Advancing Law & Governance Contributions to Climate Action under the Paris Agreement

Fiji/Bonn Climate Law & Governance Day 2017

Friday, 10 November 2017
during the United Nations Framework Convention on Climate Change COP23 in Bonn, Germany
Venue: Heussallee 18-24, 53113 Bonn, Germany

Join the Conversation on Twitter #CLGD2017 @CLGInitiative

With all appreciation for the endorsement of the UNFCCC COP22 and COP23 Presidencies

With special thanks to our CLGI international organisation partners:

As well as thanks to our session hosts and co-hosts:

And with grateful recognition of our law association and law firm partners
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Fiji/Bonn Climate Law and Governance Day 2017

During the United Nations Framework Convention on Climate Change 23rd Conference of the Parties (COP23), hosted by Fiji in Bonn, Germany

08.30 - 18.00, 10 November 2017
University Forum, University of Bonn
Heussallee 18-24, 53113 Bonn, Germany

In collaboration with leading faculties of law of the University of Bonn and the University of the South Pacific, the 2017 Climate Law and Governance Day (CLGD) will take place on the 10th of November 2017, during the 23rd Conference of the Parties (COP) of the UNFCCC in Bonn, Germany. CLGD 2017 builds on key preparatory events this year, especially "Islands Rising to the Climate Challenge: The 2017 Pacific Climate Law and Governance Symposium" on the 20th of October 2017 at the University of the South Pacific in Suva, Fiji, following the Pre-COP23 Climate Change Conference in Fiji.

Legal and institutional transformations are needed to support global and local efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, and to make finance flows consistent with a pathway towards such development. Indeed, over 160 countries have stressed the importance of legal and institutional reforms in their nationally determined contributions (NDCs) submitted to deliver on the Paris Agreement, with more than 50 of these countries specifically stressing the need for climate legal and institutional capacity-building to achieve their objectives. Over 20,000 delegates are expected to gather for the UNFCCC CoP23 hosted by Fiji in Bonn, Germany from 6-17 November 2017, including many leading climate law and governance experts of the world. It is an unprecedented opportunity to share ideas, debate trends and advances, and build legal momentum for climate action.

CLGD 2017 builds on the success of the inaugural CLGD 2015 at La Sorbonne Law School during COP21, and the achievements of CLGD 2016 at the Universite Privee de Marrakesh and Hassane I University in Marrakesh during COP22. This special event convenes a community of judges, law faculties and legal institutes, government authorities, law associations, and others responsible for inspiring, innovating and building law and governance capacity. The one-day symposium focuses on advances in climate law and governance to implement the global climate regime.

Themes of CLGD 2017, as agreed in the legal experts roundtable at the UNFCCC Bonn Climate Conference in May 2017 and in discussion with the partner law faculties and others, include:

• **Innovating to Achieve NDCs under the Paris Agreement**: What are the principal legal challenges and innovations for climate mitigation and adaptation on national and other levels?

• **Operationalizing the Paris Agreement**: How are Paris Agreement Implementation Guidelines discussions advancing, how does the treaty and other key accords deliver on the world’s climate ambition?

• **Advancing Climate Resilience and Climate Justice**: How can law and governance contribute to climate resilience, integrating human rights and addressing loss and damage, migration and other challenges?

• **Enabling Climate Finance and Engaging the Private Sector**: How can law and governance enable a greener economy, scale up climate finance and investment, and promote low-carbon trade and investment?
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Draft Programme

Friday, 10 November 2017

8:00 – 9:00
Registration (Main Foyer of University Forum, University of Bonn)

9:00 – 9:20
2017 Climate Law & Governance Day Welcoming Remarks (Plenary, University Forum)
Chairs: Prof. Dr. Marie-Claire Cordonier Segger (Professor, Univ Waterloo / Senior Director, CISDL); Prof. Dr. Wolfgang Durner (Professor, Univ Bonn) & Prof. Dr. Wesley Morgan (Professor, Univ South Pacific)
Welcome: Prof. Dr. Daniel Zimmer (Dean, University of Bonn Faculty of Law); Ms. Marie-Anne Birken (General Counsel, EBRD); Dr. Oonagh Fitzgerald (Director, ILRP, CIGI); Dr. André LaPerrière (Executive Director, GODAN); Mr. Ayman Cherkaoui (Senior Advisor, CoP22 Presidency & Lead Counsel, CISDL); & Ms. Hafida Lahiouel (Director of Legal Affairs, UNFCCC Secretariat).*

