

NASA, Atmospheric Carbon Dioxide Tagged by Source. <https://svs.gsfc.nasa.gov/5110>

## Webinar Series (3, 6 and 8 November 2023)

# Climate Change and International Economic Law: Where are we headed?

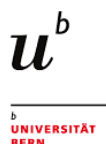
The dynamic interplay between climate change and international economic law has garnered significant attention in recent years. This heightened focus is not surprising, given that climate change compels nations to adopt an increasing array of policy measures to advance their climate objectives and gain a competitive advantage in the race toward green industrial leadership. Notably, many of these measures are finding their way into international treaties, shaping economic relationships between States. Furthermore, climate change is exerting a notable influence on policymaking. There is a growing trend among developing countries, as they seek to unlock the financial opportunities presented by expanding carbon markets and pivoting their economies toward a low-carbon trajectory. Additionally, climate change is becoming a frequently invoked factor in dispute resolution. The resulting normative conflicts often centre on principles, interests, and commitments, frequently occurring along North-South and public-private axes. These conflicts, in turn, have a discernible impact on the future of the global order.

In a collaborative initiative between the University of Göttingen, the University of Bern, and the Università della Svizzera italiana, we are convening a series of three online workshops. These will bring together a blend of established experts and fresh perspectives, aiming to provide a holistic outlook on ongoing developments.

Participation is free, but prior registration is required. Dedicated registration links for each workshop are provided below.

1. "Climate Change in Treaty Negotiations: New Generation of Climate Commitments in Trade and Investment Accords" (3 November, 14:00-16:00 CET). Register at: <https://s.gwdg.de/kUAx1C>
2. "Climate Change in Term Setting: International Economic Law and Emerging Carbon Markets" (6 November, 15:00-17:00 CET). Register at: <https://s.gwdg.de/1hOaL>
3. "Climate Change and International Economic Law Disputes" (8 November, 14:00-16:00 CET). Register at: <https://s.gwdg.de/VCbP6m>

For more information, please contact Zaker Ahmad ([zaker.ahmad@jura.uni-goettingen.de](mailto:zaker.ahmad@jura.uni-goettingen.de)) or Agata Daszko ([agata.daszko@jura.uni-goettingen.de](mailto:agata.daszko@jura.uni-goettingen.de)).



# Webinar 1: Climate Change in Treaty Negotiations: New Generation of Climate Commitments in Trade and Investment Accords

**Date & Time: 3 November (14:00 – 16:00 CET)**

The past several years have witnessed significant developments in the climate-related commitments incorporated in trade and investment accords. Such developments include but are not limited to, explicit commitments by parties to promote climate mitigation and adaptation-related investments, clean energy technologies, introducing specific carve-outs for climate measures, and treaty-based cooperation mechanisms. In contrast, little progress has been made regarding incorporating North-to-South financial support commitments, delineating the scope and coverage of 'green investment', allowing climate-related performance requirements, or limiting the scope of fair and equitable treatment in investment protection arrangements. As more unilateral norm-setting (e.g. the EU CBAM, and the deforestation regulation) is foreseen to influence the economic relationship between developed and developing countries, fault lines may appear that may further fragment the interaction between climate change and international economic law. We seek to discuss the key emerging trends of climate-related economic commitments, their implication for developed and developing countries, and the potential pathways and principles towards a just economic transition based on mutual support, cooperation and fairness.

## Guiding Questions

- How can treaty negotiators strike a balance between climate commitments and economic interests to ensure an equitable distribution of costs and benefits?
- What lessons can be drawn from existing climate commitments and IEL frameworks to guide future negotiations and foster a shared platform based on mutual support and cooperation?
- How can trade and investment accords be effectively leveraged to encourage and promote climate mitigation and adaptation-related investments?

