



United Nations  
UNCITRAL

CLIMATE LAW AND GOVERNANCE INITIATIVE



Net Zero  
Lawyers Alliance



## 54th Session - Side event, 9<sup>th</sup> July 2021

### Net Zero Legislative Project: Climate Change Mitigation and Adaption Issues in International Commercial Law and Dispute Resolution

**Location:** Virtual (by invitation)

**Time:** 12.00 to 13.00 CEST

**Language:** English

#### Topics for discussion

1. The role of private international law in climate change mitigation – reaching net zero by 2050?
2. The role for international dispute resolution as a guardrail?
3. UNCITRAL's possible role

#### Panellists:

- Wendy Miles QC – Barrister, Twenty Essex, UK
- Annette Magnussen – Climate Change Counsel, Sweden

#### Moderator:

- Caroline Nicholas, Head, Technical Assistance Section, Senior Legal Officer, UNCITRAL Secretariat

*Please note that the event will be recorded and made available at [uncitral.un.org](https://uncitral.un.org)*

## Background

### Net Zero Legislative Project

#### Stocktaking Climate Change Mitigation and Adaptation Objectives in Modern Trade Law

The United Nations system leads global efforts to combat climate change.

For states, the 1992 United Nations Framework Convention on Climate Change ("UNFCCC"), as implemented by the 2015 Paris Agreement, seeks to reduce greenhouse gas emissions, and to improve the ability of States to mitigate and adapt to climate change. UN Sustainable Development Goal ("SDG") 13 requires urgent action to combat climate change and its impacts, including integration of climate change measures into national policies, strategies and planning, and strengthening resilience and adaptation.

For non-state actors, the 2015 Adoption of the Paris Agreement draft decision, Articles 134 to 135, welcomes all efforts to address and respond to climate change, including from private sector and financial institutions, and invites stakeholders to scale up efforts and support actions to reduce emissions and/or build resilience and decrease vulnerability to the adverse effects of climate change.

UNCITRAL, as the core legal body of the UN system in the field of international trade law, aims to harmonize and modernize this field of law, by preparing and promoting legislative and non-legislative legal texts, and by increasing coordination of and cooperation on legal activities of international and regional organizations active in the field. It thus seeks to promote the rule of law at the national and international levels. Those legal activities are increasingly impacted by efforts by states and non-state actors to transition global energy, infrastructure, industrial and land use systems to net zero emissions by 2050.

Therefore, a feasibility study is proposed to examine how UNCITRAL might facilitate and accelerate global climate mitigation and adaptation goals by further strengthening the rules and standards in the field of international trade law, through new tools or enhancements to existing tools. Existing areas of UNCITRAL's work that are particularly relevant are public private partnerships, international contract practices, international sale of goods, micro, small and medium enterprises and dispute resolution.

Current UNCITRAL tools, including the 2011 Model Law on Public Procurement and the 2019 Legislative Guide on Public-Private Partnerships and Model Legislative Provisions on Public-Private Partnerships, are intended to assist in the establishment of a legislative framework favourable for infrastructure investment, including pursuant to public-private partnerships ("PPP"s). PPPs cover a wide range of contractual arrangements between public and private parties; they are an important tool for meeting national infrastructure needs, achieving the SDGs. They are also a central tool for achieving global climate change mitigation and adaptation goals.

In light of the foregoing, it is proposed that UNCITRAL might consider exploratory work in the field of investment in climate change mitigation and adaptation, such as research and consultations to collect information on the latest trends in the world regarding use of public private partnerships, international contracts, international sale of goods and dispute resolution, including in relation to micro, small and medium enterprises, and, based on the findings of these activities, compiling relevant information.

Such exploratory work could:

- Serve to compile and make available factual and objective information relevant to identify areas for relevant possible future work in UNCITRAL;
- Serve to support technical assistance and capacity-building activities on the use of existing UNCITRAL texts;
- Serve to assist developing countries in enabling their active participation in UNCITRAL's work; and
- Contribute to raise awareness of UNCITRAL's activities in the field of international trade law