9:20 – 9:45
Opening Plenary Speakers
Leading Climate Law Practitioners: Dr. Martijn Wilder (Senior Partner, Baker & McKenzie LLP) & Dr. Dörte Fouquet (Senior Counsel, BBH)
Keynote: The Hon Aiyaz Sayed-Khaiyum, Attorney-General & Minister Responsible for Climate Change, Fiji

9:45 – 10:15
Transforming Economies for Sustainability - Incentivizing Low-Carbon Investment
How to incentivize and mobilize investment in climate change adaptation and mitigation? What legal and institutional innovations can enable scaling of investment at regional and global levels, and facilitate bankable projects? How can regional and international financial institutions contribute to the transformation of economies to deliver low-carbon investment and achieve the global Sustainable Development Goals?
Chairs: Dr. Dr. Markus Gehring (Sir Arthur Watts Fellow, BIICL / LCIL Fellow & Law Lecturer, Univ Cambridge) & Prof. Dr. Wolfgang Durner (Univ Bonn)
Keynote Speakers: Ms. Marie-Anne Birken (General Counsel, EBRD); Dr. Amal Lee Amin (Climate Change Division Chief, IDB) & Mr Raul Herrera (General Counsel, Green Climate Fund).

10:15 – 10:30
Health & Networking Break (Main Foyer)
Special Launch: McGill Journal of Sustainable Development Law (Mr. Brett Campeau, Mr. Eric Wiebe, Mr. Jared Miller & Ms. Linda Muhugusa, Editors, McGill JSDL)
10:30 – 11:30 Concurrent Legal Experts Roundtable / Participatory Workshop Sessions (I)

• Plenary: Fostering Climate Adaptation Investments – Contributions of Public & Private Governance (Paris Hall)
  How does the Paris Agreement help harness world financial flows towards climate resilience? What innovative Paris Agreement mechanisms, supported by carefully crafted national laws and institutions, can create a favorable investment climate to support climate adaptation? How can legal reform and governance initiatives in countries such as Morocco, Kazakhstan and Jordan promote climate action on adaptation?
  Hosted by: European Bank for Reconstruction and Development (EBRD) & CISDL
  Chair: Ms. Marie-Anne Birken (General Counsel, EBRD)

• Experts Roundtable: Implementing the Paris Agreement Sub-Nationally - Legal Barriers & Instruments for Improving Multi-Level Climate Governance (Suva Room)
  How can cities and other sub-national actors live up to their potential for mitigating climate change and enhancing resilience to climate change? While cities and regions around the world are setting encouraging examples, such as Carbonn cccR, or the Global Covenant of Mayors, what governance challenges do they face? What are the critical needs and instruments for sub-national implementation of international climate goals and commitments?
  Hosted by: GIZ & World Resources Institute
  Chairs: Dr. Felix Döhler (Senior Programme Officer, GIZ), Ms. Katrin Eisenbeiss (Policy Advisor, Sustainable Development of Metropolitan Regions, GIZ) & Prof. Dr. Christoph Engel (Executive Director, Max Planck Institute for Research on Collective Goods & Chair, Erasmus University of Rotterdam)

• Participatory Workshop: Operationalizing Linkages between Human Rights and Climate Change (Marrakesh Room)
  What are the opportunities to promote policy coherence for rights-based climate action? How to review and sometime enforce the respect by States of their human rights obligations, both at the national and international level? What are the strengths and limits of the role that their institutions can play and how can they strengthen synergies to build on the diversity of institutions involved? What guidelines can be proposed, and how to advance this work?
  Hosted by: Center for International Environmental Law (CIEL), Office of the High Commissioner for Human Rights, National Institute for Human Rights (Germany)
  Chair: Dr. Sebastien Duyck (Programme Director, CIEL)

