



UNIVERSITY OF
CAMBRIDGE

Centre for International
Governance Innovation

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

Climate Law & Governance Day 2018

Friday, 07 December 2018

during the United Nations Framework Convention on Climate Change COP24 in Katowice, Poland

Venue: University of Silesia in Katowice, Poland

Join the Conversation on Twitter #CLGD2018 @CLGInitiative

With all appreciation for the endorsement of the UNFCCC COP22, 23 and COP24 Presidencies



COP24-KATOWICE 2018
UNITED NATIONS CLIMATE CHANGE CONFERENCE



MARRAKECH 2016
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UN CLIMATE CHANGE CONFERENCE

With special thanks to our CLGI international organisation partners:



As well as thanks to our Programme Committee and Session Hosts:



Global Compact
Network Morocco



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

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

Climate Law & Governance Day 2018

*During the United Nations Framework Convention on Climate Change
24th Conference of the Parties (COP24), co-hosted by University of Silesia & University of Cambridge*

**9.00 - 18.00, Friday 07 December 2018
Faculty of Law & Administration, University of Silesia in Katowice, Poland**

In collaboration with leading faculties of law of the University of Silesia, the 2018 Climate Law and Governance Day (CLGD) will take place on 07 December 2018, during the 24th Conference of the Parties (COP) of the UNFCCC in Katowice, Poland. CLGD 2018 follows key preparatory events this year, especially the CLGD Roundtable on 05 May in Bonn, Germany, and constitutes an unprecedented opportunity to share ideas, debate trends and advances, and build legal momentum for climate action. The CLGD 2018 international legal symposium builds 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 and CLGD 2017 with the University of the South Pacific and the University of Bonn during COP23 in Bonn.

Legal and institutional transformation is 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. Over 160 countries have stressed the importance of such reforms in their nationally determined contributions (NDCs) submitted to deliver on the Paris Agreement. More than 50 of these countries specifically emphasized the need for climate legal and institutional capacity-building to be able to achieve their objectives. Over 20,000 delegates, including many leading climate law and governance experts are expected to gather in Katowice for the UNFCCC COP 24, from 3-14 December 2018.

This special one-day symposium 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 focus is on advances in climate law and governance to implement the global climate regime. The themes of CLGD 2018, as agreed in the legal experts roundtable at the UNFCCC Bonn Climate Conference in May 2018 and in discussion with the partner law faculties and others, include:

- **Legal Incentives for Scaling Up Investment in Paris Agreement Implementation**

How can new financial flows be encouraged; what are the obstacles and how can they be overcome? What are the roles of new technology and financial instruments, and how do we ensure that we meet adaptation investment priorities at all levels of governance?

- **Advancing a Rule of Law, Climate Justice & Sustainable Development Agenda**

How do we support these aspects in an agenda which can deliver climate justice and Sustainable Development Goals (SDGs)? What are the roles of human rights in climate induced displacement? What are innovations in climate litigation?

- **Legal Pathways to Low GHG Emissions Development Strategies**

What are the innovations, policies and measures helping to deliver Paris Agreement aims as quickly as possible (e.g. phase-outs; NETs/BECCS; climate engineering)? What are the legal ramifications for failing to meet the 1.5°C target including legal status, justice dimensions (e.g. for SIDS)?

- **Advancing Transparency, Compliance and Engagement in the Paris Agreement**

What is the status of "environmental integrity" in Article 6.2, and the potential of Article 6.4 on the Sustainable Development Mechanism? What is the status of work around Article 13? What is the status of Article 15 and what can be learned from other MEAs regarding non-compliance? How can other relevant modalities, procedures and guidelines, including through the participation of non-state actors, deliver the Paris Agreement objectives most effectively?

