



# Strengthening Legal Foundations for Climate Ambition & Compliance

## Climate Law & Governance Day 2019

Held on Friday 6 December 2019, during the United Nations Framework Convention on Climate Change  
COP25 at Universidad Autónoma de Madrid Faculty of Law

### Proceedings Report

With all appreciation for the endorsement of the UNFCCC CoP22, 23, 24 and 25 Presidencies:



With special thanks to leading international organisations for their guidance and support:



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## About the Climate Law and Governance Initiative (CLGI)

The Climate Law and Governance Initiative (CLGI) is a coalition of different members of the climate law community including think tanks, universities, international organisations, NGOs and law firms. CLGI supports and generates knowledge sharing activities, an active community of practice, and specialised climate law and governance capacity-building events and courses alongside the annual Conferences of the Parties to the United Nations Framework Convention on Climate Change. CLGI, in collaboration with partners and session hosts, coordinated Climate Law and Governance Day (CLGD) 2019 on 6 December 2019, alongside UNFCCC COP25 in Madrid, Spain. This proceedings report is a product of the dialogue generated from the panel and roundtable sessions that took place throughout CLGD 2019.

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@CLGInitiative

#CLGD2019

## Foreword

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

The importance of legal reform cannot be understated: more than 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.<sup>1</sup> Currently, over 1,800 new climate laws and policies have been recorded worldwide,<sup>2</sup> with over 100 new laws in the last few years since Paris. Strengthening capacity for meaningful implementation of the Agreement 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.<sup>3</sup> Meanwhile, public interest in climate litigation is rising, with over 300 cases initiated worldwide.<sup>4</sup>



On Friday 6 December 2019, on Spain's historic National Constitution Day (Día de la Constitución), participants from across the world gathered at the Faculty of Law at Universidad Autónoma de Madrid Faculty of Law for the 5<sup>th</sup> annual Climate Law & Governance Day (CLGD) symposium alongside the UNFCCC COP25, making the event the largest 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 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

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<sup>1</sup> 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](http://climate-laws.org).

<sup>2</sup> Ibid.

<sup>3</sup> 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).

<sup>4</sup> Climate Change Laws of the World database (n 1). Please note that some litigation, including litigation in the United States, is not covered by this database.

law and governance innovations for sustainable investment and resilient oceans; advances in climate litigation; and prospects for a Global Climate Constitution.

CLGD 2019 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 innovations to implementing 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.’



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. Sofia Salmón Perrilliat, from Mexico, 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’. Silver medals were awarded to Ms. Anusheh Fawad, of the University of Waterloo, Canada; Ms. Hayley Pring, from Australia, studying at the University of Oxford, and Ms. Marta Pereira, of Universidad Nacional Española a Distancia, Spain. Mr. Bea Jian Wei Eric and Ms. Teo Tze She, of the National University of Singapore, Ms. Carolina Serrano of the University of Chile, and Mr. Eric Belgorodski, of Ludwig-Maximilians Universität Munich, Germany, each received a bronze medal.

CLGD 2019 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.

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.



## Overview of CLGD 2019

Co-hosted by the Universidad Autónoma de Madrid, the University of Chile and the University of Cambridge, the Climate Law & Governance Day (CLGD) 2019 Symposium took place on 06 December 2019 during the 25<sup>th</sup> Conference of the Parties (COP) of the UNFCCC in Madrid, Spain. CLGD 2019 followed key preparatory events this year, especially the Legal Roundtable held on 22 June 2019 in Bonn; the Climate Law Experts Panel held at the pre-COP25 Conference and related academic lecture on 08 October 2019 at the University of Costa Rica in San Jose; and the UNFCCC-CISDL International Law Workshop on Paris Agreement Implementation: Investment and Oceans held at the University of Cambridge on 26 October 2019. CLGD 2019 provided an important opportunity to share ideas, debate trends and advances and build legal momentum for climate action. CLGD 2019 built on the success of CLGD 2015 at La Sorbonne Law School during COP21 in Paris, CLGD 2016 at the Université Privée de Marrakech and Hassane I University during COP22 in Marrakech, CLGD 2017 with the University of the South Pacific at the University of Bonn during COP23 in Bonn, and CLGD 2018 at the University of Silesia in Katowice, Poland, since the first Climate Law & Governance symposium in 2005 at McGill University in Montreal.

