

UNIVERSALITY OF CLIMATE CHANGE

Session to be held on "Universality of climate action" on the occasion of the 14th ESIL Annual Conference on "International law and universality", University of Manchester, Law School, Manchester, UK, September 13, 2018.

CONFERENCE AGENDA

13TH SEPTEMBER 2018

H. 09:00 - 12:30

MANCHESTER, UK

IG ON INTERNATIONAL ENVIRONMENTAL LAW

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UNIVERSALITY OF CLIMATE ACTION

INTRODUCTION:

At the UN Climate conference (COP21) in December 2015, 195 countries adopted the first-ever universal, legally binding global climate deal to strengthen the global response to the threat of climate change. The central objective of the Paris Agreement is to hold global average temperature increase to "well below 2°C above preindustrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels".

Although the Paris Agreement does not explicitly refer to universal character of the international obligations enshrined, the widest possible cooperation of all countries in climate action is understood to be essential for the success of the accord. Countries are encouraged to cooperate in the implementation of respective nationally determined contributions including various mitigation and adaptation actions. Countries are encouraged to strengthen efforts to improve the development of low-carbon technologies and their transfer and dissemination to developing countries, especially the least developed countries. In this context, international law may effectively facilitate cooperation in identifying effective adaptation practices, adaptation needs and priorities, challenges and gaps, as well as support the synthesis of relevant information and knowledge.

Achieving the Paris Agreement's goals will require not only an energy transition, but also an industrial revolution affecting all sectors of the economy. However, the drive to build climate-resilient societies and economies powered by clean engines of growth has to be steered by innovation and investment. Since the overall investment requirements are substantial, developed countries are encouraged to provide necessary financial resources to assist developing countries with implementation of the Paris Agreement. Countries in Asia, Africa and Latin America and the Caribbean, especially, urgently need financial support to green their power sectors and thereby implement their national climate action plans.

Importance of private sector's engagement for successful implementation of the Paris Agreement brings into play universal character of international environmental law (Preamble of the Paris Agreement acknowledges the importance of the engagements of all levels of government and various actors, in accordance with respective national legislations of Parties, in addressing climate change). Universality of international law implies its expansion beyond the inter-state sphere (See Article 7 of the Paris Agreement states: "Parties recognize that adaptation is a global challenge faced by all with local, subnational, national, regional and international dimensions"). However, in the context of its engagement, private sector is facing barriers to mobilizing their resources. Thus, international cooperation should address elaboration of long-term policies to leverage private finance, as well as elimination of trade barriers to trade in green goods and services. In addition, individuals may invoke norms in international law (most likely their human rights) to push governments to comply with their climate related international obligations.

To this end we invite paper proposals that analyse the role of international law and its role in the facilitation of international cooperation needed for the universal implementation of the Paris Agreement, as well as its universal character and role of individuals.

The idea is to better understand particular tools of international law and their potential to enhance universal implementation of climate mitigation and adaptation policies and establishing a solid regulatory environment; cooperation in low-carbon technology development, transfer and dissemination; as well as cooperation in the mobilization of public and private climate finance. We also invite paper proposals analysing relevant case law, combining legal theory with practical application and case studies.

The IG on International Environmental Law invites contributions addressing universality of climate action under the following themes (not exhaustively):

- *Universality of climate action*
- *Universality as a global norm vs. Principle of common but differentiated responsibilities*
- *Human rights obligations in responding to climate change*
- *Transboundary impacts of climate change*
- *Human rights in climate mitigation and adaptation activities*
- *Role of international law in the implementation of the Paris Agreement*
- *Solutions to migration linked to climate adaptation and mitigation*
- *Facilitation of international cooperation needed for the universal implementation of the Paris Agreement Potential impacts of the U.S. withdrawal from the Paris Agreement*
- *Role of non-state actors in the implementation of the Paris Agreement and the UN 2030 Agenda for Sustainable Development*
- *Long-term policies to leverage private finance*
- *International law as a tool to accelerate transfer of low-carbon technologies*
- *Regulation and governance for climate action*
- *International administrative law and its potential for climate action*

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H. 09:00 - 12:30

**ROOM G2 , RENOLD BUILDING, ALTRINCHAM STREET, MANCHESTER,
M1 7JA,UK**

9.00 - 9.05

Welcoming Address by Paolo Davide Farah, West Virginia University (USA) and gLAWcal – Global Law Initiatives for Sustainable Development (UK).

9.05 – 10.30

**1ST PANEL UNIVERSALITY OF CLIMATE ACTION: IMPLEMENTATION
OF THE PARIS AGREEMENT AND STATE RESPONSIBILITY**

Chair and Discussant:

Josephine van Zeben and **Daria S. Boklan**

• **Amrisha PANDEY** (*University of Leeds, UK*): *Common Concern, State Responsibility and the International Environmental Law*

• **Natalie JONES** (*University of Cambridge, UK*): *Operationalizing the Paris Agreement's Implementation and Compliance Mechanism: Will It Promote Universality of Climate Action?*

• **Paolo Davide FARAH** (*West Virginia University, USA and gLAWcal – Global Law Initiatives for Sustainable Development, UK*): *The Role of the European Union's Law in the International Climate Change Regime*

• **Patrick TOUSSAINT** (*University of Eastern Finland, Finland and Institute for Advanced Sustainability Studies, Germany*): *What Universality? Grappling with Loss and Damage from Climate Change from a TWAIL Perspective*

• **Martin SVEC** (*gLAWcal – Global Law Initiatives for Sustainable Development, UK*): *Foreign investment protection against the backdrop of the implementation of the Paris Agreement: Limits of the right to regulate*

10.30 – 11.00

Coffee Break

11.00 – 12.15

2ND PANEL HUMAN RIGHTS AND CLIMATE LITIGATION

Chair and Discussant:

Paolo Davide Farah and **Martin Svec**

• **Jason RUDALL** (*University of Geneva, The Graduate Institute, Switzerland*): *Climate Action through International Dispute Settlement: Green Shoots or Red Herrings?*

● **Dalia PALOMBO** (*London School of Economics and Political Science, UK*): *Business and Human Rights and Climate Change: Transnational Litigation*

● **Alexander SOLNTSEV** (*People's Friendship University of Russia, Russian Federation*): *Human Rights Obligation of States and Climate Change (Using Example of Rights of Indigenous Peoples)*

● **Josephine VAN ZEBEN** (*University of Oxford, UK*) and **Arden ROWELL** (*University of Illinois College of Law, USA*): *A New Status Quo? The Psychological Impact of the Paris Agreement on Climate Change*

12.15 – 12:30

Concluding Remarks

Organizing Committee:

Paolo Davide Farah (*West Virginia University, USA & gLAWcal – Global Law Initiatives for Sustainable Development, UK*), **Martin Svec** (*Masaryk University, Czech Republic & gLAWcal – Global Law Initiatives for Sustainable Development, UK*), **Josephine van Zeben** (*Oxford University, UK*), **Daria S. Boklan** (*Higher School of Economics, Russia*), **Chamu Kuppuswamy** (*University of Herfordshire, UK*)