

**PRESS RELEASE****PCA PARTICIPATION IN COP-23**

BONN, 16 NOVEMBER 2017

The Permanent Court of Arbitration (PCA) has participated this week in COP23 - the 23<sup>rd</sup> Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC). COP23 was hosted by the United Nations in Bonn, Germany from 6-17 November 2017 and presided over by Fiji. World leaders and over 25,000 delegates from governments, international organizations, NGOs, business and civil society groups attended.

The UNFCCC was adopted in 1992 at the Rio Earth Summit, which marked the beginning of the international community's first concerted effort to confront the problem of climate change. Each year the parties to the agreement convene to assess progress in implementing the convention. At COP21, held in Paris in December 2015, the parties negotiated the Paris Agreement, which established specific actions and targets for reducing greenhouse gas emissions, mitigating and adapting to the effects of climate change, and financing mitigation and adaptation efforts in developing countries. Signed by nearly 200 countries, the Paris Agreement entered into force in 2016.

The PCA has administered the resolution of disputes that have arisen in relation to the UNFCCC, as well as domestic laws on climate change and renewable energy. Historically, it has been an active participant in the UNFCCC process, bringing to the attention of State Parties the availability of the PCA's services for dispute resolution arising under the UNFCCC and its Kyoto Protocol. The PCA is an accredited UNFCCC observer organization and has attended a number of UNFCCC meetings, including COP21 in Paris (at which the PCA Secretary-General made an [address](#) at the high level segment and the PCA co-hosted and contributed to a [side event](#) on arbitration of climate-related disputes).

This year, a PCA delegation is attending COP-23 to participate in negotiations; meet with its Contracting Parties, civil society groups, and other stakeholders; and attend workshops and briefings. The PCA also today co-hosted an official COP23 [side event](#), together with the International Bar Association, the International Chamber of Commerce International Court of Arbitration, and the Arbitration Institute of the Stockholm Chamber of Commerce. The side event, on "Supporting the UNFCCC and Paris Agreement through International Dispute Settlement", brought together experts to consider a key theme of discussions at COP23 - the mechanisms that can enable implementation of, and promote compliance with, the Paris Agreement. Expert panellists from State delegations, arbitral institutions, NGOs, academia and representatives of businesses discussed various options contained within the UNFCCC and the Paris Agreement enabling State parties and other actors to make use of available dispute resolution mechanisms. PCA Senior Legal Counsel, Ms. Judith Levine discussed the PCA's recent experience with interstate arbitrations and conciliations, as well as the use of those mechanisms for contractual disputes under the Kyoto Protocol and other instruments involving a range of public and private stakeholders.

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## Background on the Permanent Court of Arbitration

The Permanent Court of Arbitration is an intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 121 Contracting Parties. Headquartered at the Peace Palace in The Hague, the Netherlands, the PCA facilitates arbitration, conciliation, fact-finding, and other dispute resolution proceedings among various combinations of States, State entities, intergovernmental organizations, and private parties. The PCA's International Bureau is currently administering 5 interstate disputes, 75 investor-State arbitrations, and 46 cases arising under contracts involving a State or other public entity. More information about the PCA can be found at [www.pca-cpa.org](http://www.pca-cpa.org).

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PCA delegation: Senior Legal Counsel, Judith Levine and Assistant Legal Counsel, Kashpee Wahid; PCA at the Opening of COP23 High Level Segment, Ms Wahid with Prime Minister of Tuvalu, Enele Sopoaga. Ms. Levine with organizers of Side Event, Ms. Nicola Peart (Legal Response International), Wendy Miles QC and Ms. Nicola Swan (ICC/ IBA).



Above: Speakers at official COP23 Side Event: Ms. Kate Cook (Matrix Chambers), Professor Dan Bodansky (Arizona University), Ms. Levine (PCA), Ms. Wendy Miles QC (IBA/ICC), Ms. Annette Magnusson (SCC), Dr Annamariëke Vermeer (Dutch Government). Below, Ms. Levine speaks at side event on arbitration and conciliation of disputes related to climate change. COP 23 in Plenary Session.

