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Editorial: Andres Fuentes

Don't twist the Loss & Damage pretzel: we need a Fund AND a Goal

As the climate negotiations unfold, ECO can't help but notice a troubling development -- some negotiators are confusing 'funds' with 'goals'.

Let's break it down. There are various funds under the UNFCCC: the Green Climate Fund (GCF), the Adaptation Fund (AF), the Global Environment Facility (GEF) with the Least Developed Countries Fund (LDCF), the Special Climate Change Fund (SCCF), and the recently created Loss and Damage Fund. These are financial mechanisms and channels under the Convention and the Paris Agreement. They are not climate finance goals. Got it? Good.

It is absolutely essential to solidify loss and damage as the third pillar of climate action, alongside mitigation and adaptation. So it's a first tier priority that the Loss and

Damage Fund is fully operationalised and adequately capitalised – as soon as possible. The Fund is the third operating entity of the UNFCCC Financial Mechanism, which puts it on par with the GCF and the GEF in importance – although not yet in developed countries' funding support.

Just because we have the new fund doesn't mean we can skip having a distinct, thematic sub-goal on Loss and Damage within the New Collective Quantified Goal (NCQG) – that would be illogical. The true logic goes the other way. Because we have a new fund that needs to be capitalised, providing finance for loss and damage should be in the NCQG.

But some negotiators seem to be twisting this logic deliberately with statements along the lines of 'we already

have a fund, so Loss and Damage doesn't need to be in the NCQG', or 'the need for finance for Loss and Damage should be expressed through the Fund'.

ECO has to stress yet again – a fund is not the same as recognition and support under the finance goal. That would be like saying that the Adaptation Fund's existence means adaptation needs can be solely expressed through that (likewise chronically underfunded) mechanism, and therefore does not need to be tackled in the NCQG.

Let's not get the logic twisted like the pretzels in the coffee stand! The NCQG goal must be ambitious and aspirational on mitigation, adaptation, and loss and damage alike, with funds as vehicles to turn these aspirations into support on the ground.

The Baku music for the Brazilian party

Dubai gave us the Just Transition Work Programme (JTWP), a gig covering domestic and international cooperation to support workers and communities in multiple ways. But we left without agreeing on the band or the tunes — how the JTWP should be structured and which themes it will cover. That's why here in Bonn we are collecting all the options to be ready for Baku and then put the full orchestra in place to have a massive party in Brazil.

To get ready for the show, this is what ECO says you should be looking for:

- Ensure a fully balanced and transparent choice of topics for the dialogues (for example from an agreed shortlist of themes);

- Have the next dialogue on comprehensive economy-wide just transition plans;
- Promptly develop preparatory reports before each dialogue and summary documents that capture what is discussed;
- Agree that intersessional time is required to respond to the scale and urgency of

the discussions, and agree as well that the group of experts can steer the work in-between sessions; and

- Have the JTWP provide recommendations and guidance to constituted bodies and other relevant workstreams and processes outside the UNFCCC.

It's time to listen to the beat, be creative, and enable the JTWP to deliver outcomes for real people in the real world by COP30 in Brazil – the Baku warmup song needs to be in sync with justice!

It's an F for Big Biomass

It's the start of a new week, and what better way to get our brains into gear than with a quick quiz?

Question: Which source has the biggest share of renewable energy in OECD countries' primary energy mix?

Answer: If you said bioenergy, you get an A+. In these industrialised countries, many large-scale, centralised energy generators are now burning wood to replace coal.

ECO has been listening in to Parties showcase their efforts to meet the ambition levels identified at COP28 as they take part in the first ever Global Stocktake (GST) Dialogue. In their efforts to firm up their NDCs next year in line with the GST outcome, parties will run into para 28 and its goal to triple renewable energy capacity by 2030.

The International Energy Agency (IEA) report last week on Tripling Renewable

Capacity found that Parties are not on track to meeting these targets (see Wednesday 5 June's ECO article, 'Light and Shadow by the IEA - Close the 3000GW Renewables Gap'). The scramble to make the NDC enhancement deadline will see parties make some hard calculations on how to deliver this target, and investments in false solutions like centralised big biomass energy are at risk of increasing. With the FAO roadmap expecting a doubling of solid biomass by 2030 and tripling by 2050, the issue has become a big one which entails the logging of vast swathes of natural forests and expanding monoculture plantations.

So, the biomass report card is failing to impress. Will it get an A, top of the class? Or an F for fail?

Climate - F: Unsuitable and outdated IPCC reporting rules create the mirage of bioenergy being a zero-carbon source (as it is included in the LULUCF

reporting instead). Be aware that per energy unit, woody biomass (trees) is on par with or higher than coal in terms of carbon emissions.

Nature - F: Destructive logging for wood pellets threatens biodiversity and climate resilience, harming forests' ability to deliver ecosystem services like clean drinking water, flood protection, and clean air.

People - F: From exacerbating conflicts over land forest resources to emitting harmful particulates, vulnerable communities often bear the brunt of industrial bioenergy's poor performance on human rights, health and wellbeing.

The results are out, industrial biomass has no place in a climate safe, just, equitable and sustainable energy transition. The evidence shows we need to exclude the use of woody biomass from forests to meet NDC energy targets. We cannot burn our way out of the climate crisis.

Kiss your "good faith" efforts goodbye: courts get tough on climate action

With the worsening of the climate crisis, international courts have entered the arena. The International Tribunal for the Law of the Sea (ITLOS) took a massive step forward in its recent advisory opinion. ITLOS leaves no doubt: States are duty-bound to protect the oceans from the drivers and impacts of the climate crisis.

For those who have hidden behind the limitations of international climate treaties, this opinion should leave no doubt whatsoever: compliance with the UNFCCC and Paris Agreement is not enough to uphold the full range of obligations under international law. If anyone thought that showing up at a conference and making pledges here and there is enough, now it's clear: you have to actually do the work and take all necessary measures to prevent,

reduce, and control the GHG emissions polluting the marine environment.

We know that protection of the global commons is a matter of life and death – not just for entire marine ecosystems, and for the coastal and island communities most directly dependent on them and at greatest risk from the climate crisis, but for all of humanity and the planet.

And that's not all. In addition to this amazing ITLOS opinion, two other courts are also at work. Attention is now on the Inter-American Court of Human Rights and the International Court of Justice (ICJ) and the potential of their pending advisory opinions. In particular, the ICJ has both a unique opportunity and unparalleled authority to say what international law requires States to do, to stop doing, and to undo with respect

to the climate crisis and its devastating impacts. Both courts may confirm that States have longstanding obligations under multiple sources of international law to prevent and minimise the climate crisis, and to remedy its past and present harms.

ECO knows States already submitted one round of written arguments (though the ICJ inexplicably keeps them confidential), but the game's not over. Now countries have the opportunity to advance ambitious and progressive arguments before the Court's 15 August submission deadline. States must make arguments explaining the existing consensus on the best available science, the validity of other sources of international law including environmental law and human rights law to guide their obligations.

DON'T MISS A SINGLE ECO AT SB60!

