

”Oslo Climate Law Group”

”Meeting the climate challenge: New legal instruments and issues in national and international energy and climate law”

Project report 2007

1. Project presentation

The project “*Meeting the climate challenge: New legal instruments and issues in national and international energy and climate law*” started in September 2006. The project is an activity of the Natural Resources Law Group at the Faculty of Law, University of Oslo. It is funded by the interdisciplinary research programme on climate and renewable energy (RENERGI) of the Research Council of Norway. The project leaders are professor Ulf Hammer (energy law) and professor Hans Chr. Bugge (environmental law - research group leader).

The principal objective of the project is to develop and maintain, at the Faculty of Law, a robust research group in the dynamic and intersecting fields of national and international energy and climate law. The group shall follow closely, and if possible contribute to, the further development of climate and energy law, and collaborate with national actors and recognized international partners and networks.

Its main elements are two interrelated studies at PhD/post-doc. level: The *PhD* study shall provide insight into the complex interface between climate and energy related legislation in international and EU law, and as reflected in Norwegian policy and law. In particular, it shall analyse the various new legal mechanism to reduce GHG emissions and promote renewable energy, and the relationship between them. The *post doc.* study – or studies - shall analyze certain legal aspects of the Clean Development Mechanism under the Kyoto Protocol, in particular environmental safeguards in the perspective of environmental integrity. It shall follow the further implementation and development of the CDM and discuss its potential as a post-Kyoto instrument.

The project has two formal national partners: Enova SF and Norway’s Pollution Control Authority (SFT), and four international partners: Pace Law School (Energy project, Richard Ottinger), and Centre for International Sustainable Development Law, Montreal (Marie-Claire Cordonier Segger), University of Bremen (Gerd Winter), and Katolieke Universitait Leuven (Kurt Deketelaere).

The first “start-up” seminar with the national and international partners was held in Oslo, September 11-12, 2006. The annual follow-up seminar with the Norwegian partners took place in August 2007.

2. Project activities.

The PhD-student, *Catherine Banet*, started in September 2006. The working title of her project is '*Sustainable energy market(s): regulating and linking instruments for promoting green energy, increase of energy efficiency and reducing GHG emissions*'. During 2007 she has *i.a.* contributed with papers at 6 national and international conferences and seminars. By the end of the year she has 4 reviewed book chapters/articles forthcoming (see list below). Together with Hans Chr. Bugge she has also contributed substantially to a study on International initiatives and criteria for *sustainable production and usage of biofuels* for Norway's Ministry of the Environment. She attended the UN Climate Conference in Bali in December as representative of the project.

Dr. juris *Christina Voigt* was appointed to the post doc.-position in May 2007. In April she defended her dr. juris thesis "*Sustainable Development as a Principle of Integration in International Law. Resolving Potential Conflicts between WTO Law and Climate Change Mitigation measures*". Opponents at the disputation were professor Ellen Hey, Erasmus University Rotterdam and professor Jonas Ebbesson, University of Stockholm. Christina has contributed with papers at *several* national and international conferences and seminars and has one book and 6 reviewed chapters/articles forthcoming (see below). She started in the post doc. position January 1st 2008 after maternity leave.

Ulf Hammer has contributed with lectures and 4 major publications on energy law issues (see below).

Hans Chr. Bugge spent one month at the Center for Environmental Legal Studies (the Energy project) at Pace Law School, New York, to study recent developments in climate law and policy in the US. He gave lectures on Norwegian climate law and policy there and at the Law faculty, University of Ottawa.

All members of the group have presented papers at internal work-shops and seminars at the Law faculty, and they have been teaching national and international climate and energy law issues in the master programme of the faculty, including the supervising of master theses. Voigt has taught courses in International Environmental Law at Lund University, Wallenberg Institute, Sweden. Hammer and Bugge have contributed with written material and lectures on Norwegian energy and environmental law in a new Master programme in Energy and Environmental Law, at the University of Aarhus, Denmark.

Towards the end of the year an agreement of cooperation was made with the Norwegian law firm *Advokatfirmaet Thommessen*. The two parties will exchange knowledge and information. A grant from the law firm will provide money for one master student per year to work for the project as research assistant and write a master thesis on a topic within climate/energy law. The position was advertised in December and *Sindre Løvgaard* appointed.

3. Publications and conference papers.¹

Catherine Banet

Book chapters/articles

Banet, Catherine: The use of Market Based Instruments in the Transition from a Carbon Based Economy, i Zillman, Donald, Catherine Redgwell, Yinka O. Omorogbe, Lila Barrera-Hernandez, and Barry Barton (eds.): *Beyond the Carbon Economy*, Oxford University Press, 2008 (forthcoming).

Banet, Catherine: Bioenergy as an integration of sustainable development principle in energy policy: the particular case of EC biomass regulation', in Bugge, Hans Christian and Christina Voigt (eds.) 'Sustainable Development in National and International Law – What did the Brundtland Report do to Legal Thinking and Development'', Europa Law Publishing, 2008 (forthcoming).

Banet, Catherine: Legal Agenda for the review of the EU Emissions Trading Scheme, in SIMPLY 2007, 2008 (forthcoming).