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

Climate Law and Governance Day 2018

During the United Nations Framework Convention on Climate Change (UNFCCC) COP24, hosted by the Polish Presidency in Katowice, Poland

09.00 - 18.00, 07 December 2018

Faculty of Law & Administration, University of Silesia, ul. Bankowa 11b, 40-007 Katowice, Poland

Draft Programme

Friday, 07 December 2018

- 8:00 – 9:00** **Registration** (*Main Foyer, Faculty of Law & Administration, University of Silesia*)
- Masters of Ceremonies:* Adv. Ayman Cherkaoui (Special Advisor, COP22 Presidency / Lead Counsel, Centre for International Sustainable Development Law / Executive Director, Global Compact Morocco) & Adv. Magdalena Stryja (Spokesperson, Univ Silesia / Advocate, Katowice Bar Association)
- 9:00 – 9:35** **2018 Climate Law & Governance Day Welcoming Remarks** (*Paris Hall*)
- Welcoming Statements from Hosts, Partners & UNFCCC Secretariat Legal Affairs*
Welcome: Prof. Andrzej Kowalczyk (Rector, Univ. Silesia)* & Adv. Hafida Lahouiel (Director of Legal Affairs, UNFCCC Secretariat)
Chairs: Prof. Marie-Claire Cordonier Segger (Fellow, Univ. Cambridge / Senior Director, CISDL) / Professor, Univ. Waterloo) & Prof. Barbara Mikołajczyk (Professor, Univ. Silesia)
Opening: Prof. Czesław Martysz (Dean of Faculty of Law & Administration, Univ. Silesia); Adv. Roman Kusz (Dean, Katowice Bar Association); Prof. Piotr Pinior (Vice-Dean of Faculty of Law & Administration, Univ. Silesia); Mr. Kazimierz Karolczak (President, Metropolis GZM); Adv. Marie-Anne Birken (General Counsel, EBRD); Dr. Silvia Maciunas (Deputy Director, Intl Enviro Law, CIGI)
Keynote: Dr. Anna Budzanowska (Director-General, Ministry of Science and Higher Education)
- 9:35 – 10:05** **Senior Jurists Plenary I: Legal Incentives for Climate-Smart Investment** (*Paris Hall*)
- What can law & governance reform contribute to incentivizing low-carbon development pathways? How can institutional & financial measures promote climate-smart investment & implementation of the Paris Agreement?*
General Counsels: Adv. Marie-Anne Birken (General Counsel, EBRD); Adv. Douglas Leys (General Counsel, Green Climate Fund); Ms. Sandie Okoro (General Counsel, World Bank)*; Mr. John Roome (Senior Director, Climate Change, World Bank)*
- 10:05 – 10:10** *Masters of Ceremonies:* Adv. Ayman Cherkaoui (Special Advisor, COP22 Presidency / Lead Counsel, Centre for International Sustainable Development Law / Executive Director, Global Compact

Morocco) & Adv. Magdalena Stryja (Spokesperson, Univ Silesia / Advocate, Katowice Bar Association)

10:10 – 10:30 Health & Networking Break

10:30 – 11:30 Concurrent Experts Panels / Roundtables / Workshop Sessions (I)

Expert Panel: Challenges & Innovations for Financing Climate Adaptation – The Role of Law and Governance (*Marrakech Room*)

How can legal reform & governance initiatives create a favourable environment to support climate finance? How can Morocco, Ukraine & Central Asian countries incentivize investment in climate adaptation? What can be learned from good practices in the UK & Germany? Across key sectors such as food security, water management & infrastructure, what are the main gaps & challenges, & how might legal and institutional reforms incentivize investment in key adaptation measures?

Hosted by the European Bank for Reconstruction & Development (EBRD) & the CISDL

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

Presenters & Discussants: Ms. Vesselina Haralampieva (Senior Counsel, EBRD); Adv. Ayman Cherkaoui (Special Advisor, COP22 Presidency / Lead Counsel, CISDL / Executive Director, Global Compact Morocco); Dr. Barbara Janusz-Pawletta (UNESCO Chair in Water Management, German-Kazakh Univ); Adv. Alina Sviderska (Director, Clean Energy Lab, Ukraine)

Expert Panel: Human Mobility & Rights in the Wake of Climate Change - Pacific Islands Perspectives (*Kyoto Room*)

What are the links between human rights, environmental change, disasters & human mobility? What do rights, equity & legal frameworks mean for local, national & international environmental related mobility processes & adaptation actions? How to use legal tools in climate change & human mobility scenarios, & how can global experiences inform domestic & regional frameworks? What are the human rights implications of climate change from the perspective of Pacific Small Island Developing States, & how to ensure access to justice for human rights violations associated with the impacts of climate change?

