



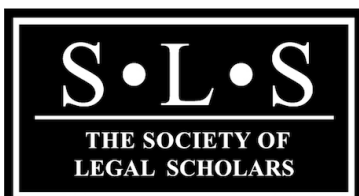
University  
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# Elements of a 'European', 'International', 'Global' Climate Consensus after Paris?



**27th and 28th September 2019**  
**Dalhousie Building, University of Dundee**

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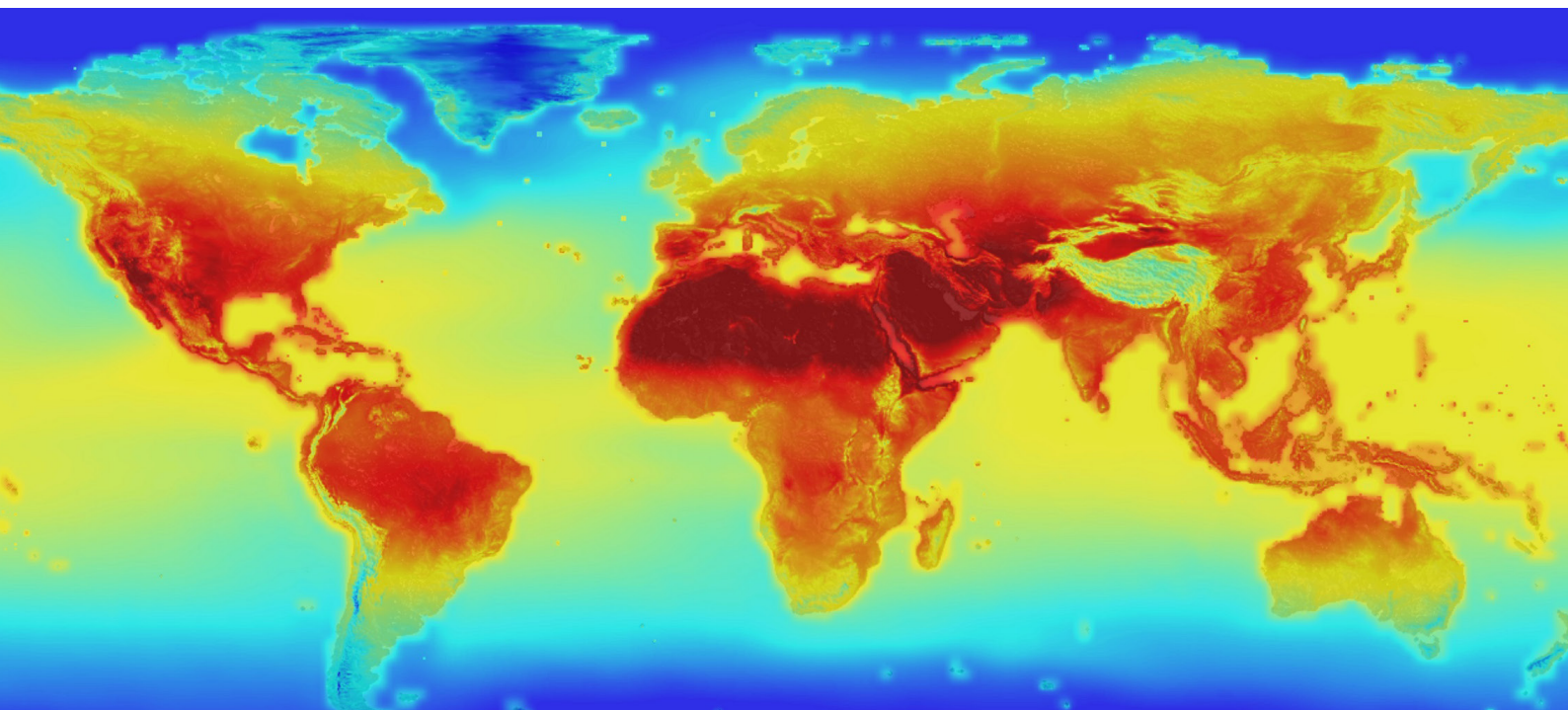
***Joining law and science in a conference with integrated masterclass is a unique opportunity of facilitating inter-generational, multi-disciplinary discourse to identify a global climate consensus amongst the next generation in the legal professions and beyond. Climate change is an unprecedented challenge to humankind. It represents one of the great risks that the next generation faces when we hand the planet over.***

