



# Climate Law and Policy in North America: Prospects for Regional Governance

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# Outline

- ▶ How did we get here?
- ▶ Context: Decentralization and regionalism in climate change governance
- ▶ North American international commitments and domestic policies
- ▶ Prospects for regional climate change cooperation
- ▶ Challenges to be addressed
- ▶ Future trajectories

# How We got here

Security and Prosperity Partnership

- ▶ Orientation to study of hierarchical approaches to international environmental law
  - Challenges of implementation

# Multi-level and Multi-track Governance/Considerable Activity

## ▶ Multi-level

- Not exclusively horizontal, state to state interactions
- Global, regional, national, sub-national (state/provincial), local
- Non-hierarchical & non-exclusive

## ▶ Multi-track

- Overlapping and multiple sets of commitments
- Different approaches, different scales
- Integrated?

## ▶ Regionalism

- Multi-state cooperation on regional scale
- California with other states and provinces

# Our Approach

- ▶ Examination of int'l commitments and domestic policies
  - Shared principles
  - Common policy objectives
  - Common regulatory approaches / tools
  - Principal actors
  - Existing institutions
- ▶ Assess for capacity for regional cooperation
- ▶ Identify areas for further research

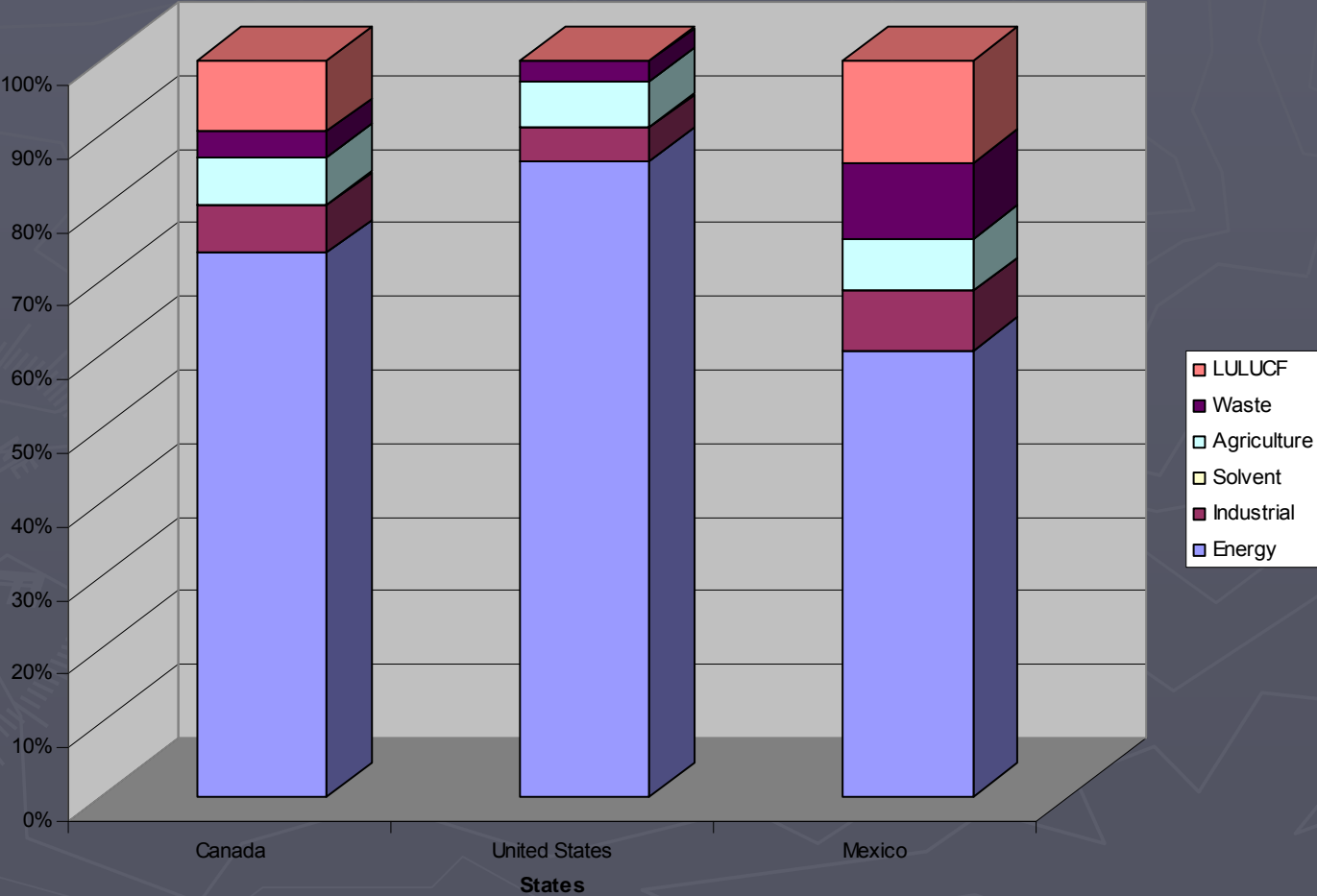
# North American GHG Emissions

Review asymmetries

	Canada	US	Mexico
GHG Emissions in 2006 (MtCO <sub>2</sub> e)	721	7054	548 (643 with LULUCF) (in 2002)
GHG Emissions in 1990 (MtCO <sub>2</sub> e)	592	6148	425
Change in Emissions from 1990-2004	22%	15%	29% (in 2002)
Contributions to Global GHG Emissions in 2004	1.85%	19.8%	1.4%
GHG Emissions per Capita (MtCO <sub>2</sub> e)	22.81	23.61	5.14
Carbon Intensity (MtCO <sub>2</sub> e/Thousands of US dollars GDP)	589.29	527.60	858.64
Carbon Intensity (MtCO <sub>2</sub> e/Billions of US dollars GDP)	0.59	0.53	0.86

