

Energy and Climate Change Law Institute Review

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From the Editor

This first edition of the Energy & Climate Change Law Institute Student Newsletter summarises the immediate responses to COP 26 from our Student Monitoring Group.

Climate Change is an intergenerational problem which necessitates all voices to be heard. We began the COP26 Student Monitoring Group Initiative, as there is no doubt how vital this landmark event would be in determining the fate of our generation. Together with the 10 LLM students I have gathered for this initiative, we have tracked and recorded our reactions to the conference. Our group monitored three areas:

- People- indigenous populations, gender, and youth.
- Finance
- The threat to the environment- deforestation, soil,

The articles that follow are a summary of our immediate reactions. Optimism is recognised while frustration persists; and most importantly, questions are asked. Over the next twelve months, we will continue monitoring and updating our reactions, and see how many of our questions are answered.

So many thanks to the participants in the COP 26 Monitoring Group for the lively discussions, for sharing their insights and for writing about their immediate reactions and responses.

Linus Chu

Links Between Indigenous Communities Obtaining Legal Title and the Preservation of the Amazon

Roisin Medina McNamara I'm a postgraduate student at Queen Mary University currently undertaking a Masters in Public International Law. I have a particular interest in international approaches to conservation particularly as they relate to Climate Change.

The Amazon has been recognised as an essential component of the global ecosystem and human survival for decades. It produces 20% of the world's oxygen and is facing an alarming rate of deforestation and degradation combined with human rights abuses, as Indigenous communities are expelled to make way for Hydro-Electric dams and other extractive practices. It is a key resource for the international community in its fight against Climate Change. "The Amazon rainforests are the Lungs of the Planet" – is a phrase that captures its eternal importance, but when South American indigenous leaders talk about the Rainforest, they add another visceral layer to the conversation. "Es nuestra casa" – it is our home. At the panel discussion 'Role of Indigenous People and their Communities and Nature-based solutions' the esteemed panelist's reiterated this key point, they made it

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Es nuestra casa

abundantly clear that the right to survival of their communities depends on the survival of the rainforest. What is further illuminated, jointly taking into account the Panel 'Indigenous People of the Amazon and Climate Change' is that the survival of the Amazon, in turn relies on the survival of these key Indigenous Communities. This is the key element of the presentations by Indigenous people at COP 26 which struck me. The fact that for some communities the fight against deforestation is a fight for cultural survival was something I was aware of, but at COP26 it was made excruciatingly clear that the relationship between the fights is completely symbiotic.

Historically with regards to Climate negotiations and previous COPs,

Indigenous communities have been acknowledged but rarely centered in Climate Initiatives. The Paris Agreement and 1/CP.21 Adoption of the Paris Agreement refers to the rights of Indigenous people in various sections. The Paris Agreement understands the rights of Indigenous communities as one of the factors which determine the parameters within which mechanisms for tackling Climate Change must be formulated. Indigenous people, through their activism and presentations at COP26 are searching for a more central role, which is vital to the fight against climate change and in particular protecting the Amazon rainforest. The goals of the Indigenous Amazonian communities regarding the outcome of COP26 were;

1. Direct access to international financial and technical support to circumvent bureaucracy and corruption which usually diverts funds from indigenous communities.
2. A commitment to preserving 80% of the Amazon rainforest by 2025
3. Legal title to their lands in order to protect their human rights, survival of their respective cultures and to facilitate their ongoing protection of the rainforest.
4. Involvement of civil society in holding private corporations accountable for their actions which result in the degradation of the Amazon.

A first-time spectator of the COP, such as myself, might wonder why exactly among all the possible interest groups and stakeholders which are affected by Climate Change initiatives, Indigenous communities should become so central to the decision making process. The answer was made apparent in the contrast between presentations by Indigenous groups who are centralized in the decision making process and those who were not.

Success story after success story was presented by Project teams in other regions of the world, who had harmoniously integrated indigenous knowledge and perspectives, usually because they were being led by the affected Indigenous Communities. Two key examples shown at COP26, were the presentation of community energy solutions in Canada by the First Nations people at the Panel 'Indigenous Renewables Energy Microgrids for Energy Transition.' Another example was the Panel 'Combining Indigenous Knowledge and Technology to act on Climate Change' where Aga Khan Agency for Habitat in Pakistan presented their risk assessment, disaster management and habitat development plans which has been partially developed through Indigenous knowledge. These projects, among others, provide evidence for successful climate solutions which take into account Indigenous perspectives. These cases can be contrasted heavily with the experience of Indigenous Communities in the Amazon. To illustrate the potential for disastrous consequences should the needs of Indigenous people not be considered, we can turn to the presentations concerning Belo Monte.

Belo Monte is part of a Hydro-electric dam complex constructed by the Brazilian government which sits on the Xingu River. It has displaced Indigenous communities, leaving them without homes, facing higher rates of crime and anti-social behavior and severely damaging their way of life. Some of panelists from the region have been protesting the dam since their adolescence and fight back tears when describing its effects. One speaker describes the project as the death of their way of life. Regardless of the intrinsic relationship indigenous rights have to environmental concerns in this region, projects like these are humanitarian tragedies, which are completely incompatible with Sustainable Development Goals and the Paris

Agreement. However, there is an intrinsic relationship between the concerns of indigenous people and environmental preservation in this region. For these communities their right to territorial management and survival of their way of life specifically entails protecting the environment. This is because their way of life is such that does not require environmental degradation, they consider environmental protection one of their core cultural values and have been maintaining the rainforest as a community for centuries. This symbiotic relationship is evidenced in the case of Belo Monte, where the detrimental effect on the indigenous communities is reflected in the negative effects on the environment. These effects are namely rapidly increasing deforestation and methane emissions resulting in the decomposition of plants and trees. To make matters worse, Belo Monte is currently producing an incredibly small fraction of the energy it was expected to, making it both harmful and ineffective. In an age where governments are attempting to find energy solutions which are climate change and environmentally friendly, it seems the perspectives of indigenous peoples (who have opposed the construction of Belo Monte since its inception) are integral. Where decision makers prioritize solutions which are compatible with the preservation of the indigenous way of life, as in Canada and Pakistan, sustainable outcomes emerge – whereas in Brazil where indigenous perspectives are cast aside, the results are demonstrably unlikely to be environmentally friendly.

