



HUMAN RIGHTS AND LOSS AND DAMAGE: KEY MESSAGES FOR THE UNFCCC IN 2025

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WORKING GROUP



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HUMAN RIGHTS AND LOSS AND DAMAGE: CORE PRINCIPLES

International human rights bodies, Special Procedures and other mandate holders, as well as national courts, have affirmed that States bear individual, collective, domestic and extraterritorial obligations to protect individuals and communities from climate-induced human rights harm, domestically and extraterritorially.¹ Five United Nations (UN) treaty bodies have affirmed that:

States must cooperate in good faith in the establishment of global responses addressing loss and damage suffered by vulnerable countries.²

Several UN human rights experts, bodies and mechanisms have elaborated these duties in the context of human rights obligations (see also “2. Building on human rights Mechanisms”).

Extensive knowledge of climate crisis drivers and harms informs States’ standing human rights obligations including on international cooperation and assistance, and the provision of effective remedy, and in light of extensive knowledge of the drivers and harms of the climate crisis, Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities (CBDR-RC), must take adequate and urgent action to reduce emissions, support people in adapting to climate change and provide redress to those whose rights have been violated as a result of loss and damage. Meaningful and urgent action at scale is essential to foster international cooperation and global solidarity, to realise justice for those on the frontlines of the climate crisis and to maintain faith in multilateralism and a functioning climate regime. This includes a dedicated focus on respecting and fulfilling the rights of Indigenous Peoples³, such as the rights to their lands, territories and resources, which are crucial for meaningful climate action, including addressing loss and damage.

“**States bear individual, collective, domestic and extraterritorial obligations to protect individuals and communities from climate-induced human rights harm, domestically and extraterritorially.**”

“**Parties to the UNFCCC and its Paris Agreement, on the basis of equity and in accordance with CBDR-RC, must provide redress to those whose rights have been violated as a result of loss and damage.**”

The Loss and Damage landscape under the UNFCCC and its Paris Agreement has changed significantly in recent years, with the establishment of the SNLD for Loss and Damage (SNLD) and the Fund for responding to Loss and Damage (FRLD) and 2025 will be a critical year in shaping these mechanisms, as well as reviewing existing ones such as the Warsaw International Mechanism on Loss and Damage (WIM) and its Executive Committee (ExCom) and Thematic Expert Groups. In doing so, Parties must ensure policy coherence across relevant multilateral spaces, not just within the UNFCCC and its Paris Agreement, but also with regional and international human rights bodies, to ensure consistency in shaping and implementing a human rights-based approach to responding to loss and damage.

Across technical tracks, the following human rights and corresponding obligations form a foundational basis for shaping an effective response to loss and damage:

- Promoting international cooperation and assistance;
- Guaranteeing access to information, transparency, meaningful public participation and access to justice;
- Enforcing substantive equality, and preventing and redressing intersectional discrimination that individuals and communities disproportionately impacted by the climate crisis may experience in legal, political, policy and institutional responses to their situation;
- Ensuring accountability, including in relation to extraterritorial obligations; and
- Providing effective remedy.

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BUILDING ON THE WORK OF UN HUMAN RIGHTS MECHANISMS

UN institutions, experts and mechanisms such as the Human Rights Council, the International Law Commission, human rights Treaty Bodies, and Special Procedures have long interpreted and elaborated human rights obligations in the context of climate change and, more specifically, shone a light on realising the human right to remedy for cross-border harm and foreseeable loss and damage related to environmental hazards and climate change. The following recent reports have done so by making explicit linkages with the UNFCCC Loss and Damage mechanisms such as the FRLD and are, therefore, crucial to take into account.

In an analytical study mandated by the Human Rights Council (resolution A/HRC/RES/53/6), the UN Secretary-General (UNSG) looked at: the impact of loss and damage from the adverse effects of climate change on the full enjoyment of human rights, exploring equity-based approaches and solutions to addressing the same.

In this report, the UNSG explicitly highlighted the limitations of Loss and Damage mechanisms under the UNFCCC, stating that:

While important ... [they] are not currently designed or intended, in and of themselves, to fulfil the human rights obligations of States to provide effective remedies for climate harms.

The report delivers a wide range of recommendations that are particularly relevant for UNFCCC Loss and Damage mechanisms, including:

- Ensuring that loss and damage responses are community-led, informed by the active, meaningful and safe participation of affected persons and take into account intersectionality and historical and structural discrimination (paragraph 55 (b)).

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“**The UN Secretary-General has explicitly highlighted the limitations of Loss and Damage mechanisms under the UNFCCC.**”

- In accordance with human rights law, States should ensure that people whose rights have been violated because of loss and damage from climate change have access to justice and effective remedy, which may encompass reparation, compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition (paragraph 53).
- Ensuring that Loss and Damage funds integrate gender-responsive, rights-based approaches to make funds directly accessible to those on the front lines of the climate crisis, including environmental human rights defenders (paragraph 55 (c)).
- Integrating human rights impacts and holistic valuation of economic and non-economic dimensions in loss and damage assessments, to ensure that they are accurate and comprehensive (paragraph 56).
- Establishing and strengthening universal rights-based social protection systems to increase people's resilience in responding to loss and damage, including by developed countries seeking to support the investments of developing countries in strengthening social protection systems (paragraph 58 (a))
- Mobilising adequate resources for Loss and Damage financing, which could include, for instance, a fair and just phase-out and repurposing of fossil fuel subsidies, the introduction of taxes and levies, including windfall taxes and solidarity levies, such as on shipping, aviation and fossil fuel extraction, and the establishment of an effective price on carbon. Such efforts should be complemented by debt relief and debt restructuring for developing countries, especially those most in need and most affected by climate change (paragraph 58 (b)).

