

Legal policy directions suitable for the Post-2020 Climate Change Regime

-In relation to the GCF(Green Climate Fund) Project
Development

신기후체제에 적합한 법정책 방향
-GCF(Green Climate Fund)Project 개발과 관련하여

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국문초록

신기후체제는 교토의정서를 대체할 새로운 기후변화협약이다. 선진국만을 대상으로 의무를 부여했던 기존 협약과는 달리 선진국과 개도국에 똑같은 책임을 요구한다. 또한 적응의 중요성이 감축만큼 부각되고 있어 매우 중요한 의

논문접수일 : 2015. 09. 25.

심사완료일 : 2015. 10. 21.

게재확정일 : 2015. 10. 22.

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미를 가진다. 한국도 대외적으로 온실가스 감축 목표를 내걸기도 하고, COP21 등 국제 기후변화 협상에도 참가하고 있다. 대내적으로는 특히 ‘제2차 국가기후변화 적응대책’을 마련하고 있다. 이러한 시점에서 한국이 사무국을 유치한 GCF 사업개발에의 참여는 환경산업계에 좋은 기회가 될 수 있다. 본 논문에서는 저탄소녹색성장기본법 시행령의 개정과 신기후체제에 적합한 법정책을 연구했다. 또한 GCF 법적지위확립에서부터 최근 제10차 GCF이사회의 결과를 정리하였다. 이를 바탕으로 GCF사업개발의 유의점과 환경산업계의 프로젝트 참가에 대한 논의를 분석하였다.

요컨대, 국내 산업계의 해외진출에 적합한 GCF 사업개발이 필요하다. 정부는 개도국의 온실가스 감축을 위하여 폐기물 매립지에서 발생하는 가스를 발전하는 사업을 개발하고 있다. 또한 사업대상국 국가지정기구(NDA, national designated authority)와 접촉하여 우리측 사업추진방향을 설명하고, 상대국 관심사항을 확인하고, NDA로서 사업지지를 요청하여야 한다. 그리고 연구를 통해 경제성, 환경성, 법적 측면의 타당성 검토가 수반되어야 함을 알 수 있었다. 경제성 검토의 방법으로는 비용-편익 분석, 내부수익률 분석, 민감도 분석이 있을 수 있다. 중장기 투자계획을 수립하고 확인하는 것도 중요하다. 환경성 검토를 위해서는 환경영향평가를 활용하는 것이 유효하다. 또한 환경영향저감방안을 수립하는 것도 하나의 방법이 되는 것으로 나타났다. 그리고 인허가 등 시설 설치 및 운영에 관한 법령도 검토해야 한다.

한편, 한국이 신기후체제를 기회로 삼기 위해서는 배출권거래제도, 급경사지 재해예방에 대한 법률, 연안관리법, 인허가 등 시설 설치 및 운영에 관한 법령의 개정 방향이 중요하다. 다만, 아직까지 COP21을 통한 신기후체제에 관한 합의점은 나오지 않았다. 따라서 이러한 법 제정, 개정의 구체적인 논의는 어렵다는 것이 이 연구의 한계이다. 마지막으로 본 연구는 ‘에너지신산업육성특별법’과 ‘기후변화적응법’의 제정도 신기후체제에 적합한 방향성을 지녀야 함을 시사한다.

주제어 : Post-2020체제, GCF, 녹색성장기본법 시행령, 기후변화적응법, 제2차 기후변화 적응대책

I. Introduction

The “1st National Climate Change Adaptation Plan” has been completed this year according to the 「Basic Act on Low Carbon and Green Growth」 article 48 and 「Enforcement Decree of the Framework Act on Law Carbon, Green Growth」 article 38. Also, for the “2nd National Climate Change Adaptation Plan”, opinions from related parties such as experts, industries, and the public are being gathered for more effective plan. The international community tries to be signed agreement at the UNFCCC COP21 to be held in December this year in Paris, France. “2nd National Climate Change Adaptation Plan” would reflect the Post-2020 Climate Change Regime. Climate change adaptation plans of the local government¹⁾ are also related to the COP21 or Post-2020 Climate Change Regime. The aim of this study is finding the korean policy directions & legal support ways for the Post-2020 Climate Change Regime.