This link between survival and sovereignty of Indigenous communities and effective climate change solutions raises significant support for centralizing indigenous people in decision making processes regarding the Amazon. One of the key ways to do this is by granting them legal title to their territories, allowing them to not only have a more substantial role in domestic policy creation, but develop sustainable energy solutions for their own communities. Circling back to the Panel ‘Indigenous Renewables Energy Microgrids for Energy Transition’ which was one of the successful stories of integrating indigenous perspectives from the First Nations people in Canada. Both this project and the discussion surrounding Belo Monte concern the generation

renewable energy in an environmentally way that fits the needs of indigenous territories. After hearing the presentation by the Canadian group, a member of the audience asked for advice regarding fruitful partnerships with private organizations, specifically in the context of Latin America where there is a distrustful relationship between indigenous communities and private actors. From my perspective, there is a key difference between these projects which allows for such partnerships, Canada recognizes a concept of ‘Aboriginal Title’ which grants rights of exclusive possession and use for such communities, while Brazil in particular which does not recognize any similar rights and criminalizes indigenous environmental activists. The Amazon communities are keen to emphasize that they are not anti-development, they simply want to be given the legal title to their lands which would allow them a similarly central role in advocating for themselves, preserving their culture and protecting the environment. In my opinion, one of the most effective steps which can be taken by the international community to combat Climate Change and slow the deforestation of the Amazon, is to offer support for legal title for these communities. It is from this standpoint that indigenous peoples can negotiate energy production and other projects, which allows them to continue their way of life and protect the Amazon for the benefit of the entire planet.

Although legal title seems to be one of the most effective steps which could be taken toward centralizing indigenous people in the decision making process for projects in the Amazon, there are others of equal importance. Any initiative which seeks to platform indigenous perspectives or provide them with direct access to funds is one which is moving in the right direction. The results of COP 26 however, have been largely uninspiring in this regard. Firstly, there was a pledge of \$20 Billion to end deforestation by 2030. The Brazilian President in particular Jair Bolsonaro has pledged to end illegal deforestation. Environmental activist groups have been highly critical of these moves as lacking in urgency and being non-binding. The issue of non-binding commitments is the reality of a lack of political will of politicians like Bolsonaro to take steps to combat deforestation once the spotlight of COP26 dies down.

This situation has left many worried that the funds will never reach them and they will continued to be sidelined in the quest to preserve the Amazon. There has also been a pledge of \$1.7 million, from the U.S., the U.K., Germany and Norway, to “strengthen land tenure systems and protect the tenure and resource rights of Indigenous Peoples and local communities”, this will run between 2021 and 2025, separately to climate finance pledges to poorer countries. Although this is a welcome step, it has been noted that this is a fraction of what is paid by wealthy nations to poorer nations and is not an effective allocation of funds considering the role of indigenous people in caring for an estimated 80% of the world’s biodiversity. Considering the discussion, particularly of the struggles faced by indigenous communities in the Amazon, greater funding and emphasis on legal title issues is absolutely imperative. This is an urgent reframing of priorities that politicians must consider in order to support Indigenous Communities in advocating for their rights, the preservation of world’s rainforests and biodiversity. Disappointingly however, the meager outcomes of COP26 seem to set the stage for the same issues to reoccur with little acknowledgment of the demands of indigenous communities.

Nature Forgotten: The Absence of Soils During COP26

Paula Candia Inostroza

LL.M Energy and Natural Resources



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“Hello there, folks. Do you know who or what I am? I am the geomembrane of the Earth. I am your protective filter, your buffer, your mediator of energy, water, and biogeochemical compounds. I am your sustainer of productive life, your ultimate source of elements, and the habitat for most biota. I am the foundation that supports you, the cradle of your myths, and the dust from which you will return. I am soil.”

When we talk about soils, the most common reaction from people is asking “What do you mean?” or “What is a Soil? It is the same as Land?” which are pretty understandable questions due to our obstinacy in not integrating soil on environmental conversations. The quotation at the beginning was shared by the soil scientist Rattan Lal during a conference about soil as the essence of life a few years ago, and it seems very clear and simple for explaining why soil needs to be considered in any environmental discussion, especially if we are talking about global warming, degradation, deforestation, energy transition or nature-based solutions, all of them very topical subjects to discuss if we want to tackle the negative effects of climate change. In my opinion, our leaders talk a lot about nature, integrality and nature-based solutions, but they have been forgetting about the essence of nature and life on earth since the beginning. As I am going to highlight, I watched and found just one real reference about soils during the two weeks of COP26, which I found incomprehensible and alarming.

Last November, Boris Johnson called for “The Return of the Forest” during the “Leader’s Event: Action on Forest and Land Use” in COP26. He said that deforestation and agricultural impacts represent almost a quarter of the global emissions, and that we need to protect and restore them, which is a very good declaration and kind of epic too. However, how do you quantify the amount of emissions from soil? How can we restore and promote “the return of the forest” properly if we do not consider the soils where they have been growing? How can we restore without having enough information about soil characteristics and degradation status in those areas? Forest systems are not only trees or land kilometers, soil must be recognised as an integral part of the forest.

On November 3, a conference called “From the Ground Up: Soil Health for climate change mitigation and food system transformation”, organized by the WWF was held in the Blue Zone and from

my research this was the only activity related exclusively to soil during the two weeks of COP26. But, as a self-proclaimed prophecy, the conference started disrespecting the relevance of soils and its audience. “This event is about soil, so if you are not interested in soil, then you are in the wrong event”, said the presenter. For me I could not understand how any attendee to a climate change conference could not be interested in soil. Soil is a living system and houses approximately 25% of the world’s biodiversity; also, it is a climate regulator due to its capacity to capture and store carbon, only surpassed by the oceans. Soil stores around 80% of carbon, which means 2 to 3 times more than the amount stored in the atmosphere, or even more, depending on the meters of depth that are measured. It is essential for human life, to produce food, to store and clean water, among other multiple functions and services it provides.

Unfortunately, the presenter’s statement reflects a problem that it is always present on climate and environmental discussion: Soil is always the great forgotten - or ignored - in the national and international debate, despite its importance being emphasised by scientists.

