

TREATY ON SUSTAINABLE INVESTMENT FOR CLIMATE CHANGE MITIGATION AND ADAPTATION

Introduction of the Contestant Team

The contestant team *The Creative Disrupters* comprises international law advisers (Martin Dietrich Brauch, Nathalie Bernasconi-Osterwalder, Howard Mann, Mintewab Afework Abebe, Maria Bisila Torao Garcia, Temur Potaskaevi and Gus Van Harten), senior economists (Aaron Cosbey and Ivetta Gerasimchuk), policy advisers (Yanick Touchette, Lourdes Sanchez, Erica Petrofsky and Karin Treyer) and communications experts (Katherine Clark and Ziona Eyob).

The opinions expressed, the arguments employed and the approaches adopted in this submission—including the draft Treaty and the accompanying argumentation document—do not necessarily reflect those of the International Institute for Sustainable Development (IISD) or other affiliations of team members.

[Martin Dietrich Brauch](#), LL.M., is an Associate and International Law Adviser with the Economic Law and Policy (ELP) program of IISD. He works on international investment law and policy, particularly in the framework of IISD's technical assistance to developing countries in Africa, Asia and Latin America with respect to investment treaty negotiations and model investment treaties. He is also editor-in-chief of Investment Treaty News (ITN), IISD's flagship quarterly journal on international investment law and policy, published in English, French and Spanish. Martin has conducted research for IISD on contracts for sustainable infrastructure and on climate-friendly investment. In addition to an LL.M. in International Legal Studies, he holds a specialization certificate in Environmental Law, a Bachelor of Laws and a B.A. in Economics. As a graduate student, he undertook an internship with the Legal Affairs Programme of the United Nations Climate Change Secretariat (UNFCCC), and as a teenager he was Brazil's youth delegate to COP 6, The Hague, and COP 6+, Bonn, and a youth delegate to COP 11, Montreal. Prior to IISD, Martin worked as Senior Attorney for a media conglomerate and Associate Attorney at a law firm in Brazil. He is qualified to practice law in Brazil and in New York. He is based in Porto Alegre, Brazil, and is fluent in English, Portuguese, Spanish and French.

[Yanick Touchette](#) is a Policy Adviser with IISD's Energy program. His research focuses on fossil fuel subsidy reform in Canada, climate change and energy policy with a main focus on Canada's various levels of jurisdiction, international climate change talks under the United Nations, climate finance and capacity building, and carbon pricing mechanisms. Yanick's recent projects include mapping electricity tariffs and fossil fuel-generated electricity support programs across the Arctic (Canada, Greenland, Russia, and the United States) as part of an international team of experts, participating in the development of Morocco's Intended Nationally Determined Contribution to the United Nations Framework Convention on Climate Change, and being one of the lead authors to three guidebooks to the UNFCCC negotiations for French-speaking negotiators (COP 21, Paris; COP 22, Marrakech; COP 23, Bonn), published by the Organisation Internationale de la Francophonie (OIF). Yanick also provided strategic advice for Green Climate Fund (GCF) accreditation to a regional development bank and a national development bank (confidential clients). This effort

included full support (including analysis of gaps in policies and procedures to meet the GCF requirements and a strategy to fill those gaps) until the submission of a completed application to the GCF. Yanick is fluent in English and French.

Ivetta Gerasimchuk, Ph.D., leads the sustainable energy supplies activities of IISD's Energy program and its Global Subsidies Initiative (GSI). She is in charge of projects focusing on government policies with respect to energy taxation and pricing in 10 developing and developed countries. Ivetta's expertise lies with international economics and political strategies for implementing challenging energy reforms, mobilizing finance for renewable energy, climate change mitigation and adaptation, and sustainable international investment flows. She also works on international energy governance, including commitments and peer reviews of fossil fuel subsidies within the G20 and Asia-Pacific Economic Cooperation (APEC). Her publications span opinion editorials, media articles, monographs and peer-reviewed academic publications. She also serves on the Board of Directors of The Arctic Institute based in Washington, D.C. Ivetta holds a B.A. in International Relations, an M.A. in International Business and Business Administration and a Ph.D. in Economics. She is based in Geneva, is fluent in English and Russian and has a good command of French, German and Afrikaans.