The politics of energy governance is now recognized as an important area of research in the social science of energy.²⁾ In the case of GCF, out of the 10.2 billion USD pledged to be provided until July 2015, an agreement of 5.8 billion USD was made to be given. 10.2 billion USD was pledged to be financed by the GCF Fundraising Conference(1st - 2014 June, Norway, 2nd - 2014 November, Germany), UN Climate Summit(2014 September, New York) and the COP20(2014 Peru). Thus, this paper will focus on the policy

1) For example, Incheon city as an Green Climate Fund(GCF) host city promotes to exemplary and proactive policies to actively participate in efforts to reduce greenhouse gas emissions. And “Incheon Climate Change Master Plan” will be based on 「Basic Act on Low Carbon and Green Growth」 and a municipal ordinance of Incheon’s Climate Change action.

2) David J. Hess, Quan D. Mail, Kate Pride Brown, Red states, green laws: Ideology and renewable energy legislation in the United States, Energy Research & Social Science 11, p.19, 2015(on-line)

and legislation that encourages the participation of the GCF business development.

II. Basic Act on Low Carbon and Green Growth & Climate Change Adaptation Plan

1. The amendment of 「Enforcement Decree of the Framework Act on Law Carbon, Green Growth」³⁾

「Enforcement Decree of the Framework Act on Law Carbon, Green Growth」 has been partly amended in 2012 December 27th.

(1) Reason of amendment

For an organized establishment of major plans regarding green growth, the Committee on Green Growth expanded the scope of consideration, and on the other hand, improved the previous system by strengthening the requirement for designation of investigative bodies and introducing the designation canceling policy.

(2) Main Contents

A. Committee on Green Growth consideration scope expansion(article 21, 38, 41 and 42) For organized establishment of major plans regarding green growth, in case of annual plans for green technology and green management of middle and small businesses, climate change adaptation plans, emission

3) Referred <http://www.law.go.kr/main.html>

reduction objections of transportation sector, and the emission reduction objection of buildings need to be deliberated by the Committee on Green Growth.

B. Deadline delay to selecting objection managing companies(article 29)

Considering that the submission deadline of the statement of emission and energy consumption is due to March 31st, the objection managing company selection deadline is delayed to April 30th.

C. Making ground rules for strengthening requirements of investigative bodies designation and designation canceling policy(article 32)

1) Added need for liability insurance of more than 1 billion KRW to secure liability for damage due to investigation errors of investigative bodies.

2) Designation cancel is possible when investigative body was pointed out for falsehood or wrong doings, or when a major error in the investigation process occurred due to gross negligence.

D. Recognition of early reduced performance and externally reduced performance (article 33, 33-2 newly organized)

1) To promote voluntary emission reduction, the managing company can recognize voluntary performance investigated by investigative bodies as implemented performance.

2) To promote the effective fulfillment of objective, the managing company can recognize emission reduction projects done externally under the international standard as implemented performance.

(3) Assessment

The Committee on Green Growth's expansion about the scope of consideration is desirable. Amendment of decree should comply with the directions of the new policy. Amendment of the basic law that is consistent with the new policy in this context is also appropriate. Basic act on low carbon green growth should still be the center of newly enacted law.

2. Climate Change Adaptation Plan on the 「Basic Act on Low Carbon Green Growth」

The case of South Korea (hereafter Korea) is sticking out in the green growth debate as, together with China, it became the world leader in green growth spending. With 80% the share of green investments in Korea's 2009 economic recovery package of USD 45 billion¹ (representing 3% of GDP) was the largest worldwide.⁴⁾ The green stimulus package was already under the impression of President Lee Myung-bak's 2008 announcement of "Low carbon, green growth" as the new development vision for the country. This vision inspired the "National Green Growth Strategy", which was published in 2009. The strategy had "Mitigation of climate change & energy independence" as the first of three objectives. The other two objectives were "Securing new growth engines" and "Improving living standards and enhancing national status", which included only the improvement of water and flood management and the construction of railways as further actions with direct relation to environmental goals.⁵⁾ The Green Growth Strategy and its primary focus on climate change mitigation are reflected in several

4) UNEP, Overview of the Republic of Korea's National Strategy for Green Growth, United Nations Environment Programme, 2010.

Retrieved from http://www.unep.org/PDF/PressReleases/201004_unep_national_strategy.pdf

5) Presidential Commission on Green Growth, Progress Report 2008 & 2009, Seoul, 2010.

