

Paper proposal: Climate Law in Developing Countries Post-2012: North and South Perspectives-IUCN Academy of Environmental Law conference 26-28 September 2009

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Recent publications include: 'The Asia Pacific Partnership on Clean Development and Climate (AP6): a distraction to the Kyoto process or a viable alternative?' *Asia Pacific Journal of Environmental Law* (2007) 10 APJEL no 4 153. 'APEC Promises a Roar and Delivers a Whimper', Paper presented in the invitee only seminar at UNSW 'Australia and Climate Change Diplomacy: Towards a Post-2012 Regime - Policy Proposals on Australia's Climate Change Diplomacy' sponsored by the Academy of the Social Science in Australia (summary in UNSW Faculty of Law Research Series, Year 2007 Paper 70 59-60. Full paper in APJEL forthcoming).

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Title of paper: **"Kick starting the climate change technology revolution: the potential - and limitations - of Asia-Pacific partnerships for technology development and transfer".**

Abstract: Deep cuts in greenhouse gas emissions will require a "technology revolution" involving both the rapid uptake of existing low greenhouse gas (GHG) emission technologies in both industrialised and developing countries as well as

the development of new technologies. Both APEC's *Sydney Declaration on Climate and Energy* and the Asia Pacific Partnership (APP) have technology development and transfer as central elements. Yet both initiatives rely on a voluntary non-legally binding approach with limited funding. The upshot is that neither initiative is likely to have a significant impact on climate change mitigation efforts. The paper aims to assess these recent partnerships for technology development in the Asia-Pacific region in terms of their potential to accelerate technology development and transfer.

The paper explores some of the preconditions for technology development and transfer through a case study involving the export of wind energy technology from Australia's most mature renewable energy enterprise - Tasmania's "Roaring 40s" (the commercial arm of Hydro Tasmania) - to China through recent joint ventures. The study examines to what extent intellectual property rights, labour costs, infrastructure and other factors are relevant to facilitating technology transfer and development.

While recognizing the need for industrialised countries to take the lead in reducing greenhouse gas emissions, it is argued that regulation in the form of carbon taxes, emissions trading or renewable energy targets is required in both industrialised and developing countries and that without such measures "soft" cooperative mechanisms are of limited value.

The paper is intended to feed into recommendations of the conference relating to "**policy instrument choices and mixes**" particularly in relation to the most effective strategies to be adopted by both industrialised and developing countries. The paper also relates to the conference theme of "**preparing for Kyoto 2012**" with a likely technology transfer mechanism being a key element in the post-2012 climate regime. The paper includes an analysis of why the technology transfer mechanisms under the existing UN framework have had limited success, and includes proposals as to both how these mechanisms can

be strengthened as well as addressing the issue of how developing countries can position themselves in this field.

Key Words: Sydney Declaration on Climate in Energy, Asia Pacific Partnership, APP, AP-6, climate change, technology transfer, renewable energy

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