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Loss and damage funding arrangements: role of the Republic of Vanuatu in shaping global policy and practice

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This study examines the evolving landscape of loss and damage finance within and beyond the United Nations Framework Convention on Climate Change, highlighting the Republic of Vanuatu's significant role in shaping both global policy and national practice. Through a comparative analysis of Vanuatu's engagement in international processes, including at the International Court of Justice, and its domestic innovations, such as locally constructed loss and damage funding modalities, devolved decision-making, and grassroots policy-lab approaches, the study reveals how small island developing states have been able to drive conceptual and institutional advances in loss and damage resourcing. The study considers how principles of subsidiarity, complementarity, coherence, and direct access have been used by Vanuatu's political and technical stakeholders to contest dominant, top–down models of climate governance and provide a compelling framework for operationalizing new loss and damage funding arrangements, including the Fund for Responding to Loss and Damage (FRLD). The findings underscore the transformative potential of locally rooted climate justice approaches to reshape global funding architectures in ways that are more inclusive, effective, and grounded in the lived realities of frontline communities in small island developing states.

KEYWORDS

Vanuatu, loss, damage, funding, arrangements, climate, change, islands

1 Introduction

1.1 Delayed recognition of loss and damage in the UNFCCC

In 1989, the UN General Assembly adopted Resolution 44/206 (85th UNGA, 1990) on the possible adverse effects of sea level rise on islands and coastal areas, particularly low-lying coastal areas. This resolution requested key multilateral scientific organizations to consider the unique situations of islands and coastal areas in their work by undertaking further scientific studies and seeking ways to address the problem of sea level rise. It recommended that the vulnerability of affected countries and their marine ecosystems to sea level rise be considered during discussions of a draft framework convention on climate.

No mention of Loss and Damage is found in the United Nations Framework Convention on Climate Change (UNFCCC), which entered into force in 1994 (United Nations, 1992), although the concept of 'insurance' was incorporated into Article 4.8 (United Nations, 1992). The Convention also recognizes that "small island countries. . . are particularly vulnerable to the adverse effects of climate change".

Formal consideration of climate loss and damage re-emerged at the 13th Conference of the Parties (COP13) in 2007 with the adoption of the 'Bali Action Plan' [UNFCCC. Conference of the Parties (COP), 2008], which highlighted the need for enhanced action on adaptation, including "disaster risk reduction strategies and means to address loss and damage".

At COP 16 in 2010, the Work Program on Loss and Damage [UNFCCC. Conference of the Parties (COP), 2011] was established and resulted in a literature review (Secretariat of the UNFCCC, 2012) that broadly defined loss and damage as "the actual and/or potential manifestation of impacts associated with climate change in developing countries that negatively affect human and natural systems." The review further defined loss as "negative impacts in relation to which reparation or restoration is impossible, such as the loss of freshwater resources", and damage as "negative impacts in relation to which reparation or restoration is possible, such as windstorm damage to the roof of a building or damage to a coastal mangrove forest as a result of coastal surges". The review categorized actions to address loss and damage as "risk reduction", "risk retention", and "risk transfer". Importantly, COP16 established, through decision 1/CP16 [UNFCCC. Conference of the Parties (COP), 2011], a work program to consider approaches to address loss and damage.

Two years later, at the 18th COP in 2012, Parties agreed to establish institutional arrangements to address loss and damage under the UNFCCC, and the following year, at COP19, the Warsaw International Mechanism (WIM) for loss and damage associated with climate change impacts was established. While the COP19 decision [UNFCCC. Conference of the Parties (COP), 2014] does not define loss and damage, it does acknowledge that "loss and damage associated with the adverse effects of climate change includes, and in some cases involves more than, that which can be reduced by adaptation".

The Executive Committee of the WIM has subsequently been implementing a 5-year rolling work plan (Executive Committee of the WIM, 2019) that currently focuses on five strategic work streams, including a work stream on action and support, encompassing finance, technology, and capacity-building.

Experiencing worsening impacts, in 2015 at COP21, negotiators from small island developing states and other developing countries successfully negotiated for the inclusion of loss and damage in the Paris Agreement [UNFCCC. Conference of the Parties (COP), 2015] as a stand-alone Article 8, which lists eight areas of loss and damage cooperation and facilitation to enhance understanding, action, and support. Negotiators from AOSIS and the larger Group of 77 Developing Countries (G77) successfully negotiated for the inclusion of loss and damage into the Paris Agreement's Enhanced Transparency Framework and Global Stocktake at COP24 in 2018 [UNFCCC. Conference of the Parties (COP), 2018].

1.2 Loss and damage finance in the UNFCCC process

Article 8 of the Paris Agreement on loss and damage does not create an express obligation on parties to provide finance for loss and damage, nor does it cross-reference Article 9 on climate finance (although it does not explicitly preclude it either). Article 8 does recognize that parties should enhance understanding, action, and support with respect to loss and damage (Siegele, 2023). The contentious paragraph 51 of Decision 1/CP.21 [UNFCCC. Conference of the Parties (COP), 2016] demonstrates significant concessions from developing parties, stating that "Article 8 of the Agreement does not involve or provide a basis for any liability or compensation".

However, experiencing worsening impacts and rising domestic costs, during the review of the WIM at COP25 in 2019, negotiators from Vanuatu and other particularly vulnerable developing countries pushed for a financing arm of the WIM. In a submission to the Executive Committee of the WIM, Vanuatu called for the firm establishment of a stand-alone finance arm of the WIM as an output of the review (Government of Vanuatu, 2018). Due to significant pushback from developed countries in the global North who were adamantly opposed to a discussion on loss and damage finance, negotiators from the global South were forced to accept a compromise decision [UNFCCC. Conference of the Parties (COP), 2020] to establish the Santiago network. This network aimed to avert, minimize, and address loss and damage associated with the adverse effects of climate change by catalyzing the technical assistance of relevant organizations, bodies, networks, and experts for the implementation of relevant approaches at the local, national, and regional levels in developing countries particularly vulnerable to the adverse effects of climate change.