11:35 – 12:40 Concurrent Legal Experts Roundtable / Participatory Workshop Sessions (II)

• Plenary: Advancing Transparency & Accountability under the Paris Agreement – A Research Agenda (Paris Hall)
  How do transparency and accountability promote implementation in the bottom up system of pledge and review of the Paris Agreement? In developing the Paris Rulebook on transparency under Article 13 by 2018, what has existing research found, and what are the new areas of research on ways forward on key issues such as climate finance transparency? Are Articles 13, 14 and 15 on transparency, global stocktake and the implementation mechanism linked? What are the linkages between transparency and the engagement of non-party stakeholders?
  Hosted by: Centre for International Governance Innovation (CIGI)
  Chair: Dr. Oonagh Fitzgerald (Director, CIGI) & Dr. Jan-Willem van de Ven (Head, Carbon Markets Development, EBRD)
Experts Roundtable: Supporting Paris Agreement Implementation through a Law & Climate Change Toolkit (Suva Room)

What law reform processes are countries presently undertaking or planning for the implementation of the Paris Agreement? Which areas of law are particular priorities for countries? What features would the Law and Climate Change Toolkit need to support countries in law reform for Paris Agreement and NDC implementation? How, and with whom, could the Toolkit best be piloted?

Hosted by: UNFCCC Secretariat, UN-Environment, Commonwealth Secretariat

Chairs: Mr. Steven Malby (Advisor/Head, Office of Civil & Criminal Justice Reform, Commonwealth Secretariat) & Ms. Maria Socorro Manguiat (Head, National Environmental Law Unit, UN-Environment)

Experts Roundtable: Exploring Climate Change, Human Rights & Forced Displacement (Marrakesh Room)

Is international law and governance prepared to integrate human rights and climate change and to protect displaced people? How can bridges between human rights and other legal hybrid approaches or other disciplines be built in order to understand the impact of climate change and some of its consequences on forced displacement? Exploring the linkage between forced displacement and adaptation and the mechanism of loss and damage under the UNFCCC and the Paris Agreement, could a Protocol to the UNFCCC based on adaptation be a possible avenue?

Hosted by: Law Dept & Refugee Centre, Culture Global Studies Dept, Aalborg University (AAU)

Chairs: Prof. Dr. Sandra Cassotta (Associate Professor, IEEL, Aalborg Univ / Adj Prof., Western Sydney Univ) & Dr. Jesper Lindholm (Associate Professor, Public International Law, Human Rights & Asylum Aalborg Univ)

12:45 – 13:45

Speakers & Delegates Luncheon (Foyer)

Celebratory Launching Events:

The Paris Agreement on Climate Change - Analysis and Commentary (D Klein, MP Carazo, M Doelle, J Bulmer & A Higham, Eds, OUP, 2017)

Sponsored by OUP & Schulich School of Law, Dalhousie Univ

Carbon & Climate Law Review (Prof. M Mehling, MIT / Ed, Lexxion; Prof. L Paddock, Assoc. Dean for Environmental Law Studies, George Washington Univ; Dr. J Huang, Intl Fellow, CCES; & Dr. N Stratieva, Exec Ed, Lexxion)

World Commission on Enviro Law, IUCN - Specialist Group on Climate Change (Prof. C Voigt, Univ Oslo & Chair, SGCC, WCEL)

13:45 – 14:45

Concurrent Experts Roundtable / Participatory Workshop Sessions (III)

• Experts Roundtable: Legal Innovations in Highly Climate Vulnerable Countries for Climate Resilience & Food Security (Paris Hall)

How to achieve SDG2 and the Paris Agreement? What innovations in climate law and governance, such climate-smart agriculture, open data and improved information and knowledge exchange, can secure climate resilience and food security in highly climate vulnerable countries?

