

CLIMATE CHANGE LAW IN THE ASIA PACIFIC

FOREWORD

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Climate Change Law in the Asia-Pacific – Foreword

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In the last 10 years, the world has seen remarkable progress among the critical clean technologies needed to reduce the greenhouse gas emissions that cause climate change. For example, from 2009 to 2017, the levelized costs for utility-scale solar photovoltaic and wind power have dropped 86 percent and 67 percent respectively,² while lithium ion battery prices (central to electric vehicles and grid energy storage) have dropped 85 percent from 2010 to 2018.³

This technological progress has helped fuel significant advancement in the field of climate change law and policy throughout the Asian Pacific world. At the second annual Climate Change Law in the Asia-Pacific conference, held at UC Berkeley in September 2019, academic experts from Korea, Japan, Taiwan and the United States all reported significant climate law developments in their home jurisdictions, including:

- Increased political awareness about the problem of climate change with correspondingly aggressive goals and policies to further clean technology deployment;
- Technological innovation, such as advancements in offshore wind in Japan and geothermal deployment in Taiwan;
- Litigation against major greenhouse gas emitters over the damages caused by climate change;
- More planning and preparedness to create resilience in the face of ongoing and projected climate impacts; and
- Opportunities for information sharing among the various countries, experts, and leaders (such as the conference itself).

But despite the progress, the problem is worsening. Carbon parts per million have increased from 385 in 2009 to 411 (and counting),⁴ alarming climate scientists and the general public. Meanwhile, speakers at the conference cited common but critical barriers to further advancement in their home jurisdictions. Three key obstacles emerged:

- 1) *Incumbent opposition to clean tech deployment has often resulted in weak policies or implementation.* Examples of such opposition include the lack of success of Japan's renewable portfolio standards and Korean utilities' pushback on the retirement of that country's coal-fired power fleet.
- 2) *Permitting and other legal obstacles.* As a prime example, complicated legal and permitting battles have stymied offshore wind deployment in Japan.
- 3) *The lack of legal certainty and clarity in deploying low-carbon resources and technologies.* Speakers referenced numerous examples, from nuclear power in Japan, geothermal facilities in Taiwan, political challenges to efforts to bolster preparedness efforts and motivate the insurance industry to motivate better land use decisions in places like California.

These challenges have particularly hurt renewable energy deployment, which was the focus of much of the discussion in the articles and presentations at the conference.

Looking forward, this group of experts from across the Asia Pacific could contribute additional research and information-sharing on topics such as transportation and industrial sector emissions, which are

¹ Director of Climate Program at Berkeley Law's Center for Law, Energy & the Environment

² See "Levelized Cost of Energy 2017," Lazard, November 2, 2017. Available at: <https://www.lazard.com/perspective/levelized-cost-of-energy-2017/> (accessed November 1, 2019).

³ Logan Goldie-Scot, "A Behind the Scenes Take on Lithium-ion Battery Prices," BloombergNEF, March 5, 2019. Available at: <https://about.bnef.com/blog/behind-scenes-take-lithium-ion-battery-prices/> (accessed November 1, 2019).

⁴ Rebecca Lindsey, "Climate Change: Atmospheric Carbon Dioxide," Climate.gov, September 19, 2019. Available at: <https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide> (accessed November 1, 2019).

currently vexing California leaders. Other topics include energy storage deployment and opportunities to reduce agricultural emissions. Geographically, the group could expand the conversation to include Southeast Asian experts. Substantively, they could increase their focus on implementation and enforcement of existing policies and how different governance models could handle these tasks.

Ultimately, academics, advocates, industry representatives, and policy makers will need to tackle these barriers locally, nationally, and globally in a coordinated fashion. And as the conference demonstrated, lessons can be learned from jurisdictions everywhere facing and surmounting similar barriers. The gathering was an example of such information sharing, which we hope will be useful to climate experts and stakeholders around the globe.

This series of working papers is based on the Berkeley Law Conference *Climate Change Law in the Asia-Pacific*. The conference sought to explore the hard questions of climate change law in the Asia-Pacific region to advance the efficacy of climate change law.

The conference was co-sponsored by the Center for Law, Energy & Environment, the Sho Sato Program in Japanese and U.S. Law, and the Korea Law Center.

For more information, visit
<https://www.law.berkeley.edu/research/cee/events/climate-change-law-in-the-asia-pacific/>

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