Also as part of the WIM review at COP25, Parties requested the WIM Executive Committee in decision 2/CMA.2 [UNFCCC. Conference of the Parties (COP), 2020] to establish an Action and Support Expert Group pursuant to decision 2/CP.19, paragraph 5(c), and develop a focused plan of action. This expert group has only met four times since its establishment, the last in 2023 (ASEG of the WIM, 2023), and its results and outputs have been limited to some engagement with other constituted bodies under the Convention and Paris Agreement, as well as an analysis of projects funded by the GCF related to the strategic work streams of the WIM (Executive Committee of the WIM, 2024). Given the widely acknowledged inadequacy of loss and damage finance, at COP30 in Belem in 2025, the 3rd review of the WIM explicitly requested the Executive Committee of the WIM to update in 2026 "the terms of reference, including with regard to membership, and plan of action of the expert group on action and support in light of the evolving loss and damage landscape, noting the cross-cutting nature of action and support, and ensuring that action and support are systematically considered in the work of its other expert groups, technical expert group, and task force in order to promote synergy and consistency in their work [UNFCCC. Conference of the Parties (COP), 2025b]".

The establishment of new financing for loss and damage was not formally addressed in a COP or CMA decision until COP27 in 2022, when developing countries of the G77 + China group refused to leave Egypt without what became Decision 2/CP.27 [UNFCCC. Conference of the Parties (COP), 2023], in which Parties decided in paragraph 2 to "establish new funding arrangements for assisting developing countries that are particularly vulnerable to the adverse

effects of climate change in responding to loss and damage", and also decided in paragraph 3 to "establish a fund for responding to loss and damage" whose mandate includes a focus on addressing loss and damage.

Despite the changes to the institutional architecture related to financing for loss and damage at the international level, the 2023 outcome decision of the Global Stocktake [UNFCCC. Conference of the Parties (COP), 2024] in paragraph 128 "acknowledges the significant gaps, including finance, that remain in responding to the increased scale and frequency of loss and damage, and the associated economic and non-economic losses." In fact, the second report on the determination of the needs of developing country Parties related to implementing the Convention and the Paris Agreement (NDR) (Standing Committee on Finance UNFCCC, 2024) by the UNFCCC's Standing Committee on Finance found that, in addition to adaptation and mitigation needs, there were expressed needs for averting, minimizing, and addressing loss and damage by 29 Parties, including USD 5 billion requested by SIDS articulated in their 2020–2030 NDCs, noting that these do not comprehensively reflect the overall needs for loss and damage.

To date, the Fund for Responding to Loss and Damage (FRLD) has yet to disperse any finance to assist developing countries that are particularly vulnerable to the adverse effects of climate change, as specified in its Governing Instrument [UNFCCC. Conference of the Parties (COP), 2024]. However, at the 5th meeting of the Board of the Fund for Responding to Loss and Damage in early 2025, members adopted, in decision B.5/D.4 (Board of the FRLD, 2025), the 'Barbados Implementation Modalities' (BIM) with an initial allocation of USD250m in grant-based funding for the 2025–2026 period, accessible by request from developing countries in the range of USD5-20m, with an agreed 50% minimum allocation floor for Least Developed Countries (LDCs) and Small Island Developing States (SIDS). At its 7th meeting, the FRLD Board adopted the funding cycle, funding criteria, and access modalities for the BIM (FRLD Board, 2025). The call for requests to the FRLD was launched at COP30 in Belem, Brazil, on 10 November 2025 (FRLD Secretariat, 2025b), with an initial submission period between 15 December 2025 and 15 June 2026 (FRLD Secretariat, 2025a).

Parties view the urgent operationalization of the FRLD as critical, especially since the financing stream of negotiations in the New Collective Quantified Goal, agreed at COP29 in 2024 in Decision 11a/CMA.29 [UNFCCC. Conference of the Parties (COP), 2025a], includes references to loss and damage throughout the text, including paragraph 19, which "acknowledges the significant gaps that remain in responding to the increased scale and frequency of loss and damage, and the associated economic and non-economic losses, and recognizes the need for urgent and enhanced action and support for averting, minimizing, and addressing loss and damage associated with climate change impacts". However, the decision fails to reference loss and damage in paragraph eight, which extends the finance goal to at least USD 300 billion per year by 2035 for developing country Parties for climate action. Nevertheless, paragraph five of the decision makes it clear that the NCQG will support the implementation of NDCs and reflect the "evolving needs of developing country Parties".

2 Materials and methods

This study seeks to understand how Vanuatu has influenced the UNFCCC processes related to loss and damage finance and transformed its national systems and domestic arrangements to facilitate loss and damage funding landscapes. To answer this research question, a comparative review approach was adopted, analyzing Vanuatu's submissions and involvement in UNFCCC and Paris Agreement processes related to finance for loss and damage, as well as reviewing actions taken at the domestic level regarding loss and damage funding arrangements. In doing so, this article contributes to a growing body of comparative literature on the role developing countries play in financing actions to respond to climate loss and damage and the global architecture being designed and operationalized.

This article proceeds in two steps. Section 3 examines how Vanuatu has influenced and engaged in international loss and damage processes, identifying concrete examples of the country's international climate diplomacy. Section 4 considers how Vanuatu's international engagement has been complemented by domestic action and policy, including funding arrangements tailored to the archipelago's local contexts.

3 Efforts by the Republic of Vanuatu to influence UNFCCC loss and damage funding arrangements

3.1 Climate losses and damages in Vanuatu

According to the Climate Risk Index (CRI) of 2025 (Adil et al., 2025), Vanuatu ranks 9th in the world due to the high percentage of its population affected by climate impacts and the significant percentage of GDP impacted by climate events. In the World Risk Report 2025 (Ilona Auer Frege, 2025), Vanuatu ranked 44 out of 193 countries for risk from extreme natural events and negative climate change impacts, largely due to exposure and vulnerability.

