



SCOTIA GROUP



POLICY PROPOSAL 5.
FRAMEWORK CLIMATE LAWS

A FRAMEWORK FOR CLIMATE CHANGE LAWS AND ACCOMPANYING POLICY INSTRUMENTS



Policy Proposal 5: Framework Climate Laws

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As we approach COP26, State Parties will be submitting new or updated Nationally Determined Contributions (NDCs) that ought to represent each State's highest possible ambition to fulfil their respective obligations under the Paris Agreement. While it is important for States to communicate upwardly revised NDCs, these will have little or no effect if they are not enshrined in domestic legislation. More and more countries are adopting such framework climate change laws signifying an amplified awareness from the public and from policy-makers that governments need to be held to these commitments.

In order to be meaningful and coherent, framework climate change laws should be underpinned by a series of principles to include: integration of environmental protection into all other areas of policy-making; sustainable development; just transition; energy efficiency; consistency with human rights legislation and prioritisation of nature-based solutions.

Specifically, framework climate change laws should:

- Impose duties on government to meet interim and long-term climate targets that are set with the best available science and in accordance with the Paris Agreement;
- Impose clear duties on decision-makers across government to act consistently with climate targets;
- Give ultimate responsibility to one central government department to ensure that the emissions reductions goals are met;
- Ensure that duties are binding and enforceable through binding legislative language and the ability of the public to enforce the provisions of the laws through reviews of merits and judicial (administrative) reviews;
- Include provisions relating to adaptation to ensure that long-term planning and infrastructure decisions are made consistently with climate change projections; and
- Create an independent scientific advisor or advisory body to provide the government and relevant officials with independent advice on the science of climate change mitigation and adaptation.

If such provisions are integrated into national framework climate change legislation, this will provide clarity on the overall direction of travel towards meeting climate commitments. Such framework climate change laws do not, however, offer guidance



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on the transition pathway that a particular economy might take to reach its interim and long-term climate targets.

This will have to be formulated by governments in their decarbonisation strategies and related regulations, guidance and incentive structures. It is paramount for governments to formulate such decarbonisation strategies to give all actors across the economy certainty about the type of transition that they can expect and invest in. For these economic actors to play the vital role that they need to play in the transition, governments should provide economic incentives that unreservedly signal a commitment to the transition. Whether this takes the form of a tax or a trading scheme, these must be designed and legislated to ensure that they are a reliable instrument that creates a level playing field across the relevant sectors of the economy.

Because taxes and trading schemes result in higher prices for essential goods, they disproportionately affect lower income households at the national level. If such carbon taxes are applied to imports, they create trade barriers that will often result in discrimination against low to middle income countries. Both these effects will need to be carefully counter-balanced through direct support for low-income households and increased international financing and investment as well as technology transfers for low to middle income countries. Otherwise, the fight against climate change will result in a world that witnesses an increase in national-level and international-level inequalities.

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