Retrieved from http://www.greengrowth.go.kr/wpcontent/themes/newspro2891/download.php?file=2011/12/Progress_Report_2008_2009.pdf

policies, above all the Five Year Plan for Green Growth (2009-2013), which emerged from and overlapped with above mentioned stimulus package, and had a total volume of USD 98,8 billion.⁶⁾

Basic Act on Low Carbon and Green Growth, article 48(Climate change influence valuation and adaptation plan execution) ④ The Government must strive for preventive measures to reduce damage from climate change and establish and execute adaptation plans for natural disasters and reducing climate change influence regarding the presidential degree. ⑤ The Government can support people and businesses under the climate change adaptation plan financially and technically.

This provisions are related to the Climate Change Adaptation Plan. Previous “Energy Basic Law” and its contents were modified as the “Energy Act”. Nonetheless, there has been questions whether it is appropriate to regulate energy policy within the boundary of the “Low Carbon Green Growth Act”. Current Green Growth system is adjusted by the Green Growth Committee and each administrative departments. However, as this dual system has a limitation, Basic Act on Low Carbon Green Growth could be revised to an effective way.⁷⁾

Enforcement Decree of the Framework Act on Low Carbon, Green Growth, article 38⁸⁾(Establishment and execution of climate change adaptation

6) OECD. Achieving the “low carbon, green growth” vision in Korea. In OECD Economic Surveys: Korea (Vol. 2012, pp. 87 - 110). Organisation for Economic Co-operation and Development.

Retrieved from http://www.oecd-ilibrary.org/content/chapter/eco_surveys-kor-2012-5-en

7) Kim Byung-Gi, “*The problem and Improvement of Basic Act on Low Carbon and Green Growth*”, Korea legislation research institute, 2013, pp.14-15.

8) Basic Act on Low Carbon and Green Growth enforcement ordinance article 38 ① The Minister of Environment should establish and execute climate change adaptation plans under the law article 48 subarticle 4 after cooperation with central administrative organs

plan) is also related to climate change policy.

III. Korean policy directions & Legal support

1. Korean greenhouse gas reduction target⁹⁾

The Government finally decided the objective to “reduce 37% from BAU levels” until 2030 in the cabinet meeting of June 30th. The Prime Minister mentioned that “considering that reducing emission became an opportunity for developing new energy businesses, and that Korea has had an international

and deliberation by committees every 5 years.

1. Items regarding international agreements for climate change adaptation.
2. Items regarding readiness for observation, prediction, offering, application of climate change.
3. Items regarding climate change influence and vulnerability assessment per region.
4. Items regarding climate change adaptation plans per region.
5. Items regarding disaster prevention for social class and region vulnerable to climate change.
6. Items regarding connection between the Green Lifestyle Movement and climate change adaptation plans.
7. Items that the Minister of Environment recognizes for climate change adaptation.

② Heads of related central administrative organs, such as provincial governors, mayors, county governors, heads of gu(heads of an autonomous gu) should establish and execute climate change adaptation plan specifics according to climate change adaptation plans under article 1.

③ The Minister of Environment can annually assess performance of the heads of related central administrative organs, such as provincial governors, mayors, county governors, heads of gu according to propriety of establishment and execution of plan specifics under article 2.

④ The Minister of Environment can compose and operate committee composed of government officials in senior executive services of related central administrative organs for establishment and execution of plan specifics according to climate change adaptation plans of article 1 and article 2.

9) Referred MOE press release, “37% from BAU levels(8,51 million ton) to be reduced until 2030”, 2015.6.30.

leading role in climate change adaptation, we have leveled up our earlier 4 proposals.”

He also emphasized that “we will announce our goal of ‘low carbon economy’ by defining a vigorous goal, and at the same time, support various industries to reduce their burden”

After proposing the 4 reduction goals in June 11th, the Government accepted various opinions through private and public joint review team(6.11), public hearing(6.12),national assembly debate(6.18).¹⁰⁾

In the speculation process, the industrial world asked for reducing the reduction burden giving reasons that the economy of Korea is based on manufacturing the energy efficiency of Korea is world top class. On the other hand, the civil society and UN asserted that we should actively consider the voice of the international society by setting a higher reduction goal than the goal from the Lima Call for Climate Action for our climate change leadership.

The Government fixed the 2030 reduction objective more aggressively compared to the early 4 proposals, considering the various opinions from the speculation process, new energy business opportunities, and the international status of Korea.