As Paris Agreement representatives, observers and stakeholders gathered in Madrid for the UNFCCC COP25 from 2-13 December 2019, CLGD 2019 convened a community of leading law faculties and legal institutes, international organization counsel, government authorities, law associations, judges, professionals and others responsible for inspiring, innovating and building law and governance capacity. The common themes for 2019 are:

1. **Advancing Paris Agreement Innovations** – New Rules for Transparency, Markets & Non-Market Instruments, Finance, Loss and Damage, Compliance and Safeguards  
What are the key advances in the Katowice Outcomes for international climate law and governance? What are the most pressing legal obstacles and opportunities to low GHG emissions and climate-resilient development? How can transparency, accountability, stakeholder participation and regulatory reform promote more effective climate action while realising sustainable development imperatives? How can market and non-market, human rights and climate loss and damage instruments incentivize higher ambition internationally? How will the Paris Agreement compliance mechanism help?
2. **Scaling-up National & Regional Climate Legal Frameworks for Action** – Effective Climate Governance, Ecosystems-Based and Human Rights Responses, Human Mobility and Climate Justice  
How can national climate action be effectively supported by law, governance, innovation and public participation to scale up Paris Agreement implementation? What are the trends? What are justice sector reform and governance innovations contributing to low-carbon sustainable development in key countries and regions? How can we transparently incentivise and govern climate action, new financial flows and low-carbon development pathways? How can public interest litigation, participation, gender and rights-based strategies, loss and damage, and climate migration be actively addressed by all?
3. **Local & Global Interlinkages & Engagement** – Climate Change in Regimes on Oceans, Biodiversity, Ozone, Civil Aviation, Trade, Investment, Peace and Security  
How do international legal regimes outside of the UNFCCC interact with climate law and policies? How do these regimes offer opportunities for increased climate action and more effective implementation of the Paris Agreement? Where are the synergies and gaps?

Through CLGD 2019 and the preceding CLGDs, the CLGI and its partners:

- Profiled and shared innovative legal and institutional challenges, mechanisms and best practices;
- Catalysed knowledge exchange to co-generate new approaches and understanding; and
- Supported law and policy education and capacity development for implementing the Paris Agreement regime, the Katowice Outcomes and the SDGs.

The roundtable and expert panel sessions which took place throughout the day were:

- Scaling-up Paris Agreement Implementation through Climate Legislation – Hosted by European Bank for Reconstruction and Development (EBRD), Centre for International Sustainable Development Law (CISDL),

McGill University & Centre for Energy, Environment & Natural Resources Governance (CEENRG), University of Cambridge

- Exploring the Effects of Transparency in Multiple-level Climate Governance – Hosted by Transparency International & Wageningen University & Research, The Netherlands
- Propuestas para el Anteproyecto de Ley de Cambio Climático y Transición Energética en España – Hosted by Fundación para la Investigación sobre el Derecho y la Empresa (FIDE)
- Advancing Ambition & Compliance on Climate Change through Law & Governance Innovations for Sustainable Investment & Resilient Oceans – Hosted by UNFCCC Secretariat, CISDL & University of Oslo / PluriCourts
- Advances in Climate Litigation – Hosted by Cool World Institute (USA) & Centre for Climate Justice (Bangladesh)
- Una Constitución Climática Global a través de la Gobernanza y el Derecho en un Contexto Complejo – Hosted by CONCLIMA (CEDAT / Universidad Rovira i Virgili) & Universidad Autónoma de Madrid Faculty of Law
- Climate Protection Problems and Policy Directions from a Post-COP24 Polish Perspective – Hosted by University of Silesia in Katowice Faculty of Law and Administration, Supreme Bar Association & Katowice Bar Association
- Opportunities provided by Litigation in addressing the Climate Change Crisis – Hosted by the Government of the Republic of Vanuatu, McGill University Faculty of Law & Australian National University
- Advancing the Paris Agreement's Goals through Low Carbon and Energy Efficient Procurement – Hosted by the George Washington University Law School & UNEP
- Energy Transition, Regulation and Climate Change – Hosted by the European Federation of Energy Law Associations (EFELA) & Spanish Association of Energy Law (AEDEN)
- SDGs 5 & 16 in the Paris Agreement - Hosted by International Law Association of Colombia; International Law Association of Canada & Interdisciplinary Centre for Climate Change (IC3) – University of Waterloo
- International Investment, Disclosure & Dispute Settlement – Hosted by Hughes Hall Centre for Climate Change Engagement, University of Cambridge, Institute for Law and Environment of Spain & Baker McKenzie
- Prospects for Stronger Climate Litigation in Latin America: Cases, Approaches and Opportunities – Hosted by Institute for Climate and Society (iCS), Conectas Human Rights & Interamerican Association for Environmental Defense (AIDA)
- Leading Spanish Climate Law & Policy Studies - Hosted by Universidad Autónoma de Madrid Faculty of Law & CEDAT

## Welcoming Remarks

Welcoming Statements from Hosts, Partners & UNFCCC Secretariat Legal Affairs

Chairs: Prof. Carlos Espósito (Professor, Universidad Autónoma de Madrid) & Prof. Marie-Claire Cordonier Segger (Senior Director, CISDL / Professor, University of Waterloo & Executive Secretary, CLGI)

Inauguration: Dr. D. Juan Damián Moreno (Dean, Universidad Autónoma de Madrid); Mr. Niklas Hagelberg (Coordinator, Climate Change Programme, UNEP);\* Dr. Ilona Millar (Senior Partner, Baker McKenzie); Prof. Christina Voigt (Professor, University of Oslo / Chair, IUCN World Commission on Enviro Law Climate Change Specialist Group).