In addition to this critical report, several UN Special Rapporteurs have interpreted the obligations of States in the context of climate harm, focusing on different rights and aspects. Most recently, the UN Special Rapporteur on the Right to Development's report to the UN General Assembly looked at climate-related loss and damage in the context of the right to development and developed a climate justice framework with four pillars: mitigation, adaptation, remediation and transformation. These pillars are informed by 12 human rights principles: multi-species justice, intergenerational equity, non-discrimination, participation, intersectionality, prevention, precaution, polluter pays, common but differentiated responsibilities, just transition, transparency, international cooperation and solidarity. Based on this framework, the UN Special

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Rapporteur on the Right to Development makes a range of recommendations specifically for the FRLD, including:

- Embedding the human rights principles proposed by the Special Rapporteur in all policies, processes and mechanisms aimed to implement the Fund's mandate (paragraph 87 (a)).
- Creating conditions for an active, free and meaningful participation of climate vulnerable countries and affected communities, as well as the civil society organisations representing them (paragraph 87 (b)).
- Mobilising adequate resources for the Fund and offering mostly grants to climate vulnerable countries so as not to worsen their debt burdens (paragraph 87 (c)).
- Establishing in due course, an independent remedial mechanism for the Fund, in line with principle 31 (Effectiveness criteria for non-judicial grievance mechanisms) of the Guiding Principles on Business and human rights, to deal with human rights grievances related to its funding of activities (paragraph 80).

In previous reports, human rights bodies have considered and provided recommendations on loss and damage in the context of a wide range of matters such as children's rights (Committee of the Rights of the Child), sources of finance (UN Special Rapporteur on Human Rights and the Environment), internal displacement (UN Special Rapporteur on the Human Rights of Internally Displaced Persons), persons with disabilities (Committee on the Rights of Persons with Disabilities and OHCHR), among others, all of which are relevant to conversations happening in the UNFCCC and under its Paris Agreement. Several UN General Assembly (UNGA) resolutions are also of critical relevance, such as the Remedy and Reparations Framework, the universal recognition of the right to a clean, healthy and sustainable environment, and the Declaration for the Future, with commitments to address the adverse impact of climate change and other environmental challenges that constitute threats to the ability of young persons and future generations to enjoy their human rights and a clean, healthy and sustainable environment.

In 2025, already the Independent Expert on the Effects of Foreign Debt, Professor Attiya Waris, has published a relevant report on "Climate finance, Debt and Human Rights" (for the 58th session of the Human Rights Council), and others are expected such as the UN Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change's report on the "Fossil

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Fuel-based Economy and Human Rights” (for the 59th session of the Human Rights Council).

Parties to the UNFCCC and its Paris Agreement must build on this extensive body of work, ensuring that critical decisions expected in 2025 that will shape Loss and Damage mechanisms under the UNFCCC and its Paris Agreement are rooted in human rights. More generally, Parties need to consider ways to advance synergies and coherence between the UN human rights institutions, and mechanisms designed to address loss and damage.

KEY MESSAGES ON HUMAN RIGHTS AND LOSS AND DAMAGE IN THE UNFCCC

Baku to Belém Roadmap to 1.3T

States have human rights obligations to cooperate to realise and fulfill human rights globally, including through the provision of climate finance. Scaling up the provision of public grant-based climate finance is critical for the fulfillment of human rights across the globe by ensuring that developing countries can meet the goals of the Paris Agreement including limiting global temperature rise to 1.5°C, building resilience through adaptation and addressing loss and damage.

At COP 29 in Baku, technical and political negotiations on the New Collective Quantified Goal on Climate Finance (NCQG) under the Paris Agreement, replacing the annual 100 billion USD goal, took place. The text adopted at COP 29 is woefully inadequate due to developed countries failing to meet their obligations under the UNFCCC and its Paris

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Agreement and other international law principles to pay their climate debt and provide remedy for climate-induced loss and damage, including by not providing finance to address loss and damage to be under the scope of the NCQG. This is despite the obligations under the UNFCCC and its Paris Agreement and human rights obligations of developed countries and the significant scale of the Loss and Damage needs of developing countries which our calculations suggest are at least 724.43 billion USD a year and economic quantification has suggested will be 395 [128–937] billion USD in 2025.

A failure to revise the scope, scale and quality of the goal will set the world on a pathway towards existential loss and damage, and leave affected countries and communities without predictable and scaled up resources. As long as the provision of resources to address loss and damage remains inadequate, the FRLD, the SNLD and the WIM will remain hollow and communities affected by the climate crisis, as well as future generations, will continue to foot the bill for a climate crisis for which they bear little or no responsibility, resulting in the loss of development gains and the reallocation of funds from indispensable services such as education and health.

Moreover, by merely “calling” on “all actors” to work together to enable the scaling up of financing to developing country Parties for climate action from all public and private sources, including from developing countries’ domestic efforts, to at least 1.3 trillion USD per year by 2035 and only setting a mobilisation goal of 300 billion USD per year without quantifying the public provision support that developed countries will take the lead on, and the quality of finance that should be delivered, the NCQG will be inadequate to enable developing countries to implement their Nationally Determined Contributions (NDCs). Given the insufficient level of provision of public finance to meaningfully fund mitigation and adaptation, the explicit exclusion of finance for addressing loss and damage, the risk of exacerbating debt crises, and the lack of provisions aiming to significantly improve the quality of finance, the NCQG outcome is not in line with human rights obligations.