The Committee on Green Growth proposed to maintain the state affairs against climate change, and at the same time make opportunities for new energy and manufacturing businesses, and attract the GCF secretariat. They

10) First proposal(compared by BAU levels): 1st△14.7%, 2nd △19.2%, 3rd △25.7%, 4th △31.3%

also proposed a stronger reduction plan of 37% from BAU levels compared to the existing reduction plan(reducing 30% from BAU levels until 2020, 5.43 million ton CO₂-e). This proposal was accepted, and the decision was made.

The Government is planning to grow new energy industries as a way of reducing emission creatively. To do so, the Government planned to support new energy industries and initiate the 「(tentatively named) Special Act on Energy New Industry Promotion」, improve the support system and reduce regulations so that the industrial world will voluntarily strive for the reduction of emission through market and technology.¹¹⁾

Various complementary measures are to be taken to reduce the burden of the industry, in the process of reducing emission.

Through the IMM(International Market Mechanism), international reduction will be used as a way to secure reduction potential, the industrial reduction rate will not exceed 12%(2nd scenario), and laws such as the emission trading law will be improved.

Also, developing emission reduction technology and supporting reduction matters such as other ways of electricity generation(nuclear facilities are considered), transportation and building is planned. The Government submitted INDC(Intended Nationally Determined Contribution) of the Republic of Korea which consists the fixed 2030 reduction plan, climate change adaptation plan and calculation methodology to the UN(UN Climate Change Convention) by

11) South Korea has rapidly strengthened environmental standards throughout the 1990s while access to clean technologies was still limited(Sunghoon Chung, "Environmental regulation and foreign direct investment: Evidence from South Korea", 「Journal of Development Economics」 108, 2014, p.231).

June 30th(Korean Time).

IMM(Int'l Market Mechanism) is a major method of emission reduction at the new climate system, and specific discussion is in process.

* INDC(Intended Nationally Determined Contribution) : Pledge decided by each country.

UN(UN Climate Change Convention) will publish a report by November 1st based on the INDC report submitted by October 1st.

* Including USA and EU, 39 states submitted INDC report.

Based on this report, at the Paris Conference of the Parties(COP21, 2015 November), a new climate system agreement which will be applied starting 2020 is going to be made.

After the Paris COP, the reduction objective of the Republic of Korea will be approved, and specific objectives per sector, industry and year will be established. In the process, ways to improve emission trading laws and industrial supporting measures will be arranged.

2. The necessity of 「Special Act on Energy New Industry Promotion」¹²⁾

In the 12th, according to the Ministry of Science, ICT and future planning and related academia, the Government put s the major basis of '37% emission reduction' on IMM, climate change adaptation technology development, and energy new industry promotion.

12) Referred to New Climate System, 'crisis' and an 'opportunity' [Emission reduction dispute.. Solution through climate change adaptation technologies].Financial News, 2015.07.12

IMM means the government or companies buying the ecoright for emission, or being approved of reducing emission through ways such as developing new renewable energy. Switzerland, Canada, and Mexico which already submitted their INDCs, stated that they will use.

However, the specific rules of IMM has not been fixed, which leads to a negative point of view from the industries and academia. The emission market for each nation may be made, but international emission market with more than 1 nation will be as much difficult as concluding FTA(Free Trade Agreement).

The Ministry of Science, ICT and future planning, which is the overall control department of climate change adaptation technology, is planning to legislate '(tentatively named) Special Act on Energy New Industry Promotion' with the Ministry of Trade, Industry and Energy. In this act, ways of process innovation established from the 'Manufacturing industry innovation strategy 3.0' last year will be introduced. This means through the fusion of ICT and manufacturing, minimizing the burden of the industries will be planned by changing the entire ecosystem of industry, product, and production method.

The Government fixed the industrial reduction rate to 12% from BAU levels at the 2030 objective, considering that the Korean economy mainly depends on manufacturing. The Ministry of Science, ICT and future planning is planning to include emission reduction methods through technology in the 'emission reduction plan specifics' made together with the Government.

IV. Participation in the GCF(Green Climate Fund) Project Development

In COP21, the international community determines the direction of new climate and energy system conversion. The Post-2020 Climate Change Regime may demand a change of the national power industry including power sector's drastic greenhouse gas reductions. In COP20, some nations like Norway, Australia, Belgium announced the donation amount for GCF.

