

Sustainable Development Law on Climate Change

The course was presented by Mr. Robert O'Sullivan from Climate Focus, and Mr. Sébastien Jodoin from the Center for International Sustainable Development Law (CISDL).

Mr. Sullivan placed sustainable development law at the intersection among three spheres of international law: economic (e.g. international trade-related), social (e.g. human rights), and environmental law. In the last ten years, there has been a proliferation of tribunals, and there is a need to reconcile conflicting norms. Mr. Sullivan elaborated on the seven principles of sustainable development adopted at the Rio Conference in 1992. These principles address the duty of States to ensure sustainable use of natural resources; intergenerational and intra-generational equity; common but differentiated responsibilities; the precautionary principle; public participation, including access to information and justice; good governance; and integration and interrelationship among social, economic and environmental objectives. The presentation highlighted how these principles have been increasingly brought up since Rio, one of the most commonly cited being *common but differentiated responsibilities*.

Mr. Jodoin focused on legal developments related to climate change since the adoption of the Clean Development Mechanisms (CDM), Joint Implementation, and Emissions Trading. Mr. Jodoin explained the economics of cap and trade systems and how trading within Annex I countries (emissions trading) or with Non-Annex-I countries (CDM) would result in net emission reductions. European Union examples served to explain the Emissions Trading Scheme (EU-ETS) and the Linking Directive. Mr. Jodoin's presentation ended with a small group role-playing exercise. One group represented a Government; another group represented a Power Company; and a third group a Sustainable Development Carbon Fund. The aim of this exercise was for the groups to experience the decision-making process involved when selecting a project, given the different interests of negotiating parties, and to bring to light the key elements needed to be kept in mind when passing laws or purchase agreements. The role-playing exercise was followed by an interactive discussion.

Mr. Sullivan and Mr. Jodoin ended their presentation discussing the potentials of the CDM for the future, and the role of EU-ETS in the post-Kyoto era.