

CLIMATE LAW AND GOVERNANCE INITIATIVE

Climate Law and Governance Day 2023

Proceedings Report



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Held on 5th December 2023, during the 28th Conference of the Parties to the UNFCCC at Middlesex University Dubai, United Arab Emirates

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About the Climate Law and Governance Initiative (CLGI)

The 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. It coordinates the work of a broad climate action coalition of international organizations, academic institutions, leading law associations and law firms, courts and tribunals.

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Foreword

It was an honour to co-chair the Climate Law and Governance Day 2023 (CLGD) on 5th December 2023, during the 28th Conference of the Parties (COP28) to the United Nations Framework Convention on Climate Change (UNFCCC) in Dubai, United Arab Emirates. This event has been a captivating and dynamic international forum since its official launch at COP22 in Marrakech. Titled "Engaging in Global Stocktake through Legal Lenses", this high-level academic event provided a valuable platform to exchange ideas, discuss trends and advancements, and foster legal momentum for climate action. It is a privilege to be part of this initiative and to witness its evolution as we aim to address the most pressing climate change law and governance challenges and solutions.

Supporting the next generation of climate scholars, law and governance leaders, and professionals through our student engagement has been particularly rewarding. With over 1,730 registrants from around the globe joining us for this global symposium, we are convinced of its vitality and the vibrancy of the community surrounding it. We eagerly look forward to seeing the results of the new research dialogues, debates, and partnerships formed during CLGD 2023 in the years to come.

CLGD is organised by the partners of the Climate Law and Governance Initiative (CLGI), a coalition of various members of the climate law community, including think tanks, universities, international organisations, law firms, and NGOs such as the Centre for International Sustainable Development Law (CISDL), the University of Cambridge, the University of Dubai and Middlesex University Dubai, among others. As co-chairs of the event, we are immensely grateful to the wonderful and generous partners, the wise and helpful advisors and members of the Programme Committee, the hard-working coordinators, and student volunteers — particularly at our generous and hospitable host institution, Middlesex University Dubai — who make this event possible, among other leading partners. We would also like to specifically acknowledge the excellent advice and efforts of Dr. Mahine Rizvi and Dr. Sreejith Balasubramanian from Middlesex University Dubai.

2023 has been a groundbreaking year for the climate community and those associated with it. COP28 was the largest UNFCCC COP to date, with well over 85,000 participants. It was particularly significant as it marked the conclusion of the first “global stocktake” of the world’s efforts to address climate change under the Paris Agreement, which revealed that progress across all areas of climate action was too slow and emphasised the need for urgent action at all levels.

To strengthen legal capacity for climate action, academic leaders at CLGD 2023 called for the creation of a Climate Law & Governance Education Commission to share curriculum and new tools in teaching climate change law. Additionally, lawyers from various bar associations called for the formation of additional bar committees on climate change and launched a new SDGs Legal Initiative to support practitioners globally. The Centre for International Sustainable Development Law (CISDL) and other partners committed to new legal research and analysis on incentivising clean energy technologies and nature-based solutions. We invite all partners and participants to join us for CLGD 2024 alongside COP29 in Azerbaijan.

Professor Marie-Claire Cordonier Segger, Executive Secretary | Climate Law & Governance Initiative;
 Professor Tenia Kyriazi, Academic Operations Deputy Director | Middlesex University Dubai;
 Dr. Nasiruddeen Muhammad, Assistant Professor | University of Dubai

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CLGD 2023 in Pictures



Climate Law & Governance Day 2023

On Tuesday, 5th December 2023, more than 1,730 registrants from around the globe joined online and in-person at Middlesex University Dubai for Climate Law and Governance Day (CLGD) 2023, which was co-hosted by partners from the University of Cambridge, Middlesex University Dubai and the University of Dubai, together with the International Law Association, the International Bar Association, the Centre for International Sustainable Development Law, International Development Law Organisation, World Commission on Environmental Law and the International Union for Conservation of Nature. The global symposium was a rich and substantive exchange, focused on *Engaging in Global Stocktake through Legal Lenses*, that convened more than 170 legal leaders and experts, including deans and professors, general counsel, arbitrators, experts, policymakers and practitioners, who shared progress from the last year towards Paris Agreement implementation and highlighted new tools and commitments for global cooperation. CLGD 2023 built on the success of previous such events during COP27 in Sharm el-Sheikh, COP26 in Glasgow, and earlier UNFCCC COPs, and directly followed the CLGD Roundtable held on 13 June 2023 in Bonn. Together, these events have allowed for the creation of a global climate law and governance community of practice to support the implementation of the Paris Agreement and the SDGs. CLGD 2023 identified innovations, shared experiences and charted a way forward in four key themes:

1. **Operationalising the Paris Agreement:** Exploring the challenges and opportunities of market and non-market mechanisms, transparency and technology frameworks, capacity and compliance mechanisms, loss and damage, the Global Stocktake and other elements of operationalizing the Paris Agreement and other relevant international legal instruments.
2. **Testing Legal and Governance Tools for Effective and High Ambition Implementation:** Innovating legal and governance instruments for climate mitigation, adaptation and resilience, and finance, creating synergies and educating within and across sectors, promoting a cross sector assessment of existing domestic legal barriers to implementation and strengthening capacity amongst legislators, policymakers, general counsel, and institutions for high ambition implementation of NDCs and LTSs under the Paris Agreement.
3. **Advancing Climate Resilience and Climate Justice:** Engaging civil society and the legal community, including courts, bar and law associations and private and public sector professionals, in accelerating climate action, enhancing transparency and ensuring accountability, integrating rights-based approaches, advancing the Warsaw International Mechanism (WIM) for loss and damage with effective structures including for financing, supporting access to climate justice and climate litigation, and addressing climate migration.
4. **Net Zero Legal Frameworks to Enable Climate Neutral Investment and Finance:** Exploring the legal tools and obstacles in promoting sustainable climate finance, investment flows, structured finance, re-allocation of capital and global supply chains to implement the Paris Agreement, including addressing fossil fuel subsidies, a just transition and decarbonisation, with a focus on contributions of private international law, trade and investment law, domestic law and policy, and also commercial and corporate rules.

