



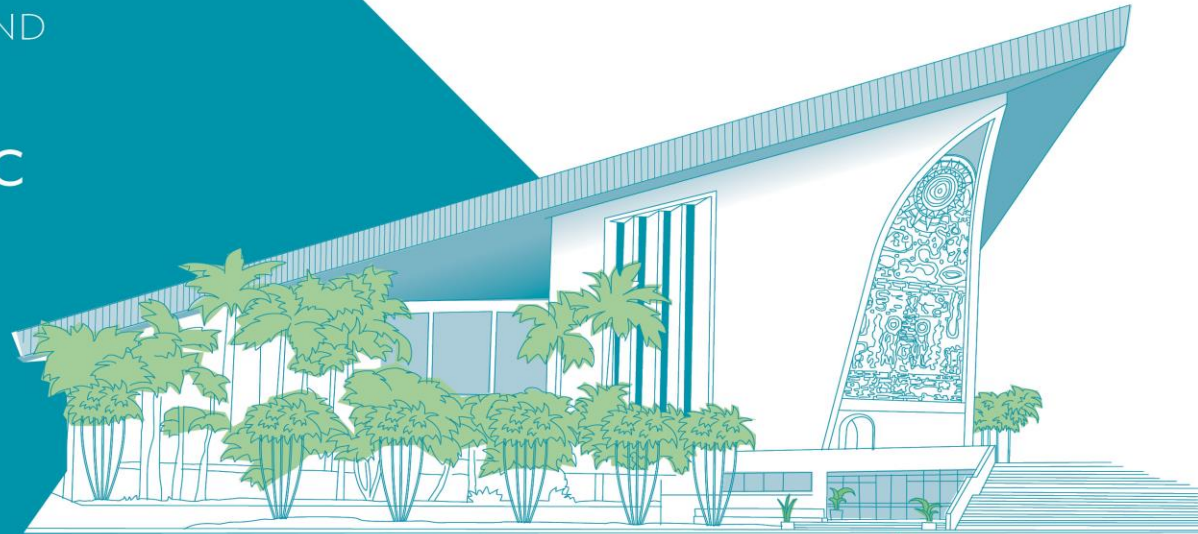
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INTERNATIONAL MEDIATION AND
ARBITRATION CONFERENCE

2nd South Pacific International Arbitration Conference

25–26 March 2019
Stanley Hotel, Port Moresby
Papua New Guinea



EMERGING PRIVATE CLIMATE FINANCE DISPUTES


Jo Delaney, Baker McKenzie

26 March 2019

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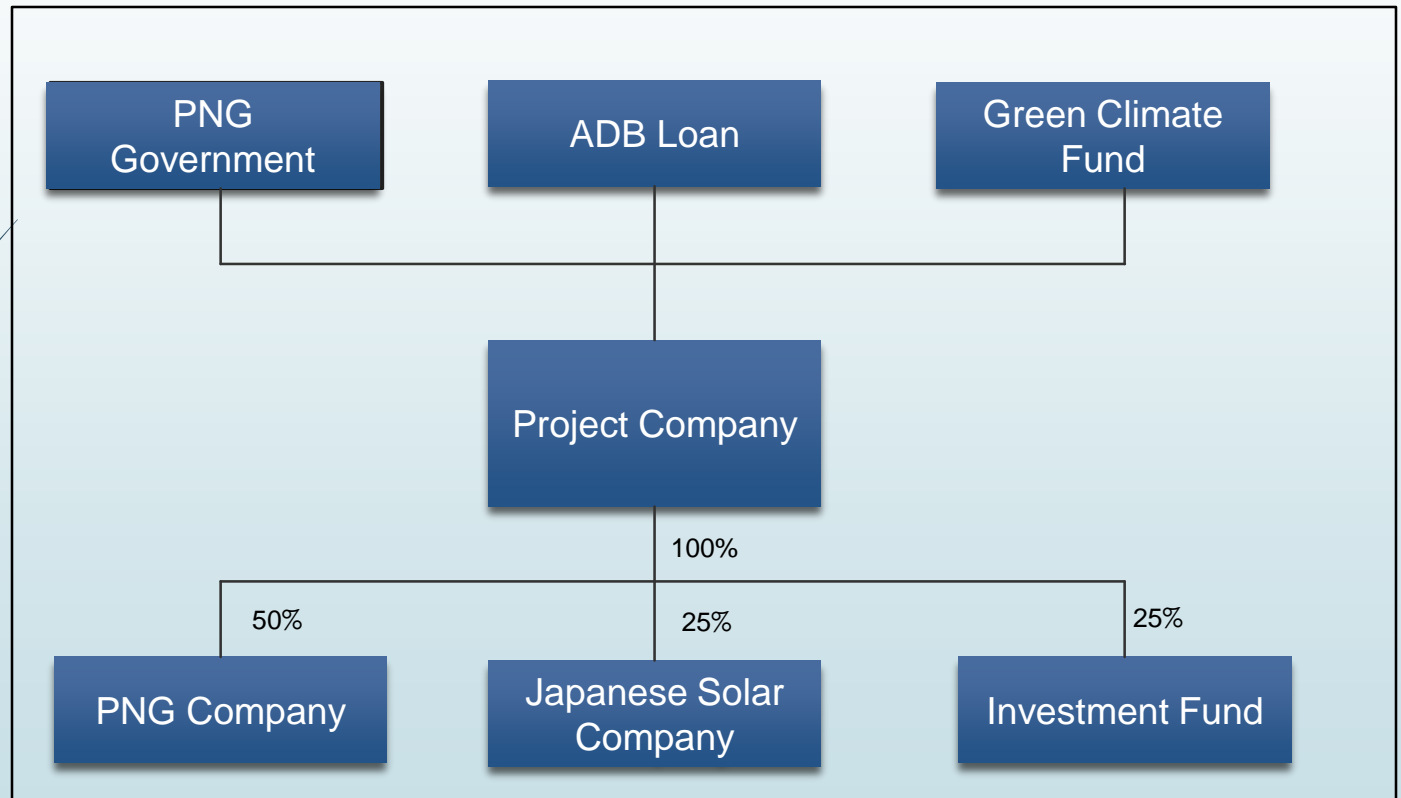


Potential types of funding

- Public sector funding and investment
 - Green Climate Fund
 - Private sector funding and investment
 - CDM mechanism (CERs) – UNFCCC and Kyoto Protocol
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Case Study

Solar Farm in PNG



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Private climate finance

- Funding through loan agreements
- Equity investment – shareholder
- Contractual relationship
- Governing law – often English law
- Dispute resolution mechanisms – arbitration

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Role of arbitration

- Cross border disputes – adapt to legal and cultural differences
- Flexible and efficient process
- Choose members of tribunal with experience in climate change and climate finance
- Experts may be appointed by tribunal
- Enforceable remedy – assists with attracting the finance required for climate change projects