

**Climate Law & Governance Day 2019 at Universidad Autónoma de Madrid:
Most Significant Gathering of International Legal Community on Climate Change Since Paris**

10 December 2019

Law and governance innovation, worldwide, can be a crucial tool to deliver the Paris Agreement.

The importance of legal reform cannot be understated: over 160 of 188 countries stressed plans for legal and institutional reform in their intended Nationally Determined Contributions (NDCs) when they ratified the Paris Agreement. Countries are increasingly integrating their climate change commitments into their national laws.^[1] Currently, over 1,800 new climate laws and policies have been recorded worldwide, with over 100 new laws in the last few years since Paris. Strengthening capacity for meaningful implementation of the treaty is of central importance, with 24 of 28 recently analysed NDCs referring to the need for new laws and institutions, and capacity to make them work on the ground.^[2] Meanwhile, public interest in climate litigation is rising, with over 300 cases initiated worldwide.^[3]

On Friday 6 December 2019, on Spain's historic National Constitution Day (Día de la Constitución), over 300 participants from across the world gathered at the Faculty of Law at Universidad Autónoma de Madrid for the 5th annual Climate Law & Governance Day (CLGD) symposium alongside the UNFCCC COP25, marking the event the biggest since the inaugural CLGD in Paris alongside COP21 in 2015. The event, accredited by the COP25 Presidency, was led by the Climate Law & Governance Initiative (CLGI) consortium of over 120 partners, and hosted by leading climate law experts from the Universidad Autónoma de Madrid, the University of Chile, the University of Cambridge and the Centre for International Sustainable Development Law (CISDL).

Across a full day of 14 intensive expert panel and roundtable sessions and high-level plenaries, judges, legal practitioners, academics, university deans, researchers, students and professors shared knowledge and charted key trends and insights on strengthening legal foundations for climate ambition and compliance, with a focus on legal innovations and solutions in three key areas:

- Advancing Paris Agreement Innovations – New Rules for Transparency, Markets & Non-Market Instruments, Finance, Loss & Damage, Compliance & Safeguards;
- Scaling-up National & Regional Climate Legal Frameworks for Action – Effective Climate Governance, Ecosystems-Based & Human Rights Responses, Human Mobility & Climate Justice Litigation;
- Local & Global Interlinkages & Engagement – Climate Change in Regimes on Oceans, Biodiversity, Ozone, Civil Aviation, Trade, Investment, Peace & Security.

The Day culminated in two high-level plenaries, focusing on advancing Paris Agreement implementation through legal practice and negotiation, and enhancing climate change responses through legal research and teaching.

Prof Marie-Claire Cordonier Segger, Executive Secretary of the CLGI and Leverhulme Visiting Professor (designate) at the University of Cambridge, emphasised the potential contributions of law and governance innovation implement Paris Agreement objectives: 'Climate change is the justice challenge of our time. To hold warming within 1.5 degrees worldwide calls for scaled-up ambition and action, across all professions and sectors of our economy and our society, right now.'

^[1]Climate Change Laws of the World database, Grantham Research Institute on Climate Change and the Environment and Sabin Center for Climate Change Law. Available at climate-laws.org

^[2]Maeve McDermott and Valeria Zambianchi, 'Initial Report on the Importance of Legal and Institutional Reforms in Nationally Determined Contributions (NDCs) of the Paris Agreement' (Centre for International Sustainable Development Law, December 2019).

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Young winners of the Global Climate Law and Governance Student Essay Competition were announced, with Mr. Christopher Christiaanse, of Delft University of Technology in the Netherlands, winning a gold medal for his essay, titled 'Zen and the Art of Emission Reduction'. Ms. Claudia Lacey, of the University of Bristol in the UK, also won a gold medal for her submission, titled 'Disposing the Corporate Paradigm: Tackling Climate Change Caused by Oceanic Plastic Bag Pollution,' and Ms. Sofía Salmón Perrilliat, from Chile, of Queen Mary University of London, received a gold medal for her piece, 'La opinión pública y las normas "no vinculantes" como el mecanismo más efectivo para la protección del medio ambiente y el combate al cambio climático'.

The day concluded with the first-ever Climate Law and Governance Global Leadership Awards 2019. The top honours were received by Ms. Marie-Anne Birken, General Counsel at EBRD for her leadership as a general counsel, Dr. Ilona Millar, Senior Partner at Baker McKenzie and Dr. Wendy Miles, QC, Partner at Debevoise & Plimpton LLP and Vice President of the International Chamber of Commerce Court of Arbitration for their leadership as professionals; and HE Tosi Mpanu Mpanu, Chair of the Coalition of Rainforest Nations & Representative, Democratic Republic of Congo, for his leadership as a climate negotiator over the years. Adv. Magdalena Stryja of the University of Silesia in Katowice, Head of Science and Development Committee of the Katowice Bar Association and Legal Fellow at CISDL, and Prof. Tomasz Pietrzykowski, Professor and Vice-Rector for Domestic & International Cooperation at the University of Silesia won the prize for the top law faculty and university.

Prof. Rosa M. Fernández Egea, Professor at La Universidad Autónoma de Madrid Faculty of Law, reflected on the successes of CLGD 2019 and looked forward to future collaboration: 'It was a true honour to host Climate Law & Governance Day this year, and particularly special to hold this day on Spain's National Constitution Day. We look forward to collaborating with CLGI into next year and beyond.'