2023 Climate Law & Governance Day Grand Opening

Chairs: **Prof Marie-Claire Cordonier Segger, WIJA** (CLGI Exec Sec & Senior Director, CISDL / Visiting Chair, Univ Cambridge / Prof, UVic); **Prof Cody Morris Paris** (Dep Director & Head, Business School, MDX); **Dr Nasiruddeen Muhammad** (Asst Prof, Univ Dubai)

Welcome: **Prof Cedwyn Fernandes** (Pro-Vice Chancellor & Director, MDX)

Opening Plenary: **Prof Patricia Kameri-Mbote** (Director, UNEP Law Division / CLG Global Leadership Award, online); **Prof Christina Voigt** (Chair, IUCN WCEL / Co-Chair, Paris Agreement Implementation & Compliance Committee PAICC / Prof, Univ Oslo); **Prof Damilola Olawuyi** (UNESCO Chair, HBKU / Vice-Chair, Intl Law Association); **Adv Michael Strauss** (General Counsel, European Bank for Reconstruction & Development EBRD); **Adv Tom Clark** (General Counsel, Asian Development Bank ADB); **Adv Gülen Newton** (General Counsel, Green Climate Fund GCF, online); **Hon Justice Jawad Hassan** (Hon Sitting Judge, Lahore High Court, Pakistan); **Adv Layla El-Wafi** (Board Representative / Co-Lead ESG Working Group, ACC MENA); **Mr Andrew Mackenzie** (Senior Lecturer & Head, ISD MDX)

Summary: The session opened by highlighting that law is a powerful tool in shaping responses to the climate crisis and is essential for building resilient societies, advancing environmental governance and supporting countries in developing frameworks for environmental protection. Emphasis was laid on collaboration between law associations, law firms, universities and other institutions across the legal profession which is urgently needed to create legal reform to advance climate justice and a just transition. Participation is required from both, those in current positions of influence and power in the legal field, as well as students who will play a significant role in shaping the future of both the legal field and climate change.



High Level Plenary I: Taking Stock of Legal Progress on Climate Change

Chairs: **Prof Christina Voigt** (Chair, IUCN WCEL / Co-Chair, PAICC) & **Adv Douglas Leys KC** (Laureate, CLG Global Leadership Award / Senior Fellow, CISDL, online)

Plenary Keynotes: **Prof David Boyd** (UN Rapporteur on Human Rights & Environment, United Nations); **Prof Payam Akhavan** (Lead Counsel, Comm on Small Island States / Member, Permanent Court of Arbitration PCA / Senior Fellow, Massey Coll Univ Toronto); **Prof Patricia Kameri-Mbote** (Director, UNEP Law Division / CLG Global Leadership Award, online)

Summary: The speakers in this plenary recognised the progress made in law and governance to respond to climate change, such as the operationalization of the Paris Agreement Implementation and Compliance Committee, which issued its first warnings during 2023. They further noted

that governments and businesses are also increasingly held accountable for climate actions through legal means. However, they stressed upon the need for urgent and comprehensive legal reform that fosters increased collaboration and stronger legal frameworks with equity at the core, to scale up Paris Agreement implementation. These efforts ought to be supplemented by significant financial contributions to address the global climate crisis effectively.



Experts Panel: Promoting Public and Private Contributions to Legal and Financial Frameworks for UAE's 2050 Net Zero Transition

Hosted by Middlesex Univ Dubai MDX

Chairs: **Dr Sreejith Balasubramanian** (Assoc Prof, MDX Centre for Supply Chain Research) & **Ms Mahine Rizvi Ahmad** (Senior Lecturer, MDX)

Speakers & Discussants: Adv Shaun Johnson (Group General Counsel, BEEAH Group / Chairman, IPFA Middle East / Global Board Member); Adv Maali Khader (CEO, Middle East Institute of Directors); Adv Aneza Siddiqui (Vice President, Group Ethics and Compliance, ADNOC)

Summary: The panel observed that legal and regulatory changes, especially incentives for sustainable approaches, are needed to facilitate private sector engagement in renewable energy and carbon reduction initiatives. They further emphasized on the importance of individual action and a culture shift to support these. It was suggested that better rates should be given to businesses working on green initiatives so that private sector companies can access financing and capital to support their sustainability initiatives in alignment with the net zero goals. The panel cautioned that legal reforms and business incentives to promote achievement of the UAE's 2050 net zero goal must allow for sustainable economic development and must incorporate the ideas and needs of the people.



Roundtable: Teaching Climate Law and the Clean Energy Transition

Hosted by Univ Dubai; Centre for Climate Law & Governance CCLG King's College London; Hughes Hall Centre for Climate Engagement HH-CCE; Committee of Vice-Chancellors of Nigerian Universities CVCNU

Chair: **Dr Nasiruddeen Muhammad** (Asst Prof, Univ Dubai)

Opening Remarks: **Prof Megan Bowman** (Prof & CCLG Director, King's College London, online)

Speakers & Discussants: Prof Peter Cameron (Director & Intl Energy Law Prof, Univ Dundee / Assoc Tenant, Landmark Chambers, online); Prof Sonam Tshering (Asst Dean & Asst Prof, JigmeSingye Wangchuck Law JSW Law); Dr Kikelomo Kila (Lecturer in Law, Univ Huddersfield); Dr Grace Udoyen (Senior Research Fellow, CVCNU, online); Prof Markus Gehring (Assoc Prof, Univ Cambridge / Lead Counsel, CISDL)

Closing Remarks: **Prof Barbara Janusz-Pawletta** (Vice-Rector, Kazakh-German Univ, Almaty Kazakhstan, online)

Summary: This session focused on what methodologies can be used to effectively teach climate change law. The speakers discussed the main challenges in teaching climate change law. The session also addressed how the interdisciplinary nature of climate change law can be incorporated into teaching strategy.



