

UN Climate Change Negotiations Bass Connections Course Syllabus

ENVIRON 593.65 | Fall 2016 | Thursdays, 1:30-3:30pm | Rubenstein Hall 149

Note: Negotiations this year are in Marrakech, November 7-18, 2016

(As of 25 August– Subject to change throughout the semester)

Organizers/Teaching Assistants:

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Course Description

The *UN Climate Change Negotiation Practicum* is a Bass Connections Course that examines the negotiation of international climate change agreements under the United Nations Framework Convention on Climate Change (UNFCCC). Since the Rio Earth Summit in 1992, the UNFCCC has been the primary forum for the negotiation of international agreements concerning climate change. The Conference of the Parties (COP 21) in Paris last year signaled the beginning of a new, more universal approach to combatting climate change. But negotiations continue. COP22 in Marrakesh is likely to focus on clarifying the “rulebook” for the Paris Agreement and the emissions reduction ambition leading up to 2020. Through following these negotiations, this course will provide students with a comprehensive understanding of the fundamental issues, negotiation process, and political dynamics of the UNFCCC.

This course aims to develop students’ analytical thinking through experiential learning at the international level – including the potential opportunity to attend COP22 in Marrakesh. By the end of this course, students should have developed proficiency in the following topics and skills:

- Describe the history of the UNFCCC and complex aspects of the negotiations to a non-specialist audience
- Understand and analyze the negotiating positions held by the main blocs
- Compare and contrast roles of state and non-state actors in the negotiating process
- Gain practical experience seeking and working with client organizations
- Articulate different positions on the respective roles of law and power in international affairs, using climate change as a case study
- Construct a policy position on a chosen issue area for the upcoming negotiations.

Course Structure

This Bass Connections Course is structured as a weekly seminar, with a practical component focused around COP22. It is worth 1.5 credits in the graduate credit system, and .5 in the undergraduate system. Students will be asked to submit an application that discusses their interest in the course and previous academic and professional experiences that will contribute to their success in its completion. Because slots to attend the international negotiating sessions (see below) are very limited, only selected students will be invited to enroll in the course.

The course will meet once a week for two hours. The class format will include short lectures, longer group discussions of readings and issues, and student-led presentations on focus issues. Each student will select a topic or “focus issue” of relevance to the 2016 UNFCCC negotiations at the beginning of the semester, and will focus his or her deliverables and client work on that topic throughout the semester.

The course will be divided into three parts. The first part of the course will provide students with a history of the negotiations and a high-level overview of the main issues to be discussed at Marrakesh. In the second part of the course, students will pair up to lead a class discussion that goes into greater depth on his or her chosen negotiating topic. The third part will focus on the negotiations in detail, looking over the draft text/party submissions to be discussed at Marrakesh, potentially attending the negotiations in mid-November, and debriefing about the negotiations for the final class.

Choosing a Focus Issue

Each student will, by the third week of classes, have chosen a particular issue in the international negotiations to focus on throughout the semester. The focus issue should be *either* an active negotiating topic, or a broader thematic topic. Any issue that is actively being debated in the negotiations this fall is acceptable, although all issues must be approved by the instructors. Given the probable focus on select issues at Marrakesh, two students may share a single topic. Students will complete several assignments focusing on their chosen issue, including periodic blog posts throughout the semester, leading a class presentation and discussion, and writing a policy memo. Potential topics include, but are not limited to:

Negotiating Topics	Thematic Topics
<ul style="list-style-type: none">● Adaptation● Mitigation● Transparency● Loss & Damage● Means of Implementation (Finance, Capacity Building, Technology Transfer)● Compliance & Implementation● Pre-2020 Ambition● Global stocktake	<ul style="list-style-type: none">● Gender● Indigenous rights● Equity/differentiation between developed/developing countries● Role of the private sector● Role of subnational actors

For more information on the post-Paris agenda, see the UNFCCC document [Taking the Paris Agreement Forward](#). History suggests that negotiations in the COP and the APA will be more politically charged than in the SBSTA and SBI, but this could change.

Working with Clients

Once an issue has been selected, students will identify potential client organizations or countries that are actively working on their selected issue. With guidance from the instructors and advisors, students will approach the applicable organizations to develop relationships and offer to support their efforts throughout the semester and during the negotiations. If this does not work out, students can follow the organization's efforts around the issue, and write up a case study at the end of the semester. We will discuss this process more in class.

Students working with a stakeholder group or country delegation are expected to provide support and research help throughout the semester and during the COP, while maintaining a professional relationship with the client and representing Duke University in a positive light.

Attending the Negotiations

Every effort will be made to provide students with the opportunity to attend COP 22. However, attendance slots at the negotiating sessions, and funding for this travel, are limited. More details will be provided as they become available throughout the semester. If slots or funding are not available, it is also an option for students to participate in the course without attending the negotiations. If that is the case, students will follow the negotiations online and prepare a blog post during the COP.

Expectations, Evaluation, and Assignments

All students are expected to complete required readings prior to class and actively participate in class discussions. While laptops are allowed, they should be used for consulting course readings and taking notes only. Any student whose laptop seems to be a distraction will be asked to put it away.

