

# International Climate Change and Energy Law JUR5911

## Course plan, spring 2011\*<sup>1</sup>

### Teacher:

Main teacher: Post doc./Associate professor Christina Voigt

### Other teachers:

Associate professor Ivar Alvik

PhD cand. Catherine Banet

Professor Hans Chr. Bugge

Professor Geir Ulfstein

**Time:** Tuesdays and Thursdays 14.15-16.00

**Venue:** DN 365 (10. March 2011: IN 72)

**Tuesday 1 February:** Introduction to Climate Change Law, Sustainable Development Law and Energy Security (*Christina Voigt*)

#### Reading:

1. IPCC Summary for Policy makers, 2007 (18 pages) available at: <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-spm.pdf>
2. Patricia Birnie, Alan Boyle and Catherine Redgwell: *International Law and the Environment*, 3rd. ed., Oxford 2009, chapter 6,4 and 6,5, pp. 356-378.
3. David Freestone: *The International Climate Change Legal and Institutional Framework: An Overview*, in: David Freestone and Charlotte Streck (eds.): *Legal Aspects of Carbon Trading*, Oxford University Press, 2009, pp. 3-35.

**Thursday 3 February:** Principles in the International Climate Regime (*Hans Chr. Bugge*)

#### Reading:

1. Edith Brown Weiss: *Climate Change, Intergenerational Equity, and International Law*, in: *Vermont Journal of Environmental Law*, 2008, pp. 615-628.
2. Joyeeta Gupta: *Good governance and climate change: Recommendations from a North-South perspective*, in: Marjan Peeters and Kurt Deketelaere (eds.): *EU Climate Change Policy: The Challenge of New Regulatory Initiatives*, Edward Elgar, 2006, pp. 297-315.
3. Lavanja Rajamani: *Differentiation in the Post-2012 Climate Regime*, 4 *Policy Quarterly* 4, 2008, pp. 48-51.

#### Suggested additional reading:

1. Patricia Birnie, Alan Boyle and Catherine Redgwell: *International Law and the Environment*, 3rd. ed., Oxford 2009, chapter 3, sections 1-5 (pp. 106-205).

**Thursday 8 February:** New Legal Mechanisms and Instruments to Address Climate Change (*Christina Voigt*)

#### Reading:

1. Juergen Lefevre: *Greenhouse Gas Emissions Trading: A Background*, in: M. Bothe and E. Rehbinder (eds.): *Climate Change Policy*, Eleven International Publishing, 2005, pp. 103-130.
2. Sander Simonetti and Rutger de Witt Winjen: *International Emissions Trading and Green Investment Schemes*, in: David Freestone and Charlotte Streck (eds.): *Legal Aspects of Carbon Trading*, Oxford University Press, 2009, pp. 157-175.
3. Edwin Woerdman et al.: *European Emissions Trading and the Polluter-Pays principles: Assessing Grandfathering and Over-allocation*, in: Michael Faure and Marjan Peeters: *Climate Change and European Emissions Trading*, Edward Elgar, 2008, pp. 128-150.

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<sup>1</sup> The program may be subject to minor adjustments.

- Christina Voigt: The Deadlock of the Clean Development Mechanism: Caught between Sustainability, Environmental Integrity and Economic Efficiency, in: B. Richardson, S. Wood, H. McLeod-Kilmurray og Y. Le Bouthillier (eds.): *Climate Law and Developing Countries: Legal and Policy Challenges for the World Economy*, Edward Elgar, 2009, pp. 235-261.

**Thursday 15 February: The Climate Change Regime: State Responsibility and Security (Christina Voigt)**

Reading:

- Christina Voigt: Security in a Warming World: Competences of the UN Security Council for Preventing Dangerous Climate Change, in: C. Bailliet (ed.): *Security: A Multidisciplinary Normative Approach*, Brill Publishers, Leiden, 2009, pp. 291-312.
- Christina Voigt: State Responsibility and Climate Change Damages, *77 Nordic Journal of International Law*, 2008 Nr.1-2, pp. 1-22.

**Tuesday 1 March: The Climate Change Regime: Compliance and Enforcement (Geir Ulfstein)**

Suggested additional reading:

- G. Ulfstein, Dispute Resolution, Compliance Control and Enforcement in International Environmental Law in G Ulfstein, T Marauhn and A Zimmermann (eds), *Making Treaties Work: Human Rights, Environment and Arms Control* (Cambridge University Press, Cambridge 2007) pp 115-134
- G. Ulfstein and J. Weksman, 'The Kyoto Compliance System: Towards Hard Enforcement' in OS Stokke and others (eds), *Implementing the Climate Regime. International Compliance* (Earthscan, London Sterling, VA 2005) pp 39-65.

**Thursday 3 March**

Mock Climate negotiation (REDD - Forest protection in the Climate Regime) (Christina Voigt)

Reading:

- Charlotte Streck: Forests, Carbon Markets, and Avoided Deforestation: Legal Implications, *3 Carbon and Climate Law review (CCLR)*, 2008, pp. 239-247.