Hosted by Pacific Islands Forum Secretariat, Fiji; Ministry of Economy of Fiji, Univ. South Pacific, Office of the UN High Commissioner for Human Rights & O.P. Jindal Global Univ. Law School (India)

Chair: Dr. Morgan Wairiu (Deputy Director, Pacific Centre for Enviro & Sustainable Development PaCE-SD, Univ. South Pacific)

Speakers & Discussants: Dr. Chitrlekha Massey (OHCHR); Dr. Margaretha Wewerinke-Singh (Assistant Professor, Leiden Univ.); Dr. Chitrlekha Massey (OHCHR); Prof. Cosmin Corendea (Associate Professor, O.P. Jindal Global Univ.); Mr. Scott Hook (Team Leader Resilience, PIFS); Mr. Nilesh Prakash (Head CCD, Ministry of Economy, Fiji)

Expert Panel: Barriers & Challenges in Climate Law & Practice – Polish Perspectives

(*Durban Room*)

What are the legal instruments of climate protection in Poland? Where do economics, ethics & law meet? How to evaluate climate change mitigation activities – what is the role of ethical & normative criteria? How is spatial development reflected in the Polish legal system in relation to sustainable development & climate change? What are the challenges to the effective protection of agricultural & forested land in the context of spatial planning & climate protection? How does the climate change barristers' practice?

Hosted by the University of Silesia

Chair: Prof. Piotr Skubala (Professor, Univ. Silesia)

Speakers & Discussions: Dr. Monika Foltyn-Zarychta (Univ. of Economics, Katowice); Dr. arch Agata Twardoch (Silesian Univ. of Technology); Prof. Magdalena Habdas & Adv. Dr. Marek Stanko (Univ. Silesia); Pawel Matyja MA (District Bar Council of Katowice); Prof. Grzegorz Dobrowolski (Professor, Univ. Silesia); Dr. Ewa Radecka (Researcher, Univ. Silesia); Adv. Filip Nawrot (Researcher, Univ. Silesia)

11:35 – 12:40 Concurrent Experts Panels / Roundtables / Workshop Sessions (II)

Roundtable: Developments in Climate Law & Policy Reform – Lessons Learned from the Experiences Around the World (*Marrakech Room*)

To what extent the existing domestic legal frameworks are consistent with the NDCs globally? What are the experiences with adopting climate laws and the impact of climate change legislation? What are the key challenges and opportunities in developing climate laws based on recent practical experience in the UK, Mexico, Bangladesh, Papua New Guinea and other countries? What lessons have been learnt and what recommendations can be made for other countries adopting or amending climate and energy transition laws in the context of the implementation of the Paris agreement?

Hosted by the Grantham Research Institute on Climate Change & the Environment, LSE & Climate Finance Group for Latin America and the Caribbean (GFLAC)

Chair: Dr. Michal Nachmany (Policy Officer, Grantham Research Institute on Climate Change & the Environment, LSE)

Speakers & Discussants: Dr. Alina Averchenkova (Distinguished Policy Fellow / Lead, Governance & Legislation, Grantham Research Institute, LSE); Ms. Sandra Guzman (Coordinator, Climate Finance Group for Latin America and the Caribbean GFLAC)*; Prof. Alexandra Harrington (Research Director, International Law Association Colombia / Fulbright Fellow, Basillie School of International Affairs BSIA)*; Mr. Ruel Yamuna (Managing Director, Climate Change and Development Authority, Papua New Guinea)

Roundtable: Leveraging the Role of National Human Rights Institutions in Climate Policy (*Kyoto Room*)

What are the roles, experiences & perspectives of National Human Rights Institutions (NHRI) in responding to climate change & implementing the Paris Agreement? How can NHRIs advance climate policy & law? What more is needed? What are the Global Alliance of NHRIs & the OHCHR doing to promote respect for the rights of people working to address climate change & to shape climate policy?

