate the L&D needs of local and national actors.
  - The needs could be communicated as technical assistance requests/proposals to a coordinating body providing secretarial services.
  - Parties could consider ways to ensure sufficient capacity of L&D contact points and other stakeholders in developing the requests/proposals.
- *Providers of technical assistance*, forming a network of organizations, bodies, networks, and experts that will respond to the requests for L&D technical assistance.

- *A coordinating body* providing secretarial services that will support the process of producing technical needs requests/proposals, and identify the providers of technical assistance.

### **Structure**

The potential structure will depend on the roles given to the WIM and its ExCom, the L&D contact points, the OBNEs/network members, and the secretarial/convening body of the SN, whether the Parties establish an advisory body, and on the choice related to the management of funds.

The main difference in Parties' views, apart from whether an advisory board is needed or not, is whether the potential advisory body is established under the WIM or under the ExCom, and whether there is a need for a separate L&D finance facility to fund the SN, or whether existing finance structures should be utilized.

### **Reporting under the Santiago Network**

The current decision sets out the reporting structure for the SN, which invites the organizations, bodies, networks and experts engaged in providing technical assistance to developing countries as part of the SN to report on their progress to the ExCom.<sup>13</sup> The ExCom will then include relevant information from the progress report in its annual report.<sup>14</sup>

Many submissions acknowledge the above decision as a clear guidance on the reporting structure for the SN. However, some submissions suggest that the SN secretariat report directly to the COP/CMA.<sup>15</sup> Some participants present at the Copenhagen workshop also suggested that the SN could report directly to the COP/CMA instead of to the ExCom, i.e., a parallel reporting structure with the ExCom's annual report, as is the case for the CTCN advisory body.

However, given the decision text, agreeing a new reporting structure could delay the timely delivery of a decision at COP27 in Sharm el-Sheikh, with implications for other parts of the decision text as well.

### **THE ROLE(S) OF THE EXECUTIVE COMMITTEE AND ITS EXPERT GROUPS, TASK FORCE AND TECHNICAL EXPERT GROUP**

The SN is meant to contribute to the effective implementation of the functions of the WIM by catalysing the technical assistance of organizations, bodies, networks, and

experts.<sup>16</sup> The SN will facilitate the consideration of a wide range of L&D areas, including those identified in previous decisions and the Paris Agreement, as well as the ExCom's five-year rolling workplan.<sup>17</sup> SN's functions are set out in Annex 2 to this paper.

SN's functions are, in general terms, aligned with existing functions of the WIM, and there are considerable overlaps with the ExCom's expert groups' workstreams and SN's functions.<sup>18</sup> Please see Annex 3 for a summary of functions and roles of the WIM, ExCom and its expert groups. SN is meant to implement WIM's functions.<sup>19</sup> The implementation of WIM's functions is guided by the ExCom.<sup>20</sup> Thus, the ExCom's role as guiding the SN is given unless the Parties decide otherwise.

Going forward, Parties will need to decide the *level* of coordination and guidance needed between the SN and the ExCom, expert groups, task force and technical expert groups. As such, the Parties could consider these questions:

- Are there any functions the SN will perform that are currently not performed by the ExCom and its expert groups and task force?<sup>21</sup>
  - Do the Parties envision a role for the ExCom in this work, and if so, what should its role be?
    - > Supervise/guide.
    - > Establish a new advisory body to undertake the technical work.
    - > Use current expert groups and task force to undertake the technical work.
    - > No role for ExCom, as SN should be operating directly under the WIM.
  - Does the current mandate for ExCom cover its envisioned role, or does it need to be updated?
- What is the level of overlap in functions/workstreams between the ExCom (and its expert groups and task force) and the SN?
  - How to ensure guidance, coordination and collaboration for these functions/workstreams?
- Are there any functions the ExCom et al undertakes that the SN does not have but needs in order to function at its best?

Table A1 provides short, systematic summary of possible roles the ExCom could have in the SN based on the submissions by the Parties.