Suggested additional reading:

- Markku Kaninen et.al.: Do Trees grow on Money?, CIFOR Info brief, 14. November 2008 (available at: [http://unfccc.int/files/methods\\_science/redd/application/pdf/do\\_trees\\_grow\\_on\\_money\\_infobrief.pdf](http://unfccc.int/files/methods_science/redd/application/pdf/do_trees_grow_on_money_infobrief.pdf))
- Arild Angelsen and Sheila Wertz-Kanounnikoff: What are the key design issues for REDD and the criteria for assessing options? In: Angelsen, A. (ed.): *Moving ahead with REDD: Issues, options and implications*, CIFOR, Bogor, Indonesia, 2008, pp. 11-22 (available at: [http://www.cifor.cgiar.org/publications/pdf\\_files/Books/BAngelsen0801.pdf](http://www.cifor.cgiar.org/publications/pdf_files/Books/BAngelsen0801.pdf)).
- David Brown, Frances Seymour and Leo Peskett: How do we achieve REDD co-benefits and avoid doing harm?, in: Angelsen, A., (ed.): *Moving ahead with REDD: Issues, options and implications*, CIFOR, Bogor, Indonesia, 2008, pp. 107-118 (available at: [http://www.cifor.cgiar.org/publications/pdf\\_files/Books/BAngelsen0801.pdf](http://www.cifor.cgiar.org/publications/pdf_files/Books/BAngelsen0801.pdf))

**Tuesday 8 March: Regulatory Approaches for the Involvement of Companies in achieving a Sustainable development and combating climate change (Beate Sjøfjell)**

Reading:

- Beate Sjøfjell, Internalizing Externalities in EU Law: Why Neither Corporate Governance nor Corporate Social Responsibility Provides the Answers, in [George Washington International Law Review, Vol. 40, No. 4.](#)

**Thursday 10 March**

Cross Cutting Issues: Climate change and Human Rights Law (Christina Voigt)

Suggested additional reading:

- "An Inuit Petition to the Inter-American Commission on Human Rights for Dangerous Impacts of Climate Change" ([http://www.ciel.org/Publications/COP10\\_Handout\\_EJCIEL.pdf](http://www.ciel.org/Publications/COP10_Handout_EJCIEL.pdf)) (Petition can be found here: [http://www.ciel.org/Publications/ICC\\_Petition\\_7Dec05.pdf](http://www.ciel.org/Publications/ICC_Petition_7Dec05.pdf))

2. International Council on Human Rights Policy: Climate Change and Human Rights (Summary) ([http://www.ichrp.org/files/summaries/35/136\\_summary.pdf](http://www.ichrp.org/files/summaries/35/136_summary.pdf))

**Tuesday 15 March:** Mock trial (Climate change and trade law ) (*Christina Voigt*)

Suggested additional reading:

1. “Japan takes issue with Ontario’s green energy plan” at: <http://www.theglobeandmail.com/report-on-business/japan-takes-issue-with-ontarios-green-energy-plan/article1705239/> or: “Japan starts WTO dispute with Canada on clean power” at: <http://www.reuters.com/article/idUSTRE68C2RN2010091>
2. Voigt, Christina (2008) *WTO Law and International Emissions Trading: Is there Potential for Conflict?*, 1 Carbon & Climate Law Review, 52-64. Reprinted in: (2008) 4 Environmental Liability, 136-147.

**Thursday 17 March:** How Does Climate Change Affect Energy Law? (*Christina Voigt*)

Reading:

1. Catherine Redgwell: International Regulation of Energy Activities, in M. Roggenkamp, C. Redgwell, A. Rønne, I. del Guayo (eds.): *Energy Law in Europe: National, EU and International Law and Institutions*, Oxford University Press, 2007, Chapter 2.

**Tuesday 22 March:** International investment law, as applied to climate and energy investments (*Ivar Alvik*)

Suggested additional reading: information will be provided during the course

**Thursday 24 March:** The International Energy Charter (*Ivar Alvik*)

Suggested additional reading: information will be provided during the course

**Thursday 28 April**

Supporting the Generation of Climate Friendly Energies (*Catherine Banet*)

Reading:

1. H. Tegner Anker, B. Egelund Olsen and A. Rønne: Wind Energy and the Law: A Comparative Analysis, *Journal of Energy & Natural Resources Law*, Vol. 27 No 3, May 2009, pp.145-178.
2. The support of electricity from renewable energy sources, EU Commission staff working document, SEC(2008)57, pp.1-17, available for free on <http://eur-lex.europa.eu/en/index.htm> or at:<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008SC0057:EN:HTML>

**Tuesday 3 May:** Limiting the Emissions at the Consumption Stage - Energy efficiency (*Catherine Banet*)

Reading:

1. J. Bradbrook and R. D. Wahnschafft: International Law and Global Sustainable Energy Production and Consumption, in Bradbrook, Lyster, Ottinger and Xi (eds.): *The Law of Energy for Sustainable Development*, IUCN, Cambridge University Press, 2005, Chapter 11, pp.181-201.

Suggested additional reading:

1. UNEP Handbook for Drafting Laws on Energy Efficiency and Renewable Energy Resources (United Nations Environment Programme, 2007), pp. 25-46, available for free at: [http://www.unep.org/law/PDF/UNEP\\_Energy\\_Handbook.pdf](http://www.unep.org/law/PDF/UNEP_Energy_Handbook.pdf)
2. The WTO and Energy: WTO Rules and Agreements of Relevance to the Energy Sector, ICTSD Programme on Trade and Environment, August 2007, available for free at: <http://ictsd.org/i/publications/11229/>.