

Report

Participation by University of Tasmania Law School Students in UN Climate Change Negotiations

Bonn, Germany

1-18 May 2017

SUMMARY

During 8-18 May 2017 four University of Tasmania Law School students attended the UN climate change negotiations in Bonn, Germany.

The negotiations follow from the landmark climate agreement adopted in Paris in 2015, and provided students with an opportunity to experience international lawmaking first-hand.

The students attended as members of the Law School's *International Justice Initiative*, which facilitated their participation with accredited observer organizations, and connected them with civil society organizations and government delegations.

Through these arrangements, students made a number of useful contributions, which include:

- Undertaking the first summary of African countries' contributions under the Paris Agreement on adaptation to the adverse effects of climate change, to support Africa's negotiators and to contribute to the Africa Adaptation Initiative, recently launched by 54 African leaders to increase the continent's resilience to climate change;
- Researching legal precedents, and summarizing submissions, as a contribution to a workshop and multilateral negotiations on public participation and conflicts of interest, which were covered by the New York Times and other media outlets;
- Providing research for the Least Developed Countries' new initiative on renewable energy and energy efficiency by summarizing those countries' intended contributions under the Paris Agreement relating to renewable energy. This work built on previous work by participants of the *Initiative* to support the LDCs by mapping existing international and regional initiatives;
- Assisting negotiators from developing countries on a range of legal and policy issues arising in negotiations relating to compliance, the transparency mechanism, and following negotiations on the Paris Agreement's review mechanism, the "Global Stocktake"; and providing support to a range of other civil society observer organizations;
- Providing updates to the rest of the UTAS team during the conference.

Reports by three members of the team, Ashleigh McCoach, Camilla More and Lauren Hargrave, are attached, detailing these and other activities. The fourth participant, Brook Dambacher, serves as the initiative's facilitator (and is attending UN climate change negotiations for her fourth time).

Other students participating in the *Initiative* who did not attend the Bonn negotiations but made important research contributions on public participation and conflicts of interest include Alice van Galen, Frances Medlock, Gabby McDonald, Heidi White and Kate Raffety.

The students were generously supported by a scholarship of \$3000 provided by the Faculty of Law, Law School Alumni, and an NGO staffed by UTAS alumni supporting the initiative.

The Initiative is open to all UTAS Law School Students through a selection process on an annual basis.



I was first interested in joining the *International Justice Initiative* due to my deep interest in international environmental law. I have been interested in this since secondary school, which is why I decided to undertake a Bachelor of Science and Laws, where I could study environmental issues, including climate change. Since beginning my degree this interest has grown even further, along with an interest in other international issues with a public interest focus. The *Initiative* is the perfect opportunity for me to explore these interests further.

I wished to go on the trip to the UN climate change negotiations in Bonn, Germany, because of the opportunity it presented to meet so many people who are passionate about climate change, and who want to make a difference. I was equally interested in seeing the process of developing international law in practise, and having the opportunity to contribute meaningfully to an area of law I am passionate about. I would be able to put effort into processes that can create change on a large scale. I also knew that I would be with experts in the field, so I would develop a greater understanding of all the issues surrounding climate change, and how they relate to the Paris Agreement.

My experience in Bonn met my expectations, and so much more. In Bonn I was accredited as an observer with the College of the Atlantic, a university in the United States. As well as the actual negotiations that we went to, there were also many side events and workshops that were very interesting. We were able to contribute meaningfully in Bonn, and we all agree it was two weeks well spent. Some of the work we did included working for environmental NGOs on conflict of interest issues, contributing towards the LDC Renewable Energy and Energy Efficiency Initiative, and working on climate change adaptation, which I will detail below.

Supporting an African initiative on adaptation to climate impacts

After working on the initial conflict of interest tasks, we were put into contact with Ms Kulthoum Motsumi, who serves as the coordinator for the African Group of Negotiators (AGN) on adaptation issues in the negotiations, and also leads the Africa Adaptation Initiative (AAI), a continental initiative supported by 54 African Heads of State to increase Africa's resilience to climate impacts. We were asked to examine and summarise the Nationally Determined Contributions (NDCs) of African countries – i.e. the pledges put forward by African countries on adaptation under the Paris Agreement. This involved creating a table that details the adaptation components of each African NDC. Ms Motsumi stated that this would be very useful for an analytical report that the AAI would write on adaptation at a future date.