The Green Climate Fund was designated as an operating entity of the financial mechanism of the UNFCCC, in accordance with Article 11 of the Convention. Arrangements will be concluded between the Conference of the Parties (COP) and the Fund to ensure that it is accountable to, and functions under the guidance of, the COP.¹³⁾

So, GCF Project Development will match the direction of the Post-2020 Climate Change Regime.

1. Legal Status of GCF

GCF possesses international legal personality for 'legal capacity' to 'effective' and 'international' function as an international organization, and has the privilege of exemption from liability for independent operations related to the organization.¹⁴⁾

As mentioned, GCF possesses legal personality as legislated, and the officials of GCF have the privilege of exemption from liability for independent operation.

13) <http://www.gcfund.org/about/the-fund.html>

14) Governing Instrument for the Green Climate Fund, paras.7~8.

The legal personality of GCF is for the execution of objections, meaning the 'independent' international and domestic legal personality of an international organization. Of course the domestic legal personality of GCF follows the Headquarter agreement made with the Republic of Korea. However, in the process of designing GCF, there was a sharp contrast between developed countries and developing countries in granting legal personality to GCF. The developing countries claimed that the GEF(Global Environment Facility) didn't possess legal personality, which means in the process of approving and spending funds, the fiduciary, World Bank, has to intervene which result in them having a too strong influence, and incurs administrative cost. USA and Japan claimed that granting international legal personality takes a long time, and discussing so is too early without deciding how the fund will be financed and spend. However, most of the other developed countries supported granting GCF legal personality, and it was concluded for GCF for being granted legal personality.¹⁵⁾

2. The tenth meeting of the Green Climate Fund Board

GCF executives, director general, secretary general and observers(international organizations, civic groups, private institutions) participated. Mostly items such as 1) Certification as implementing entity 2) Preparation for project approval 3) Supporting programs 4) Independent department operation were discussed.

Agenda item 22 was "Template for the bilateral agreement on privileges and immunities". The Board adopted the following decision:

15) Jiwon Jung, "*GCF discussion trend and major arguments*", Export-Import Bank of Korea 『Development Cooperation of Korea』2012 Number 1(2012.5), p.129

DECISION B.10/12

The Board, having reviewed document GCF/B.10/12 Template for Bilateral Agreement on Privileges and Immunities:

(a) Authorizes the Executive Director to negotiate and sign, or otherwise develop, taking account of the draft provisions set out in Annex XXV hereto and the domestic legal and policy frameworks of countries, agreements or other appropriate arrangements with countries on the privileges and immunities of the Green Climate Fund (the Fund):

(b) Also authorizes the Executive Director to develop additional arrangements to elaborate on the privileges and immunities negotiated or otherwise developed by the Fund and country Parties to address privileges, immunities or exemptions for:

(i) Conferences or other international meetings of the Fund;

(ii) Country or regional offices of the Fund, or any permanent presence in a country;

(iii) Resolution of disputes regarding the application of privileges and immunities of the Fund; and

(iv) Any other privileges, immunities, or exemptions that the country and the Fund may agree as necessary to protect the Fund and persons associated with the Fund;

(c) Requests the Secretariat to report at each meeting of the Board as part of the Secretariat's activities on any agreements or other appropriate arrangements which have been concluded or implemented;

(d) Also requests the Secretariat to implement measures such as insurance, indemnification, or other liability protection to assure that Secretariat staff, Board members and alternates are protected, as appropriate, including while on mission; and

(e) Further requests the Secretariat to incorporate in the report to the Conference of the Parties to the United Nations Framework Convention on

Climate Change a section on the status of the Fund's existing privileges and immunities with regard to its operational activities, starting at its twenty-first session and thereafter biennially, consistent with decision 7/CP.20, paragraph 22.¹⁶⁾

3. The current situation of Korean GCF project development¹⁷⁾

GCF project development shall be accompanied by a legal participation of stakeholders. Operational efficiency and transparency are also required to develop GCF project based on international environmental law. To prevent conflicts of interest, GCF plans to make ethics policies. Business developers are required to conform strict legal order or ethics. Korean GCF project development status is as follows.