The conference continued with the presentation by Joao Campari from WWF, who focused on highlighting some reasons about why soil should be considered in the discussion on climate change, pointing out, among other issues, that soil is our most valuable environmental asset. Secondly, the scientist Rattan Lal highlighted some of the actions that can be taken to protect, manage and restore soils, indicating that all of those are long-term policies or actions that require the promotion of knowledge - even at the preschool level -, multisector cooperation, technology development, financing, among other actions. Kelly Witkowski of the Inter-American Institute for Cooperation on Agriculture presented a similar argument that although there are initiatives and programmes being carried out in relation to Soil, these are not adequately articulated, which was clearly

demonstrated in the lack of references to soil in policies related to forest or biological diversity. Finally, it should be noted that during the conference the international consultancy Liesel Wiese-Rozanova pointed out that currently only 22 countries (15%) report NDCs related to soil organic carbon, a number that although it has doubled since 2019, it is still very low when considering the importance of soil to tackle climate change; “It is a critical factor for mitigation, adaptation and resilience,” she concluded. So, why are Leaders not talking about soil management, protection, and restoration? Why are dividing soil being isolated from other environmental and climate change commitments? Why they insist on looking up on their heads when there is a simple solution right down our feet’s? In fact, when Leaders talk about environment and climate change, soil is not given the importance it deserves as an environmental

component, like water and air. For example, even though various public-private initiatives and commitments related to land use were announced during COP26, especially during the “Leader’s Event: Action on Forest and Land Use” those initiatives mainly refer solely to deforestation and forest restoration, focusing on trees and new kilometers for protected areas. However, Land and Soil are not the same, and trees, although highly relevant for the environment, are not the only living thing in forest. Healthy soil is so critical for climate change that it deserves to be considered as a subject in its own right.

Healthy soils, as FAO has pointed out, are the largest storehouse of terrestrial carbon, and if they are poorly managed, eroded or we continue to use unsustainable agricultural practices, the carbon contained in the soil can be released as carbon dioxide into the atmosphere. As we know, this has been happening and increasing exponentially

since the start of agriculture. As an example, according to the UNESCO report called “World Heritage forests. Carbon sinks under pressure” launched in last October, 10 forests declared world heritage sites emit more carbon into the atmosphere than they store, an issue that is mainly due to climate change and activities that pressure the sustainable use of the land. In these cases, part of the carbon released can come from the soil. Does this not alarm our Leaders?

So, I am asking again: why are we not talking about soils? Why do we not recognise its importance? How any attendee to a climate change conference could not be interested in soil? As Joao Campari said “a soil session is the right one for everyone”. He is right because as science has been telling us, soil-based solutions are one of the best and cheapest solutions to manage climate change. We cannot afford to ignore the importance of soil. No longer can soil be forgotten. Not anymore.

Can We Still Make It to 1.5 °C?



Georgia Samartzi I am an EU qualified lawyer and currently in the last semester of my LL.M. in “International Business Law”, at Queen Mary, University of London. Inspired by COP26, its initiatives as well as its echo at a worldwide scale, I decided to write this article to reflect the main stances presented at World Bank’s official COP26 Program. I hope it will provide useful insights into the climate crisis key features and key innovations presented for a prosperous society in the future. Can we still make it to 1.5 °C? It’s only on us to determine the answer.

“Hell is the future seen too late”, quoted Mr. Liam Byrne (UK Member of Parliament and chair of the Parliamentary Network on the World Bank and IMF) from Thomas Hobbs, a British philosopher, writing 350 years ago. And yet, 3.5 centuries later, this phrase appears to be more accurate than ever, turning from a literary device to a mere reality.

The IPCC’s sixth assessment report’ findings were far from encouraging, stating that the global surface

temperatures will continue marking an upward trend under all emission scenarios. Unless countries proceed to significant emission reductions, both the 1.5 and the 2 degrees targets will be missed. Additionally, according to OECD estimations, approximately 7 trillion dollars per year will be required until 2030 to achieve the desirable sustainable development goals. Tremendous investments will be required, and the gap is even more widened since most nations’ public resources are limited and even more constrained by the repercussions of COVID-19 pandemic. Considering the above, all eyes have been on Glasgow for two weeks to find out how governments, civil society and businesses can keep the goals of the Paris Agreement alive.

Under this context, the purpose of this Article is to shed light on the main stances presented at the “Climate Support Facility

Green Recovery Initiative”, a Program hosted by the World Bank as part of its official COP26 Program for Finance Day. Furthermore, it shall endeavour to delve into some of the key innovations suggested by the panelists to be prioritized to secure a green recovery and deliver the Paris Agreement.

The question remains open, “can we still make it to 1.5 °C?” And if so, how can we reach this goal?

Before proceeding to the measures suggested by the World Bank Group and to best address the current crisis, it is of primary importance to comprehend the peculiar nature of it. In essence, we’re not dealing with a mere climate crisis but with two correlated crises instead. On the one hand we have climate crisis and on the other development crisis -accentuated by Covid-19-. Two different crises closely interrelating to one another, and directly

affecting one another. The link between planet people and economy is clear, indicating therefore the need to adopt an integrated approach of a green-resilient and inclusive recovery.

And what does this integrated approach stand for? That really means “a whole of economy and a whole of government and a whole of society approach”, highlights Ms. Mari Pangestu, Managing Director for Development, Policy and Partnerships at the WBG and the Co-Chair of the High-Level Advisory Group on Sustainable and Inclusive recovery and Growth.

Translating that to macro and fiscal policies, this further suggests the need to effectively incorporate the climate change into the macro and fiscal modeling.

Notably, most nations worldwide have been seriously damaged by the COVID-19 pandemic and have set aside significant funds to overcome it and restart their economy. In this context there has been a lot of discussion about the “green stimulus”, best defined as fiscal stimuli which also serves a “green” or environmental purpose in a situation of crisis[1]. Reforming subsidies is a key aspect. Subsidies are primarily intended to provide protection to consumers by keeping prices low. They do come though at a high cost; not only are they expensive for governments -and consequently taxpayers- but also, they facilitate excessive energy consumption, accelerating therefore the depletion of natural resources. Repurposing energy subsidies is vital if fiscal, environmental and welfare purposes are to be achieved. Green budget tagging or sustainable tagging of the budget can also constitute a useful tool in this direction. By assessing each individual budget and giving it a “tag” according to whether it is beneficial or damaging to green initiatives, a great deal of information can be gathered with regards to a country’s budget policy and its repercussions in climate and environmental goals. Finally, fiscal incentives for investments in the production of renewable energy that will change the companies or consumer’s approach can influence climate and development outcomes.

The concept of green stimulus has gained greater importance for developing countries, like Indonesia, Dr. Mohamad Chatib Basri, the NDC Economic Advisor for Indonesia, explains. The underlying reason is the fact that many developing countries perceive the issue of climate change as superfluous luxury. Naïve as it may seem, this perception is justifiable on

the grounds that these countries encounter severe issues, indicatively poverty, unemployment, health, education, threatening their everyday life. Under these circumstances, climate change and environmental issues are inevitably subordinated. Considering the above, if a green stimulus is to be adopted, it is a necessity that it is directly linked to development. If policies are to be designed and successfully implemented, they must address not only the environment, but development as well.