Students will be evaluated based on five criteria:

- Class Participation and Attendance (15%)
 - Student participation in class discussions is extremely important. Students are expected to prepare all readings and actively participate in discussions.

- Online Reading responses (15%)
 - Prior to each class period, students are required to write an approximately 300 word reading response on the course Sakai page. This post can discuss something interesting or

surprising the the readings, pose a question (with justification from the readings) to discuss in class, or be a substantive response to another student's post.

- Policy Memo (2 pages) (20%) (*Due Nov. 3rd*)
 - Students will write a policy memo in preparation for COP22 on their selected topics. The memo should be addressed either to the client or to another relevant stakeholder, and should incorporate a summary of the importance of addressing the topic, guidance on how the topic has been included in the text thus far, and a proposal for how the stakeholder should try to influence the negotiations.. A detailed assignment will be distributed one month prior to the deadline, but students should start thinking about the content throughout the semester.
- Blog Posts (20%)
 - Students are required to write three blog posts throughout the semester following the evolution of their focus topic (approximately 500 words each). Students are required to write at least one of their three posts during the COP.
- Presenting and Leading a Class Discussion (30%)
 - During the second half of the class, class discussions will be led by students based on the focus issues they have selected. Students will prepare a presentation and lead discussion about the issue. This presentation may be in conjunction with another student. Assignment of presentation dates will occur after focus issues are chose.

Students are expected to submit assignments on time. If extenuating circumstances arise, students are expected to contact the TAs immediately and request an extension.

Honor Code

Duke University is a community dedicated to scholarship, leadership, and service and to the principles of honesty, fairness, respect, and accountability. Citizens of this community commit to reflect upon and uphold these principles in all academic and non-academic endeavors, and to protect and promote a culture of integrity.

To uphold the Duke Community Standard:

I will not lie, cheat, or steal in my academic endeavors;
I will conduct myself responsibly in all my endeavors; and
I will act if the Standard is compromised.

Course Schedule and Readings

(Readings to be posted to Sakai at least one week in advance of the class)

UNIT 1: HISTORICAL OVERVIEW OF UNFCCC AGREEMENTS

Key date: August 30 – APA co-chairs to release a set of guiding questions to assist Parties in further developing their conceptual thinking on features and elements of the committee to facilitate implementation and promote compliance.

Class 1: (September 1) – Personal introductions. Overview of the course. Primer on international law and international relations (*Ewan with special guests Chaoyi Jiang and Alex DeForge*)

Framing Questions: What is the nature of international law? What does the concept of legally binding mean in the context of international law? Do states obey international law? Why? How are our answers to these questions shaped by our perspective on international relations?

Readings:

Required

- *Shaffer, Gregory (2012) International Law and Global Public Goods in a Legal Pluralist World. European Journal of International Law 23(3) [Selections]*
- *Bodansky, Daniel (2012) What's in a Concept? Global Public Goods, International Law, and Legitimacy. European Journal of International Law 23(3) [Selections]*
- *Bodansky, Daniel (2015) Legally Binding vs Non-legally Binding Instruments. From Barrett, Carraro, and de Melo (eds) Towards a Workable and Effective Regime.*

Additional

- *Shaw, Malcolm (2014): Selections from International Law: ch. 1 "The nature and development of international law"*
- *Nau, Henry (2017) Perspectives on International Relations: Introduction.*

Class 2: (September 8) - Introduction to the UNFCCC and where we are today (*Emily*)

Framing Questions: What are the main reasons for, and obstacles to, international negotiation on climate change? What was the historical context in which the Convention was negotiated in 1989-92? What were the central tenets of the Convention? What were the main negotiating points at the UNCED? How has the world changed since the Convention negotiations? What will the negotiations look like over the next four months? What are some of the major issues in the current negotiations?

Readings:

- *Bodansky, Daniel. 1993. "The United Nations Framework Convention on Climate Change, A Commentary." Yale Journal of International Law, 18(2): 451-558*

- *United Nations Framework Convention on Climate Change (1992)* - (skim in conjunction with Bodansky article)
- *IPCC, 5th Assessment Report (2014), WG III, chapter 13 on “International Cooperation,” Executive Summary*
- *Visual Resources:*
 - *Earth in Brackets (2013), “The Framework Convention on Climate Change: A Visual Introduction”*
 - *The Climate Group (2012), “Understanding the UNFCCC Negotiations”*

Class 3: (September 15) – From Kyoto to Durban: Key Negotiations since the FCCC (Ewan)
(Focus Issue Selection Due)

Framing Questions: What were the major agreements after the establishment of the Framework Convention? How did the major issues and negotiating blocs evolve over time? Was Copenhagen really a failure? What happened at Cancun? What impact did the Durban negotiations have on the Paris Outcome?