## THE ROLE OF L&D CONTACT POINTS AND OTHER RELEVANT STAKEHOLDERS

At COP22, Parties were invited to establish a L&D contact point through their respective UNFCCC national focal point to enhance the implementation of approaches for L&D.<sup>22</sup> Parties have also been invited to identify one or more adaptation contact points to enhance the dissemination of information between Parties and the Adaptation Committee (AC) and Least Developed Countries Expert Group (LEG), as well as other relevant organizations and program partners, such as the Nairobi work program and Parties' efforts to formulate and implement NAPs.<sup>23</sup>

For the CTCN, the National Designated Entities (NDE) serve as a National Focal Points (NFP) on CTCN activities and play an important role in ensuring that requests submitted to the CTCN reflect their national circumstances and priorities. They also ensure that support provided by the CTCN is well coordinated at the national level with other climate change processes, through engagement with relevant ministries, focal points for other UNFCCC mechanisms, the private sector, civil society and academia. For example, the NDEs generally ensure that the requests to CTCN are in line with national development and climate strategies, including national adaptation plans (NAPS and national adaptation programs of action [NAPAs]).<sup>24</sup> Both Annex I and non-Annex I Parties have NDEs in which, amongst others, the Annex I NDEs facilitate linkages between their country's development assistance and CTCN activities in developing countries.<sup>25</sup>

The Parties' submissions on SN showed general agreement on the role of the L&D contact points as a two-way technical assistance hub that would (i) ensure the necessary identification of L&D technical assistance needs and (ii) receive assistance and information from the SN on a regular basis. The L&D contact points would communicate their needs to the relevant SN body.

The L&D contact points are well positioned to perform many of the agreed SN functions, either on its own or in cooperation with other SN bodies. The L&D contact points are particularly well suited to:

- identify those seeking technical assistance at national and local levels<sup>26</sup>
- identify, prioritize, and communicate technical assistance needs and priorities, for example, assisting in undertaking technical needs assessments and ensuring national policy alignment for the requests for technical assistance communicated to the relevant SN body<sup>27</sup>

**Table A1: Functions and Roles of the Santiago Network and Executive Committee**

SN FUNCTIONS	POTENTIAL ROLES FOR EXCOM & ITS EXPERT GROUPS
<i>Implementing WIMs functions</i>	SN as the operational/policy arm of the WIM. <sup>1</sup>
<i>Assisting with technical needs assessments; identifying and connecting those with needs with assistance available</i>	ExCom members to act as champions for the SN to promote the SN and advise on the work on SN. <sup>2</sup>
	A key role for the ExCom and its expert groups and task force is in preparedness of developing countries. <sup>3</sup>
	ExCom to provide technical and methodological support to developing countries to enable them to identify areas of risk and needs for comprehensive risk management. <sup>4</sup>
	ExCom to engage with or support the coordinating body of the SN, including the ongoing work on behalf of the ExCom expert groups to develop technical guides to facilitate national action in addressing L&D. <sup>5</sup>
	ExCom and its expert groups to develop the technical guidance on the L&D needs assessment, including developing criteria and application as well as a standard template and process for carrying out and communicating the L&D needs assessment. Whereas the ExCom develops the tools, the SN would assist countries in developing implementation frameworks and plans based on the need assessment, as well as assisting national entities to implement these. <sup>6</sup>
<i>Coordination, coherence and collaboration</i>	ExCom has a supervisory/overseeing role in the work program and activities of the SN. <sup>7</sup>
	ExCom taking a more active role in the SN by giving guidance on the network activities. <sup>8</sup>
	ExCom works in conjunction with the SN to ensure coherence and synergy within the WIM, as is the case for the CTCN and the Technology Executive Committee. <sup>9</sup>
	No formal oversight role for the ExCom in the implementation and delivery work of the SN. <sup>10</sup>
<i>Knowledge and information</i>	ExCom could play a role in documenting and elaborating technical papers on the work of the SN, including lessons learned, good practices, challenges, etc. <sup>11</sup>
	SN to have a strong connection with the ExCom, for example through coordination and complementarity between SN and ExCom meetings and outreach events. <sup>12</sup>
	Areas that could be handled by ExCom include capacity building (in particular for the L&D contact points), knowledge and information. <sup>13</sup>
	ExCom to encourage its expert groups to utilize lessons learnt and gaps identified in the implementation of the technical assistance of the SN. <sup>14</sup>
<i>Facilitate access to action and support</i>	The ExCom can recommend that the SN provides technical assistance and support to vulnerable countries through its advisory committee. <sup>15</sup>