Furthermore, following the World Bank’s perspective that integrating climate with development must be a country-led and a country-owned process, the Bank is providing support to its client-countries to design the long-term low-carbon strategies. It provides them with the technical and diagnostic tools to assist them evaluate the different pathways to decarbonization and prioritize concrete actions to substantially reduce GHG emissions and improve resilience. CCDD (Country Climate Development Report) constitutes such a diagnostic tool, recently developed by WBG, which will be anchored in a country’s development goals and will help them structure the necessary policies. Taking into consideration the constrained fiscal space, countries need resources as well technology, to turn policy into action.

Carbon pricing could play a key role in combating global warming. Adding a monetary value to a specific amount of emitted gas, could serve as a preventative mechanism for gas emissions, while on the other hand could promote investment in low-carbon technologies. Putting a price to something that was previously considered as free, could be indeed a game changer. Of course, there might be different mechanisms of carbon pricing, but regardless of the method applied, the main idea is the same; price could incentivize people discover alternative means of efficiently reducing gas emissions. Professor Dr. Ottmar Eredhofer suggested further the concept of compensation schemes as a means of compensating impacted industry and households by the revenue generated from these carbon pricing mechanisms.

Public action though is not enough. The private sector should be actively engaged in this green recovery approach. Liam Byrne MP highlighted that whilst the planet is at the edge of climate crisis only 1400 of the world’s 2000 biggest companies have net zero targets,.

Companies should consider themselves as partners in achieving sustainable development and need to be transparent in regards of the risks their activity poses to climate change. Regulators and central banks need to ensure that our financial systems are ready to support this green transition and insurers investors and financial firms need to align their financial decisions to the net zero. After all, climate and development crisis is as a cross cutting issue and therefore it should be treated as such.

An optimistic touch...

Countries have already shifted their strategies to meet the 1.5 target degree providing us a real sigh of hope in the matter. First and foremost, the announcement of China to stop financing coal fired plants abroad, has been pivotal in tackling global emissions. China will provide support for other developing countries to develop their low-carbon energy. This initiative is expected to have significant impact on global emissions, not immediately, but over time. Further, Germany has already committed an addition 60 million euro to its whole economic program to manage the impact of climate change. Turkey has released a Green Action Plan, which provides a roadmap for green finance. In this Plan, key reforms are implemented, such as developing a green taxonomy, reviewing national incentive system in a green perspective, and strengthening nation’s green finance ecosystem in line with financial instruments. Additionally, Turkey’s capital market board has recently published a sustainability principles framework and green bonds will be published soon. The measures constitute mere examples considering the various innovations implemented by countries so far.

Nevertheless, the situation is still deteriorating, highlighting the need for a transformative climate action at an unprecedented scale. Under this context, COP26 shall be considered as a compromise; as an agreement to build on, reflecting the burning issues and repercussions of climate change and the expressed will to overcome them. As the Secretary-General stated on the conclusion of COP26 “We are in the fight of our lives and this fight must be won. Never give up, never repeat. Keep pushing forward”.

The question remains open, “can we still make it to 1.5 °C?”

I guess that remains to be seen...

Youth Empowerment and Public Participation

Ariana Helena Bourdillon Ruiz

As an Environmental Law student, I wanted to believe that COP26 would represent a final push for world leaders to finally accept that the current systems which govern our society are simply not sustainable and need to be changed. Indeed, their wilful neglect of our situation to prioritise economic gain means that irreversible damage continues every day. They have been aware of the dangers of climate change and environmental degradation since the UN Framework Convention was published in the early 1990s. Nevertheless, the consumer-oriented lifestyle in developed countries has continued to grow exponentially since then, so world leaders have not been questioned enough on their choices. Based on our experience of previous COPs, I was not expecting all that much change from this one.

In terms of youth and public empowerment, I believe this was one of these first COPs in which the presence and power of youth and future generations began to be envisaged. Their representation was definitely not as extensive as it should have been, but the noise created by young people was harder to ignore this time around.

I spent the first two days hearing world leaders in the Blue Zone make similar speeches to what we have been hearing for the last ten years at least. As a friend of mine aptly put it: the only eco-friendly thing the world leaders are doing is recycling their speeches. This comes as no surprise within our capitalist and patriarchal society in which decision-makers are driven by greed and money. We know what must be done to fight the environmental crisis, but there seems to be no will from world leaders to carry it through. However, young people are beginning to rise against this in large numbers. Despite their absence in the Blue Zone, where the world leaders were, I was surprised to see several thought-provoking panels being led by youth in the Green Zone.

My main takeaway from these was that young people are the embodiment of the change in perspective we need. Only by thinking about how to protect future generations and the livelihood of people

will we begin to see true action and improvement in society. Younger generations bring a fresh and distinct perspective to the table. By backing their creativity and idealism, with realism and practicality of older generations, actual change is possible. As such, restricting young people to the Green Zone will achieve nothing in effecting the change needed, because they are still being set apart from world leaders at the decision-making table.



As a friend of mine aptly put it: the only eco-friendly thing the world leaders are doing is recycling their speeches.

More than wanting to get involved, these young people feel like they need to. The general sentiment among young people is one of pressure to repair the damage caused by previous generations. They have no other choice but to step up to the challenge. They are thus having to grow up quickly and bear the most immense of responsibilities: the survival of their species. Putting so much pressure on coming generations cannot come without risks. The immediate consequences of this are reflected through the rapidly growing sentiment of eco-anxiety for instance. Such young people should not have to be feeling this way already. It has become far too easy to praise the youth as our salvation and to feel absolved from any responsibility.

I found it inspiring just how many young people are actively trying to get involved and fighting for their seat at the table. Beyond mere discussion, young people

need to be included in the process of decision-making, and accepted as an integral part of the transformation.

Young leaders at COP have understood that individual power has potential for great influence. More than ever, they have the opportunity to transform decision-making. Seeing the mobilisation and involvement of youth in the strikes in Glasgow and London, I ended up feeling more positive about what was happening outside of COP26 rather than inside it. Young people are leading a movement of transformation through their active participation in Climate Change Youth groups, in marches, in conversations started with ministers or representatives in positions of influence... The message of young leaders like Greta Thunberg or Vanessa Nakate have spread worldwide and have clear, no-nonsense goals when it comes to solving the climate emergency. Their power to influence is starting to be recognized, along with the realization that young people can hold world leaders and businesses accountable even just in the choices they make. They have the power to break the cycle and can provide the biggest incentive for change by choosing not to put up with it anymore.

For a concrete example of youth paving the way to lasting change, one could look at the ICJAO Campaign, made up of a group of students in the Pacific which is campaigning for an Advisory Opinion on Climate Change and Human Rights from the International Court of Justice. This could serve as a legal catalyst for climate action and clarify the law on the subject. Their end goal is to have a legal instrument in relation to inaction on climate change. There is currently a lot of work being done around this because it could really be a game changer. Several members of the group at COP have been speaking to leaders who could potentially support the movement and make it possible to further the protection of the rights of current and future generations from the adverse effects of climate change.