Conference papers

Conference on Sustainable Development in National and International Law – What did the Brundtland Report do to Legal Thinking and Development, Oslo, May 3-5, 2007. Title of paper: Bioenergy as an integration of sustainable development principle in energy policy: the particular case of EC biomass regulation'.

European Partners for the Environment (EPE) Conference, "The Role of Green, White and Environmental Certificates as a Tool to Finance Eco-innovation", Brussels, Belgium, September 10, 2007. Title of paper: "Market-based instruments for sustainable energy in the Nordic countries. State of play and way forward" (<http://www.epe.be/>)

Norwegian Seminar in Energy Law, Dublin, Ireland, September 2007. Title of paper: "Legal Agenda for the review of the EU Emission Trading System".

Nordic Week at the Faculty of Law. Title of paper: "Supporting instruments for renewable energy sources: from diversity to efficiency."

The European Law Students' Association (ELSA) conference, Oslo, November 2, 2007. Title of paper: "Comparative analysis between EC law and Norwegian Law"

European Energy Markets from a Nordic Perspective, Helsinki, November 14-15, 2007. Title of paper: "Towards sustainable energy markets by the promotion of green and white certificates".

¹ Only publications and papers by the project members that relate directly to this project are included. Papers presented at internal group seminars are not listed.

Christina Voigt

Book

Sustainable Development as a Principle of Integration in International Law (title tbc), BRILL (forthcoming, 2008).

Book chapters/articles

Voigt, Christina: General Principles in International Law and their Relationship to Treaty Law, *Retfærd* 2008 (forthcoming).

Voigt, Christina: State Responsibility and Climate Change Damages, *Nordic Journal of International Law* 2008 (forthcoming).

Voigt, Christina: Climate Change and the Mandate of Sustainable Development in Bugge, Hans Christian and Christina Voigt (eds.) 'Sustainable Development in National and International Law – What did the Brundtland Report do to Legal Thinking and Development?', Europa Law Publishing, 2008 (forthcoming).

Voigt, Christina: Sustainable Development in Practice: The Flexibility Mechanisms of the Kyoto Protocol, in Emberland, Marius and Christoffer Eriksen (eds.), 'New Developments in Public International Law' (title tbc), Oxford University Press, 2008 (forthcoming).

Voigt, Christina: International Trade Law and International Emissions Trading: Is there Potential for Conflict?, *Carbon & Climate Law Review* 2008 (forthcoming)

Voigt, Christina, Is the CDM Sustainable: Some Critical Aspects, *Sustainable Development Law and Policy*, *The Climate Law Reporter (SDLP)*, 2008 (forthcoming).

Conference papers

Conference on 'The New International Law', Oslo, March, 2007. Title of paper: 'Climate Change and the Mandate of Sustainable Development'.

Public lectures for the dr. juris degree, April 19, 2007:

- 'State Responsibility for Climate Change Damages', and
- 'General Principles of International Law and their Relationship to Treaty Law. Exemplified by other Areas than Climate Change'.

Rettsvitenskapens Dag, University of Oslo, April, 26, 2007. Title of paper: 'Internasjonal klimaregulering og dens betydning for norsk rett: Hvorfor trenger vi klima-juridisk forskning?' (International climate regulation and its influence on Norwegian law. Why do we need research in climate law?)

Conference on 'Sustainable Development in National and International Law: What did the Brundtland Report do to Legal Thinking and Legal Development, and where can we go from here?', Oslo, May 3-5. Title of paper: 'Climate Change and the Mandate of Sustainable Development'.

Ulf Hammer*Books/book chapters*

Hammer, Ulf: Investeringer i kraftproduksjon og nett. En rettslig studie. Oslo: Olje- og energidepartementet 2007, 65 p. (Investments in power production and grid. A legal study. Ministry for Oil and Energy).

Hammer, Ulf: Petroleum law compendium. Book 1. Oslo: Nordisk institutt for sjørett 2007. ISBN 978-82-90260-48-9. 184 s.

Hammer, Ulf and Roggenkamp, Martha: European energy law report IV. Antwerpen: Intersentia 2007. ISBN 978-90-5095-678-9. 319 s.

Hammer, Ulf: Energy law in Norway, in Arnesen, Finn; Hammer, Ulf; Kaasen, Knut; Nygaard, Dagfinn; Høisveen, Per Håkon. I: Energy law in Europe. National, EU and International regulation. Oxford: Oxford University Press 2007. ISBN 978-0-19-921719-9. s. 881-975

Hans Chr. Bugge*Article*

Haver, Gustav og Hans Chr. Bugge: Transboundary chains for carbon capture and storage: Allocation of rights and obligations between the state parties within the climate regime, i Journal for European Environmental & Planning Law (JEEPL), vol. 4 no. 5, 2007 s. 367-377.

Conference papers

Klimaforum, September 10, 2007. Title of paper: "Rettslige spørsmål knyttet til karbonlagring og lekkasjer" (Legal issues of Carbon Capture and Storage).

Advokatfirmaet Thommessen, General Assembly, November 24, 2007. Title of paper: "Rettslige og samfunnsmessige perspektiver på klimaproblemet" (The climate problem - legal and social perspectives).
