

# Regulations or Markets?

## Unpacking the sources of transformative change for climate and biodiversity governance

Date: 15 January 2021

Time: 10 am – 11 am SGT (UTC +8)

Registration is free at: <https://bit.ly/3nl2G5c>



**Jolene Lin**

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Ever since the 1992 Rio Earth Summit, international processes and domestic policy initiatives have turned to innovative policy mixes to conserve nature. These tools have expanded from traditional regulatory approaches to incorporate finance and market driven incentives. What are the lessons from these efforts for sparking the type of transformative change required to address the double crises of global climate change and mass species extinctions?

The purpose of this panel is to reflect on how past and current research on climate and forest governance generate insights for triggering transformative change. What is the role for regulation vis-a-vis finance and market driven tools? This panel also explores how both tools can be intertwined in political processes that produce and shape behavioural change. Such processes include: a) climate litigation by civil society, and b) a global “race to the top” in environmental standards among business and environment coalitions that can be traced back to strong regulatory requirements.



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*Presentation 1 by Associate Professor Jolene Lin*

### **Strategic climate litigation as a governance tool: effectiveness, challenges and opportunities**

Litigation is now widely recognised to be a regulatory pathway and mechanism in global climate change governance. Much of this litigation has featured governments as defendants, but lawsuits are now increasingly being filed against corporations too. This presentation explores some of the key trends in strategic climate litigation and sets out to answer some critical questions about its effectiveness and implications for nature-based climate solutions.

*Presentation 2 by Professor Benjamin William Cashore*

### **Unpacking the regulatory sources of a race to the top**

An overwhelming amount of policy solutions to address the climate and biodiversity crisis have increasingly turned to market and finance solutions supported by a diverse coalition of business and environmental interests. Assessing their transformative potential requires disentangling two distinct types of business and environment coalitions: those that emerged to create a “level playing field” by firms who operated under strict domestic environmental rules are known as the “California effect”, while those created by firms to reduce regulatory burdens are known as the “Delaware effect”.



## ABOUT THE SPEAKERS

**Jolene Lin**

*Associate Professor  
Faculty of Law,  
National University of Singapore*

Associate Professor Jolene Lin is director of the Asia-Pacific Centre for Environmental Law and Associate Professor, Faculty of Law, National University of Singapore. Her main areas of expertise are climate change law and transnational environmental law. She is author of *Governing Climate Change: Global Cities and Transnational Lawmaking* (Cambridge University Press, 2017). Her most recent publication is an edited collection *Climate Change Litigation in Asia Pacific* (Cambridge University Press, 2020) which presents the first scholarly examination of this topic in the region. She is also a member of the editorial boards of various journals such as the *Journal of Environmental Law*, *Chinese Journal of Environmental Law*, and *Climate Law*.

**Benjamin William Cashore**

*Li Ka Shing Professor in Public Management  
Lee Kuan Yew School of Public Policy,  
National University of Singapore*

Professor Benjamin William Cashore specialises in global and multi-level environmental governance, comparative public policy and administration, and transnational business regulation/corporate social responsibility. His substantive research interests span climate policy, biodiversity conservation/land use change, and sustainable environmental management of forests and related agricultural sectors. Some of his notable works include theoretical and empirical research surrounding non-state market driven (NSMD) global governance, and path dependent policy mixes to ameliorating “super wicked” environmental problems. Professor Cashore also serves on the editorial board of the *Earth System Governance* journal and of the Lee Kuan Yew School of Public Policy.