Going further, I was continuously surprised by the creativity and innovation shown by young people at COP26. Many

started projects on a small scale and have consequently had positive effects spreading through their communities or even countries. I was particularly impressed with the story of a young Kenyan footballer, Lesein Yes, who has started a movement within his team to plant a certain number of trees for every goal he scores in his football matches. Unsurprisingly, his teammates have all gotten involved too. He makes the point that the ripple effect flowing from his planting of the one tree could have the potential of one million new trees being planted. He is evidence that with the right mind-set and goals, young people really do have the power to make a difference and they could be the solution to our climate crisis.

As such, we have a lot more to learn from the youth than we care to acknowledge. After all, they are teaching older generations to use digital skills, so why shouldn't they be able to teach them about ways to be responsible for the environment too?

All too often we have referred to younger generations as the future. They are not just the future however, they are the present too. This is significant because in the future, new issues will have to be dealt with, in addition to the already non exhaustive list of problems which need to be faced today. By assigning responsibilities to future generations, the future world leaders let present generations down.

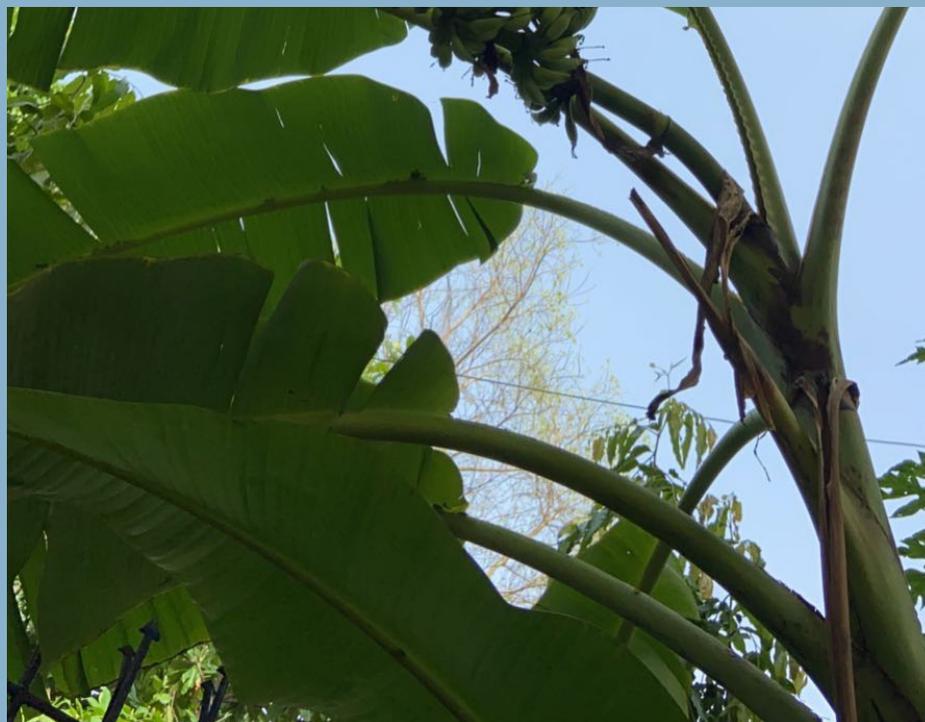
In conclusion, the challenge with regards to youth empowerment therefore relates to maintaining their currently growing position and to ensure that they are given a proper voice in systems around the world. The continuity and momentum will matter the most after COP. It's all good and well to make pledges, but they need to be implemented. Young people are an ideal means of achieving this as they are eager to get involved and want to see that kind of transformation. Governments should thus be proactively building a system of trust to get the youth involved and use them as vehicles of change.

Young people may feel more of a need to deal with the climate crises because they are most likely to face its consequences greatly. While it is true that not everyone is equally impacted by it, if we don't act now everyone will be equally extinct.

Will COP26 Transition From Business as Usual to 0 Deforestation by 2030?

Elia Ionescu

LLM student Queen Mary University in London



The much criticised COP26 has ended on the 13th November 2021 leaving the world with more questions than answers. The November's COP highlights however the international commitments to reduce CO2 emissions, methane and coal emissions by 2050 and deforestation by 2030. The leaders and representatives have agreed to work collectively in reaching the outcomes of Paris Agreement, and to limit deforestation. I followed COP 26 closely and in particular deforestation, technologies compatible with reforestation, and the new Glasgow Climate Pact in the light of deforestation, green investment and technological innovation. Here are my observations:

The third day of COP26 called attention to deforestation, land contamination and preservation of Tropical forests. The leaders took the stand and have pledged to reduce deforestation by 2030 by conserving land and forests, implementing higher taxes on deforestation and developing forest laws. A far greater pledge was made by the developing countries to aid financially the least developed countries in conserving and restoring the forests. Much emphasis was also placed on the importance of

protecting the ecosystems and indigenous peoples, who live their lives by using land and forests resources.

Both the public and private sector have pledged to invest in the development of technologies that would restore the 'lungs of the world' and encourage sustainable agriculture and land use.

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Restore the 'lungs of the world'

1. Deforestation and land use

Nowadays forests cover 30% of the entire Earth surface, while the countries with the highest forest areas are Russia (representing 20.1% of the total forests), Brazil 12.2%, Canada and United States with 8.6% and 7.6%.

On the third day of the COP meeting the public sector presented initiatives to address climate change issues including;

pledging to conserve land and forests, reversing forests loss and land degradation, and promoting sustainable agriculture. President Biden has promised to restore the natural carbon sinks of the forests in the US by 2030 and to develop the infrastructure without damaging the natural ecosystems. The president of Indonesia has pledged to sustain forest agriculture, while the president of Congo guaranteed the seeding of 1 million trees by 2023. Romania's president has vowed to invest in climate education, while Putin has pledged to develop mechanisms that aim to protect the ecosystems in Russia. Despite the promises made, little has been done to date. COP. It is insufficient to acknowledge the gravity deforestation without implementing suitable methods to overcome it.

An ambitious pledge has been made by the president of Gabon who declared the intention to combat illegal deforestation of organised crimes and terrorists. Pledges were made too by president Putin who affirmed Russia will take harsher sanctions for illegal logging. Yet, 94% of today's deforestation is in fact illegal, while, this year, deforestation in Brazil's Amazon rainforest marked the highest level in 15 years.

The private sector has also committed in reforesting the forests. The CEO of Unilever has confirmed Unilever's commitment to preserving forests. Stella McCartney has also endorsed sustainable deforestation in the textile industry by planting trees after cutting them down for manufacturing purposes. Sustainable deforestation could also be beneficial in that it can create sustainable jobs for the green industries.