(1) Electricity Supply Using Renewable Energy and ESS

There are protected natural areas in Peru. For the protection of wetland around Maranona and Pastaza river, fruit harvesting methods other than deforestation are applied. Solar and ESS energy are used for fruit processing factories and logistics, with budget amount of \$ 6.5 million. Korean government acknowledged that Profonanpe, the GCF implementing entity, is exploiting this project, and suggested collaboration. Profonanpe submitted its proposal to GCF office in November 2015, for the authorization from GCF board (Nov 6~8, Livingstone, Zambia). Profonanpe requested an early response from Korea and free technology and raw material support, which was accepted by Korean government.

16) GCF/B.10/17, 21 July 2015, p.13.

17) Referred MOE materials and released press

There is renewable & ESS readiness program development in Fiji. As a part of facilitating competency of developing nations to help them participate GCF business, such as business opportunity search for GCF are suggested. Fiji is one of strongly recommended nation from GCF office. Business model was delivered in June 2015 in an ambassador's meeting, functional development was signed upon Fiji NDA agreement in July. Readiness program for the national renewable energy introduction strategy is also requested.

(2) Green Energy Town

Ministry of Finance, Ministry of Environment and Tegucigalpa officially showed their interest for further collaboration in Honduras. However, CAF (Corporacion Andina de Fomento, Latin American Development Bank) can hardly participate since Honduras is not on its top priority list for international business, and complex internal decision making process of WB and IDB hinder their cooperation in Honduras project in this year. Honduras needs to be involved in 'Priority Presidential Loan Support' for additional loan. President of Honduras visited Korea to discuss over the total business cost of \$ 7.7 million¹⁸⁾.

Ministry of Finance, Ministry of Environment and Lima in Peru was highly positive for the cooperation, and CAF is chosen to be the implementing entity for the project. The total cost of the business would be \$25.2 million, (\$8.8 million loan from GCF, \$ 16.4 billion from private investment). Korean Ministry of Environment plans to continue its cooperation with Peruvian Ministry of Environment, City of Lima and Electric Power Corporation.

18) \$ 5.45 million donation and \$ 2.45 million loan

(3) Electric Vehicle and Relevant Infrastructure Set-up¹⁹⁾

Completed the draft of readiness program proposal in Ministry of Industry and submitted to Malaysian Energy Division. National government plan to review and supplement the document to submit to GCF office in. Targeted submission for readiness program is in late 2015, and the business proposal is to be submitted in August 2016 with export-import bank as an implementation entity.

(4) Smart Farm

There is Readiness program in Toshkent²⁰⁾ for smart farm establishment in Uzbekistan. KOPIA (Korea Project on International Agriculture) center agreed to participate the project with Uzbekistani Ministry of Agriculture. Local Ministry of Agriculture claims that additional collaboration is needed with Ministry of Water Resource and Weather and Ministry of Abroad Investment and Export. Business proposal is to be submitted in October 2016, with export-import bank as an implementation entity.

There is smart farm (seeding plant) related to vegetation contract plant district in Vietnam. Collaboration methods were discussed in Practical Meeting for New ODA Business (July 26, 2015 ~ August 1, 2015)

4. Effort of Environmental industry to participate in GCF projects.

The 2nd GCF Environmental industry meeting opened at 2015 July 24th.

19) Malaysia Case

20) Green house for fruit and vegetable (eg., strawberry, tomato) are to be established to support export.

The 'GCF Guideline' for the overseas expansion of the domestic environmental industry was being made, and the draft was introduced.

A plant company wanted the overseas expansion situation of domestic environmental industry to be included. B construction company was on landfill gas generation business in Myanmar. The local FP(focal point) lacked information regarding GCF, which made cooperation difficult. They needed cooperation with the NDA/FP of the involved country by the Government.

C construction company needed active business development and continuous support such as feasibility analysis from the Ministry of Environment. The Ministry of Environment replied that they consider the role of government agencies important in the feasibility study process. Also, they replied that KEITI(Korea Environmental Industry & Technology Institute) is developing around 40 master plans and feasibility studies annually. They also added that this will lead to GCF projects.

D construction company stated that GCF hopes for private investment project development, so rather than national projects, the environmental industry should look for GCF project approval process and related information to lead project development.

The feature of GCF projects is that through the co-financing of the private, public sector and implementing entities, more opportunities of investment is available. The combined effort of the environmental industry needs to go on.

V. Conclusion

The GCF appears as the best instrument at the international community's disposal, but several crucial issues in terms of how to distribute the

financing burden and how to use funds for reducing development losses are still open.²¹⁾ In this paper, we have examined legal policy directions suitable for the Post-2020 climate change Regime in relation to the GCF(Green Climate Fund) project development.

