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# CLIMATE LAWS: WHAT ARE THE EXPERTS SAYING?

Reviewing opinions on  
the benefits of  
national framework  
climate laws

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## 1. Introduction

Recent years have seen an increasing amount of scholarly, NGO and policy community attention paid to the design and impact of national framework climate laws and to their associated institutional and participative governance arrangements.<sup>1</sup> The term ‘climate law’ in this context does not refer to just any national legislation that relates to climate, but to framework laws specifically designed to set long-term whole economy targets and which often also set out processes and procedures for how that target will be achieved, in other words a:

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*“[...] broad national legislative framework that has been set in place by a state legislature as an Act of Parliament (or equivalent) for the purpose of redressing specific problems posed by climate change in an overarching or otherwise broadly strategic manner within that particular country.”<sup>2</sup>*

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Although this type of law is relatively new, with the first example (the UK Climate Change Act) dating from only 2008, the 2015 Paris Agreement has since acted as a catalyst and a driving force behind the drafting of national framework climate laws in other countries to aid with the delivery of commitments to both national and

EU climate targets. Twelve countries within the EU alone now have national climate laws<sup>3</sup> and more are in development<sup>4</sup>. Some countries with existing climate laws are now also in the process of strengthening their existing legislation in recognition of the urgent need to step up climate action in the face of the energy crisis and the very clear signals of rapid climate change embodied in the devastating heatwaves and forest fires which engulfed Europe during the summer of 2022, and to meet more ambitious targets set through either national or EU processes. Other countries have yet to develop a framework climate law.<sup>5</sup>

Although the relatively recent emergence of national framework climate laws means that it is difficult to assess and understand the full impact of what can be considered to be a relatively new system of governance, expert analysis indicates that there are commonalities in how national climate laws strengthen institutions and utilise particular policy instruments to achieve intermediate and long-term targets (both at national and international levels). There is also emerging analysis about how adoption of framework climate laws can provide the enabling conditions for greater climate ambition and increased likelihood of sectoral target achievements. In addition, given the significant variation which exists in the form, content and scope of climate laws on a country-by-country basis and within their respective legal and socio-political contexts, experts have begun to develop analytical frameworks, in

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<sup>1</sup>Matthias Duwe and Nick Evans, *Climate Laws in Europe* (Berlin: Ecologic Institute, 2020) and Thomas L Muinzer (ed.), *National Climate Change Acts: The Emergence, Form and Nature of National Framework Climate Legislation* (UK: Hart, 2021); Matthias Duwe and Ralph Bodle, R. (2020) ‘Paris compatible’ Climate Change Acts? National framework legislation in an international world, available [here](#).

<sup>2</sup>Thomas Muinzer (2021) ‘What are national ‘climate change acts?’ *Journal of Energy & Natural Resources Law* 39, 1-20.

<sup>3</sup>Denmark, France, Germany, Greece, Hungary, Ireland, Luxembourg, Netherlands, Portugal, Spain, Sweden and Finland. Sweden did not ‘technically’ include its targets in the law but as part of the larger ‘Swedish Climate Policy Framework’ of which the law is a part. It has been recommended by Ecologic to view such a framework in its totality. Bulgaria, Croatia, Liechtenstein, Malta, Switzerland, have a climate law, but with the significant absence of a legally binding national long-term target for reaching climate

neutrality. In 2022, Climate Action Network Europe undertook a survey of national framework climate laws in Europe, which surveyed some of the existing arrangements in place across Europe and its neighbours, which has partly informed this map. See, CAN Europe (2022) ‘Climate Laws in Europe. Essential for achieving climate neutrality’, available [here](#). There are a number of other databases and tools designed to track and monitor the development of climate laws in Europe and globally, e.g. [Climate Change Laws of the World](#), developed by the LSE Grantham Institute on Climate Change and the Environment.

<sup>4</sup>Italy, Latvia, North Macedonia, Slovakia, Slovenia have climate laws currently in the process of being developed/in draft form/planned in the legislative schedule or have expressed intention to develop one.