Recent estimates of annualized economic losses [UN Economic Social Commission for Asia the Pacific (UNESCAP), 2020], which include losses from intensive and extensive risk, indirect losses, and slow-onset disasters, are approximately 166.96 million USD per year, representing at least 21% of GDP. However, single extreme events dwarf these figures; for instance, Category 5 Cyclone Pam in 2015 caused an estimated US$449.4 million in damages (Esler, 2025), equivalent to 64.1% of Vanuatu's GDP, while Category 5 Cyclone Harold in 2020, which struck during the COVID-19 crisis, resulted in economic disaster effects of US$617 million, or 61% of GDP (Government of Vanuatu, 2020). The twin Category 4 cyclones of 2023, TC Kevin and TC Judy, hit Vanuatu within 48 h of each other and affected more than 80 percent of the population, with total economic effects estimated at US$433 million (Government of Vanuatu, 2023). Later that same year, severe Cyclone Lola affected 180,000 people. The PDNA found that the total cyclone-related estimated recovery needs for 2023 alone was just over US$370 million, representing 52% of Vanuatu's GDP.

The economic figures do not adequately convey the severity and consequences of losses and damages for Vanuatu's island people, including non-economic losses and damages to mental health and psychosocial wellbeing from trauma related to recurrent disasters, the irreparable degradation of ecosystems such as coral reefs, tropical forests, and mangroves, which are integral to the cultural, linguistic, and spiritual practices of the Ni-Vanuatu people, and the ongoing loss of sacred sites and indigenous ancestral lands from sea level rise.

Recent studies in Vanuatu (McNamara et al., 2023) have found that climate change is impacting people's human rights, including the rights to a healthy environment and the ability to own, use, develop, and control land, as well as affecting rights to property and communal assets, standard of living, and family and social cohesion. For example, climate-induced losses of traditional medicinal plants affect rights to health, human life, and wellbeing. Flooding of low-lying areas not only impacts infrastructure and cultural heritage, such as gravesites, but also causes salinization of freshwater tables, which then affects rights to potable water. Increases in ocean temperatures and ocean acidification induce reef degradation, including coral bleaching, diminishing the productivity of fishing resources and affecting rights of access to traditional and cultural food sources and human health.

The outlook for losses and damages worsens in the future, as recent science-based projections for Vanuatu (CSIRO and CSIRO and SPREP, 2021; VanKIRAP, 2023) indicate amplified effects in core climate parameters such as temperature, rainfall, sea level rise, tropical cyclones, and ocean acidification, regardless of the global emissions pathways followed or collective action taken under the Paris Agreement. For Vanuatu, the future change is existential, as sea level rise will continue to cause coastal inundation, erosion, and saltwater intrusion into aquifers, with 64% of the population living within 1 km of the coast. Infrastructure located within 500 m of the coast accounts for 48% of the total asset number and 90% of the total infrastructure replacement value (CSIRO and SPREP, 2023).

As climate change intensifies, Vanuatu's multihazard riskscape is being transformed. Climate risks compound, cascade, and amplify non-climate threats from political instability, geographical isolation, health issues, and community conflicts, which increasingly intersect. Global interconnected trends, including climate change, population growth, militarization and armed conflict, the expansion of artificial intelligence, and political polarization are exacerbating the localized effects of climate loss and damage, all of which undermine Vanuatu's development gains and progress toward social equity.

3.2 Vanuatu's international efforts to influence and align to loss and damage within UNFCCC and Paris Agreement processes

As the founding chair of the Alliance of Small Island States (AOSIS), Vanuatu first introduced the concept of loss and damage into the negotiations in 1991, as a submission to the Intergovernmental Negotiating Committee (INC) formed by parties working toward what would become the UNFCCC. Vanuatu specifically proposed the creation of an International Climate Fund to finance measures to counter the adverse consequences of climate change and a separate International Insurance Pool to compensate the most vulnerable small island and low-lying coastal developing countries for loss and damage resulting from sea level rise (AOSIS, 1991). While this proposal was unsuccessful, it initiated a decades-long process to firmly establish the issue of loss and damage within the UNFCCC process.

One of the conditions developed country Parties stipulated in exchange for their acquiescence to include Article 8 on Loss and Damage in the Paris Agreement was paragraph 51 of Decision 1/CP.21 [UNFCCC. Conference of the Parties (COP), 2016], in which Parties agree that "Article 8 of the Agreement does not involve or provide a basis for any liability or compensation." In response to, and in opposition to this paragraph, when Vanuatu submitted its instrument of ratification to the Paris Agreement on 21 September 2016 (Government of Vanuatu, 2016a), it included a ratification compendium declaration to express its understanding that the right to an effective remedy is a fundamental principle of international law (UN General Assembly, 2005) and would apply in contexts such as human rights violations relating to loss and damage from climate change, justifying reparations. Without specifying how compensation for loss and damage would be operationalized, Vanuatu's declaration reads, in part: "…the Government of the Republic of Vanuatu declares its understanding that ratification of the Paris Agreement shall in no way constitute a renunciation of any rights under any other laws, including international law, and the communication depositing the Republic's instrument of ratification shall include a declaration to this effect for international record".

As part of the 2019 review of the WIM, Vanuatu submitted its views on aspects of its operational modalities, structure, the role of the ExCom, and the role of L&D contact points. Beginning with the assertion that "Vanuatu is unambiguous in its assessment that Loss and Damage from climate change is the single greatest threat facing our nation," the submission went on to explain that "when we face, year after year, increasing losses and damages from climate extreme events and slow onset hazards, the UNFCCC process fails to deliver any explicit finance for Loss and Damage".

When the Santiago Network was formally established at COP25, Vanuatu soon thereafter became the first country in the world to request technical assistance in 2023 (Santiago Network, 2024). At that time, no institutional structures had been established, but decision 19/CMA.3 paragraph 11 [UNFCCC. Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA), 2022] mandated the Secretariat of the UNFCCC to act as an interim secretariat, providing support for developing countries that are particularly vulnerable to the adverse effects of climate change and may seek or wish to benefit from the technical assistance available from organizations, bodies, networks, and experts under the Santiago network, without prejudice to the outcomes of hosting and operationalization arrangements yet to be negotiated. In September 2023, Vanuatu formally submitted its technical assistance request, which went unanswered for 12 months, until the new interim secretariat of the network was able to receive and respond to Vanuatu's updated request on 23 September 2024 (Santiago Network, 2024).