Under the NCQG decision, Parties also launched the “Baku to Belém Roadmap to 1.3T” aiming to scale up climate finance to developing country Parties, with the Azerbaijani and Brazilian COP presidencies (COP 29 and COP 30) mandated to guide the work and deliver a report to the seventh session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 7) which will take place during COP 30 in Belém, Brazil, from the 10–21 November 2025. While the mandate is vague, the Baku to Belém Roadmap to 1.3T presents

“**The text adopted on the NCQG at COP 29 is woefully inadequate due to developed countries failing to meet their obligations under the UNFCCC and its Paris Agreement and other international law principles to pay their climate debt and provide remedy for loss and damage.”**

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an opportunity to address the several shortcomings of the NCQG, including formally integrating financing to address loss and damage in its scope, significantly scaling up climate finance to developing countries, aligning with human rights, and ensuring the meaningful participation of rights holders. As highlighted in our [submission](#) to inform the Baku to Belém Roadmap, the Azerbaijan and Brazilian COP presidencies should ensure:

- **Meaningful participation and broad consultation:** The Azerbaijan and Brazil COP presidencies should present their vision for a process to develop the Baku to Belém Roadmap to 1.3T to Parties and other stakeholders, laying out a clear path and schedule for regular consultations with rights holders on the road to COP 30. Consultations should draw from the constructive experience of the NCQG's [Technical Expert Dialogues](#), allowing for the engagement of non-party stakeholders, including experts from UNFCCC constituencies, on equal footing with Parties. The presidencies must make a firm commitment to a transparent and inclusive process that ensures meaningful participation through the timely release of documents and notification of meetings. Documents and meetings must be translated into the [six UN languages](#), interpreted in [International Sign](#) and webcast. Specific effort must be made to include the perspective of groups of people whose human rights are disproportionately and often intersectionally impacted, especially through guaranteeing accessibility of all information and physical environments.⁴
- **Scaling up public climate finance:** The Roadmap must entail a plan to achieve the, at least, 1.3 trillion USD and 300 billion USD per year goals by 2035 is a minimum requirement to avoid escalating human rights harm. The Roadmap should provide a clear plan to achieve at least the 1.3 trillion USD and 300 billion USD annual goals by 2035, putting in place yearly targets that developed countries must meet on each goal. Both must have clear strategies and milestones to guarantee prioritisation of public grants-based finance. Additionally, the Roadmap should explicitly acknowledge that the 1.3 trillion USD and 300 billion USD annual goals are not adequate to meet the mitigation, adaptation and Loss and Damage needs of developing countries and that this risks further exacerbating human rights violations for decades to come. In doing so, the Roadmap must call for plans to be put in place to exceed these targets. Within the [Second Needs Determination Report](#)⁵ the costed needs reported in NDCs from 98 Parties amount to 5.012 to 6.852 trillion USD cumulatively to 2030 (annualised to 455–584 USD billion per year). Similarly, the [Loss and Damage Collaboration's analysis](#) projected that the costs of climate action in developing countries will in fact be much greater at 6.88 trillion USD a year to cover the costs of mitigation, adaptation and Loss and Damage. These estimations make clear that the 1.3 trillion USD and 300 billion USD annual goals are not adequate to meet the needs of developing countries and should therefore be seen as a bare minimum.
- **Explicit focus on Loss and Damage Finance:** The Roadmap must address the failure of the NCQG to deliver on Loss and Damage finance by putting in place a clear plan for developed countries to provide grants from public sources at a scale of hundreds of billions a year recognising that the scale of Loss and Damage needs for developing countries are at least [724.43 billion USD](#) a year and that the FRLD needs to disburse at least [400 billion USD a year](#). The majority of these grants should capitalise and replenish the FRLD, however, finance must also flow to the SNLD and the WIM and support the implementation of Loss and Damage NDCs (the aspects of NDCs focused on addressing loss and damage). Without Loss and Damage finance at the scale of the needs, increased loss and damage will further exacerbate widespread climate-related human rights harm in developing countries.

- **Increasing public finance through the operating entities of the Financial Mechanism:** Paragraph 16 of the NCQG decided that a significant increase of public resources should be provided through the operating entities of the Financial Mechanism of the UNFCCC. The Roadmap must deliver a clear timeline and quantified goal for how the FRLD —as an operating entity of the Financial Mechanism— will be significantly capitalised and replenished with public resources.
- **Operationalising support for NDCs, including to address loss and damage:** Paragraph 5 of the NCQG decided that the goal will support the implementation of developing country Parties' NDCs and will reflect their evolving needs and priorities. Addressing loss and damage, as the third pillar of climate action, should be part of NDCs (see below) and has been articulated as a need and a priority by many developing countries. Therefore, the Roadmap must operationalise the provision of Loss and Damage finance from developed to developing countries, to enable effective implementation of NDCs.
- **Human rights-Based and Accessible Climate Finance:** The Roadmap must address the urgent need to improve the quality of climate finance in line with human rights principles and standards, as well as entail an explicit commitment and plan to improve access to finance. This includes:
 - Promoting climate finance that responds to affected-communities needs locally through a comprehensive and realistic quantification methodology, covers replacement values, is inclusive and non-discriminatory, and realises substantive equality; respects procedural rights; is community-led; and directly reaches communities on the frontlines of the climate crisis. This must include a specific focus on improving access to finance for Indigenous Peoples, who have reiterated that climate finance isn't working for them.⁶
 - Ensuring that access to climate finance under the NCQG is just, transparent, timely and human rights-aligned by putting in place simplified processes to access climate finance, ensure transparency, that finance is used effectively, and critically, that it reaches those who need it most including groups who have been historically marginalised and excluded from receiving support for addressing loss and damage. Direct access for community-based organisations and Indigenous Peoples in developing countries must be guaranteed and it must be an explicit goal of the Roadmap to improve such access.
- **A summary report that brings clear human rights recommendations:** the report of the Azerbaijan and Brazil COP Presidencies should provide clarity on the process to land a report summarising the work of the Roadmap at CMA 7 and how this report will inform negotiations at COP 30. This report must:
 - Integrate recommendations developed by the UN human rights institutions with regard to human rights-based climate finance;
 - Reflect the human rights implications of failing to meaningfully scale up public resources for climate action, in particular, for adaptation and Loss and Damage in line with the needs of those on the frontlines and the related debt crisis; and
 - Elaborate on the obligations of States to address these implications, including by developing additional equity-based mechanisms based on the polluter pays principle to fill the massive finance gap left by the NCQG.