<sup>5</sup>Belgium, Cyprus, Czechia, Estonia, Lithuania, Poland, Romania, Turkey do not currently have a climate law.

particular through the identification of key or common features, to try and characterise what constitutes ‘best practice’. Although there is no one universal understanding of what an ‘ideal’ framework climate law looks like, this fairly recent analysis is useful for both evaluating and revising existing climate legislation, but also for countries currently in the process of developing national climate laws.<sup>6</sup> Existing expert analysis indicates that desirable features include:

1. Long-term targets and upwardly flexible target adjustment mechanisms
2. Intermediate/interim and Sectoral targets
3. Clear processes for stakeholder involvement/engagement and clear public participation processes
4. Risk and vulnerability assessments
5. Arrangements for policy planning and financing
6. Mandate for public institutions to prepare strategies and plans to achieve long term, intermediate and sectoral targets
7. Independent expert advisory bodies
8. Coordination mechanisms, including clarity for responsibility at sub-national or devolved government.
9. Progress monitoring/evaluation and reporting mechanisms
10. Robust oversight, enforcement, and sanctioning mechanisms.

Not all national framework climate laws contain all of these features, and there is great variation in the design of climate laws even within the EU. It is important to recognise that some of the identified elements above are addressed through related supplementary legislation and regulations and not necessarily dealt with through the stand-alone framework law. Depending on the legal and political context of the country it sometimes makes more sense to build on the climate framework law and

address gaps through subsequent legislation – creating a complex legal and policy landscape.

This complexity has been considered in a detailed report published by Ecologic Institute and IDDRI<sup>7</sup> in 2021 which assessed the merits of various climate governance systems. The report identified three tiers of climate governance in European countries<sup>8</sup> alongside a comparative analysis of these governance systems using three essential qualities, namely i) formality ii) accountability and iii) specificity. It found that the adoption of a framework climate law acted as a prerequisite for the category of ‘high formality’, which often resulted in higher degrees of accountability and specificity. There were exceptions to this, for example, Lithuania has not adopted a framework climate law but instead has developed a coherent system outlined across multiple legally binding documents. Therefore, this report considered Lithuania’s governance system to be a ‘robust’ framework despite its lack of ‘formal’ legal structures due to its strong accountability measures and robust policy processes. Alternatively, Hungary’s climate framework law adopted in 2020 enshrined national climate neutrality by 2050 but does not detail clear policy processes to achieve these targets, although they do exist outside of the law through Climate Change Action Plans etc. Therefore, Hungary’s climate governance system exhibited a high degree of formality but lacked key elements on accountability such as progress monitoring. This demonstrates the dynamic landscape of climate governance systems across Europe and how it makes the task of assessing the benefits of climate framework laws challenging. Ultimately, across all EEA countries the presence of a climate law was linked to higher degrees of formality, accountability and specificity.

<sup>6</sup> E.g., Diarmuid Torney, (2021) ‘Comparative Assessment of the Climate Action and Low Carbon Development (Amendment) Act 2021’, available [here](#); ‘World Bank Reference Guide to Climate Change Framework Legislation’ (2020), available [here](#); Mattias Duwe et al. (2017) ‘“Paris Compatible” governance: long-term policy frameworks to drive transformational change’, available [here](#).

<sup>7</sup> Nick Evan and Matthias Duwe (2021): ‘Climate governance systems in Europe: the role of national advisory bodies.’ Ecologic Institute, Berlin; IDDRI, Paris. Available [here](#).

<sup>8</sup> 1. ‘EU/UN baseline’: little formal structure but the minimal institutional arrangements and processes required to deliver on international or EU commitments; 2. ‘Light framework’: incorporating the first tier with additional governance elements, such as a concrete and iterative policy cycle or national progress monitoring. 3. ‘Robust framework’: the final tier that incorporates both tiers above but with a legally enshrined climate policy-making system with concrete mechanisms for enhancing accountability and in most cases a dedicated body for scientific input.

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*“Framework climate laws equip policy-makers with a set of management tools to enhance the functioning, accountability, transparency and longevity of a climate governance system”.<sup>9</sup>*

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Despite the recent expert reviews noted above there are also some important gaps in the research landscape. While analysis of the impact of some features is relatively well-developed (e.g. of the presence of national advisory bodies and long term targets), analysis of other features (e.g. public participation and policy coordination mechanisms) is more piecemeal. However, as climate laws mature and develop over time, future analysts will be able to undertake increasingly detailed evaluations of ‘what works’ and further empirical research in this area would be of great benefit.