Hosted by: GODAN & CISDL

Chairs: Dr. André LaPerrière (GODAN) & Prof. Dr. Margaretha Wewerinke-Singh (Professor, Univ South Pacific)
Experts Roundtable: **Promoting Climate Justice through Legal Reform & Litigation** *(Suva Room)*

With its intended withdrawal from the Paris Agreement, the US has issued a challenge to global climate cooperation which has been met with a vigorous response from states and municipalities across the country. At national and sub-national levels in several countries, can litigation and legal reform proceed together, overcoming obstacles to climate action? How to advance climate justice through domestic legal reform and through the courts? What are the most promising trends?

Hosted by: MIT, CCLR & Schulich School of Law, Dalhousie University

Co-Chairs: Prof. Michael Mehling (MIT / Editor, CCLR), Prof. Pia Carazo (University for Peace) & Prof. Meinhard Doelle (Dalhousie Univ, Schulich School of Law)

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Experts Roundtable: **Governing Disruptive Technologies** *(Marrakesh Room)*

How to face the wicked threats and limitless opportunities of digital and low carbon economy convergences, new governance models and unstable financial systems? Could integrated, coordinated and highly responsive platforms be designed to create standards and clear incentives for climate adaptation?

How to organize essential tools of technologies, practice, metrics, exchange mechanisms and finance? If integrated climate services require newly-formed institutions and approaches that serve the interests of communities better, how could new technologies such as integrated monitoring datasets and blockchain improve transparency and deliver climate action? What are the transformational changes that result?

Hosted by: CIGI & Greentrack Strategies

Chair: Dr. Oonagh Fitzgerald (CIGI) & Mr. Ira Feldman (President, GreenTrack Strategies)

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14:50 – 15:50

Concurrent Experts Roundtable / Participatory Workshop Sessions (IV)

- **Plenary:** **Profiling the Pivotal Players - Pacific Islands in Global & Regional Climate Regimes** *(Paris Hall)*

What innovative legislation can promote integrated climate and disaster governance? How to advance towards a Pacific Regional Framework on Climate Migration and Displacement? What is the role of the Pacific Islands in the negotiation of regional and global climate regimes?

Hosted by: Univ South Pacific, UNU-EHS & PIFS, Vanuatu

Chair: Dr. Cosmin Corendea (Legal Expert, UN Univ) & Prof. Elisabeth Holland (Director, Pacific Center Enviro & Sustainable Development, Univ South Pacific)

- **Experts Roundtable:** **Strengthening the Paris Agreement through Innovation in Open Government** *(Suva Room)*

What measures on open government would be most impactful to advance climate action in your country contexts? What is the role of law in ensuring co-creation of climate policies? Where has there been innovation? How could the implementation guidelines for the Paris Agreement further promote the implementation of participatory and transparent actions at the national level?

Hosted by: World Resources Institute, Transparency International & CIEL

Chair: Ms. Eliza Northrop (Associate, International Climate Initiative, WRI)

- **Experts Roundtable:** **Strengthening Global Climate Law Capacity & Compliance** *(Marrakesh Room)*

As regions and countries face legal and institutional capacity challenges in implementing the Paris Agreement and in realizing their Nationally Determined Contributions (NDCs), how can international capacity-building and compliance mechanisms support their efforts to develop legal and governance instruments that deliver higher ambition? What are the most important priorities for international legal research, collaboration and educational efforts?

Hosted by: CISDL, International Law Association & LCIL, Univ Cambridge
**Chairs:** Prof. Dr. Marilyn Averill (Steering Committee, UNFCCC RINGOs) & Ms. Vesselina Haralampieva (Principal Counsel, EBRD)

**15:50 – 16:15**

**Health & Networking Break** *(Main Foyer)*

*Special Thanks: Al-Kataibeh Law Centre for Arbitration Training & Law, Jordan*

**16:15 – 17:15**

**Global Climate Regime: Context, Connections and Current Issues** *(Paris Hall)*

What are the key contemporary issues related to the climate change regime? How it is evolving? What are the most important intersections between the climate regime and other areas of international law? What reflections can senior legal counsel and negotiators of the Paris Agreement offer on these questions?