The Network subsequently put out a call to its members and announced (Santiago Network, 2015) on 4 June 2025 that technical assistance would begin to be mobilized by a consortium of locally and regionally based organizations, led by a private sector agency in Port Vila, Vanuatu, and an indigenous community-based organization in remote Vanuatu. Given that Vanuatu had been clear from the outset that it sought global South expertise from Vanuatu and the larger Pacific region, the Secretariat was able to include this consideration in its independent selection process without compromising its strict conflict of interest policies (Santiaho Network, 2024), which do not allow countries to name their preferred members. This allowed countries to specify the types of assistance they prefer while maintaining the openness and transparency required by the Advisory Board of the Network. Specific outcomes of the technical assistance to Vanuatu by the Santiago Network include a funding request for the Fund for Responding to Loss and Damage (FRLD) (Santiago Network, 2024), demonstrating the role countries can play in ensuring the complementarity and coherence of the international loss and damage architecture. Vanuatu's coherent approach also demonstrates that "readiness" for the FRLD may not require its own process within the Fund, as this type of support is already available and being delivered by the Santiago Network.

Vanuatu has also played an important role in the establishment and operationalization of the FRLD. During the Transitional Committee process to negotiate the governing instrument of the Fund, Vanuatu made several submissions, including a case study on non-economic loss and damage to Vanuatu's coastal ecosystems and community livelihoods from slow onset events (Bartlett, 2023). Vanuatu was also a lead author on a submission made by Palau on behalf of the Pacific Small Island Developing States (PSIDS, 2024), which provided guidance on nationally determined programmatic approaches. With these written inputs and in-person advice provided during TC meetings, Vanuatu influenced the governing instrument of the FRLD [UNFCCC. Conference of the Parties (COP), 2024], which recognizes a core objective and purpose of the fund to "pursue a country ownership approach to program…and seek to promote and strengthen national response systems," as well as the fund's scope to "provide support for responding to economic and non-economic loss and damage." Vanuatu holds a rotational SIDS seat on the FRLD Board shared by the Pacific islands. The Pacific SIDS Chair has formally written to the Chair of the Alliance of Small Island States, stating that the seat will be held for equal subsequent terms by Fiji, Cook Islands, and Vanuatu, and advisers from each country will attend each FRLD Board meeting.

In response to the COP29 decision on the New Collective Quantified Goal, Vanuatu made a submission (Government of Vanuatu, 2025b) on the Baku to Belém Roadmap to USD 1.3 trillion, beginning with a reflection that the country "is facing increasingly severe impacts of climate change, including existential loss and damage, due to inadequate resources for a just transition away from fossil fuels globally, and insufficient finance for adaptation and to address loss and damage locally." Vanuatu's submission emphasizes its expectation that the mobilization of new and additional climate finance "must be directed primarily toward and be maximally responsive to the escalating vulnerabilities, adaptation needs, and loss and damage response gaps of countries such as Vanuatu, whose existential threats from climate change are immediate and profound." Suggesting a concrete element in the Roadmap, Vanuatu proposes "specific allocations, targets, and timelines for adaptation and loss and damage…coupled with increased funding for loss and damage through long-term country program and finance platforms…with grant and grant-equivalent modalities".

When the first Nationally Determined Contributions for the period of 2020–2030 were due, Vanuatu resolved to fully and comprehensively include loss and damage commitments in its submission. Vanuatu was of the view that Article 5 of the Paris Agreement contains no text that precludes the inclusion of loss and damage, and therefore introduced a standalone section on Loss and Damage into its 2020–2030 NDC (Government of Vanuatu, 2022b), expanding this section in its NDC 3.0 for the period of 2025–2035 (Government of Vanuatu, 2025d). Of the total finance needs identified by Vanuatu to implement its NDC 3.0, 19.48% is earmarked for mitigation, 39.43% for adaptation, and a majority 41.08% for loss and damage. This demonstrates not only the importance Vanuatu places on implementing loss and damage commitments but also the real costs incurred by the government and grassroots stakeholders to address compounding, cascading, and intensifying loss and damage impacts.

A core component of Vanuatu's new NDC 3.0 is its novel focus on financing sources and modalities, which the international community has been calling the "funding arrangements." For each of the 204 commitments in the NDC 3.0, in addition to the quantum required, Vanuatu has identified the preferred sources related to the specific activity, spanning 15 different categories and including, inter alia, Multilateral Development Banks (e.g., the World Bank, Asian Development Bank), Multilateral Climate Funds (e.g., The Green Climate Fund or the UN Fund for responding to Loss and Damage), Bilateral Development Agencies (e.g., New Zealand's Ministry of Foreign Affairs and Trade (MFAT) aid program), Insurance and Risk Transfer Mechanisms [e.g., Pacific Catastrophe Risk Insurance Company (PCRIC)], Private Sector Investments (e.g., through the National Bank of Vanuatu), and Litigation Settlement Funds (resulting from climate lawsuits).

To enhance coordination, complementarity, and coherence among these diverse funding arrangements, Vanuatu's NDC 3.0 commits to consolidating its institutional and policy arrangements into a "National Climate Finance Platform," which aims to streamline diverse finance sources—public and private, international and domestic—leveraged to provide maximum impact and full implementation of the programmatic and long-term priorities identified in the NDC. The Finance Platform outlined in the NDC articulates a range of locally tailored finance disbursement modalities that will be used to provide direct and efficient access to climate finance to various grassroots and sub-national stakeholders, including, inter alia, cash transfer systems, small grants programs, payment of insurance premiums, subsidized materials and equipment, low-interest concessional finance, technical assistance, and aid in kind. Finance tracking as part of Vanuatu's platform is designed to help Vanuatu make the case for loss and damage finance needs, as separate and additional to adaptation finance, as part of the NCQG flows agreed upon under the Paris Agreement.