Readings:

- *The Kyoto Protocol (skim)*
- Fuller, Thomas and Andrew C. Revkin. December 16, 2007. “Climate Plan Looks Beyond Bush’s Tenure.” *New York Times*.
- Bodansky, Daniel. 2010. “The Copenhagen Climate Change Conference: A Postmortem.” *American Journal of International Law*, 104(2): 230-240
- UNFCCC. “Durban: Towards Full Implementation of the UN Climate Change Convention.” http://unfccc.int/key_steps/durban_outcomes/items/6825.php
- Lavanya Rajamani (2012). *The Durban Platform for Enhanced Action and the Future of the Climate Regime. International and Comparative Law Quarterly*, 61, pp 501-518

Class 4: (September 22) – Interlude: Negotiating Blocks and Party Dynamics (Emily)

Framing Questions: How are countries in the negotiations organized? Who are the major players? Which countries make which issues a priority? What role do bi-lateral and multi-lateral agreements play in the international negotiations? What role do national (domestic) politics play in the international negotiations? Potential clip from “The Island President”

Readings:

- “Party Groupings.” UNFCCC; http://unfccc.int/parties_and_observers/parties/negotiating_groups/items/2714.php
- “Interactive: the negotiating alliances at the Paris climate conference.” 17 November 2015. Carbon Brief. <http://www.carbonbrief.org/interactive-the-negotiating-alliances-at-the-paris-climate-conference>

- *Barbieri, Cecile. 29 Jan 2015. "Climate negotiations reveal new alliances in the Global South." Euractiv: <http://www.euractiv.com/section/development-policy/news/climate-negotiations-reveal-new-alliances-in-the-global-south/>*
- *Jervey, Ben. 2015. "The Huge, Secret Coalition That Could Deliver a Climate Win in Paris." Good. <https://www.good.is/articles/secret-climate-coalition-high-ambition-paris-cop21>*

Class 5: (September 29) – The Paris Agreement (Ewan)

Framing Questions: How did we get to the Paris outcome from Durban? What does the Paris Agreement and Decision say (and not say)? What role did the joint statement between US and China play in forming the final agreement?

Readings:

- *(2014) US- China Joint Presidential Statement on Climate Change*
- *Vidal, John (2015) How a typo nearly derailed the Paris Climate Deal. Guardian <https://www.theguardian.com/environment/blog/2015/dec/16/how-a-typo-nearly-derailed-the-paris-climate-deal>*
- *2015 Carbon Brief Interactive Map of the Paris outcome: <http://www.carbonbrief.org/interactive-the-paris-agreement-on-climate-change>*
- *C2ES (2016) 'How we helped on the road to Paris' <http://www.c2es.org/blog/diringere/how-we-helped-road-paris>*
- *Lavanya Rajamani (2016). Ambition and differentiation in the 2015 paris agreement: interpretative possibilities and underlying politics. International and Comparative Law Quarterly*

Key date- 30 Sep – Parties to make submissions to APA on agenda items 3-6

UNIT 2: UNDERSTANDING THE NEGOTIATIONS

Class 6. October 6 – Non-Party Stakeholders in the Negotiations (Emily)

Framing Questions: What actors are involved in the negotiations besides the states (countries/national governments)? What role do these other actors play? Do they effectively influence negotiations? What other activities, such as side events and country booths, take place at the negotiations?

Readings:

- *Rietig, Katharina. 2016. "The Power of Strategy: Environmental NGO Influence in International Climate Negotiations." *Global Governance: A Review of Multilateralism and International Organizations: April-June 2016*, 22(2): 268-288.*

- Van Asselt, Harro. "The role of non-state actors in reviewing ambition, implementation, and compliance under the Paris Agreement." *Climate Law* 6.1-2 (2016): 91-108.
- Schroeder, Heike & Heather Lovell. 2012. "The role of non-nation-state actors and side events in the international climate negotiations." *Climate Policy* 12(1): 23-37.
- Ydstie, John. 1 December 2015. "Businesses Awaken to the Opportunities of Action on Climate Change." NPR: <http://www.npr.org/2015/12/01/458020744/businesses-awaken-to-the-opportunities-of-action-on-climate-change>

Key date – October 7 – UNFCCC secretariat due to release compilation of party submissions.

Class 7: (October 13) -- Student Led lectures

Class 8: (October 20) --Student Led lectures

Class 9: (October 27) -- Student Led lectures

****Sue Biniiaz Guest Expert Q&A****

UNIT 3 – NEGOTIATIONS IN PRACTICE

Class 10: (November 3) – Preparing for Marrakesh (*Ewan and Emily*)

- Review the compiled submissions from parties and draw out threads & themes
- Primer on formal negotiation procedures and jargon (especially if there is no Inter-university Climate Change Negotiations this year).
- Logistics

Key Date - November 3rd - Policy Memo Due

November 7 -18 (official) COP-22. If not attending, watch press conferences and plenary sessions online.

Class 11: (November 10) - Discuss Week 1 (For those not in Marrakesh) (*Ewan*)

- Discuss negotiating progress during week 1, and main issues at the COP
- Skype with Week 1 students at the COP

Class 12: (November 17) - Discuss Week 2 (For those not in Marrakesh) (*Emily*)

- Discuss negotiating progress during week 2, and prospects for a resolution
- Skype with Week 2 students at the COP

November 24 – Thanksgiving break (no class)

Class 11. December 1. Recap and debrief of COP22

(Ewan/Emily)