



**UNIVERSITY
OF TASMANIA**

INTERNATIONAL
JUSTICE
INITIATIVE



2018 REPORT

OVERVIEW

- IJI background, objectives and past achievements
- Africa Adaptation Initiative & UNDP
- Corporate Accountability International
- UN climate change negotiations in Bangkok
- Loss & Damage
- IHL work on destruction of cultural property



OBJECTIVES & MEMBERS

The initiative has four main objectives:

- Advance the practice of international law in the public interest;
- Provide students with opportunities in international law and policy;
- Support poor and vulnerable countries and groups with pro-bono advice;
- Further strengthen the UTAS Law School's international profile.

Current members:

- Alice van Galen and Frances Medlock (co-coordinators)
- Connie Beswick, Rosie Evans, Siobhain Galea, Kate Raffety, Salman Shah, Dan Westbury and Heidi White.

PAST PROJECTS

- Research into the financial needs of developing countries to achieve their pledges under the Paris Climate Agreement.
- Research into the position of various organisations on public participation and conflicts of interest to contribute to an international workshop on this topic
- Participation in United Nations meetings internationally including providing assistance to negotiating groups representing over 60 countries.
- Research into the definition of the end of a non-international armed conflict to assist the special Advisor to the Prosecutor at the ICC

Poor countries must find \$4tn by 2030 to avert catastrophe, says climate study

As Paris climate change agreement is signed in New York, developing country negotiators highlight gulf between ambition and funding



▲ Environmental activists form a human chain to make the peace sign and spell out '100% renewable' at last year's UN climate change talks in Paris. Photograph: Michel Euler/AP

The New York Times

'Vulnerable Voices' Lash Out as Companies Sway Climate Talks



Workers from Wuhan Guangsheng Photovoltaic installed solar panels on the roof of a building in Wuhan, China, last month. China has become a defender of an ambitious climate change policy. Kevin Frayer/Getty Images

AFRICA ADAPTATION INITIATIVE & UNDP

- Provided support to United Nations Development Programme with previous IJI member Camilla More as mentor
- We produced work for AAI website content.
- It takes the form of an interactive map with detailed information about African countries needs for adapting to climate change under the Paris Agreement.
- <https://www.africaadaptationinitiative.org/ndc/>

COUNTRY	Summary of National Strategic Documents and Timeframes
Guidelines	<i>LIST</i> <i>dot point frameworks, strategies and plans. present information very simply, so can easily be transferred into summary box on web portal if desired</i> Key words: plan; institutional framework; strategy; NAP; NAPA <i>See for example: http://www.asiapacificadapt.net/ndc</i>
Algeria	• NDC: 2021 - 2030 • National Climate Plan • National Actions Plan for Environment and Sustainable Development • National system of Measurement, Reporting and Verification (MRV) • National Plan of Adaptation

Form responses 2 ▾ Form responses 1 ▾ COUNTRY LEVEL ▾ SUB-REGIONAL + REGIONAL ▾

AAI WEBSITE CONTENT



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Angola

National Focal Point

- Ministry of Environment

National Strategic Documents and Timeframe

- INDC (2021 – 2030)
- National Strategy for Implementation of the UNFCCC and the Kyoto Protocol
- Strategy to Fight Poverty (SFP)
- National Adaptation Programme of Action (NAPA)
- National Strategy for Climate Change (2008)
- National Afforestation and Reforestation Strategy (2020)
- Strategic Plan for Disaster Risk Management (2011)
- National Action Programme to Fight Desertification (2014)
- Strategy of Long Term Development for Angola (2025)

Priorities and Needs

Angola's INDC highlights that the country is extremely vulnerable to climate change impacts such as drought and floods particularly in the southern regions. It describes that some regions of Angola are already experiencing a regular worsening of droughts and floods, as well as coastal degradation. According to the Angolan NAPA (2011), the major expected climate change threats and impacts are floods, soil erosion, drought episodes, and rise in sea level.