The Dundee Climate Conference with integrated masterclass brings together climate change experts from academia and practice in law with experts from geoscience research and PhD students, LLM and MSc Sustainability students of the School of Social Sciences. This creates an opportunity to better understand the interlinkage of legal research and scientific research as a basis for climate action and climate education. Climate action encompasses timely regulatory action to prevent a further increase of the global mean temperature but also litigation to improve mitigation of and adaptation to changing climate conditions. Law and science speak different languages when discussing crucial concepts which are highly relevant for both, decision making to further address climate change in policy and law and also tracing accountability for severe weather events and slow onset events.

The conference examines the current legal framework on climate action after the adoption of the Paris Agreement. This includes discussing the requirements of concrete legal concepts such as causation and attribution as a requirement of both, preventive climate action and climate litigation against States and so called carbon majors, in the context of the available scientific evidence. It does this while addressing an overarching topic: The identification of elements of a global climate consensus after Paris. Is it possible to identify a global common denominator that allows climate action to be sufficiently timely, as demanded by scientific experts? If not, how could this be achieved and how can we educate the next generation so that they are even better at it? This will entail a discussion of the rules on implementation of the Paris Agreement which were adopted in Katowice, Poland and 'COP 24', the role of access to judicial protection in the climate change context and also scientific research which allows to assign historic responsibility for extreme weather events and suggests that the remaining time span for effective action is short.

This discourse between practitioners and academia, law and science of climate change, including the economic dimension of decarbonisation, is necessary to clarify crucial concepts. This will identify where more scientific evidence is needed for an effective response to the challenges we face, how the law is developed on the basis of probabilities and how it responds to probabilities, for instance in a litigation situation. Improving this mutual understanding will ultimately produce more useful and relevant research and advance the legal education we provide at Dundee Law School.

The conference is designed to be open to PhD students of the School of Social Sciences, incoming and existing students of the LLM Programme (January and September intake) and include students of the MSc Sustainability. Students will experience an intense two days of learning on the topic of climate change which they will then further explore in their subsequent studies at Dundee. This gives them an ideal preparation and an additional incentive and purpose for their studies. Students are given the opportunity and are expected to participate actively during the question times.



# DAY 1 - 27th September 2019

11:30-12:00 Registration

12:00-12:15 **Welcome and introductions:**

- **Professor John Rowan, Vice Principal Research, University of Dundee (tbc)**
- **Dr Sarah Hendry, Head of Dundee Law School, University of Dundee**
- **Dr Petra Minnerop, Dundee Climate Conference Convenor, Lecturer, Dundee Law School, University of Dundee**

12:15-14:30 **Panel 1: Adapting to a changing climate for nature's sake: Science, attribution, litigation and facets of a better climate law**

## **Professor Dr Friederike Otto - "Climate attribution science and the causal chain"**

Friederike is the Acting Director of the Environmental Change institute and an Associate Professor in the Global Climate Science Programme where she leads several projects understanding the impacts of man-made climate change on natural and social systems with a particular focus on Africa and India. Her main research interest is on extreme weather events (droughts, heat waves, extreme precipitation), improving and developing methodologies to answer the question 'whether and to what extent external climate drivers alter the likelihood of extreme weather'. She furthermore investigates the policy implication of this emerging scientific field. Friederike is co-investigator on the international project World Weather Attribution which aims to provide an assessment of the human-influence on extreme weather in the immediate aftermath of the event occurring.

## **Dr Simon Cook - "Glacial retreat: what heating means for eternal ice and humankind"**

Simon is a Lecturer in Physical Geography at the University of Dundee specialising in the quantification of glacier and glacial landscape responses to modern climate change, and understanding the consequences of these changes for water resources and hazards (such as glacial outburst floods and landslides). He has worked extensively in many glacial environments around the world including Peru, Bolivia, Svalbard, Iceland, New Zealand, Switzerland, Sweden and Norway.