Experts Panel: Furthering Technology Transfer Under the Paris Agreement to Drive Carbon Dioxide Removal and for Effective Adaptation

Hosted by Centre for Climate Repair at Cambridge; Friendship; Univ Houston Law Centre

Chairs: **Ms Elilini Hoole** (Researcher, Dept of Land Economy, Univ Cambridge) & **Prof Tracy Hester** (Assoc Prof, Univ Houston Law Centre, online)

Opening Remarks: **Dr M Antonieta Nestor** (Engagement Manager, Centre for Climate Repair CRC, Univ Cambridge, online)

Speakers/Discussants: Prof William Burns (Vis Prof, Enviro Policy & Culture Program, Northwestern Univ / Co-Director, Institute for Carbon Removal Law & Policy); Mr Kazi Amdadul Hoque (Senior Director, FRIENDSHIP); Ms Runa Khan (Founder & Executive Director, FRIENDSHIP); HRH Princess Esmeralda de Belgique (Chair, FRIENDSHIP Belgium / President, King Leopold III Fund for Nature Exploration & Conservation / Ambassador of Honour, WWF Belgium); Adv Ayesha Tahsin Khan (Senior Director & Head of Inclusive Citizenship, FRIENDSHIP, online)

Summary: The panel propounded that corporations have an ethical responsibility to protect the environment and there is a need for policies that create safe pathways for people who are dealing with the impacts of climate change. By way of illustration, policies can encourage software development, especially from the Global South, that aid climate migrants and address local needs. The panel noted that climate intervention law influences government and corporate policies in understanding the necessity for the development and deployment of climate intervention. Further, it was recognised that climate change is a global challenge that requires a united response, and thus, any policies involving climate intervention must promote justice, transparency and collaboration, and must incorporate local knowledge and needs.



Roundtable: Protecting the Rights of Future Generations and a Just Transition

Hosted by World Future Council; Centre for International Environmental Law CIEL; FIAN International; Maastricht Univ

Chairs: **Ms Lena Dente** (Senior Programme Manager, World Future Council WFC) & **Adv Nikki Reisch** (Director, Climate and Energy Programme, CIEL)

Speakers & Discussants: Mr Herbert Girardet (Co-Founder, WFC, video); Ms Marie-Claire Graf (Co-Founder, Youth Negotiators Academy, online); Dr Margareta Drzeniek (Managing Partner, Horizon Group); Dr Ashfaq Khalfan (Director, Climate Justice, Oxfam America / Chair, CISDL, online); Ms Samira Ben Ali (Outreach and Engagement Coordinator, World's Youth for Climate Justice WY4C); Ms Lucia Tatenda Wangui (Youth Representative, WFC / Consultant, Deloitte Sustainability, online)

Summary: The speakers agreed that it is imperative to integrate the rights of future generations in policymaking, while allocating special weight to the views and perspectives of children and youth speaking for future generations. They noted that the responsibility of businesses and enterprises in addressing the climate crisis must be emphasized, and disadvantaged countries must be given the means to participate in decision-making discussions. Further, opportunities for youth training and involvement must be provided. It was observed that the purpose of the Maastricht Principles, adopted on 3rd February 2023, is to clarify and contribute to the development of international human rights law; to set the legal basis for attributing human rights to future generations; and to outline obligations for



states, intergovernmental organizations, and businesses. The principles recognise that descendants of groups facing historical human rights violations are most vulnerable. Accordingly, the speakers noted that states must prioritise these vulnerable groups and take special measures to prevent intergenerational transmission of disadvantage.

Experts Panel: Advancing Climate Competent Lawyering Across the Board

Hosted by the International Bar Association IBA; Order of Attorneys of Brazil OAB; Federico Peralta – Attorney; SaborioLaw; Alnus Consulting & Strategy; Net Zero Lawyers Alliance NZLA; Al Tamimi & Company; The Chancery Lane Project

Chairs: **Adv Lara Douvartzidis** (Climate Lead, Intl Bar Association) & **Adv Federico Peralta-Bedoya** (Founder, Federico Peralta – Attorney, online)

Speakers & Discussants: Adv Francis Patalong (Senior Counsel, Al Tamimi & Company); Adv Georgina Beasley (Net Zero Lawyers Alliance); Adv Nina Pindham (Cornerstone Chambers); Adv Letícia Perrone Campos Mello (Legal Counsel, OAB – Brazilian Bar Association); Prof John Dernbach (Director, Enviro Law & Sustainability Center, Widener Univ Commonwealth Law School, online); Adv Matthew Gingell (Chair & Founder, The Chancery Lane Project / General Counsel, Oxygen House Group, online)

Summary: The speakers in this session discussed why climate competent lawyering is necessary and what the legal profession is doing about it. The session focused on what areas of law are affected by climate change and emphasised the need for climate conscious in all areas of legal practice, noting how



environmental law is deeply intertwined with fundamental areas of law, such as tort and contract law. The speakers also discussed how different institutions and actors within the legal field, such as law firms, in house lawyers, law schools, law associations and bar associations, are responding to this need. The speakers noted the lack of sufficient engagement with law schools and expressed hopes of collaborating more extensively with law schools in the future. The session also touched on how to get partners in law firms to participate. The speakers celebrated the increasing efforts of bar associations around the world to urge lawyers to remain conscious of climate change in their legal practice, highlighting how legal associations in New Zealand, Brazil and Scotland had issued resolutions and climate crisis statements. The session also noted the responsibility of organisations in the northern hemisphere to support and offer resources and guidance to the various law societies around the globe that are taking active steps to promote more climate conscious legal practice.