Aaron Cosbey is a Senior Associate at IISD's ELP program. He is a development economist with 25 years of experience in the areas of trade, investment and sustainable development. His work cuts across a number of IISD program areas, with emphasis on climate change and energy, trade and investment law and policy, subsidies and green industrial policy. He has served on International Trade Canada's Market Access Advisory Group, as the Deputy Minister for International Trade's Academic Advisory Council on Canadian Trade Policy, and as the Canadian Minister for International Trade's Environmental Sectoral Advisory Group on International Trade, where he chaired the SAGIT's Working Group on the FTAA. He has been a member of the UN Tripartite Panel of Experts to the Second Preparatory Committee Meeting for Rio +20, the CEC's Expert Panel on Environmental Impacts of NAFTA, the Advisory Board of the International Journal of Sustainable Development Law and Policy, the Review Board of the Sustainable Development Policy Institute, Islamabad, and the Expert Group on Clean Energy and the Multilateral Trading System of ICTSD's E15 initiative. He has acted as a consultant to a wide variety of governments and institutions on the issues of trade, investment and sustainable development, including the Canadian Department of Foreign Affairs and International Trade, the Canadian International Development Agency, the Commonwealth Secretariat, Environment Canada, European University Institute, the Inter-American Development Bank, Canada's National Round Table on Environment and Economy, the North American Commission for Environmental Cooperation, the Organisation for Economic Co-operation and Development, UNCTAD, UNDP, UNEP, UNFCCC and the World Bank. Aaron holds a Master of Development Economics, a B.A. in Economics and a B.A. in Economics and Psychology.

Lourdes Sanchez is a Policy Adviser with IISD's GSI. Her research focuses on the analysis of energy subsidies and the evaluation and design of renewable energy support policies. She has worked in projects in China, India and Indonesia. Prior to IISD, Lourdes worked at one of the largest utilities in Switzerland, developing pricing and supply-side support measures for renewables and energy efficiency. She also has international consulting experience, working toward the definition of support mechanisms for renewable energy. Lourdes holds a Master's degree in Electrical Engineering, complemented by a specialized Master's in Energy

Management. Of Spanish origin, Lourdes has an international profile, having lived in Germany, Switzerland, France, Norway and the Caribbean. She is based in Geneva and is fluent in Spanish, English, French and German.

Nathalie Bernasconi-Osterwalder, LL.M., is a senior international lawyer and Group Director of IISD's Economic Law and Policy program. In this role, she works with developing country governments across Africa, Asia and Latin America in relation to bilateral and regional investment treaty negotiations, investor-state contracts (with a particular focus on mining and agriculture), model investment treaties and foreign investment laws. Nathalie has extensive legal, policy, and training experience in the area of international trade, investment, sustainable development, human rights, international environmental law and arbitration. She previously worked as an attorney at the Center for International Environmental Law (CIEL) in Washington and Geneva, where she also managed the office. Earlier, she was a fellow at the International Institute of International Economic Law at Georgetown University Law Center and worked in Hanoi, Vietnam, for a legal reform project of the United Nations Development Programme (UNDP) and for the Australian law firm Phillips Fox. In Switzerland Nathalie is admitted to the Bar of Basel and has worked for the Justice Department, Berne, in the Section for International Law. She is based in Geneva and is fluent in English, German, and French.