This talk will focus on the Bolivian and Peruvian Andes where there has been rapid glacier recession in recent decades, and where there have been notable impacts on people as a result. Glaciers are important stores of water, releasing meltwater during the dry season, but there is concern that access to fresh water will be limited if glaciers disappear. Further, glacier recession commonly reveals large meltwater lakes that can burst; Peru, in particular, has experienced catastrophic floods from these lakes, resulting in thousands of casualties in recent decades. Ultimately, efforts to limit climate warming are needed in order to reduce glacier mass losses, and hence maintain the important water resources and ecosystem services that glaciers provide, as well as reducing the potential for glacial hazards.

## **Jolene Lin - "Transnational litigation in the Global South"**

Jolene is Associate Professor in the National University of Singapore. Her main areas of expertise are climate change law and transnational environmental law. Jolene is Director of the Asia-Pacific Centre for Environmental Law and a member of the editorial boards of: Journal of Environmental Law, Chinese Journal of Environmental Law, and Climate Law. She has served as consultant to the Hong Kong Department of Justice, international NGOs, the United Nations Environment Programme, and global law firms.

## **Lindene Patton - "Is there a duty to adapt? Why insurance coverage litigation may be the proving ground"**

Lindene is a strategic advisor with deep experience in large loss litigation strategy / recovery; climate attribution; risk management; product development; corporate advocacy; compliance; real property data and analytics; specialty risks (professional liability, D&O, nuclear liability schema, cyber security liability, environment); sustainability and resilience. Developments in attribution science inform all of us what is foreseeable for our future climate and works with Earth&Water Law Group (Washington DC).

The question many struggle with swirls around - not what can be done but what should we do and what MUST we do. Attribution science will be leveraged in the judicial system to inform the analysis of proximate cause in a myriad of common law tort actions. However, to get to that point, the actions must get past procedural issues. If history is any indication, disputes involving insurance coverage underlying such disputes are likely to address the application of science first - before the primary litigated matter is resolved. This paper will discuss how insurance has already been pulled into climate related litigation, where it is likely to get involved in the making of law regarding the issues of foreseeability and causation and other relevant liability and coverage triggering matters; and how that may indirectly drive adaptation in unexpected ways.



**Dr Rafael Macatangay - “The ‘low cost’ scenario of 1.5 degree Celsius, an enquiry into the economics of mitigation pledges and adaptation efforts”**

Rafael is a Lecturer in Energy Economics, Centre for Energy, Petroleum and Mineral Law and Policy, School of Social Sciences, University of Dundee, is a specialist in electricity and natural gas markets and related energy commodities. His research is in the areas of competition, regulation, and natural resource policy. He recently served as a consultant on US natural gas markets at the Oxford office of a London investment management firm (with \$30B under management and a few hundred employees in offices worldwide). Before joining CEPMLP, he analysed trading recommendations on physical and financial instruments for electric power and natural gas, including renewable energy contracts, at an electric utility holding company in the US. He holds a PhD in economics from the University of Manchester, UK and did a post-doctoral fellowship at UC Berkeley.

14:30-15:00 Refreshments

15:00-17:00 **Panel 2: Principles of Environmental Law and Climate Change law - do they matter?**

**Dr Navraj Singh Ghaleigh - “The absent spaces and places of climate law”**

Navraj is Senior Lecturer in Climate Change Law, Edinburgh University. Climate law - both as a scholarly activity, and a practical discipline - remains marginal to climate action, given the character of the problem as presented in IPCC SR15. The literature and practice of climate litigation are a case in point, having focussed on a narrow sample of major emitters or minor emitters, and avoiding the more challenging major emitters. The quantitative case is that without a major shift in direction, climate law will continue to be peripheral to timely climate solutions. However, much as the current decade has witnessed remarkable rise in the fortunes of renewables electricity generation and decline in those of coal, this paper is optimistic that law in the 2020s can decisively move towards the centre of climate action. Four ‘spaces’ and ‘places’ of climate law are addressed: (1) increased legal traction in the top ten global emitters; (2) a powerful emerging approach to strategic litigation; (3) changing mindsets in the finance sector and improved conditions for strategic litigation; (4) the necessity for the integration of labour law and ‘just transitions’.