- **A clear, universally accepted definition of climate finance:** Building on the work already done under the Standing Committee on Finance (SCF), the Roadmap must include a timeline to deliver a clear, universally accepted definition of climate finance. This is crucial to prevent the overstatement of financial contributions and to ensure clarity on what qualifies as climate finance. The key elements of an equitable, climate justice- and human rights-aligned definition of climate finance include: accessible, new and additional, timely, adequate, public finance, grant-based, predictable, precautionary, inclusive, human-rights based, child-responsive, gender-transformative, effective and following the subsidiarity principle (i.e. decisions should be made at the lowest possible and appropriate political and institutional level). Failing that, a negative list of what should not be considered climate finance must be developed, including transactions that violate human rights such as fossil fuel subsidies and market-based carbon offsets or credits.

Fund for Responding to Loss and Damage

The Fund for Responding to Loss and Damage (FRLD), which was established at COP 27 and operationalised at COP 28, is at a crucial moment. Having spent most of its first year setting its foundations, and with COP 29 marking the signing of key documents to confirm its institutional set-up, it is now under pressure to develop its core operational policies and guidelines to deliver funds and other support to countries and people most affected by climate-induced loss and damage. In 2025, the FRLD Board is expected to adopt crucial policies that will guide the Fund's operations such as how countries and communities can access the funding, criteria for allocating funds and other assistance, the meaningful participation of active observers and affected communities, and establish consultative forums. The Fund will also need to decide on an initial set of interventions and adopt a resource-mobilisation strategy.

The Fund's resources fall woefully short of the hundreds of billions needed each year to meaningfully address loss and damage in developing countries. COP 29 in Baku saw very few additional pledges, and to date the total pledged to the Fund amounts to just 765.59 million USD, while only 314.35 million USD has been paid into the Fund.

The Board of the Fund will meet three times in 2025, on the following dates: 8–10 of April in Bridgetown, Barbados (B5), July 9–11 in Manila, Philippines (B6) and 8–10 October in Manila, Philippines (B7). In addition, the Fund will convene the first Annual High Level Dialogue on Coordination and Complementarity Annual High-Level Dialogue on Coordination and Complementarity for Funding Arrangements Responding to Loss and Damage (HLD) on the margins of the IMF - World Bank Spring Meetings, on 23 April, in Washington, DC, USA.

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At COP 30 the annual report of the Board of the Fund will be considered by Parties who will have the opportunity to provide guidance to the Board. To inform this process, Parties have been invited to make submissions (no later than 10 weeks before COP 30) to inform the draft guidance that the SCF will provide to Parties ahead of COP 30.

The Fund should take an equity- and human rights-based approach for all the policies the Board will adopt and programs it will approve. In particular, in 2025 the Fund should develop:

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- **An Active Observer policy:** The Board must adopt an Active Observer policy that establishes Active Observer seats for Indigenous Peoples, women and gender, youth and children, and environmental organisations, in line with paragraph 20 of the Governing Instrument for the Fund adopted at COP 28, and for affected communities, displaced persons, migrants and refugees, and persons with disabilities. It should reject the proposed Active Observer seat for the private sector, and put in place a comprehensive and strict Conflict of Interest Policy for any private sector engagement. The private sector does not have a place as an Active Observer in a Board that is meant to serve people affected by the climate crisis. In addition to the Active Observer policy, the Board must establish a comprehensive participation framework, ensuring that people affected by the climate crisis and organisations and groups representing them drive the policy-making as well as planning and implementation of the Fund’s activities.
- **Access modalities:** A significant share of FRLD resources should be channeled directly to relevant spheres of government, sub-national authorities, and affected communities, including through budget support, to build the relevant, efficient, effective and enduringly impactful institutions and mechanisms that redress climate change-induced harm. In addition, dedicated access modalities that facilitate direct access to funding and other assistance for frontline communities should be established⁷ to guarantee that funding and benefits reach local groups and communities, including Indigenous Peoples and local community-based CSOs, including organisations working with groups experiencing marginalisation, and organisations working with internal and cross-border displaced persons. This includes:
 - Setting up a dedicated community-access window or programme within the Fund that is adequately resourced and provides tailored and fit-for-purpose grants with simplified procedures and systems to ensure easy access, transparency and accountability.
 - Putting in place non-discriminatory access modalities, by dismantling systemic barriers—such as documentation gaps and legal/social exclusion—that perpetuate discrimination against displaced persons, migrants, and refugees, and other groups experiencing marginalisation.
 - Ensuring that international, national and regional entities accessing the funds have stringent modalities in place to provide funding to and facilitate the leadership of frontline communities, local CSOs and groups experiencing marginalisation.
 - Guaranteeing community engagement and leadership during all project/programme phases: assessing needs, designing the project/programme, implementation and monitoring and evaluation.