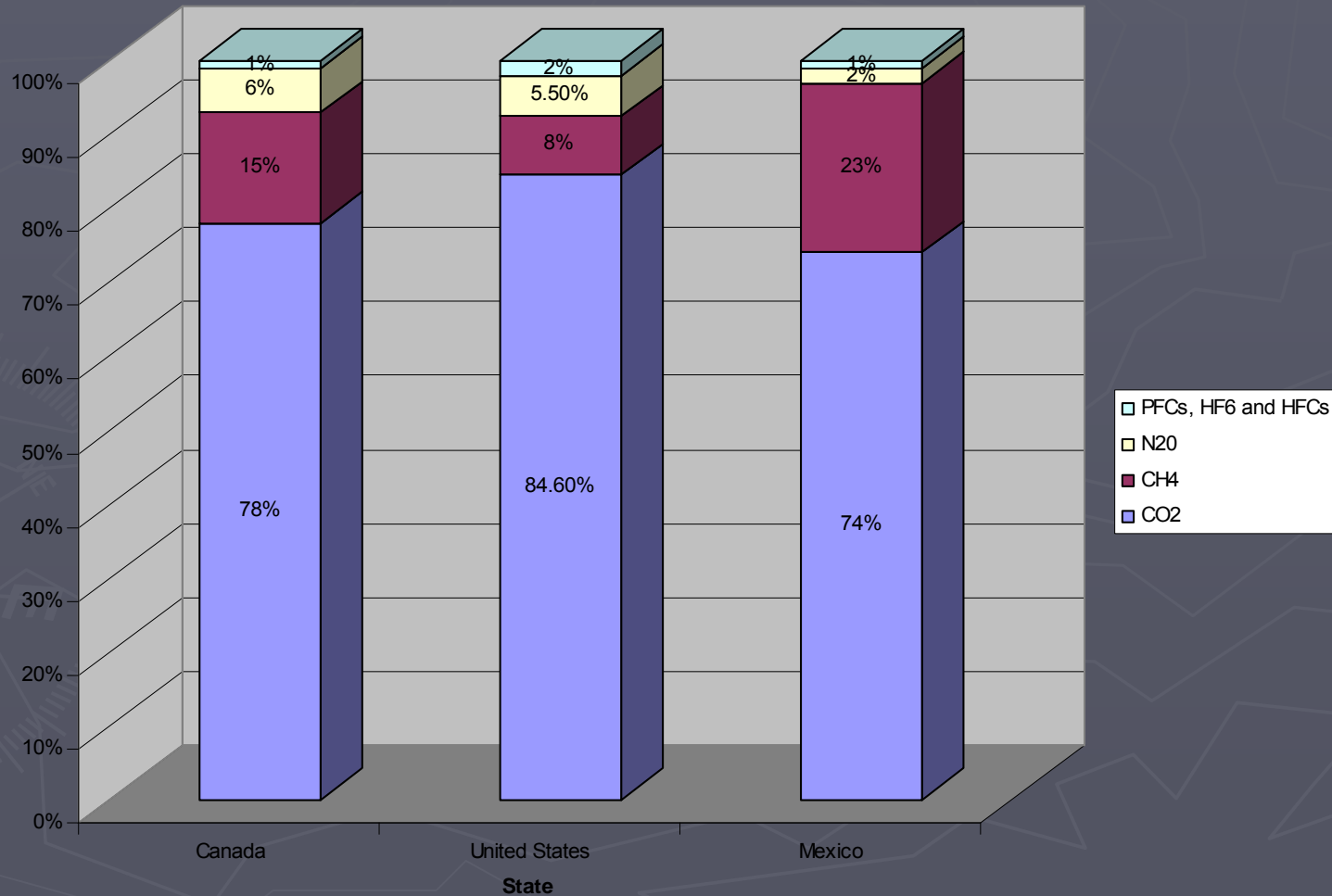
# NA GHG Emissions by Sector

GHG Emissions by Sector (% of total emissions)



# NA GHG Emissions by Gas Type

GHG Emissions By Gas



# Findings

## ▶ Principles

- Accept urgency of problem
- UNFCCC / Bali Action Plan
- Common but differentiated
- Developing country participation in mitigation is necessary
  - ▶ May engage outside UNFCCC process – Major Economies Leaders / Global Energy Forum

## ▶ Objectives

- No short term, economy wide (absolute) targets
- But willingness to accept long term (2050) targets
  - ▶ 50 % (Mexico) to 80% (US) by 2050
- Preference for short term intensity-based targets at national level
- Economic based not science based targets (but Mexico)
- Investment and innovation based
- Can. /US little attention to adaptation
  - ▶ Reflects vulnerability levels

# Findings (con't)

## ▶ Actors

- Regulatory activity at all national levels
- In Can/US - lack of strong federal leadership
  - ▶ But new US admin – more willing to engage int'l community
- Sub-regional cooperation, e.g.. Western Climate Initiative [WCI], Regional Greenhouse Gas Initiative [RGGI], Midwestern Regional Greenhouse Gas Reduction, NE Regional Greenhouse Gas Initiative
- Public/private involvement
  - ▶ i.e. NAEWG; APP; SPP
- Transgovernmental networks
- Strong energy presence

## ▶ Approaches / tools

- Strong inventory and accounting capacity
- Research & development oriented
- Cap & trade
- Ceilings on carbon pricing (other forms of regulation)
- Sectoral approaches

# Findings (con't)

## ► Institutions

- Weak regional environmental institutions
- NACEC – little CC activity
- SPP – no comprehensive programs
  - But some activity in NAEWG
- Informal institutional structures
  - Legitimacy concerns

# Benefits to Regionalism

- ▶ Problem structure – global scale