**Professor Colin Reid - “Climate change, environmental regulation and multi-layered government: how should we cut the cake?”**

Colin is Professor of Environmental Law at the University of Dundee where he has worked since 1991. He has taught and written on various environmental law and public law themes, and is currently working on an ESRC-funded project on the actual use and impact of the right of access to environmental information. He has been heavily involved in examining the environmental implications of Brexit, especially in the context of devolution, and has given evidence before the Holyrood and Westminster Parliaments on several occasions. Work on climate change has explored issues of governance in the context of devolved governmental structures.

**Professor Volker Roeben - “The precautionary approach, ‘red line’, principle, or driver of international climate action”**

Volker is Professor of Energy Law and Global Regulation at the Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee. He is also a professor at the China University of Political Science and Law in Beijing and a docent at the University of Turku. Formerly, Volker was senior research fellow at the Max Planck Institute for Comparative law and Public International Law, and a professor of international law at Swansea University. He has held visiting or part-time posts at the universities of Chicago, Minnesota and West Virginia, and as legal adviser at the Energy Charter Secretariat. He holds degrees from the universities of Kiel, Heidelberg, and Berkeley and from the College of Europe Bruges. Volker is the author or editor of seven books and forty articles. In 2018, he published Towards the European Energy Union - European strategy in international law with Cambridge University Press. He is co-editor of the Hart publication series ‘Global Energy Law and Policy’.

**Dr Gokce Mete - “Transparency, technology development and transfer and capacity building for developing countries under the Paris Climate Agreement: the role of international institutions”**

Gokce is an energy sector professional, academic and consultant with over 8 years of experience focused on climate change, energy and natural resources law and policy. Alongside her academic research, she brings extensive practical experience working with law firms, academic and international organisations, including the Natural Resources Governance Institute, the World Bank, and other international development agencies. Her PhD examined alternative policy and regulatory measures the European Union could pursue to create a more climate-friendly environment for the natural gas sector. Her PhD will be published by Palgrave in 2019. She is currently the Head of the Knowledge Centre at the International Energy Charter in Brussels, an intergovernmental organisation with over 90 signatories across the globe, whose work is dedicated to facilitating international cooperation in the energy sector.

17:00 Drinks Reception in Dalhousie Building Foyer

## DAY 2 - 28th September 2019

10:00-12:30

### **Panel 3: Two in one or nothing at all? State responsibility and constitutional elements of the Paris Climate Agreement**

#### **Professor Deepa Badrinarayana - "Integrating constitutional rights into the international climate regime"**

Deepa is Professor of Law at Fowler School of Law, Chapman University, where she currently teaches climate change and the law, international environmental law, and torts, among others. She has published and presented extensively on climate change and has written on the issue from international and comparative law perspectives. Her current research focuses on the intersection between climate change, human rights and constitutional rights, as well as international liability mechanisms. Prior to joining Fowler School of Law, Professor Badrinarayana was a consultant to the United Nations Global Compact, on issues of corporate voluntarism and regulations. Between 2005 and 2006, she was a Visiting Scholar at the Center for Global Legal Studies, Columbia Law School. She was also a research assistant for Professor Frank P. Grad at Columbia University School of Law, primarily researching and writing for Grad's Treatise on Environmental Law, as well as on public health laws. Before coming to the United States, Professor Badrinarayana was a Research Officer for a World Bank Project on Environmental Capacity-Building in collaboration with the Government of India, situated at the National Law School of India University (NLSIU), in which capacity she was involved in research and advocacy, as well as training government officials and legal professionals in environmental law. Professor Badrinarayana was also part of a team that advised the Government of India on its new legislation to manage biomedical waste, an issue she worked on in India. Professor Badrinarayana holds a Doctor of Juridical Science in Environmental Law (S.J.D.) and Masters in Environmental Law (LL.M.) from Pace University Elizabeth Haub School of Law. Professor Badrinarayana is a Member of the World Conservation Union, Committee on Environmental Law.

