

Abstract

Energy sector and the climate change – legal aspects

The topic of this diploma thesis is the relationship between the law of the climate change and the energy sector. The aim of this thesis is to describe and analyze this relationship with special focus on the differences in legal enactment of this relation in the law of the developed and developing countries. The developed countries are in this thesis represented by the Czech Republic and the European Union, respectively; the developing countries of the global South are represented by Peru and the Andean Community, respectively. The object of the analysis is the climate change law and energy sector in the international law, European law, in the law of the Andean Community, and in the Czech and Peruvian law.

The research hypothesis of this work is that the developing countries, whose situation is described on the case of Peru, shall be positively motivated by developed countries to participate actively on the international climate change mitigation efforts. This positive motivation may have form of, for example, technology transfers, financial aid or investments to the projects that contribute to the reduction of greenhouse gas emissions in these countries.

The results of the comparison of the enactment of the relation between climate change law and energy sector in Peru and in the Czech Republic, as well as in the Andean Community and in the European Union, suggest clearly that the developing countries in a situation similar to Peru are not yet ready to join the climate change mitigation efforts in the way developed countries, such as do Czech Republic or other EU Member States. Peru does not have a sufficient regulatory framework for implementation of mitigation efforts and, given the low efficiency of the Peruvian law and other problems of the country (such as is poverty, pollution of air and water, fights with narcotraffickers etc.), it is not probable that Peru would be able to change soon its current situation, at least not without the assistance of the developed countries. In my opinion, given the present situation, the only way how to involve Peru into the international cooperation in the framework of the United Nations

Framework Convention on Climate Change, is the deployment of the positive motivation tools – especially in the form of investments to low-carbon projects in the energy sector – for example in the framework of the Clean Development Mechanisms.