



This newsletter is compiled by the Sustainability Champions in The Dickson Poon School of Law and sent to law staff and students. The views expressed below do not necessarily reflect those of King's College London. If you do not wish to receive sustainability news, you may unsubscribe using the link at the bottom of this email.

Welcome to the School's Sustainability Newsletter compiled by our Sustainability Champions

This newsletter was established to update our faculty and students on The Dickson Poon School of Law's engagement with sustainability and environmental issues. We will be using the newsletter to update our community on the School's work in this area and on how students and staff members can get involved in the university's initiatives.

For more information on how to get involved, please contact Kieran McGrath (kieran.mcgrath@kcl.ac.uk).

This issue has been specially compiled by Dr Megan Bowman, Dr Eloise Scotford, Dr Emily Barritt and PhD candidate and TLI Research Fellow Stephen Minas, as an update on the work of the academic staff in the field of sustainability and climate change.

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Introduction

Climate change, as a fundamental challenge and aspect of sustainability, has emerged as one of the key issues for humankind in our time.

In December last year, the 21st conference of the parties ('COP21') to the United Nations Framework Convention on Climate Change met in Paris to negotiate how best to tackle this global issue. The Paris Agreement was adopted by 195 nations as an international 'agreement to agree' that a global temperature increase needs to be capped "well below" 2°C above pre-industrial levels.

Less than one year on, that Agreement will come into force on 4 November 2016 given it has now been ratified by at least 55 countries responsible for 55% of global emissions. The speed with which ratification occurred has surprised many, and is a testament to the urgency of multi-sectoral and global action.

Early ratification of the treaty puts added pressure on governments to align their law and policy with the treaty goal. It also sends a strong signal to companies and investors that they need to create and publish strategies to align not only their portfolios but also their businesses with a low-carbon economy.

Eyes are now turned to the COP22 meeting in Marrakesh in November 2016 where emphasis will be on implementation and raising stakeholder ambitions to ensure a 2°C world.

These areas of law and policy are the focus for several faculty members of The Dickson Poon School of Law, including Dr Eloise Scotford, Dr Megan Bowman, Dr Emily Barritt and PhD candidate and TLI Research Fellow Stephen Minas. As outlined in this newsletter, their research, teaching and engagement work is receiving transnational attention and contributing to informed debate about optimal ways forward.

Engagement & Impact

In September 2016, Dr Bowman was invited by the Australian Department of Foreign Affairs and Trade (DFAT) to be keynote speaker at a series of climate finance roundtables with internal and external stakeholders on the topic of innovative financial mechanisms that partner together government, NGOs and the private sector. The impetus arises from donor nation commitments under the Paris Agreement to financially assist developing nations to mitigate and adapt to climate change with approximately \$100billion additionally funding per year by 2020. This impact work is informed by Dr Bowman's transnational engagement with NGOs and industry professionals in the investment sector, and builds on her monograph *Banking on Climate Change* (Kluwer 2015), [launched at King's in November last year](#).



Dr Bowman presenting at the DFAT roundtable

In May 2016, Dr Bowman with Dr Raj Thamotheram (CEO of London-based think tank Preventable Surprises) co-authored a submission to the *Financial Stability Board's Task Force on Climate-related Financial Disclosures*. Subsequently, Dr Bowman was invited to participate in the fourth virtual dialogue of 'positive mavericks' on the topic of *Industrial Scale 2°C Transition Plan Resolutions for 2017*, convened by Preventable Surprises on 21-23 September. The dialogue brought together experts from around the world to debate and progress the issue of sector-wide shareholder resolutions for '2DC transition plans' to help energy utilities make the leap toward a low-carbon economy.

On 27-28 September 2016, Dr Scotford and Stephen Minas participated in the Legal Response Initiative's London workshop on *Legislating the Paris Agreement*. They presented a paper on a methodology for analysing, assessing and planning for climate legislation in national contexts, building on work done to advise the Commonwealth Secretariat on the issue. The paper was well received and will form part of collaborative work to provide capacity building support in localising the Paris Agreement in national legal systems (working with the UNFCCC Secretariat, UN Environmental Programme, Commonwealth Secretariat and the Grantham Institute).

This work on legislating for the Paris Agreement highlights one of the many ways in which climate change presents a deeply disruptive challenge for legal systems. Climate change is a cross cutting, polycentric issue that generates socio-politically conflict and requires radical social change. It thus poses major challenges for legal systems and there is much work to be

done in understanding and sharing knowledge about how existing legal systems can accommodate the problem of climate change and what they can do to evolve. This pressing legal challenge is also seen in the context of climate change adjudication, an area in which Dr Scotford and Dr Barritt have been doing ongoing work (see publications below). Building on a successful international conference at King's in September 2015 titled [*Adjudicating the Future*](#), they have continued to give papers on this issue and to engage with external partners. In particular, Dr Scotford has given papers on climate change adjudication and the much discussed Dutch decision in [*Urgenda v The Netherlands*](#) at the [A4ID Climate Change Knowledge Group](#) (Allen & Overy, 16 March 2016) and at the Australian law faculties of University of Sydney and University of New South Wales (in April 2016).