Experts Panel: Developing Regulatory Paths for Safe, Equitable & Rapid Fusion Energy Deployment

Hosted by Energy for the Common Good ECG

Chair: Ms Jane Hotchkiss (President, Energy for the Common Good)

Speakers & Discussants: Dr Thomas Davis (Chief Technology Officer, Oxford Sigma); Ms Jennifer Ganten (Chief Global Affairs Officer, Commonwealth Fusion Systems); Mr Andrew Proffitt (Regulatory Specialist, Helion Energy, online); Mr Humphrey Mrema (Chairman, Youth Survival Organization); Mr Jim McNeil (Global Chief Marketing Officer, TAE Technologies, online)

Summary: In this session, speakers emphasised the benefits of fusion power as a renewable energy source, using Tanzania as an example of a country with strong fusion energy potential that could be utilised in the near future. The session focused on what is needed in order



to create safeguards across a wide spectrum of technologies, as well as how commercialising technologies can be enabled to benefit with parity from the start. The speakers highlighted the need for fusion regulation mechanisms that would promote safe, equitable and rapid fusion energy deployment around the world. The use of co-standards for fusion energy was identified as a mechanism for creating a framework of shared understanding around the world. The need for health and safety regulations, as well as for work force preparation, were also identified as essential for fusion energy deployment.

Leadership Panel: Developing Education & Capacity for Climate Law and Policy – European & Global Trends

Hosted by Foundation for Development of Education System FRSE, National Agency of Erasmus+ Programme and European Solidarity Corps

Chair: Adv Magdalena Stryja (Spokesperson & Deputy Director of Legal Department, FRSE, National Agency of Erasmus+ Programme & European Solidarity Corps / Fellow, CISDL)

Speakers & Discussants: Dr Michał Kurtyka (President, COP24 / Former Minister of Climate, Poland); Prof Piotr Moncarz (Adjunct Prof, Stanford Univ / Co-founder & Chairman, US-Polish Trade Council / Vice Chairman & Chief Technologist Officer, XGS Energy Inc. Top 500 Innovators 2011-2015); Prof Paweł Poszytek (Visiting Prof, Stanford Univ / Director General, FRSE / Director, National Agency of Erasmus+ Programme & European Solidarity Corps, online); Prof Antonio La Viña (Assoc Director for Climate Policy & Intl Relations, Manila Observatory / Project Head, Climate Justice Capacity Initiative CJCI); Dr Anna Budznowska (Member, EuroScience Management Board / Champion, European City of Science Katowice 2024 / Director, Department of Research & Development, Ministry of Education & Science / Former Deputy Minister of Higher Education, Poland); Ms Bianka Siwińska (CEO, Perspektywy Women

in Tech / Expert for Tajikistan, World Bank); Prof Agnieszka Bielska-Brodziak (Head, Unit of Intl Chair in Bioethics / Spokesperson for Rights of Students / Researcher, Univ Silesia in Katowice); Mr Bartosz Stawiarz (Director, Innovation Centers Erasmus+ InnHub / Director, Erasmus+ Sport, FRSE, National Agency of Erasmus+ Programme & European Solidarity Corps); Ms Domnina Rances (Dean, Ateneo de Naga Univ / Project Director, CJCI); Ms Razielle Rañeses (Project Manager, CJCI, Ateneo de Naga Univ)

Summary: This session focused on how programmes like Erasmus+ and other global projects support the development of green skills and why climate education is crucial for achieving a zero-emission economy and the development of green



technologies of the future. This session addressed challenges in policy implementation and focused on the need to integrate climate change curriculum within legal education and across educational disciplines. The speakers emphasised the role of law students as liaisons between communities and legal aspects and stressed the role of education as a bridge between society and climate solutions. Initiatives at different universities across Poland, as well as Europe more broadly, were highlighted as positive examples of innovative solutions for integrating climate change within legal education. These examples included the Warsaw University of Technology's use of micro credentials in the climate action programme and the efforts of 20 universities to create climate change hubs and curriculums. One speaker noted that vocational education and training could integrate climate change education in ways that could enhance policymaking. Another speaker called for increasing grants for climate change research. Other speakers highlighted the importance of including women in decision-making processes and leadership roles, as well as the need to explore the nexus between climate change and artificial intelligence for enhanced policymaking.

Workshop: Exploring Methane Litigation Tools & Approaches

Hosted by Leave it in the Ground Initiative LINGO; Centro Mexicano de Derecho Ambiental CEMDA; Institute for Governance & Sustainable Development IGSD; Center for Climate Crime Analysis CCCA; Doughty Street Chambers

Chairs: **Prof Gustavo Alanis** (CEO, CEMDA) & **Dr Kjell Kühne** (Director, LINGO)

Speakers & Discussants: Adv Maxime Beaugrand (Director of Paris Office, IGSD); Adv Margherita Cornaglia (Barrister, Doughty Street Chambers, online); Adv Julia Solana (Program Director, CCCA)

Summary: This session explored the use of satellite imaging to determine methane emissions, which has resulted in data showing that emissions are 70% higher than that reported by industries on their expected methane emissions. The speakers noted that the EU has issued regulations on methane with a stronger focus on



the EU has issued regulations on methane with a stronger focus on

detection and stopping leaks and has regulated methane imports and import standards. The speakers also noted that the USA Inflation Reduction Act 2022 has a section implementing a fee on wasted methane. The session then highlighted how the use of a scientific framework to build cases against governments and companies in litigious platforms improves the credibility of the case. The speakers emphasised the need for health-related litigation to bring to the courts' attention what human rights violations may occur if methane emissions are not mitigated soon. The speakers noted the challenges regarding information about methane and methane leaks, specifically noting that satellites often cannot provide such information in certain areas, such as the tropics due to heavy cloud coverage or the poles due to lack of sunlight. It was suggested that different technologies may help to overcome these problems in the future, but that in the meantime, the role of litigation would be immensely important in areas without methane regulations and that other climate-related regulations could be helpful in creating new policies.