**Welcome Address: Peter-Tobias Stoll**

## Panel Inputs (14:00 - 15:15)

**Markus Gehring (moderator):** Opening Remarks: A New Generation of EU Trade and Sustainable Development Agreements – Lessons for Trade and Investment Law

**Nicolas Lockhart:** Climate Change in International Trade Accords – Practitioner's Perspective (tbc)

**Yilly Vanessa Pacheco:** Anti-Deforestation Commitments in the EU Economic Partnership Agreements

**Marios Tokas:** Integrating Climate Change Commitments in Trade and Investment Policy: Green trade and investment provisions in non-TSD chapters of FTAs and BITs

## Expert Comments and Discussion (15:15-16:00)

**Thomas Cottier,** World Trade Institute, University of Bern

**Clovis Freire,** Division on International Trade and Commodities, UNCTAD

& others

## Registration:

<https://uni-goettingen.zoom-x.de/meeting/register/u5lsdeGgrj0vGdG80W-tO9KBOCbz3rE-L6xm>



Affiliations of the speakers can be found at the bottom of the document.  
For more information contact Zaker Ahmad (zaker.ahmad@jura.uni-goettingen.de) or Agata Daszko (agata.daszko@jura.uni-goettingen.de).



# Webinar 2: Climate Change in Term Setting: International Economic Law and Emerging Carbon Markets

**Date & Time: 6 November 2023 (15:00 – 17:00 CET)**

With global warming projected to exceed the 1.5°C threshold before 2030, the need for ambitious yet sustainable climate change mitigation has never been more critical. Market-based emission reduction is a crucial part of this endeavour. The establishment of international compliance markets under Article 6 of the Paris Agreement in 2021 and the rapid growth of voluntary carbon markets (VCM) since 2017 demonstrate progress in this area. However, new compliance carbon markets (CCM) remain small and heavily regulated, while certain segments of the VCM face integrity concerns.

Carbon markets' sustainability, robustness, inclusivity, and integration with international economic law (IEL) require active engagement. Currently, these markets suffer from fragmentation and protectionism, which hinders the utilization of international credits and squanders the opportunity to integrate developing markets as mitigation solution providers. This workshop aims to discuss these above issues and possible unilateral, club-based, or multilateral actions to address the same. We aim to underscore that 21st-century international economic law and policies should create the correct environment for carbon markets to achieve climate action and economic growth in the most cost-effective and inclusive manner, incorporating opportunities in developing markets.

## Guiding Questions

- Can IEL encourage equitable expansion of carbon markets, and developing countries' participation therein, or will they pose ever-growing limitations for cross-border transactions?
- How can protectionism against emission credits from developing countries be prevented?
- What changes does Article 6 bring to cross-border transactions and its relationship with trade law?

**Welcome Address: Peter-Tobias Stoll**

## Panel Inputs (15:00-16:15)

**Ilaria Espa (moderator):** Opening Remarks: Carbon Markets and Article 6 Activities Through the Lens of International Economic Law.

**Axel Michaelowa:** From Kyoto to Paris: Can the New Landscape of Carbon Markets and Article 6 Activities Overcome Protectionism?

**Kateryna Holzer:** Regulating Voluntary Carbon Markets: Outlines of a Research Agenda.

**Zaker Ahmad:** Equitable Growth of Carbon Markets and the Potential Role of Investment Rules.

## Expert Comments & Discussion (16:15-17:00)

**Jodie Keane**, Overseas Development Institute

**Carlijn Nouwen**, Climate Action Platform for Africa

& others

## Registration:

<https://uni-goettingen.zoom-x.de/meeting/register/u5Eudeuhpjs0H9x7G5RWDjSwxrlGkKILyy58>



Affiliations of the speakers can be found at the bottom of the document.  
For more information contact Zaker Ahmad (zaker.ahmad@jura.uni-goettingen.de) or Agata Daszko (agata.daszko@jura.uni-goettingen.de).



# Webinar 3: Climate Change and International Economic Law Disputes

**Date & Time: 8 November 2023 (14:00 – 16:00 CET)**

As climate change intensifies, so does the scrutiny on the actions and responsibilities of governments and corporations in addressing its impact. Climate-related lawsuits are increasingly being filed in domestic and international courts. Parties to disputes, whether trade or investment related, more and more frequently use and depend on arguments related to climate change to advance their claims or defend their positions. This part of the webinar series will explore the intricate intersection between climate litigation and international economic law disputes, shedding light on the challenges and opportunities this evolving landscape presents.

## Guiding Questions

- What role can international economic law play in determining the justiciability of climate change-related cases and establishing criteria for compensating for loss and damage?
- How do non-state actors influence climate litigation and its outcomes, and what responsibilities do they bear in addressing climate change in the context of international economic disputes?
- Can climate objectives and international economic law principles be mutually reinforcing in investor-state dispute resolution?