GCF project development for overseas expansion of domestic industries is needed. The Government is developing a project of generation from waste landfill gas to reduce emission of developing countries. Also contacting the NDA(National Designated Authority), explaining our project development direction, checking the interests of the involved country, and asking for support from the NDA are needed.

Also, feasibility check of the economic, environmental, and legal aspect is needed. Cost-benefit analysis, internal return rate analysis and sensitivity analysis can be methods of economic feasibility check.²²⁾ Establishing and evaluating mid, long-term investment plans are also important. For environmental feasibility check, environmental effects evaluation will be the effective. Establishing environmental effect reduction methods can be another solution. Laws regarding licensing and facility installment and operation are also needed to be checked.

In case of the Ministry of Environment, climate change adaptation law is being made. It consists of the concept of climate change adaptation, basic rules, risk assessment, vulnerability assessment, climate change consulting and related ground rules.

21) A. MARKANDYA, A. ANTIMIANI, V. COSTANTINI, C. MARTINI, A. PALMAc and M.C. TOMMASINO, "Analyzing Trade-offs in International Climate Policy Options: The Case of the Green Climate Fund", World Development Vol. 74, 2015, p.105.

22) More importantly, if the GCF is invested to increase energy efficiency in developing countries, direct welfare losses for the poor countries due to mitigation actions are substantially reduced, while some benefits are also generated for donors. This policy option is therefore worth more careful consideration in the international debate, which is currently focusing mainly on financing criteria and on alternative distributive options among receiving countries(*Ibid.*)

In this case, climate change adaptation plans and specific execution plans must be made under these ground rules. Guidelines for regional vulnerability management of climate change are being made by the Ministry of Public Safety and Security, the Ministry of Oceans and Fisheries, and the Ministry of Environment. For management of regional vulnerabilities such as steep sloped regions and collapse risked regions from the 「Law for disaster prevention in steep sloped regions」 and longshore current erosion regions from the 「Coast Management Act」, an integrated guideline is being made.

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[Abstract]

**Legal policy directions suitable for the Post-2020
Climate Change Regime**

-In relation to the GCF(Green Climate Fund) Project Development

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Post-2020 Climate Change Regime is the new climate agreement to replace Kyoto Protocol. Unlike the previous agreement that put most responsibility to developed countries, developing countries are now equally responsible. Also, the importance of adaptation is as significantly discussed as carbon reduction is. Korea actively involves in this agreement, by officially claiming carbon reduction target and attending international climate agreement like COP21. Domestically, there is ‘The 2nd National Climate Change Adaptation

Plan' is in progress. At this point, participation to GCF business development can be a good chance for environmental industry. This paper primarily investigates legal policies that would better adapt to the revision of 「Enforcement Decree of the Framework Act on Law Carbon, Green Growth」 and Post 2020. In addition, GCF's legal status is defined and the result of recent 10th GCF board meeting is summarized to discuss the risks of GCF businesses and participation of environmental industry to these projects.

GCF project development for overseas expansion of domestic industries is needed. The Government is developing a project of generation from waste landfill gas to reduce emission of developing countries. Also contacting the NDA(National Designated Authority), explaining our project development direction, checking the interests of the involved country, and asking for support from the NDA is needed.

Also, feasibility check of the economic, environmental, and legal aspect is needed. Cost-benefit analysis, internal return rate analysis and sensitivity analysis can be methods of economic feasibility check. Establishing and evaluating mid, long-term investment plans are also important. For environmental feasibility check, environmental effects evaluation will be the effective. Establishing environmental effect reduction methods can be another solution. Laws regarding licensing and facility installment and operation are also needed to be checked.

Under post 2020 system, Korea should properly revise carbon trading policy, disaster preparation policy, law for disaster prevention insleep sloped regions, coast management act and regulation on facility installment and operation. However, the agreement about the Post-2020 Climate Change Regime was not concluded by the COP21. Therefore, a specific discussion about the enactment and amendment is difficult. It is a limitation of this study. Finally, this study emphasizes the importance of post 2020-based enactment of Special Act on Energy Business Development and Climate Change

Adaptation Law.

Key words : Post-2020 Climate Change Regime, GCF, Enforcement Decree of the Framework Act on Law Carbon, Green Growth, Climate Change Adaptation Law, The 2nd National Climate Change Adaptation Plan