Experts Panel: Promoting Climate Action through Trade Law

Hosted by Univ Cambridge Centre for European Legal Studies CELS; CISDL; European Climate Foundation ECF; Brazilian Bar – OAB, Rio Grande do Sul Chapter; Deloitte; Federal Univ Rio de Janeiro; Harvard Kennedy School Women's Network; Org of Women Intl Trade OWIT Brussels; Commonwealth Foundation

Chairs: **Prof Markus Gehring** (Assoc Prof, Univ Cambridge / Lead Counsel, CISDL) & **Prof Alessandra Lehmen** (President, Enviro Law Commission, Brazilian Bar – OAB, Rio Grande do Sul State Chapter)

Speakers & Discussants: Adv Marios Tokas (Programme Manager, Trade & Investment, CISDL); Ms Mayra Souza (Programme Lead, Harvard Kennedy School Women's Network); Prof Dr Emilio Lèbre La Rovere (Prof, Federal Univ Rio de Janeiro UFRJ/COPPE; IPCC Member); Ms Reshma Sharma (Director, Deloitte Middle East); Prof Javiera Caceres (Inst Prof, Institute of Intl Studies Univ Chile, online); Dr Fabiano de Andrade Corrêa (Co-Chair, IUCN WCEL Climate Change Law Specialist Group CCLSG / Lead Counsel, CISDL); Prof Richard Beardsworth (Intl Relations Prof & Head of School, Co-chair Univ of Leeds UNFCCC Task Force); Ms Jennifer Moriconi (Founder, OWIT Brussels, online); Prof Geraldo Vidigal (Asst Prof, Univ Amsterdam, online); Prof Ilaria Espa (Assoc Prof, USI Lugano)

Closing Remarks: **Mr Ricardo Melendez Ortiz** (Founder, Caeruleum / Globe & Sustainability)

Summary: The panel noted that there has been a significant rise in unilateral climate change measures. A suggestion was made to integrate climate change into the trade



agenda in non-explicit ways such as trade concessions and greener trade policies to encourage sustainable methods of import and export between countries. Further, tax regulations were noted to cause organisations and businesses to rethink their supply chains to ensure they reflect the legislation's purpose. A word of caution was issued wherein if climate change were not addressed within trade agreements, then companies would continue to move towards unsustainable methods. The panel discussed Carbon

Border Adjustment Mechanism (CBAM), an EU tariff policy aimed at stopping carbon leakage from imports from non-EU countries so that EU can focus on the ones within the EU. However, the panel recognised CBAM's potential negative impact on the economic development of poorer countries and its contribution to the distrust of tariff policies by developing countries.

Roundtable: Taking Stock of Climate Litigation in 2023

Hosted by ClientEarth, Pacific Island Students Fighting Climate Change PISFCC; WY4CJ

Chairs: **Mr Vishal Prasad** (Campaigner, PISFCC) & **Adv Lea Main-Klingst** (Fundamental Rights Attorney, ClientEarth)

Speakers & Discussants: Amb Odo Tevi (Ambassador to the United Nations, Republic of Vanuatu)*; Prof Payam Akhavan (Lead Counsel, Comm on Small Island States / Member, PCA / Senior Fellow, Massey Coll Univ Toronto); Adv Hafij Khan (Exec Director, Centre for Climate Justice Bangladesh CCJ-B / Exec Comm, Warsaw Intl Mechanism for Loss & Damage); Prof Richard Wallsgrove (Assoc Prof, Univ Hawaii); Ms Belyndar Rikimani (Vice President, PISFCC)

Summary: The speakers discussed the essential role played by courts in advancing climate justice. Further, states and organisations play an active role in seeking greater accountability and responsibility for vulnerable communities and people. It was highlighted that one of the most critical things for the pending advisory proceedings in regional and international courts to confirm is that states have obligations under existing law from multiple sources, including human rights law, to prevent further harm and to remedy existing harm caused by climate change. The speakers noted that Implementation of the Paris Agreement has fallen short and international tribunals ought to re-enforce regulations and laws to implement the agreement. It was stressed that contentious cases and other strategic litigation contribute to climate action globally by bringing progressive positions to help govern decisions, through accountability and transparency, and the power of people. The speakers observed that the ICJ campaign will strengthen the role of civil society participation in legal proceedings because it is a generational opportunity for change. Further, trends in climate litigation indicate that there are now more cases in jurisdictions under a variety of different legal regimes and that these cases are seeking to shift and influence the actions of states to align their conduct. The increase in cross-jurisdictional cases and claims in Global South frontline communities demanding justice, was celebrated. The panel recognised the existence of obligations under a variety of different sources of law which can be instrumentalised to compel states, business enterprises, and corporations to do their part.



Experts Panel: Emerging Trends in Sustainability Reporting, Climate Governance and Transition Planning

Hosted by EBRD and ADB

Chairs: **Adv Michael Strauss** (Gen Counsel, EBRD) & **Adv Thomas M. Clark** (Gen Counsel, ADB)

Speakers & Discussants: Adv Vesselina Haralampieva (Senior Counsel, EBRD); Mr Mark Manning (Strategic Policy Advisor, Sustainable Finance, UK Financial Conduct Authority); Adv Lisa Sachs (Director, Columbia Center on Sustainable Investment); Adv Caroline May (Head of Sustainability, Norton Rose Fulbright); Adv Victor Mosoti (Chief Counsel, Enviro and Int'l Law Unit, World Bank Legal Vice-Presidency)

Summary: The panel focussed on the support that multilateral development banks (MDBs) can provide to the private sector in implementing emerging regulations and standards designed to meet the Paris Agreement goals by having an understanding of credible transition pathways in each sector, most importantly in the high bidding sectors where the pathway is challenging and will overline technological efficiency, and by having a rigorous transition planning. The decisive role that development banks can play in scaling private finance in many countries around the world where for a variety of reasons, the risk is high and therefore, private finance cannot come in at affordable rates and there is a need to mobilise private financing, was discussed. Further MDBs can offer countries more hands-on support for legal and judicial reform. The panel noted that, although, it is understood that legislation is a sovereign function, the MDBs can lend supports to national authorities for legal and judicial reform.