**Welcome Address: Peter-Tobias Stoll**

**Panel Inputs (14:00 - 15:15)**

**Agata Daszko (moderator):** Opening Remarks: Economic Interests and Climate Change Litigation

**Petra Minnerop:** Climate Causality: From Attribution to Causation

**Henok Asmelash:** The WTO Dispute Settlement System as a Forum for Climate Litigation

**Annette Magnusson:** Investment Protection and Climate Change – friends or foes?

**Expert Comments and Discussion (15:15-16:00)**

**Ludovica Chiussi Curzi,** University of Bologna

**Andrew Lang,** University of Edinburgh

**Gustavo Prieto,** FWO - Ghent University

& others

**Registration:**

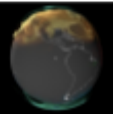
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For more information contact Zaker Ahmad (zaker.ahmad@jura.uni-goettingen.de) or Agata Daszko (agata.daszko@jura.uni-goettingen.de).



## List of Speakers



**Zaker Ahmad** is a Georg Forster Postdoctoral Fellow at the Department for International Economic and Environmental Law of the Institute of International Law and European Law at the University of Göttingen.

**Henok Asmelash** is a Lecturer at Birmingham Law School, University of Birmingham.

**Thomas Cottier** is a Professor Emeritus of European and International Economic Law at the University of Bern and former Managing Director of the World Trade Institute, University of Bern.

**Ludovica Chiussi Curzi** is a Senior Assistant Professor in Public International Law at the University of Bologna, School of Law.

**Agata Daszko** is a Junior Research Fellow and a Doctoral Candidate at the Department for International Economic and Environmental Law of the Institute of International Law and European Law at the University of Göttingen.

**Ilaria Espa** is an Associate Professor of International Economic Law (with tenure track) at the Università della Svizzera italiana (USI), Senior Research Fellow at the World Trade Institute (WTI) and Adjunct Professor at the Law Faculty of the Università Cattolica del Sacro Cuore.

**Clovis Freire** serves as the Chief, Technology and Innovation Policy Research Section, Division on Technology and Logistics, UNCTAD.

**Markus Gehring** is a Member of the Centre for European Legal Studies (CELS), Fellow and Director of Studies in Law at Hughes and a Fellow of the Lauterpacht Centre for International Law.

**Kateryna Holzer** is a Senior Researcher, Law School, University of Eastern Finland and a member of the Climate Change and International Environmental Law research group at the Center for Climate Change, Energy and Environmental Law (CCEEL), the Platform on International Energy Governance, and Climate Strategies.

**Jodie Keane** is a Senior Research Fellow with the International Economic Development Group at the Overseas Development Institute.

**Andrew Lang** is a Professor and Chair in International Law and Global Governance at the Edinburgh Law School, University of Edinburgh.

**Nicolas Lockhart** is a Fellow of the World Trade Institute of the University of Bern and a partner at Sidley Austin LLP.

**Annette Magnusson** is a Co-Founder of Climate Change Counsel and former Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC).

**Axel Michaelowa** is the head of the group on international climate policy at the chair “Political Economy and Development”, University of Zurich and Center for Comparative and International Studies (CIS). He is senior founding partner of the consultancy “Perspectives”.

**Petra Minnerop** is a Professor of International Law at the Durham Law School. She is the founder and Director of the Durham Centre for Sustainable Development Law and Policy.

**Carlijn Nouwen** is a Co-Founder of Climate Action Platform Africa (CAP-A).

**Yilly Vaness Pacheco** is a Senior Research Fellow at the Department for International Economic and Environmental Law of the Institute of International Law and European Law at the University of Göttingen.

**Gustavo Prieto** is a Research Foundation Flanders (FWO) Senior Fellow at the Department of European, Public and International Law, Ghent University.

**Peter-Tobias Stoll** is a Professor for Public and Public International Law (International Economic Law) at the University of Göttingen. He co-directs the Institute for International Law and European Law and heads the Department for International Economic and Environmental Law.

**Marios Tokas** is a PhD researcher at the Graduate Institute of International and Development Studies (IHEID), Geneva Graduate Institute.