- identify types of relevant technical assistance<sup>28</sup>

The L&D contact points can also undertake the following functions:

- assist in the development of L&D information and knowledge and share it with their regional, national, and local networks<sup>29</sup>
- conduit/liaise relevant L&D information to SN body(ies)
- ensure the integration and dissemination of comprehensive risk management approaches at the regional national and local level.

Further, the L&D contact points could assist the relevant SN body in connecting their national network, hereunder local organizations, bodies, networks, experts and users with the SN.<sup>30</sup>

It is worth noting that there currently are only 48 L&D contact points from both developed and developing countries.<sup>31</sup> Parties could ensure the necessary capacity building to ensure the above functions are possible to undertake, in particular with regard to the most vulnerable and least developed countries. Could it be possible to access the SN without going through the L&D contact points in order to reduce the risk of L&D contact points becoming ‘bottle-necks’ for swift technical assistance?

The submissions from Parties had little focus on the role of L&D contact points for engaging with regional networks. Parties could consider whether it is useful to not limit the contact points’ outreach and communication to purely nationally based networks but include regional networks with national or local anchoring.

Finally, it could also be clarified how L&D contact points are to cooperate with relevant organizations, bodies, networks and experts, across communities and practices.<sup>32</sup>

## TERMS OF REFERENCE

- Possible elements for TORs of a potential convening or coordinating body that may provide secretarial services to facilitate work under the Santiago network. In order to establish the SN, Parties must agree on the TORs for the SN (these will be attached as an annex to the decision) and *adopt* the TORs of the SN in a decision with reference to the annex.

- Many Party submissions referred to the TORs for the CTCN as guiding the TORs for the SN.<sup>33</sup> See Annex 4 for TORs based on the CTCN.

## FUNDING

- The question of funding of technical assistance under the SN is part of the larger discussion on funding for L&D in general, including whether a new finance facility should be established or whether the current financial mechanisms under the UNFCCC should be given further guidance to ensure effective and sufficient financing of the agreed L&D activities.<sup>34</sup>
- In Glasgow, the Parties decided to provide the SN with funds to support technical assistance for the implementation of relevant approaches to avert, minimize and address L&D.<sup>35</sup> It was also decided that the body providing secretarial services to facilitate work under the SN will administer the funds.<sup>36</sup>
- It was left to the Parties to decide on the modalities for the management of the funds provided for technical assistance under the SN and the terms of their disbursements.<sup>37</sup> Parties could also decide whether funding arrangements should be set up for the operation of the SN and modalities for the management and disbursement of funds provided for technical assistance under the SN. Parties could further address whether it is necessary to agree on a L&D finance facility in order to operationalize the SN, or whether this discussion can run in parallel under the Glasgow Dialogue or a potential new agenda item.

## SELECTION PROCESSES

- Parties must also decide the selection processes for the constitution and members of the SN bodies, such as a potential advisory board. Options include:
  - adapting the selection process for the CTCN advisory board to the potential SN advisory board
  - adapting the selection process from another body
  - agreeing on a selection process unique to the SN.