Hosted by the German Institute for Human Rights, the HCHR & the Center for Intl Enviro Law CIEL

Chair: Ms. Tessa Khan (Co-Director, Climate Litigation Network)

Presenters & Discussants: Adv. Shaila Shahid (Senior Programme Coordinator, ICCAD); Mr. Michael Windfuhr (Deputy Director, German Institution for Human Rights); Benjamin Schachter (Human Rights Officer, OHCHR); Adv. Sébastien Duyck (Senior Attorney, CIEL)

Legal Workshop: Climate Law from Different Perspectives (*Durban Room*)

How do we understand law, & the interpretation of regulations that form climate law such as sustainable development & the natural environment as constitutional values in the Polish legal system? How does the case of the Act on Renewable Energy depict the implementation of Paris Agreement in Poland? How do we outline the specific problems of climate change & animal protection, & emissions from aircraft engines? What are the perspectives of

making use of nudge in Polish anti-smog regulation & how do environmental modification techniques in armed conflicts impact on climate change?

Hosted by the University of Silesia

Chair: Prof. Agnieszka Bielska-Brodziak (Professor, Univ. Silesia)

Speakers & Discussants: Ms. Paulina Konca (PhD Candidate, Univ. Silesia); Mr. Pawel Króliczek (PhD Candidate, Univ. Silesia); Mr. Filip Nawrot, (PhD Candidate, Univ. Silesia); Ms. Marlena Drapalska-Grochowicz (PhD Candidate, Univ. Silesia); Mr. Marek Suska, (PhD Candidate, Univ. Silesia); Ms. Agnieszka Fortońska (PhD Candidate, Univ. Silesia); Ms. Maria Pawińska (PhD Candidate, Univ. Silesia); Ms. Dominika Iwan (PhD Candidate, Univ. Silesia)

12:45 – 13:45 Speakers & Delegates Luncheon (*w/ launches of new books, institutions & projects*)

Prof. Christina Voigt (Professor, Univ. Oslo): WCEL Task Force Report & Findings of the University of Hawaii Law Review Symposium on *The Role of Courts in Protecting the Global Commons*

13:45 – 14:45 Concurrent Experts Panels / Roundtables / Workshop Sessions (III)

Experts Panel: Legal Pathways to a Low Carbon Future - Trade & Climate Change
(*Marrakech Room*)

How can trade policy & law support the successful implementation of the Paris Agreement & advance the transition to a low carbon economy? How can international trade instruments & policy measures achieve this goal & what are the possible trade barriers to climate action? What is the role of WTO & regional trade instruments?

Hosted by the Center for International Governance Innovation (CIGI)

Chairs: Dr. Silvia Maciunas (Deputy Director, Intl Enviro Law, CIGI) & Dr. Patricia Ferreira (Fellow, CIGI)

Speakers & Discussants: Dr. Susanne Droege (Senior Fellow, Global Issues Division, German Institute for International & Security Affairs); Dr. Harro van Asselt (Senior Fellow, SEI Initiative on Fossil Fuels & Climate Change, SEI Oxford Centre); Dr. Maria Panezi (Postdoctoral Fellow, International Law Research Program, CIGI); Adv. Susan Biniaz (Law Lecturer, Univ. Columbia)

Roundtable: A Climate Law & Policy Capacity-Building Agenda – Supporting Paris Agreement Implementation
(*Kyoto Room*)

What are the gaps & obstacles to building qualified personnel to respond to climate change, what are the opportunities & innovations for policy, strategy and institutions? How to prepare the way for careers that don't yet exist? Can policy research & training institutions collaborate, world-wide, to strengthen capacity for climate law & governance? What is the new research & education agenda, & how to support in-country expertise, world-wide?

