

JUS5911 – International Climate Change and Energy Law

Exam question:

Please write a newspaper op-ed or essay of max. 2.500 words on the topic:

The role of international law in addressing climate change: A critical assessment of existing rules

Sensorveiledning:

1. Why do we need international law to address climate change (collective action problem, accumulative, complex, question of global equity, has to address: mitigation, adaptation, finance, loss and damages, need for multilateralism etc)
2. What do we have: UNFCCC, Paris Agreement (details on obligations, Art. 4 – NDCs, Art. 13 – reporting, Art. 9 – finance; Art. 15 PAICC), but also other international law: HR, trade, UNCLOS, investment etc
3. Critical assessment: what needs to be done: net-zero 2050/ net-negativity 2100 (IPCC AR6); not on track yet, implementation and increase in ambition necessary, unprecedented challenges
4. Assessment of Paris: ambition-cycle (explanation necessary), ratcheting up, problem of finance
5. Assessment of HR: flexible and dynamic, significant changes happening (refer to ECtHR pending cases, IACHR, national climate litigation, HR to a clean environment)
6. Assessment of trade/investment law: can be supportive (e.g. justifiable subsidies, support mechanisms etc) – but also potential for conflict (e.g. RWE/Netherlands), problem: stabilization clauses, legitimate expectations etc.