Experts Panel: Developing the International Climate Regime through Conciliation and Compensation

Hosted by Intl Council for Commercial Arbitration ICCA; Climate Change Counsel; Centre for Climate Justice Bangladesh CCJ-B

Chairs: **Adv Annette Magnusson** (Co-Founder, Climate Change Counsel) & **Adv Hafij Khan** (Exec Director, CCJ-B / Exec Comm, Warsaw Intl Mechanism for Loss & Damage)

Speakers & Discussants: Prof Laurence Boisson de Chazournes (Prof of Intl Law, Univ Geneva School of Law / Co-Director, Geneva Center for International Dispute Settlement CIDS / Member, ICCA Panel of Experts, online); Adv Nicola Swan (Partner, Chapman Tripp / Member, ICCA Panel of Experts, online); Dr Christopher Bartlett (Climate Diplomacy Manager, Vanuatu ICJ Initiative); Amb Adao Soares Barbosa (Amb, Timor-Leste / Member, Transitional Comm, online)

Summary: The panel noted that the existing mechanisms for dispute resolution under the Paris Agreement and the United Nations Framework Convention on Climate Change are limited and imperfect for a number of reasons, including the binding nature of awards, the requirement of agreement between two parties, and the lack of multilateral applicability. It was proposed that this gap can be bridged by the Draft Conciliation Annex proposed by the International Council for Commercial Arbitration, which aims to facilitate a means of dispute resolution that is seen as effective and flexible for effective and global climate law governance and compliance. The proposed annex would make awards recommendatory and would provide a dispute resolution mechanism that could be sought unilaterally. The flexible nature of conciliation would allow claims to be joined and heard together and would allow the incorporation of non-parties into the discussion, making it a much better option than current mechanisms. The panel observed that while such flexibility may raise concerns about the informal nature of proceedings, this would be remedied by the structure provided through the complete control which parties have over the proceedings. While Article 15 of the Paris Agreement established the Compliance Committee, which serves as a facilitator for effective climate law compliance and helps to prevent loss and damage, many low emitting developing countries already suffer greatly from climate change and a framework for loss compensation should be established. The panel discussed the recent human rights cases in the Philippines and Inter-American Court of Human Rights which indicate a possible step in the right direction, while agreeing that more is required. The panel discussed the possibility of an institutional mechanism, through the Compliance Committee, to translate the global policies and provide for recompense.



Roundtable: Advancing Courage, Contributions and Compliance through Climate Law and Policy Solutions

Hosted by the Pacific Institute for Climate Solutions PICS, Univ Victoria; Centre for International Sustainable Development Law CISDL; IUCN World Commission on Environmental Law WCEL

Chairs: **Prof Marie-Claire Cordonier Segger, WIJA** (Exec Sec, CLGI / Visiting Chair, Univ Cambridge / Prof, UVic) & **Adv Tejas Rao** (Manager, CISDL / Researcher, Univ Cambridge)

Keynote: **Hon Sheila Watt-Cloutier** (past Chair of Inuit Circumpolar Council & Laureate, Right Livelihoods Award, video) chaired by **Prof Ian Mauro** (Exec Dir, PICS / Prof, UVic, video)

Speakers & Discussants: Prof Christina Voigt (Co-chair, PAICC / Chair, IUCN WCEL) / Adv Ayman Cherkaoui (Lead Counsel, CISDL / Vice-Chair, IUCN WCEL); Vis Prof Yasmin Batliwala (Chief Exec, Advocates for Intl Development); Adv Irmina Pacho (Climate Justice Specialist, Intl Development Law Organisation); Adv Wayne Garnons-Williams (President & CEO, IITIO); Adv Susan Ann Samuel (Researcher, Univ Leeds / Fellowship Officer, CISDL); Adv Gwyneth Boone (Researcher, CISDL / Asst Editor, UVic, online); Ms Adwoa Appiah (Researcher, Univ Waterloo, online)

Closing Remarks: **Prof Cynthia Milton** (Assoc VP Research, UVic / Prof, UVic, online)

Summary: The panel observed that sustainable development commitments under the Paris Agreement, such as enhancing resilience, promoting clean energy transitions, and fostering nature-based solutions, can be both helped and hindered by law



and governance reform. The speakers emphasised that effective legal frameworks and governance structures are essential for translating these commitments into actionable policies. It was noted that adequate laws can facilitate the transition to clean energy, promote resilience, and ensure the success of nature-based solutions. Conversely, it was noted that inadequate legal frameworks, lack of enforcement, or conflicting policies can hinder progress and impede the achievement of sustainable development goals. The panel opined that as Parties to the Paris Agreement evaluate progress at COP28, climate law solutions with an emphasis on indigenous law and policy approaches can be highlighted. Indigenous knowledge and legal systems play a crucial role in addressing climate change. Since recognition and incorporation of indigenous perspectives, traditional practices, and land rights into climate policies would enhance the effectiveness and equity of climate responses. This includes respecting the principles of prior and informed consent and ensuring the active participation of indigenous communities in decision-making processes. The panel illustrated the efforts taken by Sub-Saharan banks, critical economic players, as being pivotal to the sustainability journey in SSA. Their efforts included formalizing net-zero commitments and mainstreaming climate change considerations into banking activities. The panel noted that capacity building, especially learning best practices internationally from advanced countries, is vital. Wherein, lawyers play a key role in advising clients about climate change and its implications in a responsible manner. Conclusively the panel noted that overall, these initiatives reflect a multi-faceted approach involving legal, governance, economic, and capacity-building efforts to address the complex challenges posed by climate change.