The NDC identifies the main sectors identified by climate change:

- Agriculture and food security
- Forest and biodiversity
- Fisheries
- Water resources
- Human health
- Infrastructure
- Coastal zones
- Energy

The NDC states that global warming of 2 degrees Celsius would imply for Angola severe economic losses for the agricultural sector, which contributes to over 8% of the country's



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NDCs & Adaptation Planning in African Countries



Central African Republic	Chad	Comoros	Congo
Côte d'Ivoire	Democratic Republic of Congo	Djibouti	Egypt
Equatorial Guinea	Eritrea	Eswatini	Ethiopia
Gabon	Gambia	Ghana	Guinea
Guinea-Bissau	Kenya	Lesotho	Liberia
Libya	Madagascar	Malawi	Mali
Mauritania	Mauritius	Morocco	Mozambique

CORPORATE ACCOUNTABILITY

Who is Corporate Accountability?

- CA is an International NGO
- Our focus: Fossil fuel companies involved in climate change negotiations



The Task

- In April, Frances, Connie and Kate worked together to produce a memo to be used by CA at SBI-48 in Bonn.
- Consultation with Rachel Rose (CA) and Rebecca Byrnes (UTAS alumni)
- Non-Party Stakeholder Engagement
- Summary of 15 submissions from Parties and a range of NGOs.
- Executive summary on positions taken by Parties, business and industry NGOs, and other NGOs.
- Transparency, openness and diversity of opinion vs need for COI definition and legal/policy framework.

UN CLIMATE CHANGE CONFERENCE IN BANGKOK, THAILAND

- Negotiations to finalise the Paris Agreement rulebook.
- College of the Atlantic in the US allowed us to use their spare badges to attend, otherwise we wouldn't have had access.
- The report details the work Dan, Frances and Heidi each worked on in Bangkok: technology; markets; and loss and damage.



BANGKOK OBSERVATIONS



- Role of Civil Society
 - Undervalued involvement
 - Essential support for under-resourced countries
- Complexity of negotiating tactics
 - A lot can happen fast
 - Be aware of alliances
 - Individuals can make a big difference depending on their personality and understanding of the moving parts
- Competing interests
 - Developed vs Developing countries
 - Strong climate action not politically viable

LOSS & DAMAGE FINANCE

SUVA EXPERT DIALOGUE & FINANCE GAPS

SUVA EXPERT DIALOGUE

Skype Broadcast Notes

Recordings available at: <https://umfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage-ld/workshops-meetings/suva-expert-dialogue#eq-5>

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3. RISK REDUCTION

We are dealing with both extreme and slow onset events, and the issue is that climate change is driving these events beyond that which is dealt with by the Sendai Framework. Many stakeholders called for a **polluter pays** approach to **loss and damage finance**. Given the impacts and loss and damage beyond adaptation and resilience of countries, we need to consider who is going to pay and how to channel that money to ensure that vulnerable countries have access to it.

Structural measures include the scaling up of infrastructure, leveraging on green infrastructure and nature, settlement and relocation and coastal protection. There are also non-structural measures to consider, which are similar to those in Sendai, such as **early warning** systems, disaster **preparedness** and **awareness** raising, with an emphasis on the community-based approach.

What has worked

- The vertical integration of policy and implementation, with special consideration of the impacts on vulnerable groups such as children, women and the disabled.
- Red Cross noted that the Philippines are a good example of how they have been able to integrate local level planning around disaster risk reduction, climate change adaptation, land use planning into national planning processes. When this integration happens, it ensures that it is converted into budgets and therefore actions. This starts with community perspectives and civil society.
- The Philippines have started a probabilistic **risk management** approach, which is quantitative and systematic in implementation, and is part of a shift for all sectors and government levels.
- The Seychelles talked about partnering with the private sector to develop and

