Legal Aspects of Carbon Trading Kyoto, Copenhagen and beyond

Edited by David Freestone and Charlotte Streck

<u>Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond</u>

Giuseppe Bellantuono,Lee Godden,Hanri Mostert,Hannah Wiseman,Hao Zhang

Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond:

Legal Aspects of Carbon Trading David Freestone, Charlotte Streck, 2009-10-01 Since 2005 the carbon market has grown to a value of nearly 100 billion per annum This new book examines all the main legal and policy issues which are raised by emissions trading and carbon finance It covers not only the Kyoto Flexibility Mechanisms but also the regional emission trading scheme in the EU and emerging schemes in the US Australia and New Zealand The Parties to the 1992 UN Framework Convention are in the process of negotiating a successor regime to the 1997 Kyoto Protocol whose first commitment period ends in 2012 As scientists predict that the threat of dangerous climate change requires much more radical mitigation actions the negotiations aim for a more comprehensive and wide ranging agreement which includes new players such as the US as well as taking account of new sources including aircraft emissions and new mechanisms such as the creation of incentives for reducing emissions from deforestation and forest degradation This volume builds on the success of the editors previous volume published by OUP in 2005 Legal Aspects of Implementing the Kyoto Protocol Mechanisms Making Kyoto Work which remains the standard work of reference for legal practitioners and researchers on carbon finance and trading under the Kyoto Protocol **Emissions Trading Schemes** Sanja Bogojevic, 2013-07-04 Over the last four decades emissions trading has enjoyed a high profile in environmental law scholarship and in environmental law and policy Much of the discussion is promotional preferring emissions trading above other regulatory strategies without however engaging with legal complexities embedded in conceptualising scrutinising and managing emissions trading regimes The combined effect of these debates is to create a perception that emissions trading is a straightforward regulatory strategy imposable across various jurisdictions and environmental settings This book shows that this view is problematic for at least two reasons First emissions trading responds to distinct environmental and non environmental goals including creating profit centres substituting bureaucratic control of resources and ensuring regulatory compliance This is important as the particular purpose entrusted to a given emissions trading regime has as its corollary a particular governance structure according to which the regime may be constructed and managed and which trusts the emissions market the state and rights in emissions allowances with distinct roles Second the governance structures of emissions trading regimes are culture specific which is a significant reminder of the importance of law in understanding not only how emissions trading schemes function but also what meaning is given to them as regulatory strategies This is shown by deconstructing emissions trading discourses that is by inquiring into the assumptions about emissions trading as featuring in emissions trading scholarship and in debates involving law and policymakers and the judiciary at the EU level Ultimately this book makes a strong argument for reconfiguring the common understanding of emissions trading schemes as regulatory strategies and sets out a framework for analysis to sustain that reconfiguration **Emissions Trading Schemes under International Economic Law James** Munro, 2018-08-08 The announcement by China that it will implement a national emissions trading scheme confirms the

status of this instrument as the pre eminent policy choice for mitigating climate change China will join the dozens of existing and emerging schemes around the world from the EU to California South Korea to New Zealand that use carbon units otherwise known as emissions permits or carbon credits to trade in greenhouse gas emissions in a multi billion dollar global carbon market However to date there has been no consensus about this pre eminent policy instrument being regulated by international economic law through the World Trade Organization international investment agreements and free trade agreements Munro addresses this issue by evaluating whether carbon units qualify as goods services financial services and investments under international economic law and showing how international economic law applies to emissions trading scheme in diverse and unexpected ways Further by engaging in a comparative assessment of schemes around the world his book illustrates how and why all emissions trading schemes engage in various forms of violations of international economic law which would not in most instances be justified by environmental or other exceptions In doing so he demonstrates how such schemes can be designed or reformed in ways to ensure their future compliance **Regime Interaction and Climate** Change Beatriz Martinez Romera, 2017-12-06 The regulation of greenhouse gas emissions from international aviation and maritime transport has proved to be a difficult task for international climate negotiations such as the Paris Agreement in 2015 Almost two decades prior Article 2 2 of the Kyoto Protocol excluded emissions from international aviation and maritime transport from its targets delegating the negotiation of sector specific regulations to the International Civil Aviation Organization ICAO and the International Maritime Organization IMO respectively However progress at these venues has also been limited Regime Interaction and Climate Change maps out the legal frameworks in the Climate ICAO and IMO regimes and explores the law making process for the regulation of international aviation and maritime transport through the lenses of fragmentation of international law and regime interaction The book sheds light on how interaction between these three regimes occurs what the consequences of such interaction are and how they can be managed to resolve conflicts and promote synergies This book will be of great interest to scholars of international environmental law and governance climate change policy and climate change law Climate Change Law in China in Global Context Xiangbai He, Hao Zhang, Alexander Zahar, 2020-05-31 In Climate Change Law in China in Global Context seven climate change law scholars explain how the country's legal system is gradually being mobilized to support the reduction of greenhouse gas emissions in China and achieve adaptation to climate change There has been little English scholarship on the legal regime for climate change in China This volume addresses this gap in the literature and focuses on recent attempts by the country to build defences against the impacts of climate change and to meet the country's international obligations on mitigation The authors are not only interested in China's laws on paper rather the book explains how these laws are implemented and integrated in practice and sheds light on China's current laws laws in preparation the changing standing of law relative to policy and the further reforms that will be necessary in response to the 2015 Paris Agreement on Climate Change This comprehensive and