- **Allocation framework and eligibility criteria:** The Board should adopt an allocation framework that allows it to address all types of economic and non-economic loss and damage caused by slow and rapid onset events and address the specific impacts that loss and damage has on women and other groups experiencing marginalisation and historic environmental discrimination. That means:
 - While a minimum percentage allocation floor for Small Island Developing States (SIDS) and Least Developed Countries (LDCs) provided for by the governing instrument will be implemented in line with the governing instrument, the allocation framework must also ensure that climate-frontline communities and groups experiencing marginalisation in other developing countries do not face exclusion or difficulties accessing funding.
 - Setting up a minimum allocation floor for community access, that could be met throughout the entire portfolio at the Fund level, including through a Fund-level program/window and also transparently tracking targeted local provision through other access modalities and implementers, including international and direct access entities as well as budget support.
- **Inclusive and open human rights-based needs assessments:** The Board must put in place its allocation policy and corresponding methodology to enable inclusive and open human rights-based and community-led needs assessments to inform funding prioritisation, integrating localised evidence and community knowledge systems, encompassing both economic and non-economic loss and damage. In doing this, existing frameworks from the WIM Executive Committee's Expert Group on Non-Economic Losses and Task Force on Displacement can be leveraged, and collaboration with the SNLD's should be envisaged.
- **Resource mobilisation:** To meet the scale and scope of the needs in developing countries and frontline communities within them, the Board must adopt an ambitious resource mobilisation strategy for new, additional, predictable and adequate financial resources at the scale of needs, including by:
 - Setting ambitious replenishment targets and scheduling the first formal resource mobilisation in 2026, as funding received so far only reflected initial "financial resources for commencing the operationalisation of the Fund"⁸; and;
 - Encouraging developed countries to take the lead in mobilising new sources of public funding to be provided as grants, particularly by ensuring the biggest polluters and richest individuals are taxed fairly, through levies and mechanisms such as a Climate Damage Tax that are equitable and follow the polluter pays principle.
- **Start-up phase/early interventions:** Ensure the initial set of interventions due to be adopted in 2025 are community-led, equity, human rights- and grants-based and reflect the priorities of affected countries and communities, addressing both rapid and slow-onset events, economic and non-economic loss and damage, to set the tone for the Fund's long-term work and approaches. The start-up phase must also seek to avoid any potential harm to ecosystems and communities. It should therefore:
 - Be fully grants-based and have a strong focus on community access through small grants, including under but not limited to programmatic approaches and direct budget support.
 - Be limited to low-risk activities, and subject to internationally agreed and human rights-aligned safeguards. Before any activities are carried out that could contain risks for communities or

the environment, a dedicated set of FRLD-specific social, environmental, and human rights safeguards should be adopted, to ensure that the Fund's activities focus on doing good through the promotion of human rights and doing no harm by causing or contributing to human rights violations.

- Ensure access to information and access to justice in the absence of an independent grievance redress mechanism, which should be developed by the time the Fund is fully operational.
- **First High-level Dialogue:** The HLD must set out a clear vision for how the Fund will reach the overall scale of finance needed by developing countries and how the Fund will play the central coordinating role in the Loss and Damage funding arrangements and ensure coherent human rights and equity-based approaches to addressing loss and damage. As the main fund for addressing loss and damage it must guide other actors to ensure the complementarity and additionality of their efforts to its central finance provision, including by developing criteria for what can be counted as loss and damage finance to ensure additionality to other climate finance, humanitarian and development finance flows. In order to ensure that vulnerable communities receive the necessary support and technical assistance, the Fund through the HLD, should coordinate the funding arrangements to ensure that resources are allocated effectively and equitably.
- **COP guidance:** The COP and CMA must provide guidance to the Board of the FRLD in line with the recommendations listed above, and steering a shift away from voluntary approaches and pledges towards obligations to provide finance, in line with international environmental and human rights law, and in recognition of historical responsibility, to scale up resources to a level of needs. It should explicitly mandate the Board of the FRLD to put in place human rights-based safeguards, policies, and mechanisms, by building on the plethora of recommendations provided by the UN human rights framework.

Santiago Network for Loss and Damage

With significant milestones passed in 2024 on the continued operationalisation of the Santiago Network for Loss and Damage (SNLD), including the selection of the location of the head office (Geneva, Switzerland) and the adoption of guidelines on the designation of organisations, bodies, networks and experts (OBNEs) as members of the SNLD, and guidelines and procedures for responding to requests for technical assistance, the SNLD is in a new phase of action where all of the necessary components to enable requests for technical assistance to be made and responded to are in place.

In 2025, the Advisory Board (AB) of the SNLD is expected to meet twice, with the first meeting planned for 15-17 April 2025 in Geneva, Switzerland. Key issues for the SNLD in 2025, include:

- Establishing a regional presence for the SNLD;
- Continued roll-out of regional workshops to engage countries with the SNLD and assisting with

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needs identification to facilitate more technical assistance requests;

- Outreach and communications on expanding the network of OBNEs;
- Processing applications for designation of OBNEs as members;
- Managing requests for technical assistance, including delivering on the request made by Vanuatu; and;
- Deciding the minimum percentage level of technical assistance to be funded directly by the SNLD to communities and developing a resource mobilisation strategy for the SNLD.

Owing to the failure of Parties to reach an outcome at COP 29, deliberations will also continue on the 2024 Review of the WIM, of which the SNLD is a part, and joint report of the WIM ExCom and SNLD AB at the 62nd meeting of the Subsidiary Bodies (SB 62) at the Bonn Climate Conference, taking place from 16–26 of June, in Bonn, Germany, with a decisions to be taken on both at COP 30.