## Experts Panels and Roundtable Sessions

### Experts Panel: Scaling-up Paris Agreement Implementation through Climate Legislation

Hosted by European Bank for Reconstruction and Development (EBRD), Centre for International Sustainable Development Law (CISDL), McGill University & Centre for Energy, Environment & Natural Resources Governance (CEENRG), University of Cambridge

Chair: Ms. Vesselina Haralampieva (Senior Counsel, EBRD)

Presenters & Discussants: Dr. Markus Gehring (Professor, University of Cambridge / Lead Counsel, CISDL); Dr. Alina Averchenkova (Policy Fellow & Governance & Legislation Lead, Grantham Institute on Climate Change & the Environment); Prof. Benoit Mayer (Assistant Professor, Chinese University of Hong Kong); Prof. Barbara Janusz-Pawletta (Vice-Rector, International Cooperation / UNESCO Chair, Kazakh-German University, Kazakhstan); Prof. Tomasz Pietrzykowski (Professor / Vice-Rector for Domestic & International Cooperation, University of Katowice / Chairman, National Ethical Committee on Animal Experimentation).



Summary: This session was comprised of presentations that posed a comparative analysis of various forms of implementation of the Paris Agreement, including from France, the United Kingdom, Germany, Mexico, Ukraine, Turkmenistan, Tajikistan, Uzbekistan, Kyrgyzstan, Kazakhstan, and Poland. As demonstrated in the UK Climate Change Act (2008), an Independent Advisory board is the essential component for transparency and accountability, but solely if the board has an adequate budget. These discussions highlighted the essential nature of an oversight mechanism component for transparency and accountability, such as the Independent Advisory Board in the UK Climate Change Act (2008). Further, the discussion of energy transition has been occupying the centre of national law and policy making since formation of the Paris Agreement, and these transitions will more likely be successful if they are backed by public opinion and implemented through binding climate legislation. There has been promising movement via climate legislation towards scaling up the Paris Agreement, but more remains to be done.

### **Experts Panel: Exploring the Effects of Transparency in Multiple-level Climate Governance**

Hosted by Transparency International & Wageningen University & Research, The Netherlands

Chairs: Mr. Brice Böhmer (Global Coordinator, TI Climate Governance Integrity) & Ms. Nila Kamil (Doctoral Student, Wageningen University & Research)



Speakers & Discussants: Prof. Silvina Bacigalupo Saggese (Professor, Criminal Law, Universidad Autónoma de Madrid / Chair, TI Spain); Mr. Psamson Nzioki (Expert on Corruption & Forest Governance, TI Kenya); Ms. Magaly Avila (Expert on Forest Governance & Capacity Building with Indigenous Groups, Proetica); Mr. Sayel Cortes (Doctoral Student, Wageningen University & Research).

Summary: In this session, panellists discussed how the international climate change transparency system has evolved from unmonitored national reporting, to the Measuring Reporting, and Verifying (MRV) system, and to the Enhanced Transparency Framework (ETF) that was advanced under the

Paris Agreement. However, there remain significant barriers to implementing the climate change transparency, prominently among them being corruption, lack of capacity and political will. The session highlighted the need for an enhanced transparency in multiple-level climate governance. The global community must cooperate to strengthen transparency mechanisms at all levels in order to combat corruption, and build technical, institutional, and resource capacity for MRV in all member states. There is also a major role to play for oversight bodies, from parliamentarians organising social audits, to an independent judiciary system and strong anti-corruption agencies. Increased transparency can create mutual trust and help governments learn from each other, which will in turn promote the effective implementation of the NDCs.

### **Experts Panel: Propuestas para el Anteproyecto de Ley de Cambio Climático y Transición Energética en España**

Hosted by Fundación para la Investigación sobre el Derecho y la Empresa (FIDE)

Chair: Prof. Blanca Lozano Cutanda (Professor, CUNEF / Academic Counsel, Gómez-Acebo & Pombo)

Speakers & Discussants: Dr. Valentín Alfaya (President, Spanish Group for Green Growth); Dr. David Howel (Head of Climate and Energy, SEO/Birdlife); Mr. Ignacio Pereña Pinedo (General Counsel and Secretary, Board of Directors, Redexis).