Maria Bisila Torao Garcia, LL.M., is an International Lawyer who currently works as a Consultant for the Swedish Enforcement Authority in Stockholm. She has legal experience working with human rights and international law, policy analysis and questions of Human Rights and Business such due diligence and liability issues. She has worked with human rights issues focusing on Latin America and was involved in the Universal Periodic Review, a UN-led process under the auspices of the United Nations Human Rights Council. She has previously worked as a legal assistant in Spain and as an associate in Sweden in matters related to private and commercial law. Bisila holds a Master's degree in International Investment Treaty Law from Uppsala University. She is a Spanish-qualified lawyer and has studied International Law in both Sweden and France. She is based in Stockholm and is fluent in English, Swedish, French and Spanish.

Temur Potaskaevi, LL.M., is an International Lawyer and founding partner of Win & Win Legal Consultancy and Educational Center Intellect in Tbilisi, Georgia, as well as an expert in legal enforcement and investigation process at Swedish executive office. He is a legal advisor on the management board of i-future, an international career and networking company. Temur has extensive legal, practical experience and theoretical knowledge in the area of international trade, investment, international public law and European intellectual property law as well as investment treaty arbitration. He previously worked as an expert in human rights and international law at the Penitentiary Department of Georgia in Tbilisi. Prior to that, he was a legal researcher at the Davit Zurabishvili Patent Office and worked in Tbilisi City Hall as an attorney of law. Temur is admitted to the Bar of Georgia. He is based in Stockholm and is fluent in English, Georgian, Swedish and Russian.

Erica Petrofsky is a Master's Candidate at Bren School of Environmental Science & Management at University of California, Santa Barbara. As IISD she researched non-governmental organizations, media coverage, coal's health effects, and energy procurement methods including reverse auctions in Indonesia. In addition, she researched renewable energy targets and projects, reverse auctions, and renewable energy-related arbitration cases

in multiple regions. Erica has translated regulations, media stories, and other written materials from Indonesian to English. She has edited news briefings, web page text, letters to funders, and other documents.

Mintewab Afework Abebe, LL.M., received her Bachelor of Laws with very great distinction (Summa Cum Laude) from Addis Ababa University, School of Law and was awarded the Chancellor's Gold Medal for Outstanding Student of the Year in 2014. While in law school, she was a member of the Yellow Movement, a campaign to eliminate violence against women. She was also a member of the first all-woman Ethiopian team to compete at the Jessup International Law Moot Court competition in Washington D.C. in April 2013. After graduation, Mintewab interned at Save the Children Ethiopia as a program coordinator for the Child Rights Governance Program before joining a local law office that specializes in business and corporate law. Her work at the law office involved preparing legal documents, structuring deals, M&As, and advising foreign investors on Ethiopia's major business laws. She was also a part-time instructor at her alma mater, Addis Ababa University for one semester teaching family law. At NYU School of Law, Mintewab is a recipient of the Hauser Global Scholarship and is specializing in the International Business Regulation Litigation and Arbitration Program. After the IFD Fellowship, she hopes to return back to Ethiopia to contribute to the commercial and arbitral legal infrastructure and discourse of the country.

Howard Mann, Ph.D., has been an Associate and Senior International Law Advisor to IISD since 1998. From 2003-2009, he initiated and managed IISD's Investment and Sustainable Development program. Howard has worked with colleagues in advising and training government officials from over 80 developing countries on international investment law issues, investment treaty negotiations, and the development of sound investment policy from a sustainable development perspective. Howard was the lead author of IISD's Model International Agreement on Investment for Sustainable Development, significant portions of which have been adopted in multiple international investment treaties since it was published in 2005. He represented IISD in its precedent-setting amicus curiae intervention in the NAFTA case between Methanex Corp. v. the United States, the first international investment arbitration to allow interventions by civil society organizations. More recently, Howard was a leading participant in the preparation and drafting of the first internationally recognized model contract on mining from a sustainable development perspective, the Model Mine Development Agreement of the International Bar Association. Howard has served on two Government of Canada advisory committees on international trade and investment law, a special expert panel for the International Commission of Jurists on corporate complicity in human rights violations, advised on the development of the UN Principles on Business and Human Rights. From 1988 to 1993, Howard was a lawyer for the Government of Canada and was actively involved in the negotiation of several international environmental agreements, including climate change and the NAFTA environmental agreement. He also participated in several cases heard in the Supreme Court of Canada. From 1993-1999, Howard maintained a full-time practice in international law, where his clients included the government of Canada, international organizations, national and international non-governmental organizations. Howard has been an Adjunct Professor of international law at the University of Ottawa's Faculty of Law, is widely published in his areas of specialization, and is a frequent speaker at international conferences.