  - But many ecological effects potentially regional in scope
    - ▶ Shared water resources (Great Lakes; transboundary rivers; border aquifers)
    - ▶ Species ranges (endangered and invasive)
  - Regional economic impacts
    - ▶ Labor migration
    - ▶ Economic integration
    - ▶ Economic leakage
- ▶ Solution structure
  - Deeper commitments
  - Efficiency gains
  - flexibility
  - Existing institutions / path dependency
    - ▶ Formal (NACEC, SPP) & informal (networks, epistemic communities)
  - Trust/confidence

# NA Climate Change Prospects

## ▶ Bottom up

- Focus on implementation not rule creation, e.g.. targets & timetables
- Preference for non-binding or low sanction commitments
- Coordination of national and sub-national policies
- Enlargement & horizontal integration of existing programs

## ▶ Plurality of approaches

- Cap and trade; carbon taxes
- Sectoral approaches
  - ▶ Energy/transportation
- Research & development
  - ▶ CCS

# Developing Country Implications

- ▶ Different goals
  - Economic development/investment
  - Access to technology
  - Adaptation
  - Nationally appropriate mitigation
- ▶ Offers opportunities for cost effective GHG reduction
  - Need to identify targets / avoid hot air
    - ▶ Could link to intensity
  - Importance of GHG accounting capacity
  - Parallel to Kyoto/CDM – compatibility
  - Identify investment goals
  - Use of side payments
- ▶ Need to strengthen sub-national capacity
- ▶ First mover advantage

# Unanswered Questions

- ▶ What are the costs associated with regional CC governance?
- ▶ Is regional governance going to achieve deeper commitments or implement int'l commitments?
- ▶ What form will overarching regional cooperation take? NAFCCC? Institutions?
- ▶ Are there constitutional and / or trade barriers?

# Thank you

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