Summary: Spain is a country that shows a high vulnerability to the global climate emergency. As such, Spain is progressively taking steps to reduce its emissions, with the new Draft Bill on Climate Change and Energy Transition providing a clear example. Experts noted that Spain is also making advances with respect to renewable energy, particularly wind power. Despite this, the combination of late action and an economy dependent on carbon-emitting sectors represents significant challenges for the transition to a low-carbon economy and panellists agreed that it will require more ambitious measures to achieve Spain's climate objectives. Discussants argued that Spain needs to deploy a consistent and coherent body of law capable of generating certainty and to attract private investments, while considering both the territorial distribution of competences and the ideological shifts of power. Ecological taxation was highlighted as one key area for improvement. The new regulation must take advantage of and value existing energy infrastructures, and also adopt suitable regulatory measures that enable these infrastructures to

supply green energy. Furthermore, the panel underscored that climate governance in Spain needs to be ratcheted up to accompany the ambitious climate package implemented as part of the *acquis communautaire* that will influence climate law and policy throughout the European Union.

### **Experts Panel: Advancing Ambition & Compliance on Climate Change through Law & Governance Innovations for Sustainable Investment & Resilient Oceans**

Hosted by UNFCCC Secretariat, CISDL & University of Oslo / PluriCourts

Chair: Prof. Marie-Claire Cordonier Segger (Exec Sec, CLGI / Senior Director, CISDL)

Speakers & Discussants: Ms. Mrinalini Shinde (UNFCCC Secretariat); Ms. Tanvi Mani (UNFCCC Secretariat); Dr. Markus Gehring (Assoc Professor, University of Cambridge / Lead Counsel, CISDL) / Ms. Emily Morison (CLGI Coordinator, CISDL); Dr. Alexandra Harrington (Lead Counsel & Research Director, CISDL / Fulbright Canada Research Chair in Global Governance); Mr. Freedom-Kai Phillips (Operations Director, CISDL / PhD Candidate, University of Cambridge); Ms. Sophie Whitehead (Associate, Baker McKenzie); Prof. Christina Voigt (University of Oslo / PluriCourts); Ms. Kathryn McKenzie (PhD Candidate, University of Strathclyde).



Summary: The panelists presented case studies of countries protecting their oceans and investment regimes, and developing frameworks for innovation. Oceans are subject to SDG 14 and supported by the UNFCCC Paris Agreement and the UN Convention on the Law of the Sea (UNCLOS). This provides a strong backing for the obligation to protect. Several countries, including Belize, Capo Verde, Morocco, and the Maldives, have put forth INDCs/NDCs that demonstrate a comprehensive understanding of what sustaining and creating a resilient ocean looks like. The Paris Agreement and accompanying Katowice Outcomes require governments to determine and commit to their highest possible levels of

ambition, which signals to corporate actors to find opportunities for trailblazing and identify opportunities to explore sustainable investment. Tonga’s Climate Change Trust Fund, Australia’s Clean Energy Finance Corporation, and South Korea’s legislation for low carbon green growth are all examples of existing domestic legal innovations for supporting sustainable investment. Increasing connectivity and synergy between blue and green policies will strengthen climate policy overall and support higher levels of ambition.

### **Experts and Practitioners Roundtable: Advances in Climate Litigation**

Hosted by Cool World Institute (USA) & Centre for Climate Justice (Bangladesh)

Chair: Mr. Dean Wallraff (Executive Director, Cool World Institute, USA)

Speakers & Discussants: Mr. Dean Wallraff (Executive Director, Cool World Institute, USA); Adv. Hafij Khan (Director, Center for Climate Justice-Bangladesh); Dr. Cosmin Corendea (Associate Professor, Jindal Global Law School).

Summary: As was quoted at the beginning of this session, “litigation is a superpower, one that can effectively fight climate



change”. This superpower must be used when addressing the legal question of what happens to a state when it physically disappears. Currently there are insufficient legal tools to address this challenge. Several solutions were presented throughout the session. First, hybrid law was identified as necessary. This is not a matter of the availability or accessibility of law, but rather represents an understanding that the litigation to address climate change is possible. Second, the introduction of documents, like the Cool World Institute Climate Litigation Toolkit, would help lawyers navigate the world of climate litigation. Lastly, as seen through the Bangladeshi experience, a main challenge is attribution. The key takeaway was that, when addressing climate change arguments, finances, legal initiatives, and the legal profession must be creative.

### **Experts Panel: Una Constitución Climática Global a través de la Gobernanza y el Derecho en un Contexto Complejo**

Hosted by CONCLIMA (CEDAT / Universidad Rovira i Virgili) & Universidad Autónoma de Madrid Faculty of Law

Chair: Prof. Dr. Susana Borràs Pentinat (Professor, Universidad Rovira i Virgili / Director, CONCLIMA)

Speakers & Discussants: Dr. Paola Villaviencio (Universidad Rovira i Virgili); Dr. Stephanie Ascencio (Universidad Rovira i Virgili); Mr. Gastón Médici (Universidad Rovira i Virgili); Mr. Marcos De Armenteras (Universidad Rovira i Virgili).