Gus Van Harten, Ph.D., joined the faculty of Osgoode Hall Law School of York University in January 2008 and teaches Administrative Law, International Investment Law, and

Governance of the International Financial System. Previously he was a faculty member in the Law Department of the London School of Economics. He has received the William Robson Memorial Prize from LSE, a Scholar in Residence fellowship from the Law Commission of Ontario, a doctoral fellowship from the Social Sciences and Humanities Research Council of Canada, an Overseas Research Award from Universities UK, and a Research Award from the Canadian International Development Agency. Van Harten's books include *Investment Treaty Arbitration and Public Law* (OUP, 2007); *Sovereign Choices and Sovereign Constraints* (OUP, 2013); and *Sold Down the Yangtze: Canada's Lopsided Investment Deal with China* (Lorimer, 2015). He co-edits *Administrative Law – Cases and Materials* (Emond Montgomery, 2010 and 2015). His academic articles have been published in the *Canadian Yearbook of International Law*, *European Journal of International Law*, *International and Comparative Law Quarterly*, *International Journal of Evidence and Proof*, *Journal of International Dispute Settlement*, *Osgoode Hall Law Journal*, *Queen's Law Journal*, *Review of International Political Economy*, *Supreme Court Law Review*, *University of Toronto Law Journal*, *Yearbook of International Investment Law and Policy*, and other journals. Van Harten participates in policy debates with a view to providing accessible information on issues of public importance, especially on trade agreements and investor-state dispute settlement (ISDS). He has made submissions to parliamentary committees in Canada, Denmark, the Netherlands, and Germany and has advised various governments and non-governmental organizations.

Katherine Clark has been a member of the IISD Communications team since May 2010. She came to IISD with a thorough grounding in communications, publishing and design. Prior to joining IISD she worked in the Journals Branch of the Manitoba Legislative Assembly, CanWest MediaWorks and at the *Winnipeg Free Press*.

Ziona Eyob is the Media and Communications Officer for IISD's Energy Program, including the Global Subsidies Initiative (GSI). Bringing nearly 10 years of experience to her role, Ziona has an extensive background in strategic communications for international stakeholders. Prior to joining IISD, she was the North America Communications Manager for the Global Call for Climate Action, where she held key responsibilities around events like COP 21 in Paris, the G7 Summit in Japan, the Canadian First Ministers Meeting in Quebec and the People's Climate March in New York City. Before working in climate, Ziona worked in both the non-profit and private sectors, including health care, academia, technology and the arts.

Karin Treyer is a specialist in life-cycle assessment (LCA) of energy systems. She has been a researcher in that field at Paul Scherrer Institute (PSI) (Switzerland) since 2011. As such, she quantifies life-cycle environmental impacts of current and future energy technologies and systems. Her projects include wind power, deep geothermal power, novel types of fuel cells, a novel type of adsorption heat pump, or decarbonization of the transport sector via hydrogen and carbon capture and storage. Her results flow into the sustainability assessments done by her colleagues in the research laboratory at PSI to ensure quantification of indicators in all three pillars of sustainability. Decision makers in industry and politics are using these results in decisions towards a more sustainable energy consumption pathway. Karin's research interests lie in particular in advancing the LCA methodology to model the increasing complexity and interlinkage of the energy system components.