Experts Roundtable: Advancing Climate Governance Integrity

Hosted by Transparency International TI

Chairs: **Mr Brice Böhmer** (Climate Lead, TI); **Mr Andrés Araya Montezuma** (Member, Costa Rica Integra, online); **Mr Anoukh de Soysa** (Climate Governance Specialist, TI)

Speakers & Discussants: Dr Manish Raj Pandey (Head, Dept of Climate Change and Knowledge Management, National Trust for Nature Conservation – Nepal); Ms Magaly Ávila (Director, Environmental Governance Program, Proética); Ms Rosa Iris Almonte (Project Manager, Citizen Participation, video); Hon Rafaela Santos Martins da Rosa (Federal Judge, 12a Federal Court Porto Alegre / RS, Brazil)

Summary: The panel observed that addressing the challenges that environmental crimes and corruption present for climate initiatives includes increasing accountability across all tiers of governments and local authority and requires transparency between the government, stakeholders, and civil societies; and creation of awareness within citizens to uphold environmental criminals liable. The panel noted some of the strategies suggested to address challenges that environmental crimes and corruption face are through strengthening society's oversight on climate change and the crimes on environment, using algorithms and data analysis on certain platforms to highlight the corruptions taking place. The speakers took the example

of Peru, where from 2009 to 2011, environmental crime proceedings were formalised in correspondence with forest or forest formation crimes, illegal timber product trafficking and illegal mining. In Brazil, the National Justice Council of Brazil created resolutions and recommendations in 2021 on climate governance. One of the recommendations given by the Council was the use of Satellite images to identify environmental damages such as deforestation and its contribution to climate litigation. Wherein, Article 11 of the Council states that evidence produced from satellite images could be used as evidence for environmental lawsuits. Article 14 makes progress in implementation; it states that Judges must consider the impact of environmental degradation while sentencing for environmental damages. It also made recommendations to all judges that they must comply with this Article and incorporated them within their jurisdiction. The panel advised that public hearings on environmental issues started in July 2023 and are accessible to anyone who would like to attend and observe.



Experts Panel: Enforcing Anti- Greenwashing and Climate Risk Disclosure Regulations

Hosted by Institute for Climate and Society iCS and Ecojustice Canada

Chairs: **Adv Caio Borges** (Portfolio Coordinator, Law and Climate iCS, online) & **Adv Alan Andrews** (Climate Program Director, Ecojustice Canada)

Speakers & Discussants: Prof Alessandra Lehmen (President, Enviro Law Commission, Brazilian Bar – OAB, Rio Grande do Sul State Chapter); Adv Benjamin Franta (Senior Research Fellow & Head of Climate Litigation Lab, Oxford Sustainable Law Programme, online); Adv David Barnden (Climate Equity Generation Lawyers, online); Adv Sophie Marjanac (Climate Lawyer, ClientEarth)

Summary: The panel observed that many current regulatory frameworks include climate disclosure obligations; however, in situations such as Brazil, many companies are able to dodge these requirements. It was highlighted that the generic language within current regulations led to disclosures



without any plans of remedying disclosed climate risks and to proposed solutions which do not practically accomplish anything. The panel noted that anti-greenwashing policies were effective in allowing litigation against companies but posed a challenge in relation to companies advertising themselves as net-zero or carbon neutral through statements of partaking in carbon offsets or hydrogen fuels. The panel highlighted the concern of difficulty in tracking ads which are tailored to individuals. The panel propounded that litigation plays a key role in addressing greenwashing since institutions in jurisdictions such as the United States, European Union and United Kingdom have had a harder time getting away with misrepresenting

statements about their environmental compliance. The standard of proof is also generally lower in these cases, where finding for the plaintiff only requires proof that the communication could mislead consumers, pointing to those statistics of about 40 ongoing



suits in the United States alone due to non-compliance. The panel noted that litigation may also provide relief to investors in sovereign or green bonds provided that the alleged environmental benefit can be shown to be misrepresented or inflated.

Roundtable: Exploring Low Carbon and Energy Efficient Procurement as a Tool for Paris Agreement Implementation

Hosted by UNEP; CMS, International Law Firm; George Washington Univ GWU Law School

Chairs: **Hon Marc Steiner** (Judge, Swiss Federal Administrative Court, online) & **Adv Munir Hassan** (Partner, Head of Energy & Climate Change, CMS)

Moderator: **Dr Jellie Molino** (Former Expert Consultant, UNEP)

Speakers & Discussants: Ms Anne-Claire Howard (Director, Procurement Group, UNOPS); Mr Mohammed Shoheler Rahman Chowdhury (Director, Central Procurement Technical Unit, Ministry of Planning, Bangladesh, online); Ms Marieke Weerdesteijn (Programme Manager, Circular and Fair ICT Pact, online); Mr Johan Rodenhuis (Strategic Sustainability Advisor IT, Ministry of Economic Affairs and Climate Policy, Netherlands, online); Mr B. Dabeesing (Member, Procurement Policy Office, Ministry of Finance, Economic Planning and Development, Mauritius, online); Prof Christopher Yukins (Prof, Government Procurement Program, GWU Law School, online); Dr Döne Yalçın (Managing Partner & Member of ESG and Sustainability Leadership, CMS)

Summary: The panel noted that public procurement is a key driver for public transformation in achieving sustainability and climate action. Target 12.7 under Sustainable Development Goal 12 highlights that public procurement is central to achieving sustainable practice. It was observed that the global strategy of sustainable consumption and production highlights public procurement as a key factor for change in high-impact sectors such as the construction sector which is 11-20% of the total GDP and contributes excessively to the global gas emissions. It was observed that construction consumes almost 50% of material in the global economy, which contributes greatly and almost entirely to greenhouse gas emissions, while GHG emissions are expected to double by 2060. The panel observed that Environmental Sustainability includes four initiatives that aim to minimise the risk of climate change through reducing carbon and greenhouse emissions via sustainable alternatives as part of their planning process. It was highlighted that prioritising sustainable procurement strategies would lead large companies to get a return on their investment. Further, education on low carbon procurement and supplier engagement is crucial for efficient implementation and requires proper follow-up. The panel emphasized that public

procurement is not just for industrialised countries, although wealthier economies should invest more due to their capability.