Hosted by the Universities Network for Climate Capacity (UNCC), the International Law Association (ILA), the CISDL, the African Centre for Technology Studies (ACTS), International Network of Climate Change Centres of Excellence & Thinktanks for Capacity Building (INCCET4CB), the World Bank Climate Law Community of Practice & the IUCN World Commission of Enviro Law (IUCN & WCEL)

Chair: Dr. Elisa Sainz de Murieta (Researcher, BC3 / Visiting Fellow, Grantham Research Institute, LSE) & Adv. Marilyn Averill (Senior Fellow, Getches-Wilkinson Center for Natural Resources, Energy & the Environment, Univ. Colorado)

Speakers & Discussants: Prof. Saleemul Huq (Director, International Centre for Climate Change and Development, ICCCAD); Ms. Rajae Chafil (Director, 4C Maroc, Centre of Climate Change

Competencies); Dr. Elisa Sainz de Murieta (Fellow, LSE & Grantham Research Institute); Dr. Lola Valejo (Climate Programme Director, IDDRI); Dr. Jacopo Bencini (Researcher, DIE)

Experts Panel: Comparative Compliance Mechanisms – Lessons for the Paris Agreement

(Durban Room)

What is the status of "environmental integrity" and the potential of Article 6.4 on the Sustainable Development Mechanism? What is the status of Article 15 and what can be learned from other MEAs regarding non-compliance? What lessons can be learned from other global governance and comparative compliance mechanisms? How might the transparency framework under Article 13 assist in crafting compliance mechanisms under the Paris Agreement?

Hosted by the CISDL

Chair: Prof. Alexandra Harrington (Professor, Univ. Albany / Lead Counsel, CISDL)

Speakers & Discussants: Prof. Christina Voigt (Professor, Univ. Oslo); Adv. Marianna Bolshakova (Legal Officer, UNFCCC);* Ms. Erika Lennon (CIEL); Mr. Carlo Gallier (Centre for European Economic Research (ZEW)*, TBC

14:50 – 15:50 Concurrent Experts Panels / Roundtables / Workshop Sessions (IV)

Roundtable: Climate Litigation After the IPCC 1.5 Special Report – Engaging Communities, NGOs & Other Stakeholders *(Marrakech Room)*

What has driven the last two years' quantum leaps in the speed, scale, & scope of climate litigation around the world? What is the role of climate science in this increasingly diverse movement of lawyers, campaigners, advocates, & communities willing & able to bring new cases & new campaigns? What does the IPCC 1.5 Special Report mean for people seeking climate justice through legal interventions targeting governments & corporations?

Hosted by Greenpeace International, in cooperation with CIEL, Germanwatch & Climate Litigation Network

Chair: Adv. Louise Fournier (Associate Litigation Counsel Climate Justice & Liability Campaign, Greenpeace Southeast Asia)

Speakers & Discussants: Adv. Tessa Khan (Co-Director, Climate Litigation Network / Urgenda); Adv. Carroll Muffet (President & CEO, Center for International Environmental Law); Adv. Alden Meyer (Director of Strategy & Policy, Union of Concerned Scientists); Dr. Joana Setzer (Research Officer, LSE); Adv. Caterina Freytag (Policy Advisor on Climate Litigation, Germanwatch); Adv. Lisa Goeldner (Climate & Energy Expert, Greenpeace Germany); Dr. Margaretha Wewerinke-Singh (Assistant Professor, Leiden Univ.)

Roundtable: Innovative Instruments for a Sustainable Energy Transition *(Marrakech Room)*

How to implement the new Sustainable Development Mechanism under Art 6.4 of the Paris Agreement, promoting new sustainable energy projects? What can be learned from a comparison of new regulations promoting renewables, such as feed-in tariffs, quota systems & net metering? What are the best legal & economic regimes for new technologies such as Negative Emissions Technologies (NETS), Bioenergy with Carbon Capture & Storage (BECCS) or Carbon Dioxide Removal (CDR)? What can be done to address fossil fuel subsidies – reform, repeal or swaps? What are the options for future UK-EU efforts on this front?

Hosted by European Climate Foundation, CISDL, Univ. Waterloo School of Environment, Enterprise & Development (SEED) & Univ. Cambridge Centre for Energy, Environment & Natural Resources Governance (CEENRG).

