Domestic Initiatives in a Global Context? Japan’s Approaches to the Emissions Trading Schemes for the International Climate Change Regime

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Although in 2011 Japan finally decided not to participate in the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, under the principles of sustainable development and common but differentiated responsibilities, it has probed the ways in which the ‘ultimate objective’ of the UNFCCC will be realized in the international community. With regard to so-called ‘emissions trading,’ since the middle of the 2000s, Japan has continuously adopted various methods and approaches for domestic emissions trading at local and central government levels. This article analyzes Japan’s recent efforts in introducing emissions trading schemes and finally refers to the Joint Crediting Mechanism, which covers the period until a future new agreement under the UNFCCC comes into effect.

Keywords

JVETS, Emissions Trading, Emissions Trading Scheme, Kyoto Protocol, UNFCCC, Joint Crediting Mechanism

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1. Introduction

As a party to both the United Nations Framework Convention on Climate Change of 1992 ("UNFCCC")\(^1\) and the Kyoto Protocol of 1997,\(^2\) Japan has legislated domestic laws concerning climate change, in order to implement the international treaties under international law.\(^3\) These laws include:\(^4\) the Law Concerning the Promotion of the Measures to Cope with Global Warming;\(^5\) the Act on the Rational Use of Energy;\(^6\) the Act on Special Measures for the Promotion of New Energy Use, etc.;\(^7\) the Act on Special Measures for the Use of New Energy Use etc. by Electricity Business;\(^8\) the Act on Ensuring the Implementation of Recovery and Destruction of Fluorocarbons concerning Designated Products.\(^9\) Unlike some other countries, e.g., South Korea, New Zealand and Australia,\(^10\) a nation-wide scheme on ‘emissions trading’\(^11\) has not

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\(^3\) See, e.g., Yuji Iwasawa, International Law in the Japanese Legal Order: Recent Developments, 91 Proceedings of Annual Meeting-American Society of International Law 301-307 (Apr. 9-12, 1997).


\(^5\) Chikyū ondanka taisaku no suishin ni kansuru hō [Law Concerning the Promotion of Measures to Cope with Global Warming], Law No. 117 of 1998.

\(^6\) Enerugi no shiyō ni kansuru hōritsu [Act on the Rational Use of Energy], Law No. 49 of 1979.

\(^7\) Shin enerugī riyō tou ni kansuru tokubetsu sochi hō [Act on Special Measures for the Promotion of New Energy Use, etc.], Law No. 37 of 1997.

\(^8\) Denki jigyōsha ni yoru shin enerugi tou no riyō ni kansuru tokubetsu sochi hō [Act on Special Measures for the Use of New Energy Use etc. by Electricity Business], Law No. 62 of 2002.

\(^9\) Tokutei seisaku ni kakaru furonrai no kaishī oyobi hakai no zisshi no kaku toh ni kansuru hōritsu [Act on Ensuring the Implementation of Recovery and Destruction of Fluorocarbons Concerning Designated Products], Law No. 64 of 2001.