*Chair:* Ms. Silvia Maciunas (CIGI)

*Authors:* Prof. Daniel Bodansky (Arizona State University); Prof. Jutta Brunnée (University of Toronto) & Prof. Lavanya Rajamani (Centre for Policy Research, New Delhi).

*Senior Negotiators & Experts:* Maître Ayman Cherkaoui (Senior Negotiator, CoP22 Presidency, Morocco); Prof. Tony La Vina (Senior Advisor, Philippines / former Dean, Ateneo School of Governance) & Dr. Hafijul Khan (Director, CJC / Senior Negotiator, Bangladesh)

**17:15 – 17:45**

**Closing Plenary & Judges Panel for Climate Law Students Moot** *(Plenary Hall)*

*Speakers & Judges:* Ms. Marie-Anne Birken (EBRD); Prof. Dr. Elizabeth Holland (Univ South Pacific); Dr. Hafida Lahiouel (UNFCCC Secretariat); Dr. Raul Herrera (Int. General Counsel, Green Climate Fund); & Mr. James Cameron (Chairman, Overseas Development Institute).*

Oral arguments for Climate Law Mooting Competition, guided by the McGill JSDL Editors, judged on the spot by senior international climate counsel, experts & leaders.

*Announcement of 2017 Global Climate Law & Governance Essay Competition Award Laureates.*

**17:45 – 18:00**

**Closing Ceremony** *(Plenary Hall)*

*Chairs:* Prof. Dr. Marie-Claire Cordonier Segger (U Waterloo / CISDL), Prof. Dr. Wolfgang Durner (U Bonn), Prof. Dr. Morgan Wesley (U South Pacific)

*Thanks & Acknowledgements:* Ms. Alex Scott (CIGI Project Coordinator) & Ms. Mirjam Reiner (Project Coordinator)

**18:15 – 19:00**

**Reception** *(TBC)*

*Invited, not yet confirmed*
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Plenary Session Abstracts

Transforming Economies: Incentivizing Low-Carbon Investment (Paris Plenary Hall)
Featuring Keynote Speakers from EBRD, IDB & World Bank.
The challenges posed by the task of redirecting financial flows towards a climate-resilient, low-carbon economy are considerable. In this fascinating plenary session, senior-level counsel and executives from international financial institutions will explore the use of innovative climate governance instruments and programs, to address crucial emerging challenges in efforts to promote investment that is climate-resilient and sustainable. With invited experts from the EU, Island Nations, Democratic Republic of Congo (DRC) and Chile.

Global Climate Regime: Context, Connections and Current Issues (Paris Plenary Hall)
Featuring Authors Prof. Daniel Bodansky (Arizona State University); Prof. Jutta Brunnée (University of Toronto) & Prof. Lavanya Rajamani (Centre for Policy Research, New Delhi).
In this session, chaired by CIGI and Baker & McKenzie, the authors of a leading new law textbook that has just been published with Oxford University Press, International Climate Change Law (OUP, 2017), offer their thoughts on the key issues affecting the climate regime as outlined in their new book International Climate Change Law. Leading negotiators involved in current climate negotiations will be invited to respond to these issues as presented by the authors and share their insights.

Closing Plenary & Awards Ceremony (Paris Plenary Hall)
Featuring the Laureates of the 2017 Global Climate Law & Governance Essay Competition
In this visionary plenary discussion, emerging trends, lessons learned and best practices shared during Climate Law & Governance Day 2017 are brought together and discussed, sharing views of senior international climate law and governance leaders, on the opportunities and challenges of implementing the Paris Agreement through key international instruments. A special brief Climate Law Moot Contest presentation follows, engaging the General Counsel and senior officials as Judges, with teams led by the Gold & Silver Award winners of the CLGI Climate Law Students Essay Competition. Awards are announced on the spot, to be presented by Ministers in a special Side Event hosted by CLGI partners CISDL, GODAN and LSE at 11am on 16 November 2017 during UNFCCC CoP23 in the Bonn Zone.