High-Level Plenary II: Mobilising Climate Finance through Legal and Policy Solutions

Co-hosted by EBRD

Expert Moderator: Adv Vesselina Haralampieva (Senior Counsel, EBRD)

Plenary Keynotes: Adv Michael Strauss (General Counsel, EBRD); **Adv Thomas M. Clark** (General Counsel, ADB); **Adv Leslie Sturtevant** (Deputy General Counsel, Intl Finance Corporation IFC World Bank Group); **Adv Gülen Newton** (General Counsel, Green Climate Fund GCF); **Adv Katherine Meighan** (Assoc Vice Pres & General Counsel, Intl Fund for Agricultural Development IFAD)

Summary: The speakers noted that multilateral development banks (MDBs) and international financial institutions (IFIs) have accomplished key milestones in the journey towards fulfilling climate finance goals, Sustainable Development Goals and Paris Agreement alignment commitments. The panel delved deeper into the workings of three organisations to substantiate the discussion. First, the European Bank for Reconstruction and Development (EBRD) has an environmental mandate built into its framework, which has allowed it to reach goals such as a 35% increase in climate financing for 2022, generating 6.5 billion euros and a total of 10 billion euros with private sector investments considered. EBRD has been able to finance renewable energy plants in Afghanistan, Poland and Croatia among other areas. Second, the Asia Development Bank (ADB) was one of the first MDBs to pledge climate financing of 100 billion dollars by 2030 and 100% alignment with the Paris Agreement in sovereign operations. ADB's aim to retire fossil fuel factories alongside creating renewable energy sources for developing countries and amendment to its Articles of Association to free up capital to be spent on green initiatives, was highlighted. Third, the International Financial Corporation aligned 85% of its new financial flows with the Paris Agreement as of 1st July 2023, and mobilised around 14.4 billion dollars towards climate financing. It also provided billions for financing for green hydrogen, lithium mining for EVs, hard to abate sectors, climate smart sectors, green buildings, green and blue bonds, and loans. Further, through its web-based software/certification



program, Excellence and Design for Greater Efficiency (EDGE), it was able to decarbonize sectors and created 57 billion in floorspace in countries as well as over 16 billion in investments. The panel appreciated

the notable impacts of efforts from these MDBs and IFIs on the ground in countries of operation, such as the establishment in Afghanistan of the largest renewable energy source in the region (generating up to 1 giga-watt) and the establishment of Poland's first solar farm. These achievements will enable these countries to eventually move towards sustainable and renewable sources of energy. The panel further focused on countries in the Asia-Pacific region such as Indonesia, Pakistan and Afghanistan to name a few, which will see earlier retirement of fossil fuel factories and the establishment of more renewable energy sources sooner rather than later. It was noted that lobbying the governments of countries was instrumental in providing for an easier establishment of greener initiatives and environmental compliance. The panel concluded that by strengthening energy grids and supporting the just transition to Paris Alignment, the process of investing in cleaner energy becomes more attainable.

High-Level Plenary III: Scaling Up Climate Technology Through Law

Chairs: **Adv Ayman Cherkaoui** (Director, Hassan II Intl Centre for Enviro Training / Deputy Chair, IUCN WCEL / CLGI Chair & Lead Counsel, CISDL) & **Adv Annette Magnusson** (Co-Founder, Climate Change Counsel)

Plenary Keynotes: **Adv Varvara Aleksić** (Senior Counsel, Intl Renewable Energy Agency IRENA); **Prof Damilola Olawuyi** (UNESCO Chair, HBKU / Vice-Chair, Intl Law Association); **Prof Tracy Hester** (Prof, Univ Houston / Co-Director, Centre for Enviro, Energy & Natural Resources Law, online)

Summary: This session focused on how law can drive climate technologies, including for clean and renewable energies, adaptation and resilience, climate repair and carbon removal. The speakers identified areas where law could further support this aim and discussed how climate-conscious lawyering, claims and dispute resolution scale up technology transfer.

Closing & 2023 Global Climate Law & Governance Leadership Awards

Chairs: **Prof Tenia Kyriazi** (Deputy Director & Head of Law and Politics, MDX); **Dr Nasiruddeen Muhammad** (Asst Prof, Univ Dubai); **Prof Marie-Claire Cordonier Segger** (Visiting Chair, Univ Cambridge / Prof, UVic / CLGI Exec Sec & Sen Dir, CISDL)

Closing Remarks: **Hon Justice Jawad Hassan** (Hon Sitting Judge, Lahore High Court, Pakistan); **Prof Ian Fry** (UN Rapporteur on Human Rights & Climate Change, United Nations) & **Adv Victor Mosoti** (Chief Counsel on Env & Intl Law, World Bank Legal Vice Presidency)

Master of Ceremonies: **Adv Ayman Cherkaoui** (Director, Hassan II Intl Centre for Enviro Training / Deputy Chair, IUCN WCEL / CLGI Chair & Lead Counsel, CISDL) & **Ms Mahine Rizvi Ahmad** (Senior Lecturer, MDX / Founding Member, MDX ISD) announce **International Climate Law & Governance**

Student Essay Competition Winners and celebrate **Climate Law & Governance Global Leadership Award Laureates** for leading deans of faculties of law / senior professors of law; practitioners; leading negotiators; general counsel & climate law civil society leaders.

Toasts for Laureates: **Adv Ilona Millar** (Partner, Gilbert & Tobin); **Adv Lara Douvartzidis** (Climate Lead, Intl Bar Association); **Dr Kishan Khoday** (MENA Regional Team Leader, UNDP); **Prof Ian Mauro** (Exec Dir, Pacific Institute for Climate Solutions)



Acknowledgements

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2023 CLGI Expert Chairs

Adv Ayman Cherkaoui (CISDL Climate Change Programme, Morocco), Chair (natl legal reform / NDC theme)

Professor Christina Voigt (University of Oslo, Norway), Chair (intl law / compliance theme)

Adv Wendy Miles KC (Net Zero Lawyers Alliance, UK), Chair (investment / financial law theme)

Adv Hafij Khan (Centre for Climate Justice, Bangladesh), Chair (climate justice / loss & damage theme)

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