This report will draw on published research by academics, think-tanks and civil society to undertake a desk-based review of expert views on these issues. It is not intended to represent a comprehensive systematic assessment of all published literature relating to climate laws, but rather introduce some of the common themes which have emerged in expert analysis in recent years –

with a particular focus on the benefits which can derive from the introduction of national framework climate laws within the EU and its close neighbours.

For the purposes of this report, we have made a distinction between studies that have outlined (1) benefits of climate laws and their respective elements through ‘normative’ analysis and their discussion around ‘expected or potential’ benefits versus<sup>10</sup> (2) studies that address the empirical assessment of specific existing climate laws, and therefore outline ‘actual or perceived’ benefits of climate laws or their elements and finally versus<sup>11</sup> (3) studies that review various elements of current climate laws.<sup>12</sup> It is hoped that this report will serve as a useful advocacy resource for NGOs and policy makers in countries who are in the process of developing climate laws, and also in those countries who may be reviewing their climate laws and policies in light of the need to accelerate progress towards climate neutrality.

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<sup>9</sup> Evans and Duwe (2021), note 7, p11.

<sup>10</sup> Andreas Rüdinger, Judith Voss-Stemping, Oliver Sartor (IDDRI), Matthias Duwe (Ecologic Institute), Alina Averchenkova (GRI) (2018). ‘Towards Paris-compatible climate governance frameworks. An

overview of findings from recent research into 2050 climate laws and strategies’. Studies N°04/18, IDDRI, Paris, France. Available [here](#).

<sup>11</sup> E.g. GRI studies on UK CCA, Mexico and on the UK CCC.

<sup>12</sup> E.g. World bank Reference Guide (2020), note 6.



## 2. Ambition, policy stability and political commitment

There is a widely held consensus that ‘long-term objectives’, strategies or targets serve as a core function of national climate frameworks.<sup>13</sup> Furthermore, a series of expert papers highlight national long-term Strategies as **a means of increasing ambition over time, of acting as a driver of policy stability and an indicator of political commitment to the transition to carbon neutrality**. A ground-clearing study produced by IDDRI (Institut du développement durable et des relations internationales) in 2018, *Towards Paris-compatible climate governance frameworks*,<sup>14</sup> provides a normative analysis on the potential benefits of climate laws and their respective elements. This report considers the long-term decarbonisation strategy as the centrepiece of the climate governance framework and the guidance for policy implementation.

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*‘Clear long-term objectives stand out as the single most important factor to drive the low-carbon transition over time.’<sup>15</sup>*

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However, the authors also found that the nature of long-term strategies depends on the political and legal culture from country to country and that the effectiveness of policy implementation also depends on a government’s ability to adjust and strengthen their long-term strategies overtime.

A recent report (2022) from Ecologic provides an in-depth analysis of 22 existing National Long-Term Strategies (nLTSs), which found that **majority lack actionable long-term vision** and additional investment is needed in nLTSs to aid the progress towards Net-Zero.<sup>16</sup> Currently, the EU Governance Regulation legislates for mandatory revision of nLTSs every 10 years, however the lack of regular assessment, vague legislative requirements and guidance on the structure of an nLTS

means that there is limited information on *how* countries are supposed to reach their long-term targets and the degree to which LTSs could be used more effectively as a core component of national climate governance. This report recommends national governments create ownership of the long-term vision through national multilevel climate dialogues and the integration of a regular LTS review cycle in national policy making.

Another issue is implementation and lack of infrastructure, with only a third of nLTSs assigning *who* is responsible for following up on the implementation of a long-term strategy. While experts agree developing a LTS adds immense value to national climate governance, the lack of monitoring post-adoption of nLTSs often reduces it to a mere ‘box-checking’ exercise. The report did, however, identify three LTSs that set good practice examples delivering on both ‘relevance’<sup>17</sup> and ‘vision’.<sup>18</sup> Spain, France and Portugal provide good information on their long-term vision and built their strategies on clearly defined long-term pathways for 2050, with valuable input from the scientific community. France even assigns clear implementation responsibilities for future LTS revisions, in an attempt to consolidate policymaking for the long-term transformation.