## ANNEX 2: FUNCTIONS OF THE SANTIAGO NETWORK

The functions of the SN are:<sup>38</sup>

- (a) Contributing to the effective implementation of the functions of the WIM, in line with the provisions in paragraph 7 of decision 2/CP.19 and Article 8 of the Paris Agreement, by catalyzing the technical assistance of organizations, bodies, networks and experts;
- (b) Catalyzing demand-driven technical assistance including of relevant organizations, bodies, networks, and experts, for the implementation of relevant approaches to averting, minimizing and addressing loss and damage in developing countries that are particularly vulnerable to the adverse effects of climate change by assisting in:
  - (i) identifying, prioritizing, and communicating technical assistance needs and priorities
  - (ii) identifying types of relevant technical assistance
  - (iii) actively connecting those seeking technical assistance with best suited organizations, bodies, networks, and experts
  - (iv) accessing technical assistance available including from such organizations, bodies, networks, and experts.
- (c) Facilitating the consideration of a wide range of topics relevant to averting, minimizing and addressing loss and damage approaches, including but not limited to current and future impacts, priorities, and actions related to averting, minimizing, and addressing loss and damage pursuant to decisions 3/CP.18, and 2/CP.19, the areas referred to in Article 8, paragraph 4, of the Paris Agreement and the strategic workstreams of the five-year rolling workplan of the ExCom;
- (d) Facilitating and catalyzing collaboration, coordination, coherence and synergies to accelerate action by organizations, bodies, networks and experts, across communities of practices, and for them to deliver effective and efficient technical assistance to developing countries;
- (e) Facilitating the development, provision and dissemination of, and access to, knowledge and information on averting, minimizing and addressing loss and damage, including comprehensive risk management approaches, at the regional, national and local level;
- (f) Facilitating, through catalyzing technical assistance, of organizations, bodies, networks and experts, access to action and support (finance, technology, and capacity building) under and outside the Convention and the Paris Agreement, relevant to averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including urgent and timely responses to the impacts of climate change.

## ANNEX 3: SUMMARY OF FUNCTIONS AND ROLES OF THE WIM, EXCOM AND ITS EXPERT GROUPS

The WIM's functions cover a wide range of relevant L&D activities, such as:

- enhancing knowledge and understanding of comprehensive risk management approaches<sup>39</sup>
- strengthening dialogue, coordination, coherence, and synergies among relevant stakeholders<sup>40</sup>
- enhancing action and support by providing technical support and guidance on approaches for L&D.<sup>41</sup>

WIM's functions are exercised through an array of different actions, such as providing technical guidance and support, and making recommendations on how to enhance engagement, actions and coherence under and outside the Convention, including how to mobilize resources and expertise at different levels.<sup>42</sup>

The ExCom, established in Warsaw in 2013, is tasked with guiding the implementation of the functions of the WIM, including those set out above.<sup>43</sup> The ExCom has the authority to establish expert groups, subcommittees, panels, thematic advisory groups or task-focused ad hoc working groups to help execute the work of the ExCom in guiding the implementation of the WIM.<sup>44</sup> These have an advisory role and report to the ExCom.<sup>45</sup> The ExCom has engaged 67 technical experts who represent external organizations or UNFCCC relevant focal points, which are nominated to relevant expert groups.<sup>46</sup>

The ExCom work plan is supported by the thematic expert groups that are undertaking L&D functions. For example, the expert groups engage in work on:



- identifying and integrating L&D policy solutions and tools in national planning and policymaking processes<sup>47</sup>
- developing technical guidelines, identifying networks and partnerships that could co-produce knowledge products<sup>48</sup>
- identifying enabling conditions for effective implementation of risk transfer facilities and social protection schemes in the context of comprehensive risk management.<sup>49</sup>

The risk of creating parallel processes or workstreams under the SN which is already undertaken by the ExCom should be considered by Parties. For example, the ExCom's expert groups are currently undertaking the SN's agreed

function to develop and share knowledge and information on averting, minimizing and addressing L&D, including comprehensive risk management approaches, at the regional, national and local levels. Another example is how organizations, bodies, networks and experts already engaged under the ExCom in the different expert groups are likely to also be engaged in SN. This could give ExCom an advantage in undertaking coordination and ensure streamlined processes. However, during the Copenhagen workshop some Parties pointed to the lack of capacity in the ExCom, the ExCom's political constraints, the limited time to respond effectively to L&D risks as well as the scale of the risks.<sup>50</sup>

## ANNEX 4: TERMS OF REFERENCE—THE CLIMATE TECHNOLOGY CENTRE AND NETWORK

The following suggested TORs are based on those adopted for the CTCN:

### MISSION

For example, the SN's mission is to avert, minimize and address L&D associated with the adverse effects of climate change by catalyzing demand-driven 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.<sup>51</sup> SN will expedite and support their capacity to identify and assess L&D technical needs, facilitate the preparation and implementation of L&D technical assistance plans, projects, strategies and processes in national and local risk management approaches, plans, actions and strategies, including their NAPs. Further, SN will work on identifying and connecting those seeking assistance with the best suited organizations, bodies, networks, and experts, taking into account the guiding principles of the SN, to ensure the effective and efficient delivery of technical assistance.