critical account of the Chinese legal system's response to the pressures of climate change will be an important resource for scholars of international law environmental law and Chinese law Effective Global Carbon Markets Justin D. Macinante, 2020-08-28 As numerous jurisdictions implement emissions mitigation mechanisms that put a price on carbon this incisive book explores the emerging emissions markets and their diverse and fragmented nature It proposes an innovative model for connecting such markets offering a significantly more successful and expeditious achievement of climate policy Reconsidering REDD+ Julia Dehm, 2021-06-03 REDD operates to reorganise social relations and to establish new forms of global authority over forests in the Global South **Climate Law and Developing Countries** Benjamin J. Richardson, Yves Le Bouthillier, Heather McLeod-Kilmurray, Stepan Wood, 2009 The phenomenon of anthropogenic climate change has become of critical importance to all countries However while the majority of developing countries contribute the least to global greenhouse gas emissions they will generally bear the major burden of the social environmental and economic impacts of climate change imposed upon them by developed countries This cutting edge book contains outstanding contributions by scholars from around the world on the need to expand the range of legal and policy mechanisms and strategies required to bridge the gaps between the north and the south to achieve global climate justice Ben Boer University of Sydney and former Co director of the IUCN Academy of Environmental Law This timely book examines the legal and policy challenges in international regional and national settings faced by developing countries in mitigating and adapting to climate change With contributions from over twenty international scholars from developing and developed countries the book tackles both long standing concerns and current controversies It considers the positions of developing countries in the negotiation of a new international legal regime to replace the Kyoto Protocol and canvasses various domestic issues including implementation of CDM projects governance of adaptation measures and regulation of the biofuels industry Through a unique focus on the developing world this book makes a significant contribution to understanding current challenges and future directions of climate law The Protection of Indigenous Peoples and Reduction of Forest Carbon Emissions Handa Abidin, 2015-07-14 In The Protection of Indigenous Peoples and Reduction of Forest Carbon Emissions Handa Abidin identifies three main approaches that can be used by indigenous peoples to protect their rights in the context of REDD plus Further he discusses how the available protection for indigenous peoples in the context of REDD plus is currently insufficient to quickly address cases where the rights of indigenous peoples have been violated through REDD plus activities Abidin recommends the establishment of a committee and a panel on REDD plus that could convey greater benefits to the context of REDD plus and indigenous peoples as well as to wider contexts such as climate change human rights and international law

Pricing Carbon in Australia Rebecca Pearse,2017-11-08 In the mid 2000s it seemed that the global carbon market would take off and spark the worldwide transition to a profitable low carbon economy A decade on the experiment in carbon trading is failing Carbon market schemes have been plagued by problems and resistance to carbon pricing has come from the

political Left and Right In the Australian case a national emissions trading scheme ETS was dismantled after a long bitter public debate The replacement Direct Action Plan is also in disrepute Pricing Carbon in Australia examines the rise and fall of the ETS in Australia between 2007 and 2015 exploring the underlying contradictions of marketised climate policy in detail Through this and other international examples the book offers a critique of the political economy of marketised climate policy exploring why the hopes for global carbon trading have been dashed The Australian case is interpreted in light of a broader legitimation crisis as state strategies for temporarily displacing the climate crisis continue to fail Importantly in the wake of carbon market failure alternative agendas for state action are emerging as campaigns for the retrenchment of fossil fuel assets and for just renewable energy transition continue transforming climate politics and policy as we know it This book is a valuable resource for practitioners and academics in the fields of environmental policy and politics and social movement Harnessing Foreign Investment to Promote Environmental Protection Pierre-Marie Dupuy, Jorge E. studies Viñuales, 2013-03-14 This volume provides cutting edge interdisciplinary analysis of the synergies between foreign investment and environmental protection by leading scholars and practitioners Handbook of Energy Law in the Low-Carbon Transition Giuseppe Bellantuono, Lee Godden, Hanri Mostert, Hannah Wiseman, Hao Zhang, 2023-05-22 The low carbon transition is ongoing everywhere This Handbook written by a group of senior and junior scholars from six continents and nineteen countries explores the legal pathways of decarbonisation in the energy sector What emerges is a composite picture There are many roadblocks but also a lot of legal innovation The volume distils the legal knowledge which should help move forward the transition Questions addressed include the differences between the decarbonization strategies of developed and developing countries the pace of the transition the management of multi level governance systems the pros and cons of different policy instruments the planning of low carbon infrastructures the roles and meanings of energy justice The Handbook can be drawn upon by legal scholars to compare decarbonisation pathways in several jurisdictions Non legal scholars can find information to be included in transition theories and decarbonization scenarios Policymakers can discover contextual factors that should be taken into account when deciding how to support the transition Yearbook of International Environmental Law 2008 Ole Kristian Fauchald, David Hunter, Wang Xi, 2009 Transition to Journals From Volume 19 the Yearbook of International Environmental Law will be available as online only print only or combined print and online subscriptions from Oxford Journals The Yearbook of International Environmental Law archive is available immediately from January 2011 Customers wishing to take out a subscription can do so by clicking through to the yearbook s journal page http yielaw oxfordjournals org The Yearbook of International Environmental Law will benefit from a number of additional features made possible by online publication Publish ahead of print Articles will appear online throughout the year granting subscribers immediate access to the latest developments in both HTML and PDF formats without needing to wait for the print volume Email alerts Anyone can sign up to receive Yearbook of International Environmental Law content alerts both of

the annual volume and of content published throughout the year Searchable archive The entire archive back to 1996 will be made available to Yearbook of International Environmental Law subscribers The Yearbook of International Environmental Law has established itself as a vital source of information and analysis in an increasingly important legal field The contributors for this volume are drawn from leading figures around the world who together with the expert team of editors have created the best source of information on world wide events in this field. The article section contains high quality essays on topical subjects and the year in review section offers a round up of legal developments in every part of the world The third section of the Yearbook contains extensive reviews of recently published books in the area **International Natural** Resources Law, Investment and Sustainability Shawkat Alam, Jahid Hossain Bhuiyan, Jona Razzague, 2017-09-27 International Natural Resources Law Investment and Sustainability provides a clear and concise insight into the relationship between the institutions that govern foreign investment sustainable development and the rules and regulations that administer natural resources In this book several leading experts explore different perspectives in how investment and natural resources come together to achieve sustainable development in developing countries with examples from water oil and gas renewable energy mineral agriculture and carbon trading Despite varying perspectives it is clear that several themes are central in considering the linkages between natural resources investment and sustainability Specifically transparency good governance and citizen empowerment are vital conditions which encourage positive social economic and environmental outcomes for developing countries In addition this book provides new insights into key concepts which underpin international law including sovereign rights and state responsibility principles It is clear from this book that in the attempt to reconcile these concepts and principles from separate legal regimes complex policy questions emerge whereby it is difficult to attain mutually beneficial or succinct outcomes This book explores how countries prioritise their policy objectives to achieve their notion of sustainable natural resource use which is strongly influenced by power imbalances that inform North South cooperation as well as South South cooperation in the international investment regime This book will be of great interest to students academics and researchers of international environmental law international human rights law international investment law and international economic law This book may also be of relevance to environmentalists policy makers NGOs and investors working in the natural resources field Climate Change and International Trade Rafael Leal-Arcas, 2013-01-01 Rafael Leal Arcas expertly examines the interface of climate change mitigation and international trade law with a view to addressing the question How can we make best use of the international trading system experience to aim at a global climate change agreement The insightful book contributes to developing the architecture for a post 2012 global climate agreement and in doing so seeks and proposes new approaches to climate change mitigation by linking it to the international trade system The author suggests the adoption of a bottom up approach to climate change negotiations by using the evolution of multilateral trade agreements as a model for reaching a global climate treaty He discusses the

innovative approach of inserting climate goals within regional trade agreements given their proliferation especially bilateral in the international trading system He explains the trade implications of climate change mitigation policies by analyzing a couple of areas where the international regimes for trade and climate change mitigation may potentially clash Climate Change and International Trade will strongly appeal to undergraduate and graduate students of international and European trade law international and European environmental law as well as social science academics NGOs think tanks practitioners researchers and international organizations will also find plenty of valuable information in this timely resource

International Law Obligations on Climate Change Mitigation Benoit Mayer, 2022-07-11 Recent years have witnessed exciting developments in international negotiations litigation and scholarship about climate change but doctrinal research in the field remains in its infancy In particular little is known about how fast states are required to limit and reduce their greenhouse gas emissions The first part of the book identifies the relevant obligations through an analysis of treaties custom and other sources of international law Beyond express quantified commitments contained for instance in nationally determined contributions the book sheds light on the existence of general obligations of due diligence While these general obligations are difficult to interpret they are often more demanding The second part explores how these general obligations can be applied objectively for instance by a court in concrete cases Instead of an improbable judicial assessment of a state s requisite level of mitigation action the book shows the possibility of assessing a state s conduct based on the measures that general mitigation obligations entail These measures relate to corollary duties of cooperation vigilance and consistency This book presents a first comprehensive doctrinal study of states obligations on climate change mitigation It shows that such obligations arise not only from climate treaties but also from customary international law unilateral declarations and possibly human rights treaties It also explores the interactions between these multiple obligations Green Grabbing: A New Appropriation of Nature James Fairhead, Melissa Leach, Ian Scoones, 2014-10-29 Across the world ecosystems are for sale Green grabbing the appropriation of land and resources for environmental ends is an emerging process of deep and growing significance A vigorous debate on land grabbing already highlights instances where green credentials are called upon to justify appropriations of land for food or fuel Yet in other cases environmental green agendas are the core drivers and goals of grabs Green grabs may be drivn by biodiversity conservation biocarbon sequestration biofuels ecosystem services or ecotourism for example In some cases theyse agendas involve the wholesale alienation of land and in others the restructuring of rules and authority in the access use and management of resources that may have profoundly alienating effects Green grabbing builds on well known histories of colonial and neo colonial resource alienation in the name of the environment Yet it involves novel forms of valuation commodification and markets for pieces and aspects of nature and an extraordinary new range of actors and alliances This book draws together seventeen original cases from African Asian and Latin American settings to ask To what extent and in what ways do green grabs constitute new forms of appropriation of nature What

political and discursive dynamics underpin green grabs How and when do appropriations on the ground emerge out of circulations of green capital What are the implications for ecologies landscapes and livelihoods Who is gaining and who is losing How are agrarian social relations rights and authority being restructured and in whose interests This book was published as a special issue of the Journal of Peasant Studies Research Handbook on Climate Change Mitigation Law Geert Van Calster, Wim Vandenberghe, Leonie Reins, 2015-01-30 As well as taking stock of the current and proposed legal instruments the book looks at the wider policy and economic aspects of coping with climate change It provides a comparative overview of key issues across Europe the United States Asia Pacifi NAFTA and Sustainable Development Hoi L. Kong, L. Kinvin Wroth, 2015-08-07 This book assesses the current state of environmental protection under the North American Free Trade Agreement NAFTA Authors from all three member nations Canada Mexico and the United States analyze the agreements impact on such issues as bioengineered crops water policy climate change and indigenous rights Yearbook of International Law / Annuaire de La Haye de Droit International, Vol. 23 (2010) Nikos Lavranos, Ruth A. Kok, 2019-03-25 The title of the Hague Yearbook of International Law reflects the close ties which have always existed between the AAA and the City of The Haque with its international law institutions and indicates the Yearbook's aim of devoting attention to developments taking place in the international law institutions based in The Hague However the Yearbook has a broader scope as well to offer a platform for review of new developments in the field of international law As of the 2010 Volume the Yearbook will be compiled by a new and expanded Editorial Board offering fresh ideas and a new approach A newly established Advisory Board has also been added including ICJ Judge Bruno Simma Serge Brammertz Prosecutor of the International Criminal Tribunal for the Former Yugoslavia ICTY Jacomijn J van Haersolte van Hof advocate advocaat at HaersolteHof and arbitrator The Netherlands and Professor Peter Hilpold Innsbruck University Austria Sections have been created on public international law private international law international investment law and international criminal law containing in depth articles on current issues The breadth of the Yearbook's content thus offers an interesting and valuable illustration of the dynamic developments in the various sub areas of international law

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Table of Contents Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond

- 1. Understanding the eBook Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - o The Rise of Digital Reading Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Advantages of eBooks Over Traditional Books
- 2. Identifying Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - $\circ \ \ Determining \ Your \ Reading \ Goals$
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Personalized Recommendations
 - Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond User Reviews and Ratings

- Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond and Bestseller Lists
- 5. Accessing Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond Free and Paid eBooks
 - Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond Public Domain eBooks
 - Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond eBook Subscription Services
 - o Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond Budget-Friendly Options
- 6. Navigating Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond eBook Formats
 - o ePub, PDF, MOBI, and More
 - Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond Compatibility with Devices
 - Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - o Adjustable Fonts and Text Sizes of Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - o Highlighting and Note-Taking Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Interactive Elements Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
- 8. Staying Engaged with Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - o Following Authors and Publishers Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
- 9. Balancing eBooks and Physical Books Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Benefits of a Digital Library
 - o Creating a Diverse Reading Collection Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Setting Reading Goals Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Fact-Checking eBook Content of Legal Aspects Of Carbon Trading Kyoto Copenhagen And Beyond
 - Distinguishing Credible Sources

- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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