The SNLD should take a human rights-based approach for all the policies the AB will adopt and the technical assistance that it will approve, and for all recommendations developed under the 2024 review of the WIM. In particular, in 2025 the SNLD should ensure:

“**The SNLD should take a human rights-based approach for all the policies the AB will adopt and the technical assistance that it will approve, and for all recommendations developed under the 2024 review of the WIM.**”

- **No region is left behind:** The decision to use regional and sub-regional UN Offices in all UN geographical regions must be operationalised to ensure that the SNLD can provide effective and timely technical assistance to meet the needs of affected communities in all regions. This will ensure inclusivity and facilitate local engagement for effective localised responses to requests for technical assistance that will more effectively avert, minimise and address loss and damage and related human rights harm.
- **Accessibility and meaningful participation:** The SNLD must continue the roll-out of regional workshops, training events and other deliberations engaging countries and communities on needs related to technical assistance to engage countries and communities, particularly to assist with needs identification. This will be an essential element of enhancing the ability of developing countries and the communities within them to make requests for technical assistance. Only by scoping their needs will the SNLD understand what barriers might exist to making a request and how to address those barriers. When conducting these workshops the secretariat of the SNLD must ensure the meaningful participation of representatives of developing countries, Indigenous Peoples and community-based organisations, without discrimination or exclusion. This entails timely workshop notifications and documents, translation and interpretation into the six UN languages and other languages if needed, hybrid participation modalities and financial/ travel support for representatives of Indigenous Peoples and community-based organisations.

- **Ensuring that outreach and communications on expanding network of OBNEs reaches the local level:** Outreach and communications on expanding network of OBNEs must ensure a special focus on OBNEs from the Global South at the local and regional level in developing countries and identification of country liaisons to the SNLD's secretariat. This is necessary to ensure that the SNLD's membership is able to offer technical assistance that is specific to local and regional contexts that can more effectively avert, minimise and address loss and damage. To do so, the SNLD must ensure that outreach and communications reach OBNEs that are Indigenous, traditional knowledge holders, and community-based organisations.
- **Minimum percentage level of technical assistance to be funded directly by the SNLD to communities:** In 2025, the SNLD's Advisory Board will decide on the minimum percentage level of technical assistance to be funded directly by the SNLD to communities. This must ensure sufficient allocation of resources to meet the technical assistance needs of Indigenous Peoples, communities and people on the move including refugees, migrants and displaced persons in developing countries as well as needs related to making requests. Without ensuring direct access to funded technical assistance, the SNLD risks compounding the marginalisation of groups that are excluded or persecuted by their governments thereby subjecting them to increased loss and damage and human rights violations.
- **Delivering technical assistance that integrates and operationalises Human Rights:** The SNLD must deliver technical assistance to developing countries and the communities within them at the scale and scope of their needs in 2025. This is essential to ensure countries and communities can assess and enumerate their Loss and Damage needs (what they need to address loss and damage), including related to climate-related human rights harm. This requires putting in place plans to quantitatively and qualitatively inventory climate change-induced costs, loss and damage, and access support from the FRLD. The SNLD and its OBNEs should be equipped to deliver technical assistance to put in place comprehensive human rights-based loss and damage needs assessments, as well as equitable human rights-aligned national, sub-national and community-based plans to address loss and damage.

Warsaw International Mechanism for Loss and Damage

Parties were meant to review the WIM at COP 29 —based on a set of Terms of Reference agreed at the Bonn Climate Conference in June 2024— but failed to do so. That review is critical, as the Loss and Damage landscape under the UNFCCC and its Paris Agreement has significantly changed since the last review, in particular, due to the establishment of the SNLD under the WIM, and the FRLD under the COP and CMA. The review, now deferred to COP 30, is critical to ensuring adequate coordination and coherence among the different entities with a mandate relevant to remedying loss and damage, strengthening the integration of human rights across Loss and Damage institutional arrangements under the UNFCCC and its Paris Agreement and addressing the knowledge and finance gaps related to Loss and Damage and human rights.

“**Parties were meant to review the WIM at COP 29 —based on a set of Terms of Reference agreed at the Bonn Climate Conference in June 2024— but failed to do so.**”

“**The third WIM review is critical, as the Loss and Damage landscape has significantly changed since the last review, in particular, due to the establishment of the SNLD and the FRLD.**”

The ExCom of the WIM and its thematic Expert Groups are expected to meet twice in 2025. The 22nd meeting of the WIM ExCom will take place from 13–15 May, in Bonn, Germany. The 23rd Meeting will take place from 30 September to 3 October, also in Bonn. Owing to the failure of Parties to reach an outcome at COP 29, deliberations will continue on the 2024 review of the WIM and joint report of the WIM ExCom and SNLD AB at SB 62 at the Bonn Climate Conference, from 16–26 June, in Bonn, Germany, with a decisions to be taken on both at COP 30.