Dr Scotford presenting at the *Adjudicating the Future* conference

On 1 June 2016, Stephen Minas co-convened [a Brussels workshop on EU climate diplomacy](#) hosted by the Foundation for European Progressive Studies. Dr Megan Bowman and Dr Emily Barritt presented at the event on the roles of private climate finance and civil society, respectively, in progressing Europe's environmental agenda.



Dr Bowman, Dr Barritt and Mr Minas in Brussels

Recent Research & Publications

- Eloise Scotford, *Environmental Principles and the Evolution of Environmental Law* (Hart, 2017) (forthcoming).
- Elizabeth Fisher, Eloise Scotford, Emily Barritt, 'The Legally Disruptive Nature of Climate Change' (2017) *Modern Law Review* (forthcoming).
- Rafael Leal-Arcas and Stephen Minas, 'Mapping Out the International and European Governance of Renewable Energy' (2016) *Oxford Yearbook of European Law* special issue Beyond Pluralism? Co-Implication, Embeddedness and Interdependency between Public International Law and EU Law (forthcoming).
- Neil Gunningham and Megan Bowman, 'Energy Regulation for a Low Carbon Economy: Obstacles and Opportunities' (2016) 33(2) *Environmental and Planning Law Journal* 118-142.
- [Book review](#) of Bowman's *Banking on Climate Change* by Professor Benjamin J. Richardson in (2016) 5(1) *Transnational Environmental Law* 207-209.

Dr Emily Barritt spoke at the United Nations in New York this September 2016 on various legal options for addressing human threats to marine biological diversity in areas beyond

national jurisdiction (BBNJ). This was part of a side-event at the 2nd Session of the Preparatory Committee for the Development of an International Legally Binding Instrument under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of BBNJ.

During July-August 2016, Stephen Minas was a guest researcher at Ajou University in the Republic of Korea as a guest of the Korean Ministry of Foreign Affairs. Consultations, roundtable discussions and/or guest lectures were held at relevant institutions including the Ministry of Foreign Affairs, Ajou University, the Green Climate Fund, the Green Technology Center, UNCITRAL, UNISDR, UNESCAP, the Korea Maritime Institute and foreign missions in Seoul.

In September 2016, Stephen Minas participated in the 13th meeting of the UNFCCC Technology Executive Committee in Bonn Germany as a member of its task force on climate technology financing.

Stephen Minas also assisted with coordinating several Transnational Law Institute conferences that included environmental topics, including 'Transnational Sovereignities: Constellations, Processes, Contestations' in March; 'Jessup's Bold Proposal: Engagements with 'Transnational Law' after Sixty Years' in July; and 'Stress Testing the Law of the Sea: Dispute Resolution, Disasters and New Challenges' in September/October.

Teaching & Student Experience

Dr Scotford's module *Global Law of Climate Change* was successfully launched as part of the LLM Transnational Law and also Dispute Resolution Pathways in Spring 2016. This course aims to interrogate the multi-level governance, laws and disputes that relate to climate change, and explore the methodologies that lawyers can bring to bear in critically analysing different but intersecting regimes that relate to the problem of climate change. Dovetailing with this offering, Dr Bowman's new LLM course *Corporate Actors in Sustainability Governance* has commenced this Autumn semester. This module considers the increasingly crucial role of corporations and investors in an evolving transnational sustainability governance framework in which corporate actors are not only regulated entities but also the regulators.

Together these new postgraduate modules are building on faculty research to develop an educational offering on climate and sustainability regulation within The Dickson Poon School of Law.

In August 2016, Stephen Minas guest lectured in Ajou University's Summer School on 'Reshaping the international response to climate change: Technology, finance and law', and participated in consultations with government, UN and academic colleagues.

As a practical collaboration to include student learning within impact research, Dr Bowman engaged LLM candidate Ms Christine Toman to assist with researching an options paper to

map innovative financial mechanisms that mobilise private sector finance by developed nations to help address climate change in developing nations. The findings of that research were disseminated to the Australian Department of Foreign Affairs and Trade in June 2016, and will form the basis of engagement with other donor nations in the context of their Paris Agreement commitments.

Looking Ahead

Looking ahead, the positive energy and productivity stimulated by this work around climate change and sustainability is set to continue within The Dickson Poon School of Law across the realms of engagement and impact, research and publication, teaching and student experience.

Some activities on the horizon include:

- In 2017, we begin to welcome our Dickson Poon Distinguished Visitors in the areas of Environmental and Climate Change Law and Governance, commencing with Professors Benjamin J. Richardson (University of Tasmania) and Dan Bodansky (University of Arizona).
- Dr Scotford will deliver the Hibernian Society Annual Lecture on *Legal Disruption and Climate Change* in Dublin on 10 November.
- The Law School will host a range of upcoming climate and sustainability-related events, both public and invite-only, including:
 - [*The Future of EU Climate Change & Sustainable Energy Diplomacy*](#), panel discussion and publication launch, 19 October.
 - A joint event with A4ID and Allen & Overy on *What Lawyers can do about Climate Change* (the final 2016 event of A4ID's climate change knowledge group), 2 November 2016 (open to a limited number of observers).