### FUNCTIONS

Performance of functions contained in decision 19/CMA.3, paragraph 9 and decision 17/CP.26, paragraph 9.

### ARCHITECTURE

The SN will consist of the following:

- The WIM and its ExCom (in the role and capacity decided by the Parties)
- L&D contact points and other relevant stakeholders
- A network with the participation of OBNEs
- An advisory body (if the Parties so decide)
- Links with the Green Climate Fund and other funding arrangements or a L&D finance facility (if the Parties so decide).

### ROLES AND RESPONSIBILITIES IN RELATION TO THE FUNCTIONS OF THE SN

- SN's potential *advisory board* or other body (to be decided by the Parties) could receive and respond to requests for technical assistance in conjunction with the L&D contact point or other relevant stakeholders.
- The *OBNE's* could undertake the substantive work to address requests made to the SN by developing country Parties.
- The *ExCom* could develop technical L&D risk assessment tools and guide the implementation of the SN.

### GOVERNANCE

- The SN could operate within its terms of reference and be accountable to and under the guidance of:
  - the COP/CMA; or
  - the WIM, through the ExCom and the potential advisory body

- The advisory board or other body (to be decided by the Parties) will determine its operational modalities and rules of procedure based on the functions outlined in decision 19/CMA.3 para 9 (a)–(f).
- Other issues to be considered by the Parties include:
  - the guidance and approval of the report
  - endorsing the director, budget, and financial statement
  - ensure application of fiduciary standards
  - monitor, assess and evaluate the work of the SN
  - the recommendation of the constitution of the advisory board
  - the director of the SN
  - the administrative and infrastructural support for the effective functioning of the SN.

### ORGANIZATIONAL STRUCTURE

- *Operational principles:* lean, cost-efficient organizational structure
- *Staffing:* director and team to be appointed by and responsible to the host organization’s governance structure
- *Relationship with the host institution:* team to meet its responsibilities and efficiently and effectively perform its functions

### REPORTING AND REVIEW

- Please see above details on reporting, and options for Parties.
- Periodic independent reviews, for example, after four years and every four years.

### TERMS OF AGREEMENT

- Initial term of agreement to host the SN could be for [five] years, with [two four-year] renewal periods, if so decided by the COP/CMA
- Renewal subject to findings of the independent review
- SN’s operation until a fixed date, at which time the COP/CMA will review its functions and decide whether to extend its term

### Other C2ES Resources:

[The Institutional Ecosystem for Loss and Damage](#), August 2022.

[Loss and Damage: Issues and Options for COP27](#), June 2022.

[Designing a Meaningful Global Stocktake](#), January 2022.

[Outcomes of the UN Climate Change Conference in Glasgow](#), November 2021.

[The Global Goal on Adaptation: Issues for COP26](#), October 2021.