Regarding the relationship between nLTSs and national framework climate laws, the report found that many countries would benefit from anchoring the LTS cycle ideally to a national climate law. While many countries have their own national processes and detail what they’re doing at national level in their LTS, the few good practice examples explained more thoroughly how their LTS is ‘embedded in a broader climate governance framework’ and often but not always codified in their national climate law.<sup>19</sup> All three good practice examples, use their nLTSs as the long-term planning element of their national climate law.

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<sup>13</sup> Rüdinger et al, note 10.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid, p12.

<sup>16</sup> Velten, Eike Karola, Nick Evans, Deyana Spasova, Matthias Duwe, Ramiro de la Vega, Laurens Duin, and Harrison Branner (2022): ‘Charting a path to net zero: An assessment of national long-term

strategies in the EU’. Ecologic Institute, Berlin. Available [here](#). For a summary report see [here](#).

<sup>17</sup> Ibid, p56 for the analytical framework used for the assessment of LTS ‘relevance’.

<sup>18</sup> Ibid, p16 for the analytical framework used for the assessment of LTS ‘vision’.

<sup>19</sup> Ibid, p105.

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*'The potential power that an LTS could wield as a driver for ambitious climate action depends on the role it is given in a national governance system.'*<sup>20</sup>

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In addition to long-term strategies, the 2018 IDDRI report<sup>21</sup> identified the UK's carbon budget approach as an existing national mechanism that has successfully increased ambition over time, and attributed this success to the UK's CCA's clearly articulated long term target with pre-set processes for when each carbon budget are to be made.

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*'..best practices and the Paris Agreement itself [,] indicate the importance of providing a clear long-term vision that extends at least until 2050 in order to provide a coherent vision for tackling the low-carbon transition and avoid delayed action or the shocks of policy failure and lock-in.'*<sup>22</sup>

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A 2021 Grantham Institute on Climate Change and the Environment research [report](#), examined the impact of strategic climate legislation using evidence from expert interviews on the UK Climate Change Act. This research provided the first multi-year assessment of the impacts of a climate change framework law to date,<sup>23</sup> and threw into sharp resolution how few empirical analyses on how adopting a national climate framework law affects the behaviour of political and economic actions over the longer term, despite the presence of a large body of literature on national climate change governance. Comparative to the *IDDRI report*<sup>24</sup>, this study provides for an empirical assessment of the UK's CCA Act and outlines actual perceived benefits of climate laws, elicited through 33 semi-structured interviews of policy experts who provided an 'insider' perspective from first-hand

experience. This report found that the Act established a strong long-term framework and clear direction of travel, owing to the Act setting (1) a legally binding long-term mitigation goal (2) legislating for intermediary short-term targets or carbon budgets.

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*'A strong legal framework with statutory targets, processes and institutions can be an important tool for effective climate change governance'.*

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However, while this combination of long-term and short-term target setting enhances long-term predictability, according to the respondents it has ultimately only provided policy certainty in part. This report found that there is an important distinction to be made between certainty about carbon budgets legislated by the Climate Act and certainty about specific climate policies which the Act does not address.

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*'The Act contains deliberate institutional guardrails, especially around carbon budgets and the CCC, that are intended to prevent major deviations from the long-term path'.*

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A 2020 working paper produced for Elcano Royal Institute by Averchenkova and Lázaro-Touza also explored this theme. In [Legislating for a low carbon transition in Europe: experiences in the UK, France and Spain](#), the authors analysed key features enshrined in climate laws that could be considered during the process of developing Spain's upcoming Climate Change and Energy Transition Law through examining the experiences of the UK and France in developing their

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<sup>20</sup> Ibid, p55.

<sup>21</sup> Rüdinger et al, note 10.

<sup>22</sup> Ibid.

<sup>23</sup> Alina Averchenkova, Sam Fankhauser & Jared J. Finnegan (2021) 'The impact of strategic climate legislation: evidence from expert

interviews on the UK Climate Change Act', Climate Policy, 21:2, p251-263, Available [here](#).