Summary: This session allowed panelists to creatively analyse possible climate governance and legal solutions for addressing the climate emergency. Discussants



reviewed hot, beyond classical international law, the international community can address globalization to face climate challenges, beyond classical international law, by studying the evolution of the international legal regime on climate change at different crucial stages. Different innovative proposals were offered, including the prospect of establishing a global climate constitution, the advancement of climate litigation as a source of control and responsibility for high polluting stakeholders, and the role of climate related legislation enacted in different jurisdictions to ensure a transition to low-carbon societies. Panelists concluded that a critical approach to the overall economic and social system is required to address the climate emergency and that, currently, predominant views, which focus only on greenhouse gas emissions, are too narrow and fail to account for the consequences of the current global production system, which disproportionately affect vulnerable collectives and human rights.



### **Experts Panel: Climate Protection Problems and Policy Directions from a Post-COP24 Polish Perspective**

Hosted by University of Silesia in Katowice Faculty of Law and Administration, Supreme Bar Association & Katowice Bar Association

Chair: Adv. Magdalena Stryja (University of Silesia in Katowice / Head of Science and Development Committee. Katowice Bar Association / Legal Fellow, CISDL)

Speakers & Discussants: Prof. Tomasz Pietrzykowski (Professor / Vice-Rector for Domestic & International Cooperation, University of Katowice / Chairman, National Ethical Committee on Animal

Experimentation); Dr. Anna Budzanowska (General Director, Ministry of Higher Education); Prof. Michał Kania (Professor, University of Silesia in Katowice); Prof. Piotr Skubała (University of Silesia in Katowice Faculty of Natural Sciences, Institute of Biology, Biotechnology and Environmental Protection); Mr. Matthew Carson (Economist, Durham University / University of London); Mr. Mikołaj Stryja (Head, Medical Technology Scientific Circle, AGH University of Science and Technology, Krakow).

Summary: Poland is experiencing many transitional issues, largely felt in the industrial sector – the backbone of the country’s economy. Throughout the country, smog and public transport systems continue to be major issues for citizens. Before COP24, Poland had three environmental policies, none of which were particularly effective. This was due to limited political will and the lack of public pressure to include climate policies on the agenda, and the existing environmental efforts at the time were disjointed throughout the nation. Since COP24, the most noticeable difference within Poland is public awareness of and support for climate change policies. This has been demonstrated by the sixty Polish cities that had youth climate strikes and smaller national protests within the past year. This shift in public opinion is key to creating change, which can be further influenced by the development of educational programs in schools and more media attention around environmental issues. This awareness has led to the development of the ministry of climate and the newfound desire to change existing policies to make them more effective. The panelists emphasized the role technology, research and the civic sector play to help in the transition. Technology has been utilized to engage citizens through government apps, which track air quality and connect citizens to local environmental issues. Research around climate change had existed before COP24, however, more resources are being given to research and innovation projects throughout the country. Finally, the civic sector has not had a strong presence in the past but new public awareness is fueling more engagement with NGOs and charities. Although Poland’s transformation has been slow, it is beginning to speed up. Despite the significant work required in the future, all panelists were optimistic about future change.

### **Experts Panel: Opportunities provided by Litigation in addressing the Climate Change Crisis**

Hosted by the Government of the Republic of Vanuatu, McGill University Faculty of Law & Australian National University

Chair: Mr. Mike WaiWai (Director, Department of Climate Change, Republic of Vanuatu)

Speakers & Discussants: Mr. Chris Tavoia (Director, Advisory Unit, State Law Office, Republic of Vanuatu); Ms. Catherine Gauthier (Executive Director, Environment Jeunesse Canada); Prof. Sebastien Jodoin (McGill University & Canada Research Chair in Human Rights & Environment); Dr. Farhana Yamin (Climate Lawyer and Founder, Track0); Dr. Siobhan McDonnell (Lecturer, Australian National University / Drafting Negotiator, Vanuatu Govt).



Summary: This session incorporated tangible examples of existing challenges and solutions for using litigation in the climate change context. Vanuatu is currently implementing a climate change ‘litigation’ strategy plan with the understanding that the current structure is wholly and completely inadequate to address issues related to Loss and Damage. This includes consideration of pursuing an Advisory Opinion through the International Court of Justice. The acknowledgment of the failure of the Canadian government to protect current youth and future generations was raised the Québec Supreme Court, where a class action lawsuit, filed by Environnement Jeunesse, was denied. The positive outcome of this denial was the acknowledgment that climate change does have an impact on human lives, and this can now be brought into the courts. The panellists stressed that human rights impacts must be addressed in the face of climate change, particularly in Indigenous communities experiencing the loss of identity, culture, and language through the loss of land. This comes alongside the understanding that climate change also has differential impacts on human rights.