It is widely known that agriculture and land contamination are part of the climate change. The food supplies are also affected by the destruction of the land. The private sector attending COP has also targeted the sustainable agriculture and food supply. Jeff Bezos' Earth Fund has pledged to transform the food system by investing 2bn dollars, while the foundation aims to fight deforestation in poorer countries by receiving full support from UK, US and Norway. The Finnish president has requested the fellow governments to take deforestation out of the food supply as agriculture is the biggest industry to drive tropical deforestation.

Ordinary members of the public attending COP 26 voiced concerns about the impact of climate change and proposed that the

facilitation of climate change should be punished. Although, initiatives have been taken at the international level, liability for 'ecocides' have not been implemented. National agencies protecting sustainable agriculture and deforestation exist already, yet pesticides are still used in the food chains and the environmentally harmful methods are still practiced by the merchants. Even though both the governments and the private sector have pledged to develop and invest in the sustainable agriculture, the least developed countries have yet to suffer.

The rich countries have the financial means to encourage the development of green agriculture, and during COP they have vowed financially to support the least developed countries. However, developing countries have requested financial assistance to compensate the people who have suffered the most due to climate change. The indigenous people have suffered the most from deforestations and land contamination as most of their activities and food comes from cropping and land use.

Investment Banks across the EU, Asia, Africa and Middle East have confirmed their intentions to develop and invest in the infrastructure to limit deforestation. However, some private banks have not addressed their intentions to stop financing activities related to deforestation.

The speakers at COP have been vehemently clear in their message to raise awareness of massive deforestation in the tropical forests. They have claimed that companies should make their clients aware of the effects of deforestation and shift away from the products or businesses that facilitate unnecessary logging. The environmental services have to respond to the climate calls promptly.

In 2010 at Copenhagen, the rich countries pledged to set up a 100 bn dollars fund for climate change action in the least developed countries. According to the 2010 UN summit, the budget was supposed to be distributed adequately to the qualifying governments and projects to limit climate change impact and take action. So far the poorer countries have not received their share from the fund. Floods and hurricanes resulting from climate change have a greater impact on some countries more than others and in developing countries financial support is critical. Yet financial support received to date is inadequate. Aid was promised by private investors, such as Tropical Forest

Alliance and guaranteed by big financial companies, such as Aviva Plc, AXA and Commissioners for England and Boston Common Asset Management to end agricultural commodity-driven deforestation and shift to sustainable agriculture and deforestation, yet pledges were not meant for all the affected areas.

2. Technology and innovation through funding

Pledges have been made by the leaders concerning the development of sustainable technology. Yet, the innovation industry around the world lacks sufficient funds to develop and test the new technologies, while the funds offered by the investors lack transparency and do not offer clear guidance on allocation.

The private sector also took the initiative to invest in technologies that could end deforestation and improve sustainable food market. Prince Charles' investment fund has declared its initiative to invest capital in the natural resources and technologies, while Prince William has launched 'Earth Shot Prize', a fund which aims to award green innovation and technologies. Its purpose is to distribute 1 million pounds to a qualifying sustainability project. Jeff Bezos' Earth fund, created in partnership with Amazon, has pledged to invest 1.5 bn dollars to protect forests against unnecessary deforestation. Another source of private finance is the 'Leaf coalition' launched in 2021. It aims to attract private and public capital to protect eco forests, maintain 1.5 goal and reforest the logged land. The CEO of Unilever has attended the COP meeting as investor in the Leaf Coalition. Unilever pledges to invest in reforestation and accelerate forest finance. Additionally, Unilever promises to completely wind-up activities that relate to deforestation by 2030.

The president of the European Commission, Ursula von der Leyen, has promised that the Commission and the Member States will work together to create a framework for innovation and financial investment in sustainable development. Additionally, the EU has launched the Horizon 2020 EU, a financial instrument that aims to secure the EU global competitiveness by gathering capital for EU research and innovation. The President of the EU Commission has pledged to invest 85% of the Horizon 2020 budget to the climate change.

Together with Bill Gates, the EU has launched the EU catalyst programme

which will use 1 bn euro to the EU innovation of sustainable technologies.

3. The Glasgow Climate Pact

The key topics covering the final Draft of COP26 focus on finance, adaptation and mitigation of the climate change. 130 states have signed the Pact and promised to work collectively in reversing deforestation by 2030. As part of mitigation, they have promised to develop nature based solutions in protecting the planet, such as reducing emissions and restoring the forests. Governments have agreed to conserve the forests and accelerate their restoration and committed to developing international and domestic policies that promote sustainable commodity production and consumption. Although the Glasgow Pact recognises the emergency of climate change action, it does not make radical alterations to the existing rules. The signatory countries have committed to be more transparent when allocating the 100bn dollars climate change fund and collectively develop the Climate Finance Delivery Plan.

The governments have engaged in redesigning the agricultural policies and rethink the programmes that incentivise sustainable agriculture. They have promised to finance sustainable agriculture and food production, and to promote sustainable land use.

In my view, COP26 provides more of an acknowledgement of the effects of deforestation rather than a call for immediate action. Political figures who attended the summit have committed to end deforestation by 2030 the latest, yet there will be no short term action on logging. The politicians did not provide for methods on how to stop or slow down the significant illegal deforestation. As long as wood still occupies a dominant position in the market, and the demand for commodities is really high in construction or paper businesses, it would be difficult to fulfil the COP26 deforestation pledges. However, I believe the public figures will act together in tackling climate change and achieve net 0, but will not stop unnecessary deforestation collectively while the wood market is still popular.

Gender Day

Sonya Shah

Master's in Environmental Law



My focus on COP26 was on gender, specifically Gender Day on the 9th of November 2021.

The day started with an emotive, poetic speech, supported by a special appearance by the not-so-little Little Amal, the puppet that walked 8,000km in support of refugees. This progressed to a panel with representatives from different countries who were meant to discuss what they were doing within their own jurisdictions to empower and support women in relation to the fight against the climate crisis. For me, this was supposed to be the heart of the event, but unfortunately, this is where things started to get a bit underwhelming. There were elaborate speeches about how women in their countries are disproportionately affected by climate change, with the underlying message that gender equality is vital. Something that we all know, and have been hearing for a while now. We heard generalities- how gender equality is embedded into policies or that they are in the stages of implementing the Gender Action Plan, with no substantive information on how exactly they have done and are doing so. Meanwhile, there was only just a handful of countries whose representatives explained their countries' achievements and progress and laid out their next steps. For example, the Maldives talked about the passing of their Decentralisation Act which ensures women take up seats in Parliament, as well as structural policies like paid maternity and paternity leave. One positive outcome from the panel discussion was to hear about the

cooperation between the developed world and the developing world was evident. For example, Germany announced the establishment of the IKI fund, which aims to support climate action and gender strategy in the Global South.