<sup>24</sup> Rüdinger et al, note 10.



own national climate legislation.<sup>25</sup> The authors considered variations in the overall approach to climate legislation, noting the dichotomy between the flexible approach inherent in the UK Climate Change Act 2008 and the prescriptive approach which characterised the France's Energy Transition Law 2015.<sup>26</sup> The authors concluded however that notwithstanding the different approaches, the ability to **ratchet up ambition** in line with a long term target was an essential feature of both laws. Their analysis found that the use of carbon budgets was therefore an effective tool to counteract the effect of political cycles. For example, the UK's statutory five-year carbon budgets act as a mechanism that sets medium-term targets 12 years in advance, to achieve the long-term objectives in a cost-effective way. This method of setting budgets in advance allows politicians to surpass short-term electoral cycles in their voting of CO2 budgets.

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*'Provisions for ratcheting ambition over time in line with the long-term goal towards net zero emissions is another element of a domestic framework law that becomes essential to ensure consistency with the Paris Agreement.'*<sup>27</sup>

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The authors also concluded that enshrining long-term targets in a legal framework is the strongest way a government can commit to it, but also that domestic framework climate legislation acts as a key method to **consolidate political support for the climate agenda**.

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*'[Long-term targets] help consolidate and maintain political buy-in for climate policies over time in the face of future changes in the government*

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*while helping accelerate energy transition.'*<sup>28</sup>

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The idea that national framework climate laws can **insulate climate action against political and economic shocks** was explored further in the updated report on the impact of strategic climate legislation reviewing the first 10 years of the UK's Climate Change Act.<sup>29</sup> This report indicated that national climate frameworks can help political leadership of countries to become resilient to the disruptions of electoral cycles and other political and economic upheavals, therefore maintaining political consensus and long-term ambition.<sup>30</sup>

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*'The adoption of the [UK] Act was enabled by strong cross-party political consensus. Commitment to particular climate policies has waxed and waned over 10 years of political and economic turbulence. However, the Act has helped to preserve the political consensus on the need for climate action and the UK's long-term ambition.'*

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Making the point that no climate laws have been weakened or abandoned since their adoption, a recent [policy paper](#) produced for the Environmental Justice Network Ireland's (EJNI) Climate Governance Observatory by Turner et al. also cited the UK Climate Change Act as an example of a high ambition national arrangement that has withstood unprecedented upheaval – Brexit, financial crisis' and the coronavirus pandemic.<sup>31</sup>

<sup>25</sup> Averchenkova, A., Lázaro-Touza, L., (2020). 'Legislating for a low carbon transition in Europe: experiences in the UK, France and Spain.' Available [here](#) .

<sup>26</sup> Ibid, 13.

<sup>27</sup> Ibid, 15.

<sup>28</sup> Ibid, 24.

<sup>29</sup> Alina Averchenkova, Sam Fankhauser & Jared J. Finnegan (2021) 'The impact of strategic climate legislation: evidence from expert interviews on the UK Climate Change Act', Climate Policy, 21:2, 251-

263, available [here](#). Earlier report Alina Averchenkova, Sam Fankhauser & Jared J. Finnegan (n.d.). 10 years of the UK Climate Change Act, available [here](#).

<sup>30</sup> Ibid.

<sup>31</sup> Sharon Turner, Thomas Muinzer and Ciara Brennan (2021) Closing the National Ownership Gap: An EU 'Fit for 55' Requires the EU-27 to Be 'Fit for Zero', EJNI Policy Paper Environmental Justice Network Ireland. Available [here](#).

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*‘.... [the UK Climate Change Act] has ensured policy making consistent with net zero has continued despite a decade of unprecedented national upheaval since its adoption including the first financial crisis, Brexit and more recently the Coronavirus pandemic.’<sup>32</sup>*

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The authors concluded that **political commitment to upholding climate laws has functioned to gradually remove the political incentive to oppose climate action.**<sup>33</sup> This is particularly important in the context of national economies traumatised by the pandemic and now the energy crisis resulting from Russia’s war on the Ukraine, as the risks of social injustice will be considerably exacerbated, as will the likelihood that opposition to climate policies will be rewarded politically. Proactive national ownership (e.g. through the development of robust national climate laws) is thus necessary to counteract this risk and to avoid a political blaming of the EU.