Fully adhering to the agreed Enhanced Transparency Framework (ETF) and its modalities, procedures, and guidelines (MPGs) [UNFCCC. Conference of the Parties (COP), 2019], Vanuatu became one of the first countries in the world to include a stand-alone loss and damage section in its 1st biennial transparency report (BTR), submitted in early 2025 (Government of Vanuatu, 2025a). Vanuatu's BTR highlights its efforts to implement the loss and damage commitments in its 2nd NDC, as well as progress toward a national definition of loss and damage and a comprehensive overview of economic and non-economic losses and damages experienced. The BTR highlights both capacity gaps and needs, as well as identified key research priorities for loss and damage.

Outside of the UNFCCC process, Vanuatu has also been working to influence the international understanding of and action to address loss and damage. In 2024, Vanuatu and other members of the Commission of Small Island States on Climate Change and International Law (COSIS) obtained an important Advisory Opinion from the International Tribunal for the Law of the Sea (ITLOS) on the specific obligations of state parties to the United Nations Convention on the Law of the Sea (UNCLOS) (COSIS, 2022). The Tribunal found that states indeed have due diligence obligations to prevent climate loss and damage to the marine environment by taking all necessary measures to protect and preserve the marine environment and to ensure that non-state actors under their jurisdiction or control comply with such measures. Thus, preventing loss and damage requires both the enactment and enforcement of necessary laws.

Vanuatu also initiated Advisory Opinion proceedings at the International Court of Justice to seek clarity on the obligations of States regarding climate harm (loss and damage) within the framework of international law, as well as the legal consequences of breaching these obligations (ICJ, 2025). In its written submission to the court (Government of Vanuatu, 2024), Vanuatu argued that as a consequence of breaching legal obligations, offending Parties would be expected to "increase the level of ambition and action in relation to climate mitigation, adaptation, and finance." Vanuatu also contended that restitution would "arise as obligations for responsible States," including "provision of finance." The submission further clarifies Vanuatu's approach to compensation as a legal consequence of climate-harming acts, encompassing "obligations to provide adequate climate finance, technology transfer, and capacity-building to enable injured States to adapt to the adverse effects caused by the Relevant Conduct, and to avert, address, and minimize loss and damage." The Court found in Vanuatu's favor in its historic unanimous opinion, stating that breaches of States' obligations "give rise to the entire panoply of legal consequences provided for under the law of State responsibility. These include obligations of cessation and non-repetition, which are consequences that apply irrespective of the existence of harm, as well as the consequences requiring full reparation, including restitution, compensation and/or satisfaction" (ICJ, 2025).

To prevent and disincentivize harmful conduct by individuals that results in environmental loss and damage from climate change, in 2024 Vanuatu (along with Fiji and Samoa) proposed to the Assembly of States Parties to the Rome Statute of the International Criminal Court (ICC) that Ecocide be formally classified as an international crime (Harvey, 2024; ICC, 2024), defined as "unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts." If the amendment is adopted, the ICC would be able to hold accountable, for example, the chief executive officers of fossil fuel corporations or the heads of government who make decisions to authorize new fossil fuel energy investments that result in severe loss and damage.

3.3 Vanuatu's domestic work to operationalize loss and damage funding arrangements

Worsening impacts on economic and non-economic systems on wellbeing and development are transforming Vanuatu's riskscape and fundamentally altering the financial planning approaches undertaken by all stakeholders, from the national government to island households. Vanuatu's Meteorology, Geological Hazards and Climate Change Act No. 25 of 2016 (Government of Vanuatu, 2017) establishes the National Advisory Board on Climate Change & Disaster Risk Reduction (NAB), which serves as the supreme governance and policymaking body for all climate change and disaster risk reduction (CCDRR) programs, projects, initiatives. The NAB has five primary functions, including to "support the development of disaster risk reduction and climate change projects, initiatives, activities, priorities, and policies" and to advise on "matters relating to the United Nations Framework Convention on Climate Change." Section 10 (d) of the Act specifies that the NAB has the power to "establish climate change or disaster risk management financing mechanisms for the benefit of its members or other persons." According to the legislation, the NAB is comprised of director-level officials from across government machinery, including the director responsible for subnational and area governments in all provinces. The NAB also includes representatives from civil society and the private sector. Due to its high-level representation and inclusive nature, the NAB is a core part of the National Climate Finance Country Platform highlighted in Vanuatu's 2025 NDC 3.0.

To govern and coordinate loss and damage policy, the NAB has established a Technical Working Group on Loss and Damage (Government of Vanuatu, 2025c), through which all policies, projects, programs, and initiatives related to Loss and Damage, including UNFCCC and Paris Agreement-related positions, are developed and steered. The Loss and Damage Technical Working Group is diverse in its membership and includes representatives from government, civil society, the private sector, academic organizations, and international organizations. As a guiding principle, the Loss and Damage group takes a bottom–up, locally led, and inclusive approach as a foundation for its work.

Vanuatu's updated Climate and Disaster Risk Reduction Policy (Government of Vanuatu, 2022a) includes section 7.4.4 on Loss and Damage, with the objective to finance and redress loss and damage incurred and several key action areas, including insurance and compensation approaches. Pilot work on micro-parametric insurance products for island farmers and fishers was successful in that payments were made after cyclone triggers were met (UNCDF,

2023), and work is currently ongoing to expand the private-sector-led offerings available to locals in a country where insurance penetration is less than 5% (Government of Vanuatu, 2016b). Vanuatu is also a current policyholder of the Pacific Catastrophic Risk Insurance Company (PCRIC) (PCRIC, 2024b), demonstrating its dedication to risk layering. The design and use of new insurance mechanisms will be one part, but far from the only modality, used by Vanuatu to obtain diverse sources of loss and damage finance.

Vanuatu's New Loss and Damage Policy (Government of Vanuatu, 2025c) goes further in defining 12 policy objectives under a standalone heading on Loss and Damage Finance and Means of Implementation. Some of the urgent directives include establishing a dedicated Loss and Damage Fund at the national level, expanding work toward climate compensation and liability payments as determined by courts of law, and employing new delivery mechanisms for direct access to vulnerable people, including small grants programs, cash transfers and vouchers, payment for risk transfer premiums, and investment in adaptive social protection services.