The speeches that followed and the event as a whole felt like a performance, more emotional than practical. I would have liked to have seen discussions about how we can go from the touchy-feely talk to tangible action. After all, shouldn't the focus of these conferences be to discuss innovation, problem-solving, and practicalities, rather than continuously revisiting or listing the challenges. . What I was eager to hear were constructive comments and planning, sharing ideas and evidence of action taken. I was eager to hear about things that would actually make a difference. I can only hope that this will come true in COP27.

Finance Day

Sanjana Koshy

Master's in General Law

All eyes were on Glasgow on 31st October, but it wasn't the spooky season of Halloween that was being celebrated. The one and only Conference of Parties (or COP 26) had just begun.

COP 26 was expected to take us one step forward in tackling climate change after the Paris Agreement in 2015. On the fourth day of this event (Finance Day), various heads of nations, bankers, financial investors and international monetary bodies came together to discuss how to fund this initiative. Mark Carney, former Bank of England Governor and the UN special envoy on climate action and finance, had set a target of 130 trillion dollars. The Glasgow Financial Alliance for Net-Zero (GFANZ) was an initiative founded by the US and UK governments to bring together banks, asset owners and managers, insurers and other financiers to unify and strengthen climate ambitions across the sector and make the transition to net-zero. Mark Carney was confirmed to be the chair of GFANZ.

Now bear in mind, 130 trillion has a lot of 0's (13 to be exact). This is not a number for the faint-hearted. You could hear the representatives from big financial and monetary institutions scream that the money is there, and that it was just lacking net-zero aligned projects, but that wasn't entirely true. The 130 trillion-dollar figure represents a sum of the combined assets of all the signatories and was thus a more notional figure. Only time will tell whether this money will see the light of day of being utilised in projects facing climate change.

The host of the event demonstrated how there were just "two P's" to the whole process, breaking it down to the 'Pot' and 'Plumbing'; Pot being the money available in the public domain and private sector and plumbing meaning how to move the money in places to capitalize these projects. She really believed that in theory the money was there, but in practice we didn't know where to put it. Seems a little too easy to simplify it into just those two words. While all these guys declared that the money is there, the Indonesian Environmental Minister summed it up in one sentence, "Indonesia only needs 270 billion, not 130 trillion". It is true that there will be many other

emerging and developing states requiring an influx of similar amounts of cash, but the purpose of COP was to tackle such issues and help bankroll such environmental projects in these developing nations.

Another addition to the corporate world during the conference was the ISSB. Introduced as "Alphabet Soup", the International Sustainability Standards Board (a new concept for compliance and corporate governance students to learn about!) are a set of global sustainability standards which was the brainchild of the "finance guys". ISSB is meant to sit with the International Financial Reporting Standards (IFRS). These regulations make it mandatory for corporations to make timely climate related disclosures and provide information on sustainable actions taken by the company. These standards are meant to inform investors about how companies are following and complying with ESG rules and public policy needs. The ISSB, like the IFRS is meant to have a global footprint. It's an admirable way of roping in the big companies because they are the ones that will have the biggest impact. We need to be on the lookout for these standards to be strictly enforced and complied with; it shouldn't be a failed CSR initiative that won't eventually have the desired effect or make an impact that is big enough.

The ISSB follows the Taskforce on Climate Related Financial Disclosure, TCFD as it is known (another for the alphabet soup), was launched in 2015. The TCFD recommends companies to make consistent and reliable disclosures of climate related risks and opportunities to their stakeholders. Through these

Disclosures, companies are meant to fill in any remaining data gaps, produce vulnerability analysis of their financial systems and compare notes on regulatory and supervisory approaches. These guidelines are meant to develop the minimum standards being followed by companies to address climate change; and enables stakeholders and investors assess the financial risks.

Central Banks also play a key role as stated by representatives from the People's Bank of China and the Central Bank of Brazil. They emphasized the need

for conducting climate stress tests in line with international practices. Fiscal and transitional risks are a given when tackling climate change, it was highlighted how the central banks must remain on the frontiers to act for future shocks and risks. They stressed on the need to report qualitative and quantitative information for disclosure of ESG policy. They had an extensive agenda for the development of 'green' market instruments and rural credit operations.

These initiatives may reinforce the notion that we are headed in the right direction but that may not really be the case. "Big" oil companies continue entering into contracts to explore new oil and gas. They use offsetting (that is removing carbon and/or reducing greenhouse gases from the system in one project to compensate for emissions made in another project) as an excuse to balance carbon-based investments. This will pose as a deterrent in achieving net-zero by 2050. Strict decarbonising is required. There needs to be a significant reduction from existing fossil fuels and a corresponding increase in renewable energy. We require newer and bigger investments in green-clean energy markets, carbon-capture technologies need to be advanced, woodlands and peatlands need to be restored, and trees need to be planted giving a bolster to afforestation. The number of projects being proposed for the 130 trillion dollars seem to be in abundance. Now to see the money work! This was a collective journey that began years ago, the support and backing of individuals, NGOs, and civil society as a whole has been never-ending. They have played a very vigilant role and now it's for the corporations to do their part.

Recognising the Voice of Indigenous Communities in COP26 is the First Step in the Energy Transition

Angie Paulette Cabrera

Indigenous people and local communities live on half of the world's land and protect around 80% of the earth's biodiversity. Their voices have been ignored and reduced to symbolic gestures rather than listened to as a critical resource and stakeholder in actions against Climate Change. Historically, they have not taken part in international negotiations or the formation of public policy. They have a passive role in some countries, where other actors, most notably private corporations, are given a central role in voicing their opinions and guiding economic and environmental local policy.

That is what happened in COP26; Indigenous representatives claimed they were ignored and not listened to in this conference. Some of us were waiting for more participation of those communities in order to achieve a different perspective on these negotiations.

Delegates of indigenous communities in the Amazonian set out their claims. These included: (i) Protection to their communitarian rights as Indigenous communities
(ii) Funds for indigenous and local communities to protect their territories, and
(iii) Grant legal titles to the indigenous communities land.

A recent international expert report shows that almost 91% of the indigenous land are in excellent or moderate environmental conditions. These territories show less quantity of deforestation and less amount of biodiversity loss, with the ability to capture CO₂. Because of this, different international organisations considered Indigenous people as “the best nature's promoters”.

