National Climate Laws

Entrenching National Climate Policy and Exploring the UK Experience

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Post Paris: The Common National Governance Challenge

• Paris Agreement: preparing, maintaining and accounting for nationally determined contributions, and pursuing domestic measures, in aid of the Article 2 long-term temperature goal

1. Assessing existing legal and regulatory measures
   ➢ Mitigation and adaption policies cover a wide array of policy areas
   ➢ UNFCCC/UNE/Commonwealth Secretariat ‘Toolkit’ project: review process

2. Developing new national climate governance frameworks
   ➢ Embedding climate change planning nationally – long term mitigation targets, planning and reporting requirements, new institutions to support climate policy
National Legal Cultures

• Different experiences of climate laws globally
  ➢ Varying legal cultures and doctrines, constitutional and administrative traditions
  ➢ Existing regulation provides different starting points
  ➢ Vulnerability to climate impacts, GDP, level of emissions influences regulatory priorities
  ➢ Legislative processes and political fortunes
The UK Experience

• National leadership through Climate Change Act 2008
  ➢ Long term emissions reduction target, carbon budgets, carbon plans, annual reporting to Parliament, adaptation planning

• 10 years on - remarkable resilience in changing political and economic times and governmental reconfiguration

• Challenges:
  ➢ Joining up government policy with carbon plans
  ➢ Public engagement
  ➢ Difficult policy choices ahead eg on transport
  ➢ Legal enforceability – the wrong question?
UK Committee on Climate Change

• Role of the Committee on Climate Change
  ➢ 5-8 members, appointed for expertise, independent/apolitical
  ➢ Advice required on: 2050 target, levels of carbon budgets, sectoral analysis of economy in meeting budgets
  ➢ Advice must be published and taken into account by government

• Unique administrative role and highly respected

• What has the Committee done?
An independent assessment of
the UK’s Clean Growth Strategy
From ambition to action

The Fifth Carbon Budget
The next step towards a low-carbon economy
November 2015

UK climate action following the Paris Agreement
Committee on Climate Change
October 2016
Supplementary Devolved Legislation

• Compatible but varying ambition and approaches, whilst consistent with long-term UK trajectory

• Scotland
  ➢ Climate Change (Scotland) Act 2009: ‘world-leading legislation’
  ➢ Annual targets, interim target 2020 (42% lower than baseline), ‘domestic effort target’, annual reporting, duty on public bodies to contribute to delivering targets, provision for a separate climate body (CCC as default)
Supplementary Devolved Legislation

• Wales

➢ Well-being of Future Generations (Wales) Act 2015
  Promotion of ‘well-being goals’ including climate resilience – focus on promoting sustainable development, includes a duty on all public bodies

➢ Environment (Wales) Act 2016: interim targets each decade, separate carbon budgeting and planning cycle, CCC as default body
Australian Experience

- Failure to agree overarching national climate law
- Climate Change Act 2017 (Victoria), building on Climate Change Act 2010
  - Net zero emissions by 2050 (allows offsets)
  - 5 yearly interim targets
  - Plans and strategies required, plus reporting
  - Requirements and principles for embedding climate change in government decision-making
  - Emissions reductions ‘pledges’, forest carbon rights