This work was important, as it serves as the first summary of African countries' submissions on adaptation under the Paris Agreement. It would help the Adaptation Initiative determine what needs to be done regarding adaptation, so that they will be able to mobilise all the resources that are needed. It was also important for the table to demonstrate that all the African countries have adaptation as a central component of their contributions to the Paris Agreement, to in turn demonstrate that the AAI is an important initiative.

Ms Motsumi made it clear that the task was urgent, as it had to be finished before the African Ministerial Conference on the Environment (AMCEN) in June, as well as due to the general urgency for adaptation actions to occur now. Therefore, we decided as a group we should finish it as quickly as possible, and set a deadline for the end of our time in Germany. For this task we read the NDCs of all African countries in the AGN. We gave

summaries that provided the structure of the NDCs, and provided details on the adaptation sections of the NDCs. We also gave information on finance, and gave information so that it could be clustered by regional groupings.

From this table it is evident that adaptation is an important part of all of the NDCs included, and we got feedback that it is a useful tool for determining key themes for adaptation, and will be useful in future activities. Ms Motsumi sent us a thank you note:

“Many thanks for this very useful table. It is much appreciated. I am already seeing how we can use it for the state of adaptation report that we should be starting very soon. Its also very informative in mapping some of the activities we want to do going forward.”

Ms Motsumi also stated that she was hopeful that as researchers we could be involved once again, once the state of adaptation report Terms of Reference is approved. There have been discussions that we will be funded by the United Nations Development Programme (UNDP) for the work we have done, as well as potential future work.

Supporting Least Developed Countries

During our time at Bonn, we each got to spend time with the Least Developing Countries (LDC) group, which represents the world’s 48 poorest countries in the world. We attended LDC group meetings, such as their daily coordination meetings, where delegate from LDC countries would report on what was going on during the day, and they would strategize on what to do moving forward. At these meetings, we were able to meet negotiators. We also assisted with work when needed.

Supporting African negotiators on the Paris Agreement’s compliance mechanism

I also had the pleasure of helping Ms Selam Kidane Abebe, a Legal Advisor to the African Group of Negotiators (AGN). I found this was a rewarding experience, as she gave me further insight before meetings and negotiations, enhancing my knowledge of the area. We mainly worked on the compliance mechanism of the Paris Agreement; agenda item 7. Ms Abebe asked me to undertake a range of tasks for her, which further enhanced my understanding and developed my legal analysis and research skills.

REPORT BY CAMILLA MORE

Before going to the negotiations in Bonn students from the *International Justice Initiative* assisted Corporate Accountability International with research relating to conflicts of interest in the UNFCCC process. Having done this research, it was interesting to see the issue play out at the negotiations. Following the conference, Corporate Accountability International sent a letter of thanks to the *International Justice Initiative* team recognising our work, which is attached as an Annex to this report.

Summarizing submissions on public participation and conflict of interests

In the lead up to Bonn, the UNFCCC’s Subsidiary Body for Implementation invited Parties, observer organisations and interested United Nations agencies to submit their views on opportunities to further enhance the effective engagement of non-Party stakeholders, with a view to strengthening the implementation of the Paris Agreement. A workshop on the same topic was held in Bonn. In the weeks leading up to the Bonn negotiations students from the *Initiative* worked on summarising these submissions for Corporate Accountability International to present clearly the different views and positions on ways to enhance engagement of non-Party stakeholders, specifically focussing on the issue of conflicts of interest. Currently, no policy exists to exclude from the process non-Party stakeholders, such as fossil fuel lobbyists, whose interests conflict with the objectives of the United Nations Framework Convention on Climate Change (UNFCCC) and of the Paris Agreement. Although it is important that non-government organisations are able to participate, and this participation should be enhanced, it is crucial that conflicts of interests are avoided.