#### **Sophie Marjanac - "Is there an emerging consensus on State Responsibility to prevent the Human Rights impacts of Climate Change?"**

Sophie is a Senior Lawyer with ClientEarth which she joined in November 2015. Prior to joining ClientEarth, Sophie was a senior lawyer at Clayton Utz, Australia's largest independent law firm, where she specialised in environmental and planning law. She has also previously worked in the remote Torres Strait region, where she undertook litigation, negotiation and advocacy on behalf of Indigenous Australian landowners. Sophie was awarded a Bachelor of Laws with first class honours and a Bachelor of International Studies with distinction from the University of New South Wales in 2009.

#### **Dr Annalisa Savaresi - "The impact of climate change and human rights: reflections on the carbon majors enquiry"**

Annalisa Savaresi is Lecturer in Environmental Law at Stirling University, where she co-directs an interdisciplinary Masters programme in Environmental Policy and Governance. She has several years' experience researching, teaching and working with environmental law. Her research focuses on climate change, renewable energy, environmental liability, and the interplay between environmental and human rights law. Her work has been published in numerous peer-reviewed outlets and has been widely cited. Annalisa has taught at institutions all over the world, including the University of Edinburgh, Sant'Anna School of Advanced Studies and the University of Copenhagen. She regularly serves as a consultant for international organisations and think-tanks, and advises governments and governmental bodies. She is member of the IUCN World Commission on Environmental Law, Director for Europe of the Global Network for the Study of Human Rights and the Environment, and associate editor of the Review of European, Comparative and International Law.

#### **Dr Thomas Muinzer - "Does UK climate litigation live up to the constitutional promise of the Climate Change Act?"**

Thomas is Lecturer in Energy Law at the Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee. He undertook his qualifying law degree and other legal qualifications at Queen's University Belfast. After receiving his Doctorate he taught in the Law School and the Planning Department at Queen's University, then was appointed Lecturer in Law at Stirling University, Scotland, where he was Co-Director of the Law School's major dual-stream LLM/MSc Masters programme over 2016-2018.

12:30-13:30

Lunch



13:30-16:00

#### **Panel 4: Limiting the margin of appreciation of states to achieve the global temperature goal?**

##### **The Hon. Justice Brian J Preston FRSN SC - “The impact of the Paris Agreement on climate change litigation”**

Justice Preston is the Chief Judge of the Land and Environment Court of New South Wales. Prior to being appointed in November 2005, he was a senior counsel practising primarily in New South Wales in environmental, planning, administrative and property law. He has lectured in post-graduate environmental law for nearly 30 years. He is the author of Australia's first book on environmental litigation and 128 articles, book chapters and reviews on environmental law, administrative and criminal law. He holds numerous editorial positions in environmental law publications and has been involved in a number of international environmental consultancies and capacity-building programs, including for judiciaries throughout Asia.

Justice Preston is an Official Member of the Judicial Commission of NSW, Fellow of the Australian Academy of Law, Fellow of the Royal Society of NSW and Honorary Fellow of the Environment Institute of the Australia and New Zealand. He was awarded an honorary Doctor of Letters by Macquarie University in 2018. He is a member of various international environmental law committees and advisory boards, including the interim governing council of the Global Judicial Institute on the Environment. He is currently an Adjunct Professor at the University of Sydney, Western Sydney University and Southern Cross University. He has been elected as a Visiting Fellow at Corpus Christi College, Oxford University for the Michaelmas Term 2019 and at Magdalen College, Oxford University for the Hilary Term 2020.

