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A Global Law of Sustainable Energy

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**The Stone Age did not end for a lack of stones, and
the Fossil Fuel Age will not end for a lack of fossil fuels**

Energy: Sustainable Development's Unwanted Step-child

- 1972 *Stockholm Declaration* makes no mention of energy
- The 1992 UNCED
 - *Rio Declaration on Environment and Development*
 - *Agenda 21*
- **neither addressed energy as a central theme.**
- omission neither an oversight or inadvertent.

CSD 9: Sustainable Energy

- CSD 9 (2001): energy theme - well informed on sustainable energy
 - ad hoc specialists process to gather facts, develop ideas and propose specific policy
 - participation from a wide range of civil society: business/industry; scientific and technological communities; workers and trade unions; local authorities; and nongovernmental organisations.
 - UNDP *World Energy Assessment*: identified sustainable energy issues and recommended specific policy.

CSD-9: agreed to return to energy at CSD-15 in 2007 and to work on implementing the policies agreed upon at CSD-9

CSD 14 (May 2006)

- CSD-14 (May 2006) began two year 'implementation cycle' to review progress in energy for sustainable development, industrial development, air pollution/atmosphere, climate change, and cross-cutting issues among these topics.
- The first year (the 'Review Year') was to focus on information gathering and progress evaluation with respect to implementing Agenda 21, the Johannesburg Plan of Action, and the United Nations Millennium Development Goals.
- CSD-14 was to develop the information base for policy action at CSD-15 (the 'Policy Year')

CSD 14 (2006) Outcomes

dominated by energy – energy security, rising oil prices, and the relative roles of fossil fuels and renewable energy

- Provided ‘wealth of presentations, case studies, “lessons learned” and practical ideas’ about energy for sustainable development.
- ‘frank and sobering scrutiny of energy challenges ... and managed to erect bridges (albeit shaky ones) to CSD-15’
- Consensus report expressed ‘sense of urgency, and demonstrated that the cost of inaction is becoming steep indeed’
- Set stage for CSD-15 (2007) to choose the policy measures necessary to meet these sustainable energy challenges.

CSD 15: Is sustainable energy (mostly?) dead

- CSD-15 failed to meet its objectives
- collapse of international efforts to promote sustainable energy
- Harbinger of how fragile, if it is not already broken, the international climate change negotiation process is.
- broad agreement that the issues of energy for sustainable development and climate change are of fundamental importance to achieving the Millennium Development Goals.
- Delegates deeply divided on key points
- ‘conference is a joke’ (reportedly said by a minister)

CSD 15 as Train wreck

- no agreement on any sustainable energy topic
- prior CSD 9 & 14 consensus principles dissolved
- **No CSD report was issued**
- No agreement on when or how the CSD should review energy in the future
- No agreement on follow-up interlinked issues of energy for sustainable development, air pollution, and climate change.

CSD-15: No Global Commitment Any Energy-Based Policies

Areas of disagreement (despite prior consensus):

- principle of common but differentiated responsibilities
- Targets and timetables for an increased role of renewable energy, efficiency and access to energy;
- How, whether and when to review progress in achieving sustainable energy goals;
- Whether WHO guidelines for should constitute minimal air quality standards;
- What standards should govern aviation & maritime air pollution;
- The most recent IPCC climate change findings; Post-Kyoto 2012 greenhouse gas emissions; technical and financial assistance; and the role of market instruments;
- Principle 2 of the Rio Declaration;

Additional CSD-15 Disagreements

- Whether pure economic development should take priority over and be separated from sustainable development principles that development must be balanced by environmental needs and equity;
- Sharing intellectual property; increased money for financial assistance to developing countries for infrastructure, capacity building in the realm of education and skills development;
- Sustainable Patterns of Production and Consumption;
- Setting a target 0.7 per cent of donor nation GNP for development assistance;
- Measures to support Africa; and
- Whether the next review of the interconnected issues of energy for sustainable development, air pollution, industrial development, and climate change should limited be a one or two day meeting in 2010 and 2014 or whether there should be detailed evaluation and measurement of progress.

CSD-15 in Perspective

- The swift death of the Chair's last-minute 'take it or leave' text demonstrated how unyielding contending views of sustainable energy and climate change have become.
- Only agreement at CSD-15: that CSD-16 will address the third cycle on agriculture, Africa and other land-related issues
- One observer noted that the CSD follow-up to its abandonment of energy issues by turning, only minutes after CSD-15 failed, to in CSD-16 was like 'rearranging the deck chairs on the Titanic'
- So, why are we surprised that Climate Change talks are stalled?

International Energy Agency Warnings (2008)

- The world's energy system is at a crossroads. Current global trends in energy supply and consumption are patently unsustainable—environmentally, economically, socially.
- The future of human prosperity depends on how successfully we tackle the two central energy challenges facing us today: securing the supply of reliable and affordable energy; and effecting a rapid transformation to a low-carbon, efficient and environmentally benign system of energy supply.
- What is needed is nothing short of an energy revolution.
- All governments, acting alone or together, must steer the world towards a cleaner, cleverer and more competitive energy system. Time is running out and the time to act is now.

No Progress on Energy

- Internationally, not a single substantive issue left hanging after CSD 15 has been resolved.
- Concepts and principles of sustainable energy have not appeared on any formal meeting agenda.
- International meetings avoid concrete discussion about how to shift to a more sustainable, low carbon world economy, and are increasingly disconnected from real-world policy, science and law. See , Office of the Chief Economist, International Energy Agency, 'Energy Subsidies: Getting the Prices Right' (7 June 2010)
- Rio +20 not an exception

Rio +20

- Sustainable Energy not on Agenda
 - Website theme: Energy only theme that had no discussion paper or any substantive element other than a reference to UN 2012 Year of sustainable Energy for All
 - Superficial treatment on website:
<http://www.un.org/en/sustainablefuture/energy.shtml>
 - Outcome Document –
 - Energy in ¶ 125-129
 - Merely recognizes problems but leaves solutions to each nation

Sustainable Energy Survives Outside International Law

- Global Energy Assessment launch at Rio +20
- Correct policies in domestic law enormously advance energy efficiency and renewable energy
 - Efficient biomass stoves reduce indoor air pollution and fuel burned for the same level of cooking.
 - Solar LED lights
 - Appliance efficiency standards, building codes, low energy light bulbs, and a myriad of new efficient power generating technologies can decrease the need for inefficient, dirty power and enable renewable energy to provide significantly greater energy services at lower cost.

Efficacy of Well-designed and implemented energy efficiency laws

- Accounts for virtually all efficiency improvements (e.g., kwh/\$gdp)
- Need to understand what is a well-designed law
- Need to draft and implement well-designed laws that make it profitable to improve energy efficiency instead of supplying durable of energy efficiency savings

Renewable Energy – Law and Policy

Evaluate laws that impede and promote renewable energy investments

- need to level economic playing field
- taxes
- subsidies (research and operational for renewables)
- renewable portfolio standards