## Roundtable: Advancing the Paris Agreement's Goals through Low Carbon and Energy Efficient Procurement

Hosted by the George Washington University Law School & UNEP

Chair: Prof. LeRoy Paddock (Associate Dean for Environmental Studies, GWU Law School)

Speakers & Discussants: Mr. Steven Kukoda (Executive Director, International Copper Alliance); Mr. Dag Stromsnes (Chief Procurement Officer, Agency for Public Management & eGovernment, Norway); Judge Marc Steiner (Bundesverwaltungsrichter / Judge, Swiss Federal Administrative Court); Ms. Jellie Molino (PhD researcher, University of Turin, Italy).



Summary: Sustainable procurement standards can generate significant reductions in countries' carbon footprints. The current challenges standing in the way of consistent sustainable procurement are a lack of baseline efficiency measures (MEPS) that would allow procurement personnel to make better decisions, tracking sustainable procurement activity beyond the award phase of the procurement cycle, and recognition that sustainability is a legitimate factor in procurement decision making which has been resisted by some who see sustainability as outside of appropriate trade and procurement considerations. A more transparent, climate accommodating procurement must move beyond these challenges. This may require a new partnership between economic and environmental law that clearly supports having better information about what the government buys, from whom, and under what conditions, allowing efficient use of public funds that support more sustainable climate outcomes.

## Experts Panel: Energy Transition, Regulation and Climate Change

Hosted by the European Federation of Energy Law Associations (EFELA), Spanish Association of Energy Law (AEDEN) & Positive Foundation.

Chair: Dr. Vicente López-Ibor Mayor (Chairman, European Federation of Energy Law Associations (EFELA) & Spanish Association of Energy Law (AEDEN))

Speakers & Discussants: Prof. Dr. Iñigo del Guayo (Professor, Universidad de Almería /Vice President, AEDEN); Prof. Carmen Plaza (Professor, Universidad de Castilla-La Mancha / Legal Counsel, Constitutional Court of Spain) & Ms. Margarita Nieves-Zárata LL.M (PhD Researcher, Faculty of Law, University of Groningen / Board Member, Energy Community of Young Researchers ECoYR, the Netherlands).



Summary: The transition to a low carbon economy is creating a growing link between climate change policy and energy policy. Accordingly, there has been an increase in the role of climate change governance in the development of energy law thanks to the rise in the involvement of non-state actors in the process. The key principles of energy law in the context of climate change governance and the energy transition are energy security, economic efficiency, and sustainability. These principles need to be balanced for good governance, but sustainability should take priority going forward. The EU is a leading example, with its new energy policy that focuses on decarbonization, decentralization, and the demand aspect of energy. The Latin American experience also provides relevant examples of the interaction between energy and climate law.

### **Panel Discussion: SDGs 5 & 16 in the Paris Agreement**

Hosted by International Law Association of Colombia; International Law Association of Canada & Interdisciplinary Centre for Climate Change (IC3) – University of Waterloo

Chair: Ms. Anusheh Fawad (Associate Fellow, CISDL)

Speakers & Discussants: Dr. Alexandra Harrington (Lead Counsel & Research Director, CISDL / Fulbright Canada Research Chair in Global Governance, BSIA); Prof. Sumudu Atapattu (Lead Counsel, Human Rights and Poverty Eradication, CISDL).

Summary: This session highlighted that the linkages between the environment and gender existed before the Agreement in various treaties and agreements, however, the Paris Agreement represents a significant recognition of the relationship between climate change and gender issues. This reflects, and is reflected in, the terms of the Sustainable Development Goals (SDGs), particularly SDG 5 on gender and SDG 16 on peace and institutions. Although this demonstrates progress, the panelists highlighted key challenges with creating links between the SDG's and the Paris Agreement. The panelists suggested that the solution to these problems begins with breaking down existing silos in international law and policy. In breaking down these silos, more work also needs to be done to ensure that traditionally left behind or vulnerable groups are included in these conversations. In doing so, the international community can create documents that better reflect all experiences and account for many different intersectionalities that exist within the topic of gender, environment and justice.

### **Roundtable: International Investment, Disclosure & Dispute Settlement**

Hosted by Hughes Hall Centre for Climate Change Engagement, University of Cambridge, Institute for Law and Environment of Spain & Baker McKenzie

Chairs: Dr. Wendy Miles, QC (Debevoise & Plimpton LLP / Vice President, International Chamber of Commerce (ICC) Court of Arbitration) & Dr. Markus Gehring (University of Cambridge)

Speakers & Discussants: Ms. Vesselina Haralampieva (Senior Counsel, EBRD); Ms. Ana Barreira (Director, International Institute for Law & Environment); Dr. Ilona Millar (Partner, Baker McKenzie); Prof. Michael Mehling (Professor, University of Strathclyde / Deputy Director, MIT CEEPR / Editor, Carbon & Climate Law Review); Mr. Stuart Bruce (Senior Associate, Wilmer Cutler Pickering Hale and Dorr / Vice Chair, UK Energy & Environment Committee, ICC).