The WIM review should:

“**The review is critical to ensuring adequate coordination and coherence among the different entities with a mandate relevant to remedying loss and damage, strengthening the integration of human rights across Loss and Damage institutional arrangements and addressing the knowledge and finance gaps related to Loss and Damage and human rights.**”

- **Catalyse a human rights-based approach** across all institutional arrangements under the UNFCCC and its Paris Agreement designed to address loss and damage by committing to mainstream human rights criteria, analysis and principles.. This should include concrete actions such as mandating the WIM ExCom to coordinate with UN human rights institutions and experts to develop guidelines and criteria for the WIM and its SNLD and the FRLD.
- **Improve coordination and complementarity:** Under the UNFCCC and its Paris Agreement, the WIM (the policy arm), SNLD (the technical arm), and the FRLD (the financial arm) must enhance their coordination with each other and other UN agencies, human rights bodies and mechanisms, NGOs and researchers. The review of the WIM must enhance coordination and complementary to ensure coherent human rights, and equity-based approaches to averting (through mitigation), minimising (through adaptation) and addressing loss and damage are mainstreamed throughout.
- **Mandate a Loss and Damage gap report:** To address knowledge and finance gaps related to addressing loss and damage, the WIM review should mandate the delivery of an annual or biennial “State of Loss and Damage Report” to complement the emissions and adaptation gap reports. At a minimum, such a report should document economic and non-economic loss and damage and related human rights impacts, the estimated financial and technical assistance needs of developing countries, and the status of Loss and Damage resources and related gaps. The report should also provide recommendations to enhance the work of each Loss and Damage entity (the WIM, its SNLD and the FRLD) under the UNFCCC and give clear guidance on the scale of resources that need to be mobilised.

The joint report of the WIM ExCom and SNLD AB should:

- **Enhance meaningful participation of rightsholders** within the Advisory Board of the SNLD and the WIM ExCom, including the Task Force on Displacement. The joint report should include concrete recommendations on enhancing meaningful participation of rights holders and frontline communities, including refugees, migrants and displaced persons, within the work of the Advisory Board of the SNLD. The report should also recommend that the composition of the Task Force on Displacement is revised to include representatives of the following groups: refugees, migrants and displaced persons.

Nationally Determined Contributions

By September 2025 and before COP 30, all Parties to the Paris Agreement are expected to submit their Nationally Determined Contributions (NDCs). The deadline was extended as most countries missed the official date for submissions of 10 February 2025. In their NDCs, Parties are expected to detail what they will do to help meet the global goals to keep warming below 1.5°C, adapt to climate impacts, address loss and damage, uphold human rights, and ensure sufficient finance to support these efforts. Averting (through mitigation), minimising (through adaptation) and addressing loss and damage are critical pillars of climate action, and need to be recognised as indicators of progress. Simply put, we should see the scale of loss and damage and the related needs decreasing as efforts to reduce emissions and adapt to the climate crisis ramp up.

To assess this progress, measures and plans for effectively addressing loss and damage—including their full cost—should be integral part of NDCs⁹, to reflect the respective financial needs in addition to funding needed for adaptation or mitigation. Without this information, there is no clarity on the true scale of the loss and damage that developing countries and the frontline communities within them face and what they actually need, in terms of finance, technical assistance, policy-formulation, institutional reform and legislative-development, among other things to address it. Insisting on the integration, and costing of Loss and Damage contributions and related work to uphold human rights in updated NDCs is the best way forward to put pressure on finance delivery for NDC implementation under the NCQG.

Developing countries' NDCs should include national plans to assess and address loss and damage needs in line with human rights standards and principles, and the related financial needs. This will help to determine a clearer picture of the true scale of the loss and damage already being suffered and which is expected, as well as elevate the scale of the financial needs associated with averting, minimising and addressing loss and damage. It would also contribute to building a more comprehensive picture of past and future climate impacts across the Global South and inform assessments of existing Loss and Damage policy, response and gaps¹⁰. Developed countries should include commitments related to international climate finance, including for addressing loss and damage, in line with their legal obligations. This is evermore important following the inadequate outcome on the NCQG at COP 29, in response to which developing countries have highlighted that the NCQG will be insufficient to enable them to raise and meet the ambition of their NDCs.

“**In their NDCs, Parties are expected to detail what they will do to help meet the global goals to keep warming below 1.5°C, adapt to climate impacts, address loss and damage, uphold human rights, and ensure sufficient finance to support these efforts.**”

“**Measures and plans for effectively addressing loss and damage—including their full cost—should be integral part of NDCs.**”

“**Without this information, there is no clarity on the true scale of the loss and damage that developing countries and the frontline communities within them face and what they actually need to address it.**”

“**Insisting on the integration, and costing of Loss and Damage contributions and related work to uphold human rights in updated NDCs is the best way forward to put pressure on finance delivery for NDC implementation under the NCQG.**”

“**Developing countries' NDCs should include national plans to assess and address loss and damage needs in line with human rights standards and principles, and the related financial needs.**”

Commitment to Loss and Damage and related human rights contributions in NDCs should see:

- **Increased mitigation and adaptation ambition to avert and minimise loss and damage:** New NDCs should commit to an urgent fast, fair, forever phase out of fossil fuels, and a massive scaling up of adaptation and loss and damage action and finance to avoid a future full of existential loss and damage and catastrophic human rights harms in developing countries. Developed countries must take the lead, including by committing to their fair share of climate finance for mitigation, adaptation and addressing loss and damage within their NDCs.
- **Meaningful and effective public participation:**
 - Ensure meaningful, informed, and effective participation of rights holders in the design and implementation of NDCs, including by reaching out widely to civil society and communities to participate effectively in deliberations and decision-making and to provide funding and other support to permanently remove barriers to participation.
 - NDCs should entail clearly articulated and publicly accessible commitments and plans for creating and enhancing enabling environments for affected individuals, communities and Indigenous Peoples to participate effectively and meaningfully in determining loss and damage needs. Additionally, rights holders and civil society should be able to participate equitably, meaningfully and effectively in decision-making processes at the national, regional and local levels related to the necessary legislative, institutional and policy reforms for addressing loss and damage.
- **Human rights-based measures to address loss and damage:** To ensure that the current round of NDCs captures an accurate picture of the scale of Loss and Damage needs and to increase pressure on countries historically responsible for climate change to deliver finance to implement NDCs under the NCQG, all developing countries must include human rights-based needs assessments and related costs and measures for addressing loss and damage in their NDCs. This includes:
 - NDCs should identify current and projected loss and damage needs based on human rights assessments, including by measuring differentiated impacts on women and other groups experiencing marginalisation and/or historic environmental discrimination.
 - Identifying and putting forward costed measures and plans to address loss and damage that are community-led, gender and conflict-transformative and equity- and human rights-based.
 - Ensuring the integration and recognition of the economic and non-economic loss and damage implications of displacement and related human rights dimensions into NDCs, including related to legal frameworks, climate finance, and basic services (read more in these [key messages on displacement](#)).