## ENDNOTES

- 1 These options draw from: the call for submissions, Decision 19/CMA.3 and Decision 17/CP.26, paras 10 (a)(i)-(v); 31 submissions by Parties and non-Party stakeholders, <https://www4.unfccc.int/sites/submissionsstaging/Pages/Home.aspx>; the three-day technical workshop in Copenhagen on the institutional arrangements of the SN, <https://unfccc.int/event/tech-workshop-SN-Loss-and-Damage>; and the SB Chair's Informal note on the technical workshop on the institutional arrangements of the Santiago network of the WIM for L&D (4t June 2022), <https://unfccc.int/sites/default/files/resource/Informal%20information%20note%20by%20the%20Chairs%20of%20the%20Subsidiary%20Bodies.pdf>
- 2 Document referred to in para. 5 of conclusions, [https://unfccc.int/sites/default/files/resource/Document\\_referred\\_to\\_in\\_para\\_5\\_conclusions.pdf](https://unfccc.int/sites/default/files/resource/Document_referred_to_in_para_5_conclusions.pdf)
- 3 Structure: An overarching consideration is whether the SN is established directly under the WIM or under the ExCom. The choices made on roles and mandates should be seen in relation to each other, and will influence the structure, such as whether there is a need to establish an advisory body/board.
- 4 See note 1.
- 5 Parties should also decide on whether it should be possible to apply for funding for SN activities without having to go through the L&D contact points, and if so, in which circumstances
- 6 For more detailed elements of TORs based on those of the CTCN, please see Annex 4. See also, the compilation document on CTCN decisions, from page 13 and onwards, [https://unfccc.int/ttclear/misc\\_/StaticFiles/gnwoerk\\_static/NEG\\_key\\_doc/45bb43c4668c40e3bdadab864e9acff6/02ea21f928b641219093661bb25c6236.pdf](https://unfccc.int/ttclear/misc_/StaticFiles/gnwoerk_static/NEG_key_doc/45bb43c4668c40e3bdadab864e9acff6/02ea21f928b641219093661bb25c6236.pdf)
- 7 Parties could address whether it is necessary to agree on a L&D finance facility in order to operationalize the SN, or whether this discussion can run in parallel under the Glasgow Dialogue or a potential new agenda item.
- 8 The constitution of the CTCN advisory board, <https://www.ctc-n.org/files/08a02.pdf>
- 9 This is also how it was done for the Technology Mechanism under the CTCN. See Decision 25/CP.19, para 4, <https://unfccc.int/resource/docs/2013/cop19/eng/10a03.pdf#page=25>
- 10 Decision 2/CP.17, para 137, <https://unfccc.int/sites/default/files/resource/docs/2011/cop17/eng/09a01.pdf>
- 11 See, e.g., the submission by the USA and the African Group
- 12 Informal information note on the technical workshop on the institutional arrangements of the Santiago network of the Warsaw International Mechanism for Loss and Damage, <https://unfccc.int/sites/default/files/resource/Informal%20information%20note%20by%20the%20Chairs%20of%20the%20Subsidiary%20Bodies.pdf>
- 13 Decision 2/CMA.2, para. 44
- 14 Decision 2/CMA.2, para 45
- 15 For example, the AILAC submission
- 16 Decision 19/CMA.3, para. 9(a)
- 17 Decision 19/CMA.3, para. 9(c)
- 18 Please see Annex 3 for a short summary of the functions of the WIM and its ExCom that overlap with the SN.
- 19 Decision 19/CMA.3, para. 9(a)
- 20 Decision 2/CP.19, para 2
- 21 For example, (i) the review and assistance with national and sub-national L&D needs assessments and risk analysis; or (ii) actively connecting those developing country parties needing technical assistance with relevant providers
- 22 Decision 4/CP.22, para 4(d), <https://unfccc.int/sites/default/files/resource/docs/2016/cop22/eng/10a01.pdf>

23 Decision 2/CP.26 para 6, [https://unfccc.int/sites/default/files/resource/cp2021\\_12\\_add1E.pdf](https://unfccc.int/sites/default/files/resource/cp2021_12_add1E.pdf)

24 For more information on CTCN's NDEs, see <https://www.ctc-n.org/about-ctcn/national-designated-entities>

25 For a full description of CTCN's NDEs, please see [https://www.ctc-n.org/sites/www.ctc-n.org/files/annex\\_1\\_national\\_designated\\_entities\\_-\\_roles\\_and\\_responsibilities.pdf](https://www.ctc-n.org/sites/www.ctc-n.org/files/annex_1_national_designated_entities_-_roles_and_responsibilities.pdf)

26 It follows from Decision 19/CMA.3 para 9(b)(iii) that to connect those seeking technical assistance with best suited organisations, bodies, networks and experts it will be necessary to first identify those seeking technical assistance. It can also be ascertained from para 9(b)(i).