Summary: The consequences of climate change have considerable economic impacts on the private sector, including through the significant increase in physical and finance risks associated with global warming, extreme weather events, the carbon transition, and potential climate-related litigation. Under the right circumstances there are opportunities for climate-related market risks to translate into low carbon investments, but good governance is required to mainstream climate risk disclosure in companies, such as through regulatory frameworks, the recommendations of the Taskforce on Climate-related Financial Disclosures (TCFD), and corporate climate governance. These governance mechanisms will be key drivers for moving companies to disclose their impact on the climate and how climate change impacts them. Not only will disclosure leverage low-carbon investment, but it will also promote transparency, which is crucial for achieving the goals of the Paris Agreement. The roundtable also touched on investment treaties, which historically have not always been helpful in moving sustainable investment forward. However, procedural, analytical and interpretative tools that currently exist – such



as evolutive interpretation of treaties and systemic integration of international law – could be better deployed in investor-state dispute settlement cases, particularly post-Paris, in order to properly consider environmental issues relevant in fact or law. Finally, climate law also plays an important role in the design and implementation of policy instruments to leverage investment, such as carbon markets; yet while there is broad consensus on the need for robust governance of such instruments, the ongoing failure to agree on operational rules for Article 6 of the Paris Agreement underscores how difficult it is to strike the right regulatory balance.

### **Roundtable: Prospects for Stronger Climate Litigation in Latin America: Cases, Approaches and Opportunities**

Hosted by Institute for Climate and Society (iCS), Conectas Human Rights & Interamerican Association for Environmental Defense (AIDA)

Chair: Mr. Caio Borges (Coordinator, Law and Climate Program, iCS)

Speakers: Mr. Alexandre Gaio (Public Prosecutor/Director, Environmental Prosecutors Association, Brazil); Mrs. Astrid Puentes (Co-Executive Director, AIDA); Ms. Caroline Dihl Prolo (Attorney, Stocche Forbes/Founder, Latin America Climate Lawyers Initiative); Dr. Gabriel Mantelli (Attorney, Conectas Human Rights); Ms. Roxana Baldrich (Policy Advisor, Germanwatch); Mr. Jesus Medina (Researcher, Dejusticia).



Summary: The overarching theme of the panel was that climate litigation is a critical tool to use in the fight against climate change. Drawing on principle cases from Peru, Colombia, and Brazil, the panel explored how the questions of “who are we mitigating with?” and “who are we mitigating for?” are particularly important. Within Latin America, litigation is becoming noticed and utilized as a tool in the fight against climate change. This makes collaboration essential, as the novelty of climate-related litigation in Latin America is a particular challenge.

### **Experts Panel: Leading Spanish Climate Law & Policy Studies**

Hosted by Universidad Autónoma de Madrid Faculty of Law & CEDAT

Chairs: Prof. Dr. Rosa M. Fernández Egea (Professor, Universidad Autónoma de Madrid) & Prof. Dr. Teresa Fajardo (Professor, Universidad de Granada)

Speakers & Discussants: Ms. Patricia Sangama (Doctoral Student, Universidad Rovira i Virgili); Mr. Javier Arenas (Doctoral Student, Universidad Rovira i Virgili); Ms. Laura Presicce (Doctoral Student, Universidad Rovira i Virgili); Mr. Antonio Rodríguez (Doctoral Student, Universidad de Huelva); Ms. Estela Martín Pascual (Doctoral Student, Universidad de Salamanca).



Summary: The panel convened renowned legal experts and PhD students to sustain rich discussions on key legal issues related to the role of law and governance in the context of the climate emergency and the great variety of branches of law that climate law entails. In this sense, discussants shared their main research findings on a wide array of topics which included sustainable investment and its impact on environmental justice, lessons learned from studies on ecologization of law in social conflicts and the contribution of local mitigation and adaptation entities in the fight against climate change. Panelists shared their knowledge on multi-sectorial and multilevel governance and the interlinkages of climate law at the international and domestic level with questions of human security, economic prosperity, and international peace.

## High Level Plenary Sessions

### High Level Speakers Plenary I

Keynote: Ms. Marie-Anne Birken (General Counsel, EBRD)

Summary: During this plenary session, Ms. Marie-Anne Birken (General Counsel, EBRD) discussed the role of the EBRD as an investor delivering on the climate ambition of its countries of operations. Business is incentivized to decarbonize and become green through the Bank's environmental commitment and transition mandate. Catalysing private investment and supporting the development of environmentally sustainable legal and policy frameworks, the EBRD is a leading in climate action.

