

# The Renewable Energy & International Law Project

in association with Baker & McKenzie's Global Clean Energy & Climate Change Practice, Yale University's Center for Environmental Law & Policy, and the Renewable Energy and Energy Efficiency Partnership

New ways of storing and distributing energy are no longer a distant dream but a foreseeable reality. Switching to these new methods will not be easy,...but with the right policies it can be made both possible and economically advantageous.....the best way to ...promote innovation in oil alternatives is to tell the world's energy markets that the externalities of oil consumption – security considerations and environmental issues alike – really will influence policy from now on.” – The Economist, October 25 – 31, 2003, 11-12.

The intent of the REIL Project is to:

- (i) identify, evaluate and suggest remedial action where inappropriate barriers to renewable energy exist in international agreements, and
- (ii) facilitate and promote policy and legal instruments that will enhance market penetration for renewables, resulting in the eventual consolidation of a significant market position.

To that end, the project will also work closely with the renewables industry, and those who invest in it, to identify "on the ground" barriers which arise from international regimes or their domestic implementation.

The major premises of the REILP are that:

- (i) new renewable technology is just now emerging into the international market, and prior laws and agreements may not have adequately considered the inherent characteristics of this technology when drafted;
- (ii) some provisions of international law may unintentionally comprise actual barriers or create a "chilling effect" on the emerging renewables market; and
- (iii) where possible, international agreements in the future should be crafted with an eye to the possible effects on renewable energy markets.

The Project acknowledges the desirability of expanding the renewable energy market at a more rapid rate than is current, and of recognising the important role that existing and future international law could play.

## **2. Background & General Issues to be Addressed the REILP**

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There are forces catalysing the development of the renewable energy. Both market and political momentum is established –together with legislative drivers internationally and in many domestic jurisdictions. Yet, there may be sources of drag on this momentum - which are as yet unexamined and inadvertent in international regimes.

## Annexes

### Annex 1: Matrix of Barriers to and Opportunities for Renewables Market Uptake in International Law

	TYPE OF ENERGY						
TYPE OF REGIME	P.V.	Non-P.V. Solar	Wind	Bioenergy	Small Hydro	Geo-thermal	Marine
Environmental							
Waste							
Biodiversity							
Investment							
Trade							
Climate Change							
Maritime							
Transport							
Aviation							
Land Use/Rights							
Water Rights							
Energy							
Other							

**KEY:** (Cells to be populated by)

- 1 Regime presents a barrier grave enough to require redress
  - 2 Regime presents uncertainties for renewable energy, which may manifest as a chilling effect.
  - 3 Regime presents a defined burden which may act as a disincentive to market development.  
Regime is currently the subject of dispute, the outcome of which might impact renewable energy, and thus warrants monitoring
  - 4 thus warrants monitoring
  - 5 Regime presents an unrealised or unoptimized opportunity
- N/a Not applicable