Gender Action Plan

At COP 29, Parties extended the enhanced Lima work programme on gender for 10 years. Under the latest decision on the implementation of the enhanced Lima work programme, Parties are expected to adopt a new Gender Action Plan (GAP) at COP 30. The new GAP should be considerably improved over the previous version, bringing an end to the siloing of gender and improving gender mainstreaming across UNFCCC work streams. It should also bring forth more progressive, inclusive language that guarantees the full, meaningful and equal participation of women and girls in all their diversity. Loss and damage should be integrated into the different priority areas of the GAP, including coherence (Priority Area C under the current GAP) and gender-responsive implementation and means of implementation (Priority Area D under the current GAP). Gender-responsive and gender-transformative implementation, finance, capacity building and technology are critical to assessing and addressing the disproportionate impact of loss and damage on women and girls in all their diversity.

Parties should consider the GAP as a key opportunity to enhance human rights-based approaches to loss and damage under the UNFCCC by:

- **Adequately financing the GAP** and ensuring that the GAP outlines the ways in which resources can be continually mobilised and applied toward gender-responsive and/or gender-transformative climate action, including remedies for loss and damage.
- **Outlining mechanisms for strengthening coherence with UNFCCC loss-and-damage mechanisms** such as the SNLD and the FRLD for effective coordination and implementation of gender-sensitive, gender-responsive and gender-transformative measures to address loss and damage.
- **Committing to using gender-disaggregated data** and considering disaggregated data by age, race, ethnicity, geography, Indigeneity, migration status, disability and other relevant intersectionalities, in loss and damage needs assessments and related technical assistance and finance.

“**At COP 29, Parties extended the enhanced Lima work programme on gender for 10 years, with Parties expected to adopt a new Gender Action Plan at COP 30.”**

“**Gender-responsive and gender-transformative implementation, finance, capacity building and technology are critical to assessing and addressing the disproportionate impact of loss and damage on women and girls.”**

ENDNOTES

- 1 See for example: Daniel Billy and others v Australia (Torres Strait Islanders Petition), CCPR/C/135/D/3624/2019, 2019; David Richard Boyd, Safe Climate: A Report of the Special Rapporteur of human rights and the Environment, UN Special Procedures, A/74/161, 2019, paras 65, 91 and 92, <https://www.ohchr.org/en/special-procedures/sr-environment/safe-climate-report>; Frequently Asked Questions on Climate Change and human rights-Fact Sheet No. 38, UN Office of the High Commissioner of Human Rights (OHCHR), 2021, https://www.ohchr.org/Documents/Publications/FSheet38_FAQ_HR_CC_EN.pdf; UN Committee on Economic, Social and Cultural Rights (CESCR), Climate change and the International Covenant on Economic, Social and Cultural Rights, 8 October 2018: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23691&LangID=E>; State of the Netherlands v. Urgenda Foundation, ECLI:NL:HR:2019:2007, Judgement (Sup. Ct. Neth. Dec. 20, 2019) (Neth.).
- 2 5 UN Treaty Bodies issue a joint statement on human rights and climate change, OHCHR, 16 September 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998>.
- 3 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- 4 These include, but are not limited to: women in all their diversity, people of diverse sexual orientation, gender identity and expression, children and youth, older people, Indigenous Peoples, afrodescendant communities, migrants and refugees, persons with disabilities, racial and ethnic minorities, people living in poverty, peasants and people living in rural areas, people living in conflict-affected areas (including situation of apartheid and occupation), individuals in communities facing impoverishment and dispossession.
- 5 UNFCCC, (2024), Report of the Standing Committee on Finance. Addendum - Second report on the determination of the needs of developing country Parties related to implementing the Convention and the Paris Agreement (Advanced, Unedited Version).
- 6 See for example, IFAD (2024), "Climate finance isn't working for Indigenous Peoples. This must change". <https://www.ifad.org/en/w/opinions/climate-finance-isn-t-working-for-indigenous-peoples-this-must-change>.
- 7 Lessons can be drawn from the localisation agenda of the humanitarian sector. See: 'Addressing loss and damage: Insights from the humanitarian sector' (2023), <https://reliefweb.int/report/world/addressing-loss-and-damage-insights-humanitarian-sector>.
- 8 See para.13, decision 1/CP.28 and 5/CMA.5.
- 9 Some NDCs already include Loss and Damage commitments, as evidenced in the Standing Committee on Finance's Second Needs Determination Report.
- 10 For example, Vanuatu's Revised and Enhanced NDC (see page 35) outlines commitments to address loss and damage and uphold human rights and the related finance that they require to deliver on these contributions (US\$ 177 million).

IMAGE CREDIT

1. **Cover image:** Cleaning up after flooding which has caused significant loss and damage and affected the enjoyment of human rights in Mae Sai, Chiang Rai, on the Thai-Myanmar border, 8 October 2024 ([Anurak Sirithep](#) / [Shutterstock](#)).
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