Reviewing national and international law precedents on conflict of interests

Students from the *Initiative* then reviewed other conflict of interest policies to demonstrate that a strong legal precedent already exists in both national and international law for addressing and regulating conflicts of interests, and provided this report to Corporate Accountability International. This work assisted Corporate Accountability International in preparing for the workshop. It could be shared with their allies to highlight the various positions on conflict of interests and the arguments for and against implementing a conflict of interest policy. It also made clear which parties were making the different arguments and provided opportunity for counter-arguments to be set out.

Attendance at UN workshop on public participation and conflict of interests

The workshop was held on the second day of meetings. It involved a panel discussion, open discussion from parties and observers, and three breakout groups focussing on more specific questions. The issue of 'conflicts of interest' was raised by many throughout the workshop and ended up dominating most of these discussions. Participants argued strongly that fossil fuel lobbyists must be removed from the process, and that enhancing the engagement of non-Party stakeholders must not undermine the legitimacy and integrity of the UNFCCC process.

In negotiations following the workshop, a number of parties requested that the UNFCCC Secretariat invite submissions from parties which should include concrete proposals to strengthen existing engagement of non-Party stakeholders by ensuring non-Party stakeholder's objectives are fully aligned with the objectives of the Convention and Paris Agreement. Such suggestions were met with resistance from the EU, the US and Australia. Nonetheless, it was eventually decided that countries will be invited to submit proposals on how to 'enhance effective engagement' of stakeholders. There was no agreement on mentioning 'conflicts of interest' by name, but in making submissions on how to enhance effective engagement of stakeholders, the opportunity exists for parties to submit proposals on appropriate conflict of interest policies.

Public participation discussions reported in New York Times

It was exciting to see that our research contributions were valuable and lead to some positive outcomes. Although no conflict of interest policy was adopted, some progress was made towards this goal and exposure given to the issue, both in the workshop and negotiations, as well as in the media with the issue of conflicts of interest and the work of Corporate Accountability International being featured in an article on the [front page](#) of the New York Times.

Request to deliver closing statement on behalf of civil society constituency

At the end of the two weeks I was invited to deliver an intervention at the Subsidiary Body on Implementation closing plenary on behalf of Climate Justice Now, a prominent constituency of NGOs within the UNFCCC process. Unfortunately, time ran out to hear closing statements from civil society so the opportunity to present this never came about, though the statement was submitted online. Ironically, the intervention I would have delivered made the point that inclusive and open public engagement with observers is essential. It also highlighted the importance of enhancing engagement in a manner that protects the UNFCCC from conflicts of interest, and to ensure that the objectives of the UNFCCC and the Paris Agreement are not compromised.



Going to Bonn and experiencing the meetings and negotiations first hand as well as talking to people who have had years of experience with the process gave me insight into the realities of negotiation processes and a better understanding of international law and the issues in addressing climate change. It was an eye-opening experience and I feel incredibly fortunate to have had the opportunity to attend.

REPORT BY LAUREN HARGRAVE

I became involved in the *International Justice Initiative* in 2016. As a fourth year law student I was looking for an opportunity to volunteer my time and put my legal skills into action. The *Initiative* appealed to me for two main reasons. Firstly, it was a way to learn more about an area I was interested in, international law. Secondly it allowed me to experience work in a public interest setting. One of my primary motivations for becoming a law student was to work in areas of public interest. Given my continuing motivations and the strength of the *Initiative* in 2016 it was an easy decision to apply to volunteer again in 2017.

I was motivated to travel to Bonn in 2017 for the same reasons I was interested in joining the *Initiative*. Primarily, I understood that going to Bonn would allow me the unique opportunity to see the international climate negotiations up close. I did not know what to expect heading to Bonn but I was excited to see international law in practice!

Following negotiations on the Paris Agreement's "Global Stocktake"

In Bonn I was fortunate to gain access to the conference as an observer with the Third World Network (TWN). TWN provides news and reporting of the climate talks. Whilst in Bonn, I was able to assist TWN by providing notes on meetings regarding the Paris Agreement's review mechanism known as the Global Stocktake (art 14 of the Paris Agreement).

