

EKSAMEN I JURIDISKE VALGEMNER

VÅR 2013

Dato: Onsdag 22. mai 2013

Tid: Kl. 10:00 – 14:00

JUS5911 – International Climate Change and Energy Law

The language of examination for this course is English: students may answer in English ONLY, answers in any other language than English will be given a F (F for fail).

Please answer three (3) of the four (4) sets of questions below:

1. Critically discuss the law on state responsibility and its capacity to deal with damages to states that are caused by a changing climate.
2. Country Carbonia is a Party to the UNFCCC and to the Kyoto Protocol and listed in Annex I to the UNFCCC. According to Article 3 of the Kyoto Protocol, Carbonia has committed itself to not exceeding its assigned amount, calculated pursuant to its quantified emission limitation and reduction commitment inscribed in Annex B of the Protocol, in the commitment period 2013-2020. According to Annex B of the Protocol, Carbonia's quantified emissions limitation and reduction commitment is 84 (= minus 16 per cent), the base year is 1990.

Carbonia has a very highly emitting - but very profitable – natural gas and oil industry and has constantly increased its emissions since 1990. In 2013, Carbonia's emissions are expected to be at an all time high of 10 per cent above its base year emissions in 1990.

The Government of Carbonia has indicated that it will not be possible for the country to meet its emissions reduction commitment by implementing domestic climate policies and measures alone, given the high costs of emissions reduction in Carbonia.

You are a senior legal advisor to the Government of Carbonia and asked to

- a) Analyse which possibilities the Kyoto Protocol provides to Annex I countries for meeting their commitments in a flexible and cost effective manner,
- b) Advise your Government on the pros and cons of these possibilities, and
- c) Advise your Government on the possible legal consequences of not meeting its greenhouse gas reduction commitment as entailed in the Kyoto Protocol.

For the purpose of this question, it is assumed that the amendment to the Kyoto Protocol for a second commitment period from 2013 until 2020 has entered into force.



3. Discuss critically the inter-relationship between human rights and climate change from the perspective of public international law.
4. Why and how could international trade law (WTO) interfere with a WTO member state's climate or renewable energy regulation?