In 2024, Vanuatu adopted a National Adaptive Social Protection Policy, with actions and indicators related to addressing climate loss and damage. This includes promoting government-led investments in the resilience capacities of households particularly vulnerable to shocks through social protection programs, including cash transfers. Also in 2024, Vanuatu adopted a Disaster Risk Financing Policy to protect and safeguard the people and the economy from the adverse impacts of disasters through a set of disaster risk financing instruments that collectively provide liquidity and budgetary support in the event of climate disasters.

As inspiration for and in response to these policies, several innovative loss and damage-relevant arrangements have been developed and implemented in Vanuatu. One climate project is seeking to capture and institutionalize these innovations through an approach called "Loss and Damage Policy Labs"(Doddy, 2025), an evidence-based discussion held in indigenous villages to explore grassroots perspectives on policy shifts that would better enable action to address loss and damage at the local level. These labs have seen villagers reflecting a range of policy solutions, including, for example, the cash transfer program using blockchain technology for real-time transparency that was developed and trialed by local civil society and the private sector (Rust, 2019), and then rolled out in response to severe Tropical Cyclone Harold in 2020 (Day et al., 2021). In the aftermath of the cyclone, more than 24,000 vulnerable individuals received a total of VUV 300 million in cash payments (Yang et al., 2023). The GEF's Small Grants program in Vanuatu has increasingly been awarding grants to indigenous communities focusing on responding to climate impacts, including through coastal measures to address sea level rise and rehabilitating terrestrial forests affected by cyclones (Nimoho, 2025). In another innovative approach, Vanuatu worked with the UN Capital Development Fund (UNCDF) to make available parametric micro-insurance products designed for island fishers and farmers, one offering a maximum coverage of 50,000VT (US$400) and the other of 100,000VT (US$800) at a premium of 10% per annum for both. After climate events, payouts were sent directly to the mobile money wallets of policyholders, or to their bank accounts via internet banking (UNCDF, 2022).

Ensuring adequate financial resources flow through these modalities is a challenge, as explicit financing for loss and damage is not readily available. One source of loss and damage finance includes payouts from the Pacific Catastrophic Risk Insurance Company (PCRIC) (PCRIC, 2024a), with products designed to offset some of the most immediate financial costs arising from the impacts of various hazards, including cyclones, earthquakes, and tsunamis. With Vanuatu experiencing a high incidence of damaging cyclones, the government requested that its 2024/2025 contribution to the premium be allocated 80% toward cyclone events and 10% each to earthquake and tsunami events. After PCRIC payouts to Vanuatu in 2025, leaders highlighted the rapid response as a key feature of the parametric policies offered by PCRIC, while acknowledging that, although not designed to cover all costs associated with disasters, these products quickly provided a measure of support in the immediate aftermath of an event when it was most needed.

Direct budget support to Vanuatu for loss and damage is also now occurring through diverse channels. A Joint Policy Reform Group (JPRG) has been established under the Ministry of Finance and Economic Development with the World Bank, Asian Development Bank, Australia, and New Zealand, which releases policy-based payments into the national treasury upon achievement of jointly agreed policy-based targets. In 2025, budget support was triggered by the JPRG consortium upon the successful completion of the Loss and Damage Policy (World Bank, 2025). Another example of direct access budget support to Vanuatu for loss and damage is through the Government of New Zealand's climate flexible finance partnership arrangement (CFCSP, 2025), which allocated NZD 8 million directly through government national financial systems for addressing climate change priorities.

To disperse loss and damage finance through locally accessible modalities, the Government of Vanuatu is in the process of establishing a national Loss and Damage Fund, with a capitalization pledge of NZD 4 million from the New Zealand Ministry of Foreign Affairs and Trade (Toara, 2025). According to the Fund design document (Tonkin and Taylor International Ltd, 2024), Vanuatu's national Fund will seek capitalization from a wide range of potential sources and provide seed funding to initiate projects, thereby attracting further investment. Vanuatu's national L&D Fund will be agile and responsive to changing community needs and will help ensure that loss and damage is addressed in locally appropriate ways. The Fund is expected to be fully operational for community access in 2026 and is a core part of the Climate Family of Funds under the government's Climate Finance Country Platform, as articulated in the NDC 3.0. This will result in finance flows from various sources, captured by the platform, flowing into the national L&D Fund and onwards to vulnerable individuals and communities.

Leading the design of interventions for loss and damage funding, Vanuatu has prioritized local ownership and leadership. The Government's Subnational Planning Guide (Government of Vanuatu, 2016c) outlines a 10-step planning process that includes community consultations and prioritization at both the Area Council and Provincial levels as a baseline for developing the Provincial Five-Year Development Strategy and Annual Plans. Importantly, the Guideline links to the recognition of the central

role of Community Disaster and Climate Change Committees (CDCCCs) as the local authority on defining climate-related priorities and plans. CDCCCs, which represent a fully inclusive and participatory approach to local-level climate planning in Vanuatu (Bubb and Dé, 2022), are also acknowledged in the Community-Based Disaster Risk Reduction guidelines of the National Disaster Management Office (Lamberti, 2016).

4 Discussion

The case of the Republic of Vanuatu demonstrates that small island developing states are not only passive recipients calling for urgent loss and damage finance but also critical architects of global loss and damage funding arrangements. By pioneering locally grounded, nationally coordinated, and globally influential approaches—including direct access modalities, diverse financial instruments, and inclusive governance platforms—Vanuatu has challenged traditional top–down models of climate finance and reshaped prevailing narratives around ownership, justice, and effectiveness. Its efforts to embed loss and damage in national systems, align funding with community-driven priorities, and advance the principle of subsidiarity have helped to catalyze broader policy shifts at the international level, including within the Fund for Responding to Loss and Damage. In doing so, Vanuatu is not merely responding to global norms but actively co-constructing them, offering an instructive model for how innovative national practices can transform global policy and practice in loss and damage finance.