Research to support Least Developed Countries renewable energy initiative

Ashleigh McCoach's report mentioned that students from the *Initiative* were able to assist the Least Developed Countries (LDC) Group. One specific project that *the Initiative* has assisted the LDC group with is the LDC Renewable Energy and Energy Efficiency Initiative (REEEI). This started in 2016 when students from the *Initiative*, including myself, helped prepare a report mapping existing renewable energy initiatives in the LDCs. This report helped to identify gaps and needs to inform the development and subsequent launch of the LDC REEEI in Marrakesh in late 2016.

In Bonn, to assist with the ongoing development of LDC REEEI the *International Justice Initiative* students compiled an overview of calls for renewable energy and/or energy efficiency by LDCs in the plans to tackle climate change they have each submitted under the Paris Agreement (their NDCs). This required us to look through NDCs, and summarise the relevant section on energy. The *International Justice Initiative* students did this in conjunction with a group of Student Observers from Uppsala University.



Working with the students from Uppsala's University was a great opportunity to meet other students interested in the climate change process. The five Uppsala students came from a range of degrees. This means we were able to exchange knowledge, and provide some helpful guidance on the process from a more legal standpoint.

Assisting Least Developed Country negotiator on transparency negotiations

I also had the uniquely exciting opportunity to directly help with the negotiations. I was able to support the lead negotiator for the LDC group on the transparency mechanism of the Paris Agreement in quickly analysing and summarizing an informal note released during the negotiations. The summary table analysing the differences between two sections of the informal note formed the basis of his intervention for that day's negotiation.

This short report contains just three of many experiences in Bonn. Additionally, I had the opportunity to attend a number of interesting negotiations and workshops. The workshops in particular exposed me to interesting developments of law and policy across the globe.

I learnt a lot in Bonn. What I learnt fits into three categories. Firstly, I learnt a lot about how international law develops and works in practice. My lack of contact with international law, unlike domestic law, meant the experience and opportunity was thoroughly enriching. Secondly, I learnt about the core concepts and debates in climate law. Thirdly, I learnt how individuals in public interest law work and what motivates them.



CENTRAL Campaign Headquarters
10 Milk Street, Suite 610
Boston, MA 02108
Tel: 617.695.2525
Fax: 617.695.2626
www.StopCorporateAbuse.org • info@stopcorporateabuse.org

OFFICES West Coast
Oakland, CA
Seattle, WA
Latin America
Bogotá, Colombia

June 5, 2017

To the Public Interest International Law Initiative (PILI) team:

I hope this message finds you well.

On behalf of all of us as Corporate Accountability International, I write to extend our sincere gratitude for the support your students from PILI at the University of Tasmania provided our team before, during, and after the recent United Nations Framework Convention on Climate Change (UNFCCC) negotiations in Bonn, Germany this May.

Brook Dambacher, Ashleigh McCoach, Camilla More, Lauren Hargrave, Gabby McDonald, Kate Raffety, Heidi White, Alice van Galen, and Frances Madlock went above and beyond to assist our team. Before the negotiations, they spent lengthy hours analyzing and summarizing a long list of country and civil society submissions made ahead of the negotiations, as well as conducting an overview of global conflict of interest policies. This research helped provide the evidential foundation upon which our team built the specific strategies and tools we used to advance our critical objective of creating a conflict of interest policy that protects climate policymaking from the damaging influence of the fossil fuel industry. Not only this, but the overview summaries they produced were widely shared with government delegates and civil society, helping us foster a profound global dialogue, both before and during the climate talks. During the two weeks in Bonn, Ashleigh, Camilla, Lauren, and Brook continued to provide technical support to our team, always willing to attend sessions or take on last-minute research requests.

Fortified by your students' research, our team and our global allies were able to place the topic of conflicts of interest front and center during this year's UNFCCC negotiations. Not only was it covered in media attention the world over, but we secured a formal opportunity to continue this critical discussion with governments during next year's negotiations in May 2018. This means that the movement for climate justice has taken one huge step forward, against all the odds and despite attempts by the fossil fuel industry to shut it down.

Lastly, it isn't lost on us that these students did all of this while undertaking their end-of-term exams. For this and all their help, we are tremendously grateful. We hope they found their involvement as rewarding and inspiring as we did.

With many thanks and best wishes from all of us at Corporate Accountability International,


Kelle Louaillier
President
Corporate Accountability International