As promoters of environmental protection in their territories, they demand to be listened to and participate in public policies to reduce the effects of climate change in all countries. They are asking to have land rights, become active in

political decisions, have funds to protect the rainforest and even protection against human's rights violations for private companies. They are asking to change how projects are developing in some countries, changing the perspective where their voices become more important to implement sustainable projects where local communities' needs can balance with private interests.

Representatives from the indigenous communities succeeded in getting their voices heard and received a historical allocation of 1.500 million euros to protect the rainforest at COP26. These funds will be directly available to indigenous communities to recognise their role as protectors and saviours of nature, and emphasising the importance of their role and rights climate change management and energy transition.

This unprecedented allocation of funds is considered an important step. However, it is not enough to prevent more environmental damage.

One of the biggest criticisms of indigenous claims has to do with development. It is said that Indigenous and local communities are against development, and they do not want to have economic development in their territories. Well, as one of their delegates said, they are only against development that destroys - “en contra del desarrollo que destruye” (Diaz Cited Fanjul, 2021).

They are not against economic development. Nevertheless, some of the natural resources used for mining and oil and gas industry are located in indigenous territories. By 2021, almost 17% of Amazonia were deforested to develop mineral and petroleum projects. That is why they are asking to have land rights in their ancestral territories to protect and conserve them.

“es nuestra casa es nuestra vida” – It is our home; it is our life. Is it possible to balance corporate's and indigenous interests in land? Well, that is

the central question of these negotiations. The Glasgow Pact signed in COP26 establish that countries are encouraged to prevent and revert deforestation and earth's degradation by 2030. They signed to reduce greenhouse emissions by coal and implement clean power generation and low emission systems in their countries.

The document redacted in Glasgow did not talk about oil and gas projects meaning that private companies can still execute a project in this sector. There is no obligation for them to stop executing projects or making exploration in different territories. There seems to me to be a disconnect between the rights of local communities and the shareholder interests of private companies. Fossil fuels will not disappear overnight, much less when the economy of many countries depends on this sector. It is essential to bear in mind that fossil fuels are present today in all our daily activities, from providing services to the shampoo that we use at home. This means that green projects have to have the capacity to supply this huge demand in all the continents.

Fossil fuels worldwide have a demand for around 80% of current energy demand. Therefore, it will not be easy to develop renewable energy projects that can meet this demand in the short term, which means fossil fuels and renewable energy projects have to subsist in parallel until the second one can replace the first one.

However, if countries want to comply with what was agreed in the Paris Agreement, it is time to start implementing renewable energy projects and governments need to ensure that there is a regulatory and legal framework in place to support development and protects the human rights and land rights of the indigenous communities.

The indigenous communities need to be involved in the planning and development of projects and contribute to solutions. Involving local communities

in project planning is likely to minimise an adverse impact on the environment. COP26 was developed with the idea of pursuing good practices to reduce the effects of climate change on our planet. However, there are gaps to fill, words to say, and voices to hear, especially about implementing an integral public policy in all countries that could contribute to this world action.

The agreements signed are long-term, and so far, there are no repercussions for the countries that do not take action to manage climate change

To reach and meet the 2030' agreements, immediate action is needed. There is no more waiting. The development of the countries cannot become the excuse to destroy our planet and continue doing things as we have been doing them. Sustainable development of countries is possible. It is time to give a voice to those who have been ignored for too long and who perhaps can help us secure "Nuestra casa" – our home for future generations. COP26 is a first step in energy transition on a long, critical journey.

'Beyond Smoke and Mirrors: What Was Actually Agreed in COP26 on Green Finance'?

Linus Chu
LLM Environmental Law



As someone who has spent his teenage years indulging with Model United Nations and has studied International Relations for his undergraduate degree, I viewed COP26 with an 'anything is better than nothing' sort of mentality. After all, reaching a consensus amongst 197 countries is no mean feat.

Right after the first two days of pièce à grand spectacle – where, granted, much welcomed commitments including the end of deforestation by 2030, alongside India and Nigeria's first carbon-neutrality goal were actually announced – came the Finance Day.

Now, there is no doubt as to how vital Day 3 was. Let's face it, any attempts to mitigate and adapt to Climate Change would be futile without financial backing. Inevitably, this brings us to the matter of the Glasgow Financial Alliance for Net Zero, also known as GFANZ.

As usual, big numbers came under the media spotlight. Bringing forth a pledge assembling over \$130 trillion worth of assets, GFANZ has (or had, depending on who you are asking) effectively branded itself as the cavalry who came to turn the tide of the battle. After all, COP26 marks the first occasion where financial firms sought to rewire the global financial system to be compatible with the Paris Agreement.

Of course, just like all the terms and conditions you didn't bother to read through, GFANZ has its own catch. First

and foremost, there is a difference between showcasing the amount of global assets your members own and pledging a specific amount for green finance purposes. Unfortunately, GFANZ ended up as one that is only doing the former but is packaged as the latter. What further adds to the irony is that the fossil fuel industry will continue to be backed by certain alliance members, much to the warning of the International Energy Agency.

In other words, what appeared to be a private finance-equivalent of a Paris Agreement/ Montreal Protocol type of miracle was reduced to a big PR exercise.

Perhaps there may be some truth to the insider news that Mark Carney, the United Nations special envoy for climate action and finance, was expecting more specific pledges by certain institutions, which would add substance to the GFANZ launch bundle. Or perhaps GFANZ may simply end up as the protective umbrella which shields its members from any actual commitments. How this alliance would continue to prove itself in the following months, therefore, is vital for clearing up its name.

Elsewhere, whereas private finance has been a shortcoming, adaptation finance has been one of the more successful topics that came out of Glasgow.

Granted, developed countries have yet to meet the target of funding their developing counterparts \$100 billion per

year, which was supposed to be fulfilled back in 2020. In fact, it almost becomes oddly satisfying to see the language, 'notes with deep regret', being used in the final agreement to capture this inadequacy. That being said, there is no denial that the boost for adaptation funding is critical.

With 12 donor governments pledging \$413 million specifically to the Least Developed Countries Fund (LDCF), which is the only climate resilience fund that exclusively aids the 46 least developed countries, there is a better chance that these nations' climate resilience policies could be implemented more effectively. \$413 million may seem like a small number at first glance, if it was not for the LDCF only being able to provide \$1.7 billion for the past 20 years.

The question, therefore, becomes whether this sum would continue to increase subsequently. Or better yet, will we see more pledges to the LDCF from other donor governments in future COPs.

I started off this write-up discussing the phrase, 'anything is better than nothing'. I suppose another terminology I often hear is 'cautious optimism.' Let's hope we will see more of the latter, rather than the former, in future climate discussions.