Vanuatu's efforts to simultaneously influence international loss and damage arrangements while designing and implementing loss and damage funding modalities are instructive. On one hand, the Ministry of Climate Change's National Advisory Board on Climate Change & Disaster Risk Reduction oversees national-level loss and damage initiatives, such as establishing a national loss and damage fund. At the same time, NGOs and private sector actors are refining and leading new disbursement modalities like cash transfer systems and microinsurance. Vanuatu's Climate Finance Country Platform exemplifies the concept of "distributed ownership," as the National Advisory Board retains oversight and coordination functions, while planning and financial decision-making are devolved to subnational actors, including community disaster and climate change committees. This challenges prevailing models that conflate country ownership with central government control and suggests new directions for shared sovereignty in loss and damage finance governance.

For example, the loss and damage policy lab approach being employed in Vanuatu moves closer to transformative participation, where affected communities are not merely consulted but are empowered to shape the design of loss and damage finance policy. Such levels of inclusivity, while rare, have been shown to shift climate policy outcomes and effectiveness (Böhmelt et al., 2016), leading to redistributive shifts in voice, agency, and decision-making power. The Vanuatu case demonstrates that community empowerment requires more than downward accountability; it necessitates upward permeability, where national systems are reshaped by community and grassroots logic and innovation, and invites new thinking on the principle of subsidiarity (Jalsenjak, 2023) for the design and delivery of loss and damage funding. The Vanuatu case provides an instructive model of nested governance, where community-based, private sector, and civil society institutions co-create loss and damage funding arrangements alongside national authorities and international partners.

We have seen that with the support of the Santiago Network on Loss and Damage, a consortium of local private sector and community-based organizations is now facilitating the development of Vanuatu's request to the Barbados Implementation Modalities of the Fund for responding to Loss and Damage. This will likely seek to capitalize on a range of innovative financial modalities, including cash transfers, microinsurance, subsidized livelihood equipment, school fee waivers, and other funding arrangements to put resources directly into the hands of those responding to loss and damage at the village level. SIDS across the globe are leading the development of state-of-the-art strategies for managing and delivering climate finance (Wilkinson, 2025). If deemed acceptable for resourcing by the World Bank's Financial Intermediary Fund (the trust fund for the FRLD), there will likely be a broadening of acceptability of these types of domestic loss and damage arrangements, leading to replication in other developing countries and the normalization of these approaches in the work of the Warsaw International Mechanism. By working on the leading edge of loss and damage funding arrangements, Vanuatu is actively localizing what have been largely global discussions on the mosaic of relevant finance mechanisms (Shah et al., 2025), rebalancing narratives dominated by Western epistemologies, and shifting practice toward more inclusive and grounded approaches.

As an example of policy inclusivity, Vanuatu's Loss and Damage working group, composed of representatives from various stakeholders, is making significant strides to integrate innovative loss and damage finance modalities into well-coordinated programmatic approaches. This offers a compelling illustration of how national systems can be strengthened from the periphery inward—by embedding innovation from across the landscape into new national frameworks. It is clear that if the FRLD aims to realistically achieve its objective and purpose to "promote and strengthen national response systems" (paragraph 5), its Board and Secretariat will need to find ways to acknowledge and validate these emergent national systems as presented by developing countries in their requests to the Fund. As discussed at the 6th and 7th meetings of the FRLD Board, the Fund must provide direct access financing modalities to all developing countries so they can identify, strengthen, and utilize the best modalities to suit their financing gaps and needs. In this context, we see L&D finance considerations evolving beyond a conceptualization solely as an external transfer, becoming a catalyst for endogenous system strengthening, improving absorptive capacity, creating political ownership, and legitimizing locally developed loss and damage responses.

The fact that the Governing Instrument of the new Fund for responding to Loss and Damage mandates the Board to develop operational modalities for "direct access via direct budget support through national Governments" marks a dramatic shift away from the most common modalities employed by other multilateral climate funds of the Financial Mechanism of the UNFCCC, which rely heavily on external accredited entities and have been criticized

for undermining national ownership and agency (Chaudhury, 2020). As the FRLD begins to approve requests from developing countries under the new Barbados Implementation Modalities, the Board will increasingly encounter novel domestic arrangements for channeling finance to the most vulnerable, which will need to be reviewed, assessed, and approved for funding. This could prove challenging, as some of these national systems and funding arrangements may not yet be widely implemented or may lack the depth of scrutiny that other modalities, such as small grants program, have enjoyed for decades (Shumba, 2024). The Governing Instrument also mandates that its scope is not intended to replicate what exists but rather, as articulated in paragraph 7, to focus on priority gaps within the current global and national landscape of institutions addressing loss and damage. Clearly, these gaps will likely be filled by domestic action.

Given that less than USD 800 million has been pledged to the new Fund for Responding to Loss and Damage (FRLD), and new estimates put global loss and needs in developing countries at $671 billion annually by 2030 (L&DC, 2022), there is an urgent need to maximize the impact of limited existing finance, prioritizing funding for the most vulnerable countries and investing directly into systems tailored at the national and subnational levels to maximize impact at the local level. Developing countries have demanded that the burden of addressing climate impacts must no longer fall disproportionately on those directly affected, but rather on those responsible for historical and ongoing emissions (Waggy and Sharma, 2024). Indeed, the recent Advisory Opinion from the International Court of Justice found that "the duty to cooperate is founded on the recognition of the interdependence of States, requiring more than the transfer of finance or technology, in particular efforts by States to continuously develop, maintain and implement a collective climate policy that is based on an equitable distribution of burdens and in accordance with the principle of common but differentiated responsibilities and respective capabilities" (ICJ, 2025).

Vanuatu has demonstrated such policy evolution by developing a climate finance country platform approach in its NDC 3.0, showing how a diversity of loss and damage funding arrangements can be simultaneously employed, managed, and well-coordinated for efficiency and impact. A coherent platform avoids the pitfalls of fragmented institutional arrangements that have led to overlaps, inefficiencies, and accountability failures in past project-based climate financing experiences (Bhandary et al., 2021). As a theoretical example, a USD 20 million grant from the BIM of the FRLD could, through the country platform, be leveraged with an additional USD 10 million in budget support from the JPRG group of donors to Vanuatu, USD 5 million from the Adaptation Fund's innovation window, a USD 3 million payout from the Pacific Catastrophic Risk Insurance Company, and USD 3 million of bilateral support from New Zealand into the national loss and damage fund. In this way, it becomes possible to scale up from seed investment into loss and damage action by leveraging and taking advantage of co-financing opportunities (Cui et al., 2020).