### Advancing the Urgent Implementation of the Paris Agreement through Legal Practice & Negotiations

Chairs: Adv. Ayman Cherkaoui (Lead Counsel, CISDL / Coord, Mohammed VI Foundation for Environmental Protection); Prof. Dan Bodansky (Regents Professor, Sandra Dan O'Connor College of Law) & Mr. Douglas Leys (General Counsel, Green Climate Fund).

Keynote Addresses by Leading Climate Law Practitioners: Dr. Wendy Miles (Debevoise & Plimpton LLP); Dr. Ilona Millar (Baker McKenzie)



Legal Expert Negotiators: Prof. Christina Voigt (Professor, University of Oslo / PluriCourts & Candidate for Paris Agreement Compliance Committee); Adv. Hafij Khan (Director, Climate Justice Centre Bangladesh /Co-coordinator, Loss & Damage Team, LDCs group, UNFCCC); Prof. Bryce Rudyck (Professor, New York University & Advisor, Alliance of Small Island States); HE Tosi Mpanu Mpanu (Chair, Coalition of Rainforest Nations & Representative, DRC).



Summary: In this plenary session, the speakers discussed the connections between legal practice, finance and investment, the role of specialist environmental law centres and the consensus-making process of Green funds. In the legal framework supporting the Paris Agreement there are public and private players, and the private needs to invest \$90 trillion into climate aspiration projects. These funds need to be distributed to innovators, traders, operators, developers, and consumers against a background of constitutional entrenchment, regulatory measures, trade treaties, and enforcement mechanisms to enable countries to meet their NDCs. The growing climate law movement gives citizens opportunities to hold

mining companies, hedge funds and other industries accountable and liable for actions and practices which do not support the SDGs and the Paris Agreement.

### **Advancing Future Global Responses to Climate Change through World-Class Legal Research & Teaching**

Chairs: Prof. Pilar Moraga (Professor & former Dean, University of Chile Faculty of Law) & Prof. Marie-Claire Cordonier Segger (Senior Director, CISDL / Professor, U-Waterloo & Executive Secretary, CLGI)

Rectors, Deans & Chairs of Law: Prof. LeRoy Paddock (Associate Dean for Environmental Studies, GWU Law School); Prof. Tomasz Pietrzykowski (Professor / Vice-Rector for Domestic & International Cooperation, University of Katowice / Chairman, National Ethical Committee on Animal Experimentation); Prof. Sumudu Atapattu (Director of Research Centres, University of Wisconsin Faculty of Law); Prof. Barbara Janusz-Pawletta (Vice-Rector, International Cooperation, Kazakh-German University & UNESCO Chair, Kazakhstan); Prof. Sebastien Jodoin (Canada Research Chair in Human Rights & Environment, McGill University Faculty of Law).

Summary: The panelists in this session agreed that young people are already aware of many sustainability issues that currently exist, and often feel extreme anxiety about how to deal with them. It was suggested that institutions play a key role in ensuring that students leave their programs resilient and ready to face these difficult challenges. It was also emphasised that universities and faculties have the ability to serve as places where students can understand and learn to work within the interdisciplinary challenges posed by climate change and concepts of climate justice.



### **Launches**

The launches of new studies, projects & legal tools were celebrated over luncheon. Prof. Christina Voigt (Professor, University of Oslo / Chair, IUCN World Commission on Environmental Law Climate Change Specialist Group) launched the IUCN World Commission on Environmental Law (WCEL) Climate Change Specialist Group – Getting to Zero Project. The launch of the Legal Assessment of Paris Agreement Implementation to Mobilize Investment in Climate Adaptation & Resilience, a joint publication between EBRD and CISDL, was also celebrated. The UNFCCC Secretariat and CISDL celebrated their collaboration on two Legal Working Papers on Climate Law & Governance Innovations for Sustainable Investment and for Resilient Oceans, as part of a broader partnership.



## Acknowledgements

The CLGI is grateful to the Universidad Autónoma de Madrid, the University of Chile, the University of Cambridge and the Centre for International Sustainable Development Law (CISDL), along with over 60 other partners, for a very successful CLGD 2019 during COP25, and we look forward to future collaborations. All Parties and Observers are very welcome to join the CLGI in the future as sponsors, partners, thematic leaders or participants. Senior representatives and experts from UNFCCC Parties have formed a Programme Committee to guide the growing CLGI throughout upcoming COPs and similar events. The CLGI and its partners welcome all interested governments and stakeholders to contact us in order to help shape the next CLGD at COP26 in 2020, and, ideally, to serve as distinguished judges for the global climate law & policy student essay competition in 2020.

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And with special thanks to world-leading CLGI academic collaborators, institutions and past CLGD hosts:



And with grateful recognition of our law association, law journal and law firm partners:

