

The Challenge of Mitigating China's Greenhouse Gas Emissions

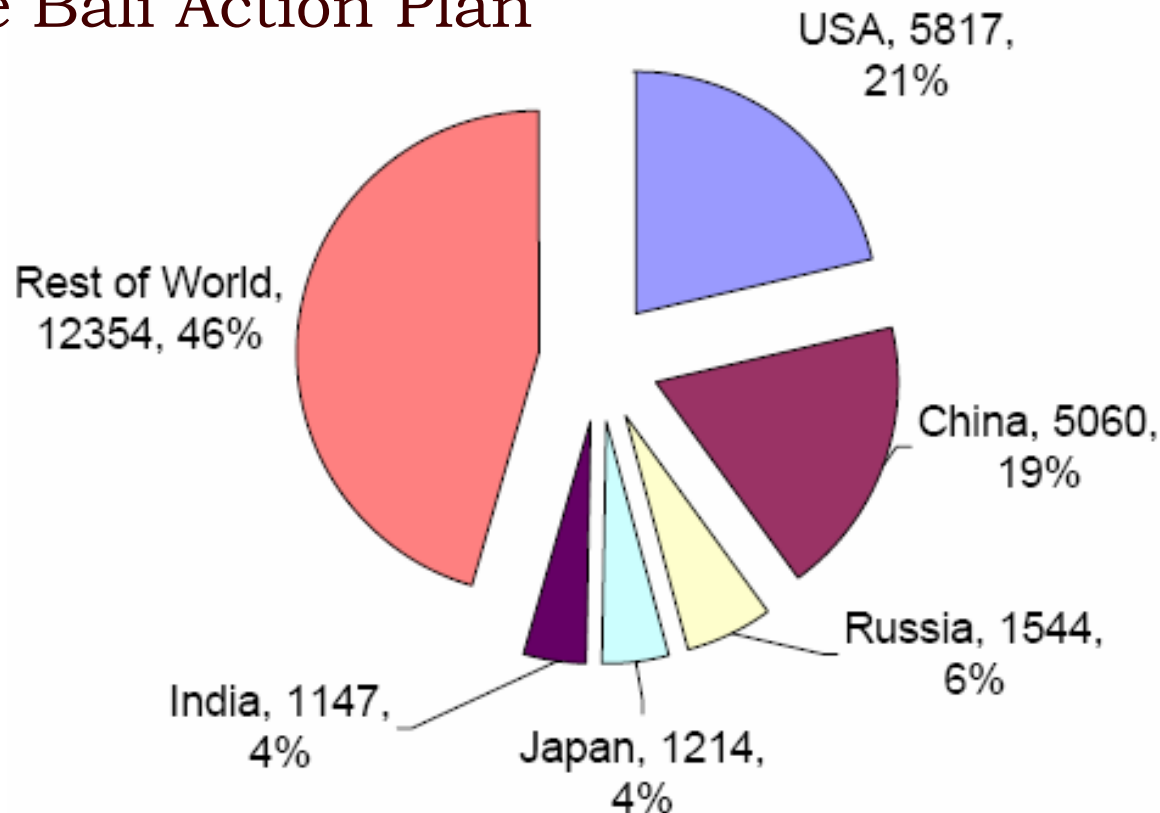
Panel: China, Climate Change, and the Environment
2008 NAELS Annual Conference

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Partnership for Environmental
Law in China



Why China?

- Global CO2 Emissions (2005 data)
- The Bali Action Plan



Million tons of carbon dioxide;
Data from International Energy Agency 2007

What are the Issues?

- China's Climate Plan
- CDM Program
- Regulatory Implementation
- Some Options



China's 2007 Climate Plan

- Energy Efficiency & Conservation
 - Industrial Policy
 - Renewable Energy
 - Kyoto Protocol Clean Development Mechanism
- ➔ Integration of Climate Change Policy with Overall Economic Policy

The Challenge of Implementing China's Climate Plan

- Primacy of Economic Development even in Climate Change Policies
 - Do Activities Promote Environmentally Sustainable Development?
- The Weakness of the Regulatory Infrastructure/Capacity
 - Can Emission Limitations/Reductions be Achieved?

Implementing the Climate Plan: Primacy of Economic Development

- NDRC is Lead Agency on Climate Change
 - SEPA (State Environmental Protection Administration) has minor role
- Climate Policy is Energy Security & Supply Policy
- Concerns about CDM Projects



Assoc.Press
2008



Xinhua 2008

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The Kyoto Protocol's Clean Development Mechanism

- Promote sustainable development for developing world
- Help compliance with Annex B reductions
- Must achieve “real, measurable & long-term benefits” for mitigation
- “Additionality” compared to absence of project
- CERs (Certified Emissions Reductions) can be generated beginning in 2000 for use in 2008-12
- CDM Executive Board creates regulations/approves projects & credits

CDM Implementation 2008-12

Expected Avg Annual CERs from registered projects: Total 188 million

Your location: CDM-Home > CDM Statistics

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CDM Statistics

	Annual Average CERs*	Expected CERs until end of 2012**
CDM project pipeline: > 2800 of which:	N/A	> 2,600,000,000
--- 890 are registered	188,012,004	> 1,150,000,000
--- 38 are requesting registration	3,961,554	> 10,000,000

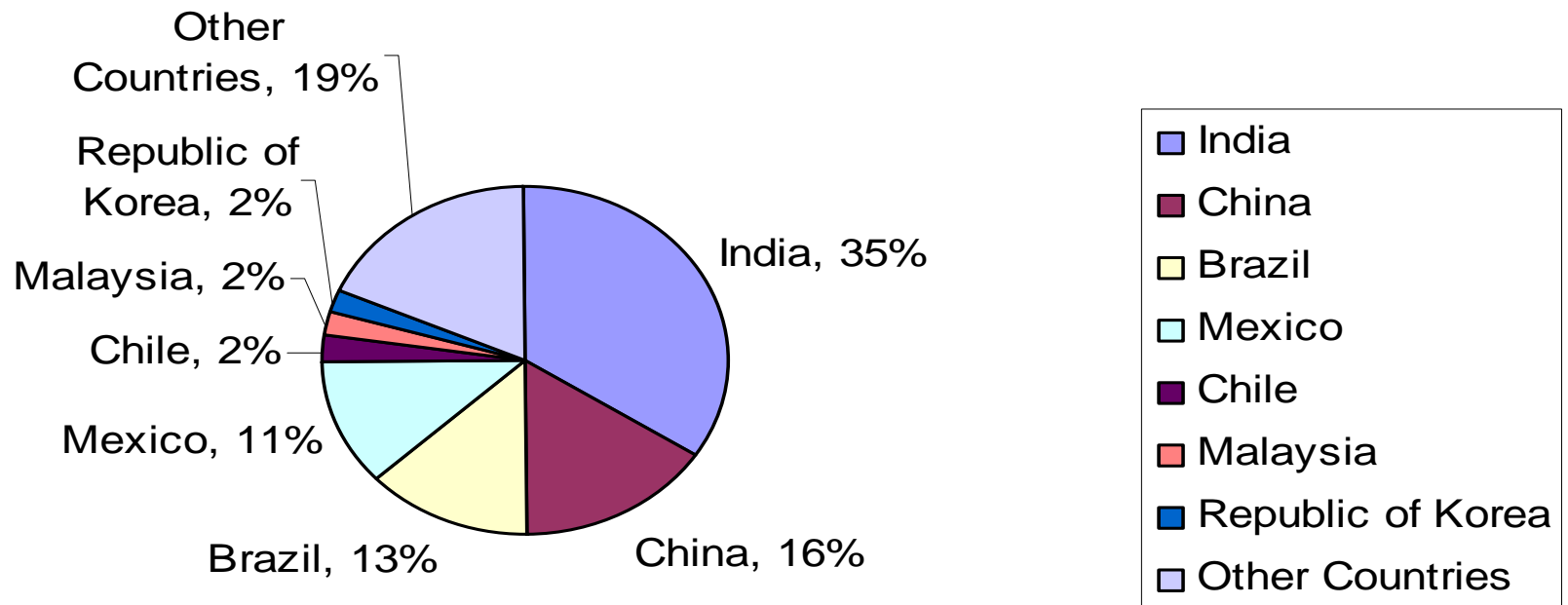
Source:
UNFCC
C 2008

* Assumption: All activities deliver simultaneously their expected annual average emission reductions

** Assumption: No renewal of crediting periods

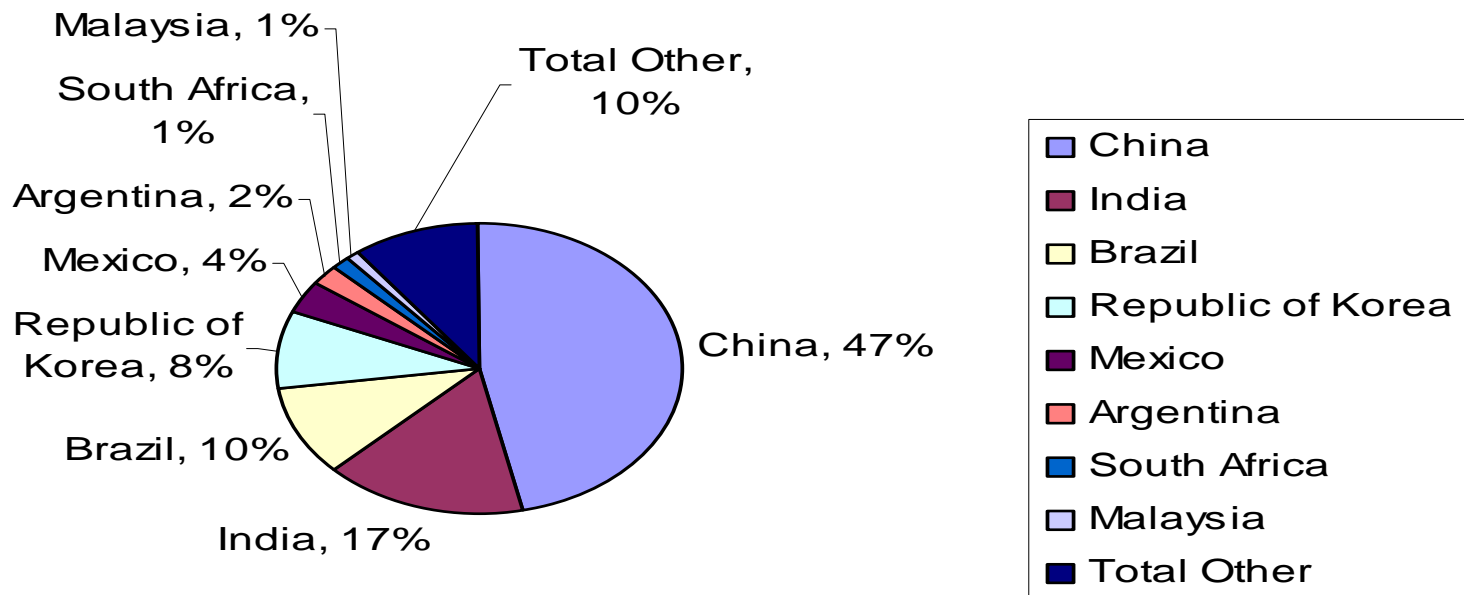
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Where are the Projects Hosted? (by number of projects)



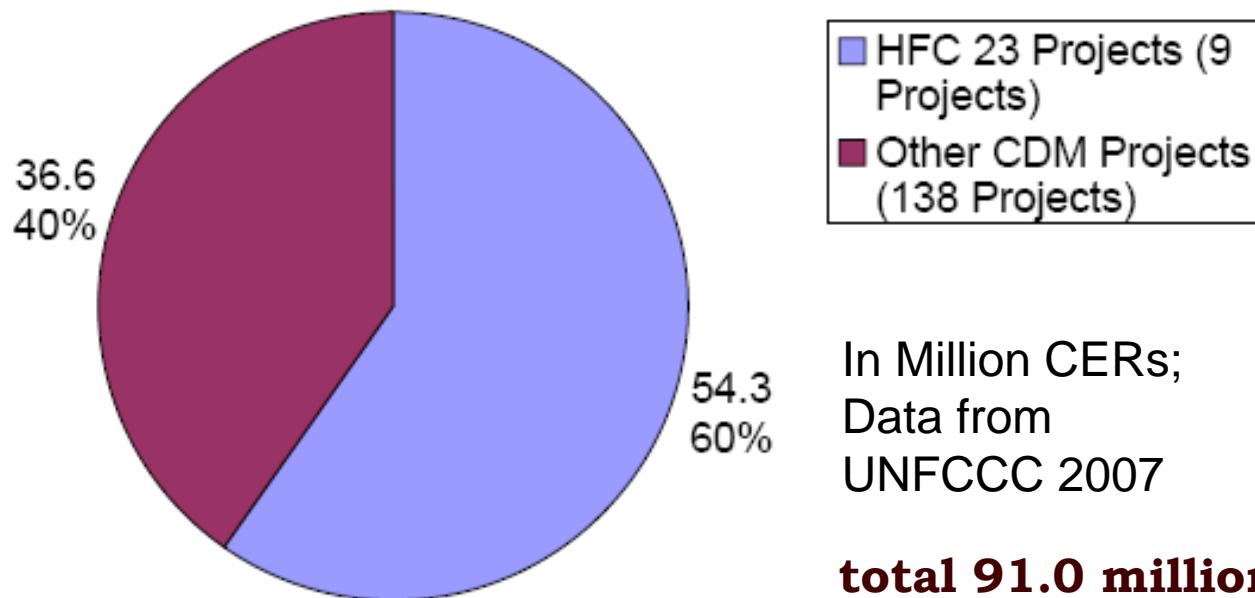
Data from UNFCCC 2007

Where are the CERs coming from?



Data from UNFCCC 2007

China CDM Projected Annual CERs (as of 12/31/2007)



In Million CERs;
Data from
UNFCCC 2007

total 91.0 million CERs

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Implementing the Climate Plan: The Regulatory Infrastructure

- Challenge of Regulating in the public interest
 - Food & Drug safety issues
 - Consumer products/children's toys
 - Coal mine safety/worker safety
 - >6000 deaths annually
- Weakness of Environmental Regulation
 - The Connection of Climate Policy to Environmental Policy
 - Duh
- Problem of regulating concentrated interests/polluters to protect against diffuse harms to public health/environment

China's Major Environmental Laws & Regulations

Law/Regulation	Effective Date
Environmental Protection Law	1989
Law on Prevention and Control of Environmental Pollution by Solid Waste	1995; amended 2005
Law on Prevention and Control of Atmospheric Pollution	1995; amended 2000
Law on Prevention and Control of Water Pollution	1996
Law on Prevention and Control of Pollution from Environmental Noise	1997
Energy Conservation Law	1998; amended 2008
Regulations on Labor Protection in Workplaces Where Toxic Substances Are Used	2002
Impact Assessment Law	2003
Clean Production Law	2003
Renewable Energy Law	2006
Administrative Measures on the Control of Pollution Caused by Electronic Information Products (also known as China's RoHS)	2007
Regulations on Waste Electrical and Electronic Equipment	Forthcoming
Circular Economy Law	Forthcoming

Source: Charles McElwee II, China Business
Review 2007

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The Challenge of Implementing & Enforcing Environmental Law

- Primacy of Economic Growth
- Regulatory/Enforcement Resources
- Democratic Governance Problems
- Institutions of Law Lack Independence
 - Judiciary, Bar, & Government Agencies

How to Improve the System?

- ❑ Economic Incentives/Penalties to Encourage Environmental Protection
- ❑ Resources for Environmental Regulation/Enforcement
- ❑ Civil Society/NGOs
- ❑ Institutional Reform (M. Qiu)
- ❑ Rule of Law/Legal Institutions (JJ Liu)
- ❑ Training of Lawyers, Officials, Judges, Scholars, Students (VLS/SYSU Partnership)

The VLS-SYSU Partnership for Environmental Law in China

- Funded by: **U.S. Agency for International Development**
- Principal Partner: **Sun Yat-sen University**
- Subject Focus:
 - **Energy/Environmental Law & Policy,**
 - **Rule of Law**

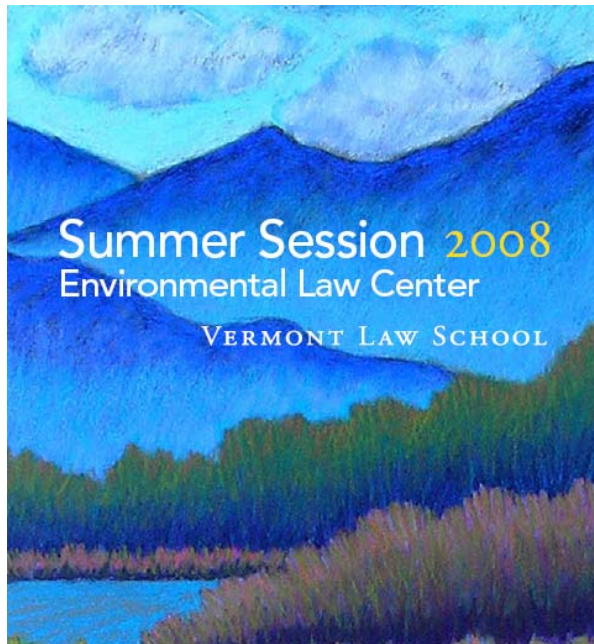


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Want to Learn More about China's Environmental Law System?



Term Four: Two-Week, Two-Credit Courses

Monday through Thursday, July 21–July 31

Exams: Saturday, August 2

Environmental Law and Regulation in China

1–4 P.M.

Tserming Yang

This course provides an overview of the tremendous environmental challenges for China's 1.3 billion people and the efforts to address them through law and regulation. After an introduction to the political and legal system and cultural background of the world's soon-to-be largest greenhouse gas emitter, we will survey the basic regulatory