A key message emerging from Vanuatu's loss and damage financing experiences is that externally facilitated projects will not allow for the long-term cross-sectoral and multi-level loss and damage solutions required. Pilot project fatigue, unsustainable donor and implementer dependency, and the absence of exit strategies or pathways to institutionalization have pushed Vanuatu and other developing countries to call for a shift to direct access modalities, including budget support to national systems (Fardoust et al., 2023). The call in the Vanuatu Loss and Damage Policy for a long-term loss and damage country program, alongside the focus of the Santiago Network's work in Vanuatu, demonstrates a conscious policy choice to move away from loss and damage finance "projectification," where interventions remain locked in temporary, externally funded silos rather than contributing to sustained national systems. Vanuatu is already considering how its next request to the Santiago Network will build on the first, ensuring it makes programmatic, strategic, and multi-phase use of this loss and damage technical assistance facility and its larger community of members.

Scaling this approach requires L&D fund mechanisms that are intentionally designed to be polycentric [with many centers of decision-making that are formally independent of each other, but may function in a coherent manner with consistent and predictable patterns of interacting behavior (Ostrom, 2010)], multi-scalar, and responsive to customary as well as statutory institutions. Such architectures not only enhance local ownership but also reduce bureaucratic friction and ensure cultural congruence. It is recommended that the operationalization of the Fund for Responding to Loss and Damage and other international funding arrangements explicitly consider the principle of subsidiarity (maximizing the role and efficacy of local decision-making) (Collier, 1997) contained within the requests it receives for approval.

This review demonstrates that Vanuatu is not merely implementing the outcomes of global processes but actively innovating and feeding its loss and damage policies and experiences upward into international frameworks. It challenges the traditional diffusion model in climate governance, which assumes that institutional design flows from global to local (top–down) (Jordan and Huitema, 2014). Without an agreed international definition of loss and damage at the UNFCCC level (Adger, 2023), countries like Vanuatu have begun setting their own standards, effectively "vernacularizing" global loss and damage norms while pushing the international understanding toward more justice-based and human rights-affirming funding arrangements. Vanuatu is giving meaning-from-use of domestic loss and damage activities and frameworks, embodying a form of climate justice through leadership from affected people (Wilkens and Datchoua-Tirvaudey, 2022).

The imperative to enhance the quantity and quality of loss and damage finance—ensuring that new modalities are deployed to channel resources directly to those most affected—is gaining increased attention, especially now that a concrete resource disbursement mechanism has been allocated at the Fund for Responding to Loss and Damage (FRLD). The latest negotiated language on loss and damage financing from the UNFCCC process regarding the New Collective Quantified Goal, agreed at COP29 in 2024 [UNFCCC. Conference of the Parties (COP), 2025a], explicitly acknowledges "the significant gaps that remain in responding to the increased scale and frequency of loss and damage." Civil society,

particularly vulnerable developing countries, continues to utilize narratives around loss and damage finance—both within and beyond the UNFCCC processes—as a core element of climate justice solutions (Klinsky and Moffett, 2025; Uri et al., 2024).

Driving progress are the efforts of developing country parties to refine national loss and damage plans and to include L&D in Nationally Determined Contributions (NDCs), alongside the reality that vulnerable populations are experiencing increasingly severe economic and non-economic impacts. Countries have been ramping up loss and damage funding arrangements at national and sub-national levels, with at least 39 countries establishing national climate funds (Bhandary, 2022), and others, such as Bangladesh (Al Faruque, 2024; Haque et al., 2019), Tuvalu (Calliari and Vanhala, 2022), and several African nations, developing loss and damage funding arrangements (Aleksandrova et al., 2025). Most countries are now also working through the complexities of ensuring that finance flows are accessible to the most vulnerable (Robinson et al., 2023). This process of innovation has benefited from the collaboration and participation of a wide range of stakeholders, with loss and damage finance becoming an important boundary object—a shared concern that fosters dialogue and collaboration (Star and Griesemer, 1989) among various actors in private sector investment, insurance, humanitarian action, adaptation, development finance, and more, each contributing novel perspectives and solutions to addressing complex challenges (Boyd et al., 2017).

Maintaining Vanuatu's proactive and ambitious approach to loss and damage leadership and innovation may be a challenge in the future, given the extremely limited budgets and human resource pool. However, as it remains a top political priority, there is a strong likelihood that Vanuatu's voice will continue to influence the tone of discussions at the international level. Domestically, more than five new loss and damage initiatives, funded by a range of development partners, have commenced in the last 12 months, ensuring that Vanuatu's domestic agenda will continue to provide models and examples to other particularly vulnerable developing countries. Financial and institutional support is required and legally obligated, as clarified by the 2025 Advisory Opinion of the International Court of Justice. Vanuatu expects that these means of implementation will be forthcoming and fully meet the needs articulated in its NDC 3.0 and new Loss and Damage Policy costed implementation roadmap. If history is a guide, Vanuatu stands on the right side of history regarding loss and damage action, and its direction may well be followed by others.

In conclusion, Vanuatu's pioneering efforts to design and implement diverse, community-embedded loss and damage (L&D) financing mechanisms—from microinsurance and cash transfers to national funds and subnational decision-making platforms—demonstrate a powerful shift toward endogenous, justice-based climate finance systems. These innovations not only challenge top–down assumptions in global climate governance but also offer scalable models for operationalizing the Fund for Responding to Loss and Damage (FRLD) through subsidiarity, co-decision, and direct access. As these national experiences feed into global frameworks, they reveal the need for international L&D finance to move beyond externally driven, project-based models toward coordinated, flexible, and polycentric approaches that empower affected communities and maximize the impact of limited global resources.

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