The Paris Agreement is the first universal climate change agreement requiring all parties to communicate ambitious greenhouse gas (GHG) reduction targets to achieve a long-term global temperature goal. The Paris Agreement is a game-changer at the international level, but has it been at the national (and sub-national) level? What has been the impact of the Paris Agreement on litigation to improve mitigation of and adaption to climate change? The paper first examines the obligations created by the Paris Agreement under international law and under domestic law through incorporation of the Paris Agreement or a country's nationally determined contributions into domestic law and policy. Secondly, the paper examines how the Paris Agreement has influenced the courts' interpretation of societal values, norms and customs. These include recognition of the globalisation and universality of the problem of climate change and solutions to the problem (every party contributes to the problem and bears responsibility (common but differentiated) for solving the problem), the maximum permissible global temperature rise considered acceptable, the need for zero emissions after 2050 to achieve this long-term temperature goal and the relevance of climate change and its consequences as matters to be considered in administrative and judicial decision-making. Thirdly, the paper will explore how the Paris Agreement has altered the factual considerations of anthropogenic climate change. The Paris Agreement assists in establishing causation in litigation because it demonstrates global consensus on key issues, including that increasing GHG emissions are causing climate change, climate change is largely caused by humans (by increasing sources and removing sinks of GHGs) and climate change is causing dire consequences for the planet and its people. Fourthly, the paper will illustrate how the Paris Agreement is affecting the law and legal responsibilities by focusing on the impact of the Paris Agreement on corporate directors' liabilities. Finally, the paper will note the ripple effect that climate change litigation in one country, influenced by the Paris Agreement, has on litigation in other countries.

##### **Dr Roda Verheyen - “Defining the duty of care in climate litigation”**

Roda is barrister at the law firm Guenther in Hamburg with tremendous expertise in climate litigation. She is the attorney of the Peruvian farmer in the landmark lawsuit *Lluyia v RWE*, the biggest German Energy provider. She is the leading attorney in the 'people's climate case' brought against the European Parliament and the Council of the EU for increasing the EU's greenhouse gas reduction targets and a further case against the German government for not being ambitious enough in their national climate plans. Roda has published widely in the area of climate change, litigation, causation and the scientific advances of attribution science that influence the outcome of climate lawsuits.

##### **Dr Petra Minnerop - “The ‘European Consensus’ - providing a safety net of climate action under the European Convention on Human Rights?”**

Petra has held academic positions at the Max Planck Institute for Comparative Public Law and International Law and the Max Planck Foundation for International Peace and the Rule of Law in Heidelberg and at the Universities of Göttingen and Munich. She has worked in the German Foreign Office, Berlin and for the Permanent Representative of Germany to the United Nations, New York. Petra was called to the German Bar in 2014. She is Visiting Lecturer at the China University of Political Science and Law (CUPL), Beijing and an expert reviewer for the IPCC.

##### **Professor Don Smith - “US climate change law and policy: an outlook to the future direction - where does it take legislation and litigation?”**

Don is Director of the Environmental and Natural Resources Program at the University of Denver (US) Sturm College of Law where he teaches Comparative Environmental Law and Contemporary Issues in Oil and Gas. He is the Editor of the *Journal of Energy & Natural Resources Law*, the journal of the International Bar Association's Section on Energy, Environment, Natural Resources and Infrastructure Law.

## ***Further Information***

Contact the CPD team - [c.seminars@dundee.ac.uk](mailto:c.seminars@dundee.ac.uk)

Or telephone +44 (0) 1382 385871

## ***Registration Fee***

£50.00 - This fee includes the full 1.5 day conference attendance, lunch and refreshments on a daily basis and the drinks reception.

## ***Register***

You can register your place online at <https://uod.ac.uk/2LfJ6wx>

Regrettably invoices can not be issued and online payment is the only registration method.

An information pack and background reading will be sent to registered delegates in advance of the conference.

Students may register for the event FREE at <https://www.eventbrite.co.uk/e/elements-of-a-european-international-global-climate-consensus-after-paris-tickets-62708746549>

**Students are encouraged to register as soon as possible.**

## ***Travel***

Dundee is well connected by rail and road with the other major cities and airports in Scotland. The closest international airports can be found at Edinburgh and Glasgow. Dundee itself has a small airport which is connected by daily flights to and from London Stansted Airport.

## ***T's and C's***

Full terms and conditions regarding bookings, including the cancellation policy, can be found at <https://uod.ac.uk/2LfJ6wx> and then click on the 'More Info' tab.

# Registration





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