In a special briefing on 10 December 2019 at the UNFCCC Pavilion, outcomes and findings from CLGD 2019 were shared with members of COP25 delegations, with welcoming remarks provided by Ms. Hafida Lahouiel, Head of the UNFCCC Secretariat Legal Office. In his opening comments, Dr. Douglas Leys, General Counsel at the Green Climate Fund, emphasised that 'as the fight against climate change intensifies so is the need to have more lawyers trained in this field to prepare for the next frontier in the fight against climate change, which is climate justice'.

In highlighting the need for law to advance climate adaptation measures, Adv. Ayman Cherkaoui, CISDL Lead Counsel CISDL and Coordinator of the Mohammed VI Foundation for Environmental Protection, highlighted the role of law in enabling climate adaptation: 'Law has a key role to play both in terms of implementing the current NDCs as well as unlocking, for 2020, areas of enhancement and ambition aligned with the goals of the Paris Agreement and the 2030 Agenda, both for mitigation and adaptation. When it comes specifically to adaptation, coherence and cohesion in legal frameworks at the local, national, regional and international levels are of paramount importance for the national adaptation plans and to leave no one behind, in particular the most vulnerable'.

As COP25 negotiations come to a close this week, and key issues for COP26 begin to emerge, the stage is already being set for an enriching CLGD 2020 in Glasgow, UK.

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BACKGROUND FOR MEDIA STORIES

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The sessions were hosted by over 30 leading institutions, from national and local government agencies, UN and international organizations, law faculties, law firms and associations, and non-government organisations. Session topics included: scaling up Paris Agreement implementation through climate legislation; exploring the effects of transparency in multiple-level climate governance; advancing ambition and compliance on climate change through law and governance innovations for sustainable investment and resilient oceans; advances in climate litigation; and prospects for a Global Climate Constitution.

The Day culminated in two high-level plenaries, focusing on advancing Paris Agreement implementation through legal practice and negotiation, and enhancing climate change responses through legal research and teaching. Prof Marie-Claire Cordonier Segger, Executive Secretary of the CLGI and Leverhulme Visiting Professor (designate) at the University of Cambridge, emphasised the potential contributions of law and governance innovation implement Paris Agreement objectives: 'Climate change is the justice challenge of our time. To hold warming within 1.5 degrees worldwide calls for scaled-up ambition and action, across all professions and sectors of our economy and our society, right now.'

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The day concluded with a reception and the first-ever Climate Law and Governance Global Leadership Awards 2019. The top honours were received by Ms. Marie-Anne Birken, General Counsel at EBRD for her leadership as a general counsel, Dr. Ilona Millar, Senior Partner at Baker McKenzie and Dr. Wendy Miles, QC, Partner at Debevoise & Plimpton LLP and Vice President of the International Chamber of Commerce Court of Arbitration for their leadership as professionals; and HE Tosi Mpanu Mpanu, Chair of the Coalition of Rainforest Nations & Representative, Democratic Republic of Congo, for his leadership as a climate negotiator over the years. Adv. Magdalena Stryja of the University of Silesia in Katowice, Head of Science and Development Committee of the Katowice Bar Association and Legal Fellow at CISDL, and Prof. Tomasz Pietrzykowski, Professor and Vice-Rector for Domestic & International Cooperation at the University of Silesia won the prize for the top law faculty and university.

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In highlighting the need for law to advance climate adaptation measures, Adv. Ayman Cherkaoui, CISDL Lead Counsel CISDL and Coordinator of the Mohammed VI Foundation for Environmental Protection, highlighted the role of law in enabling climate adaptation: ‘Law has a key role to play both in terms of implementing the current NDCs as well as unlocking, for 2020, areas of enhancement and ambition aligned with the goals of the Paris Agreement and the 2030 Agenda, both for mitigation and adaptation. When it comes specifically to adaptation, coherence and cohesion in legal frameworks at the local, national, regional and international levels are of paramount importance for the national adaptation plans and to leave no one behind, in particular the most vulnerable’.

Dr. Siobhan McDonnell, Lecturer, and Australian National University and Drafting Negotiator for the Government of Vanuatu, reflected on the opportunities provided by litigation for addressing the climate crisis, commenting that ‘beyond UNFCCC litigation provides an additional pathway for Pacific Island leaders, who are increasingly concerned by the impacts of climate change’. Dr. Wendy Miles provided key insights on interfaces between investment law and the international climate regime, underscoring the importance of private climate finance, and the role of lawyers in facilitating the low-carbon transition: ‘Lawyers are able to utilise existing legal instruments to mobilise private finance for transition. Investors seek certainty; they need to be able to assess and manage legal risk. Paris Agreement member states are gradually implementing the legal, regulatory and policy frameworks necessary for transition. Existing private international and investment laws enhance risk management pending implementation of new domestic frameworks. Existing instruments include soundly drafted contracts with suitable international dispute resolutions provisions providing for international

commercial arbitration and bilateral and multilateral investment treaties with international settlement of investment disputes’.

Despite advancements in these areas, there remains much work to be done: Dr. Dr. Markus Gehring, who directs law at Hughes Hall in the University of Cambridge and serves Lead Counsel at CISDL, called for improved legal research and teaching to advance future global responses to climate change: ‘As academics, we need to prepare the next generation of professionals, professors and researchers to tackle the immense challenges of climate change, across all fields, and explore the intersections of all areas of law with climate change.’

The special COP25 event concluded with the launch of the winning Climate Law & Governance essays and Climate Law & Governance Global Leadership Awards awards online, and closing comments from the UNFCCC Secretariat.

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