Chair: Dr. Markus Gehring (Law Lecturer, Univ. Cambridge / Lead Counsel, CISDL)

Speakers & Discussants: Adv. Miguel Salvidia (PhD Candidate, Univ. Cambridge); Dr. Cristina Penasco (C-EENRG - Univ. Cambridge); Adv. Adam Scott (Oil Change International); Dr. Anna

Skowron (Lead, Climate Energy, World Future Council); Adv. Rob van Riet (Lead of Climate Energy, World Energy Council); Dr. Geraud de Lassus (Postgraduate Research fellow, CIGI)

Experts Panel: Risk, Disclosure & Diligence – Levers for Corporate Climate Engagement
(Kyoto Room)

What is corporate climate risk? How are corporate boards & private sector engagement & action relevant for Paris Agreement implementation? What drivers & levers influence companies' strategies & actions on climate change world-wide? What economic, financial, reputational & legal factors are key? How effectively can current legal mechanisms such as directors' duties, due diligence & disclosure contribute to corporate engagement, & how to structure an enabling environment for corporate climate action?

Hosted by the Global Compact Network of Morocco, Hughes Hall Centre for Climate Change Engagement at Univ. Cambridge & World Economic Forum (WEF)

Chair: Adv. Ayman Cherkaoui (Special Advisor, COP22 Presidency / Lead Counsel, CISDL / Executive Director, Global Compact Morocco)

Speakers & Discussants: Adv. Vesselina Haralampieva (Principal Counsel, EBRD); Ms. Elizabeth Campion (Associate Fellow, CISDL / Researcher, HH-CCCE); Ms. Emily Farnworth (Climate Director, World Economic Forum OL);* TBC (Senior Officer, Global Compact Poland); TBC (Senior Officer, Major Economies Business Forum Energy Security & Climate Change)

15:50 – 16:15 Health & Networking Break

16:15 – 16:35 Senior Jurists Plenary II: Climate Disputes & Justice (Paris Hall)

Chair: Ms. Ilona Millar (Special Counsel, Baker & Mackenzie)

Leading Climate Law Practitioners: Adv. Wendy Miles, QC (Vice-President, International Chamber of Commerce Court of Arbitration / Partner, Debevoise LLP); Adv. Tessa Khan (Director, Climate Litigation Network / Urgenda, The Netherlands)

Senior Jurists Plenary III: Negotiating the Global Climate Regime – Legal Challenges & Opportunities under the UNFCCC & Paris Agreement (Paris Hall)

16:35 – 17:15 *Masters of Ceremonies:* Adv. Ayman Cherkaoui (Special Advisor, COP22 Presidency / Lead Counsel, CISDL / Executive Director, Global Compact Morocco)

Senior Climate Law Negotiators: Prof. Bryce Rudyk (Professor, NYU & Negotiator, Alliance of Small Island States); Adv. Hafijul Khan (Executive Director, Climate Justice Centre / Legal Research Fellow, CISDL / Negotiator, Least Developed Countries); Ms. Ilona Millar (Special Counsel, Baker & Mackenzie); Adv. Christopher Campbell-Durufflé (Associate Fellow, CISDL / Negotiator, Burkina Faso)

17:15 – 17:45 Closing Plenary: Legal Preparedness for Implementing the Paris Agreement (Paris Hall)

Chairs: Prof. Marie-Claire Cordonier Segger (Fellow, Univ. Cambridge / Senior Director, CISDL) / Professor, Univ. Waterloo) & Prof. Barbara Mikołajczyk (Professor, Univ. Silesia)

Chairs & Speakers from each Session will briefly report on outcomes, best papers & new collaborations

17:45 – 18:00 Closing Ceremony (Paris Hall)

Masters of Ceremonies: Adv. Ayman Cherkaoui (Special Advisor, COP22 Presidency / Lead Counsel, CISDL / ED, Global Compact Morocco) & Adv. Magdalena Stryja (Spokesperson, Univ Silesia / Advocate, KBA)

Thanks to Partners: Prof. Marie-Claire Cordonier Segger (Fellow, Univ. Cambridge / Senior Director, CISDL) / Professor, Univ. Waterloo); Prof. Barbara Mikołajczyk (Professor, Univ. Silesia); Prof. Piotr Pinior (Vice-Dean of Faculty of Law & Administration, Univ. Silesia)

18:15 – 19:00 Reception & 2018 Climate Law Awards *(w/ launches of new law journal issues & institutions)*
Presentation of Awards to the 2018 Global Climate Law & Governance Student Essay Competition Laureates & Brief Speech from Gold Medallist(s)