27 Decision 19/CMA.3, para 9(b)(i)

28 Decision 19/CMA.3, para 9(b)(ii)

29 Decision 19/CMA.3, para 9(e)

30 Decision 19/CMA.3, para 9(b)(iii)

31 List of L&D contact points: <https://unfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage-ld/collaboration-and-outreach/loss-and-damage-contact-points> (as of 3 September 2022)

32 Decision 19/CMA.3, para 9(d) (SN function related to cooperation)

33 The TORs of the CTCN can be found in Annex VII to Decision 2/CP.27, page 47, <https://unfccc.int/sites/default/files/resource/docs/2011/cop17/eng/09a01.pdf>

34 Please note that Parties in Madrid requested that the ExCom, in collaboration with the Green Climate Fund (GCF), will clarify how developing country Parties may access funding from the GCF for the development of funding proposals related to the ExCom's strategic workstreams of its five-year rolling workplan.

35 Decision 1/CMA.3, para 67, [https://unfccc.int/sites/default/files/resource/cma2021\\_10\\_add1\\_adv.pdf](https://unfccc.int/sites/default/files/resource/cma2021_10_add1_adv.pdf)

36 Decision 1/CMA.3, para 69

37 Decision 1/CMA.3, para 68

38 Decision 19/CMA.3, para 9 and Decision 17/CP.26, para 9

39 Decision 2/CP.19, para 5(a)

40 Decision 2/CP.19, para 5(b)

41 Decision 2/CP.19, para 5(c)(i)

42 Decision 2/CP.19, para 7(e),(f)

43 Decision 2/CP.19, paras 2,9

44 Decision 2/CP.20, para 8

45 Decision 2/CP.20, para 8

46 Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts 5 (20 August 2021), [https://unfccc.int/sites/default/files/resource/sb2021\\_04E.pdf](https://unfccc.int/sites/default/files/resource/sb2021_04E.pdf)

47 As done by the Expert group on slow onset events. See Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts 8 (20 August 2021), [https://unfccc.int/sites/default/files/resource/sb2021\\_04E.pdf](https://unfccc.int/sites/default/files/resource/sb2021_04E.pdf)

48 As done by the Expert group on non-economic losses. See Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts 8 (20 August 2021), [https://unfccc.int/sites/default/files/resource/sb2021\\_04E.pdf](https://unfccc.int/sites/default/files/resource/sb2021_04E.pdf)

[int/sites/default/files/resource/sb2021\\_04E.pdf](https://unfccc.int/sites/default/files/resource/sb2021_04E.pdf) . See also, Decision 2/CMA.2 para 26.

49 As part of the rolling plan of action of the Expert group on action and support. Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts 16 (20 August 2021), [https://unfccc.int/sites/default/files/resource/sb2021\\_04E.pdf](https://unfccc.int/sites/default/files/resource/sb2021_04E.pdf). See also Decision 2/CMA.2, para 23.

50 Vanuatu's submission also points out how ExCom is hindered by political constraints

51 Based on Decision 2/CMA.2, para 43 and Decision 19/CMA.3, para 9(b)

## TABLE ENDNOTES

- 1 Canadian and Australian submissions
- 2 EU submission
- 3 African Group submission
- 4 African Group submission
- 5 AOSIS submission
- 6 LDC submission
- 7 Uganda submission
- 8 USA submission
- 9 AILAC submission
- 10 Vanuatu submission
- 11 AILAC submission
- 12 EU submission
- 13 African Group submission
- 14 AOSIS submission
- 15 Bangladesh submission

---

*This document is an output from a project funded by the UK Department for Business, Energy and Industrial Strategy (BEIS) for the benefit of developing countries. However, the views expressed and information contained in it are not necessarily those of or endorsed by BEIS, which can accept no responsibility for such views or information or for any reliance placed on them.*



The Center for Climate and Energy Solutions (C2ES) is an independent, nonpartisan, nonprofit organization working to forge practical solutions to climate change. We advance strong policy and action to reduce greenhouse gas emissions, promote clean energy, and strengthen resilience to climate impacts.