Loss and Damage Finance for Africa							
File Edit View Insert Format Data Tools Add-ons Help Last edit was yesterday at 11:29 PM							
Country							
	L&D: Current Action	Total Cost of Current Action	Finance Provided for Current Action (New Source of Finance - G20/1007)	L&D: Needs for Action	Cost of Needs for Action	Finance Available for Needs (New Source of Finance - G20/1007)	Climate Risk/Vulnerability
Angola	L&D: (1) Finance climate-resilient development and enhanced adaptive capacity to withstand disaster risks in Angola's coastal river basin. This is in the sector of early warning systems and disaster risk management, and the project is focused on strengthening the capacity of national and sub-national entities to monitor climate change, generate reliable hydro-meteorological information (including forecasts) and to be able to combine this information with other environmental and socio-economic data to improve evidence-based decision-making for early warning and adaptation responses as well as planning. (2) Disaster risk reduction management to support agricultural communities affected by recurrent droughts and other natural disasters in southern Angola and northern Namibia (Project PIRAN). This is in the sector of disaster risk management and agriculture and food security, and the project objective is to strengthen food security and DRM, and increase the resilience of agricultural livelihoods by increasing capacity to manage risks related to natural disasters at the level of communities and local institutions. The expected results are: improved agricultural and livestock production, health and animal nutrition, soil and water management and management	L&D: (1) 28,000 USD by UNDP (implementing GEF agency), National and Local Government, the World Bank, and a local NGO called 'Development Workshop Angola'. Detailed breakdown available at: http://www.adaptation-undp.org/eng/quick-ships/high-potential-climate-resilient-development-coastal-river-basin-angola-09-05-2012. (2) Cover is the United States (USAID/OPIC), while H&D is the implementing GEF agency.	L&D: (1) 28,000 USD by UNDP (implementing GEF agency), National and Local Government, the World Bank, and a local NGO called 'Development Workshop Angola'. Detailed breakdown available at: http://www.adaptation-undp.org/eng/quick-ships/high-potential-climate-resilient-development-coastal-river-basin-angola-09-05-2012. (2) Cover is the United States (USAID/OPIC), while H&D is the implementing GEF agency.	L&D: (1) Adaptation action needed in four main sectors: agriculture, coastal zone, land-use, forests, ecosystems and biodiversity, water resources, and health. (2) Create an early warning system for flooding and storms (3) Soil erosion control through organic methods (4) Climate monitoring and data management system (5) Map areas of erosion risk (6) Improve knowledge of hydrology (7) Monitor groundwater (8) Construct flood protection barriers along major rivers (9) Study impacts of sedimentation and erosion rates on coastal ecosystems (10) Improve design and construction of buildings (11) Construct sea level protection structures	L&D: (1) No loss and damage-specific sum, however, implementation of both unconditional and conditional adaptation actions will cost around 1 billion USD across sectors up to 2030. It is also noted that the implementation of all the Conditional mitigation and adaptation contributions that the country endeavours to deliver will require international support in form of finance, investment, technology development and transfer, and capacity-building to fully accomplish the intended contributions. (2) 3,500 million USD (3) 4 million USD (4) 17,500 million USD (5) 1 million USD (6) 2 million USD (7) 3 million USD (8) 1 million USD (9) 1,500 million USD (10) 1 million USD (11) 12 million USD	L&D: • Prolonged drought • Damaging flash and floods • Forest fires and wildfires • Reduced crop production • Reduced water resources • Impacted fishing yields • Economy sector vulnerability resulting from a • Increased temperature • Extreme weather events • Disruption of air and regions • Seasonal shifts in rain • Sea-level rise • Soil erosion	

IHL TASK: OVERVIEW



Our task:

- Produce a legal memo to assist the Mali Prosecution Team of the International Criminal Court in drafting their pleadings
- Examined whether it was correct to classify the intentional destruction of mausoleums and mosques as an attack on cultural property, or whether another charge would be more appropriate .



IHL TASK: APPROACH

- Part 1: *Al Mahdi* factual and legal analysis
- Part 2: 8(2)(e)(iv) in depth legal analysis and application of the facts
- Part 3: 8(2)(e)(xiii) in depth legal analysis and application of the facts
- Part 4: Conclusion and recommendations

Al Mahdi Under the Microscope: An Analysis of Articles 7(2)(e)(iv) and 7(2)(e)(xii) of the Rome Statute

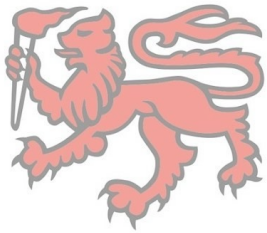
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WHAT'S NEXT?

- Mali Prosecution team will use our memo to inform their decision on charges
- We will update the 4 trillion dollar price tag on developing countries meeting their climate targets before the next UN climate negotiations in Dec 2018
- Students will attend a Pacific Islands summit regarding the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment in Feb
- Create a Climate Justice Syllabus in collaboration with the College of the Atlantic-Earth in Brackets
- Ongoing work on Loss and Damage finance to assist with future climate change negotiations
- IJI alumni network and welcoming new team members

QUESTIONS?



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