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*‘Stable and sustained political leadership requires climate governance to foster cross-party support so that political leadership becomes resilient to electoral cycles and the political incentive to oppose climate action is gradually removed through cross-party consensus building.’<sup>34</sup>*

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In addition to helping prevent opposition to national climate laws, the IDDRI report also highlights the fact that **adopting a national climate law can act as a barrier against stalling, or inertia on climate action.**<sup>35</sup>

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*While all laws, by definition, can be changed by the same means by which they have been adopted, once a law is in place, it becomes a powerful bulwark against inertia. The difficulty of repealing legislation makes the commitment system more robust against political changes and external ‘shocks’—especially when legislation is adopted as a result of multi-party support. In effect, the ‘governance resilience’ offered by the rule of law can help to create a stable policy environment even across electoral cycles.’<sup>36</sup>*

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Developing the theme further, in their 2020 report for Ecologic, *‘Climate Laws in Europe: Good management in net-zero design’*, Duwe and Evans note that **the very existence of such climate laws can help build and maintain political will for the transition**, supporting an ongoing national discussion on climate action.<sup>37</sup> This report, drawing on previous analysis, reviewed and identified common elements found in most national climate laws with a description of how existing climate laws in Europe have implemented the different elements, providing a normative analysis of expected or potential benefits of these key elements.

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*A climate law cannot by itself replace the political will that needs to exist; it only supports the process of climate policy-making with structure and direction. However, if the processes established by a climate law have built-in opportunities for public and stakeholder involvement, the law can help to generate buy-in and create ownership of the direction,*

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<sup>32</sup> Ibid, p12.

<sup>33</sup> Also found in Alina Averchenkova, Sam Fankhauser & Jared J. Finnegan (2021). ‘The impact of strategic climate legislation: evidence from expert interviews on the UK Climate Change Act’, Climate Policy, 21:2, p251-263, available [here](#).

<sup>34</sup> Ibid, p9.

<sup>35</sup> Rüdinger et al, note 10, p8.

<sup>36</sup> Ibid.

<sup>37</sup> Matthias Duwe and Nick Evans (2020) ‘Climate laws in Europe: Good practices in net-zero management’, Ecologic Institute. Available [here](#).

*structure and actions it lays forth. There is also growing anecdotal evidence that the very existence of such laws can help to build and maintain political will for the transition, supporting an ongoing national discussion on climate action and keeping it on the political agenda*<sup>38</sup>

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Recently, the Institute for European Environmental Policy (IEEP) published a report which set out to identify the challenges to the European Green Deal's implementation based on insights from nearly 300 sustainability experts.<sup>39</sup> The report, [European Green Deal Barometer](#), uncovered that a lack of political commitment by EU Member States is seen as the biggest barrier to the implementation of the EU Green Deal, followed by inadequate governance mechanisms.<sup>40</sup> The report also noted that different levels of capacity and willingness amongst the member states was a cause for concern.

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*'35% [of sustainability experts] think that the lack of commitment by Member States to the Green Deal agenda is the biggest barrier to Green Deal implementation'*<sup>41</sup>

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Similarly, the IDDRI 2018 report strongly supports the view that **legally enshrined climate governance frameworks are crucial to establish and maintain political support for the climate transition**.<sup>42</sup> This report identified two categories of policy dividends that emerge from national climate laws: **establishing political support and enhancing implementation**. For example, it found that the 'effectiveness' of national climate laws depends on high levels of political support being

safeguarded in order for countries to gradually progress towards climate neutrality.

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*Governments that adopt long-term climate frameworks incorporate this acknowledgement into national policies, demonstrating that they have accepted the necessity of a transformation to a decarbonised economy—and that they are working proactively towards it.*<sup>43</sup>

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In conclusion, the adoption of **national framework climate laws sends a strong signal to national governments and other sectors on the necessity of transformation towards deep decarbonisation** and provide a common fact base for broad political consensus. **Enshrining a climate policy imperative in legal framework demonstrates that the government will remain committed over the timeframe required for a long-term vision.** On enhancing implementation, **turning targets into legally binding commitments improves adherence significantly.** It increases the probability of success through transparency and regular check-ins; therefore, insufficient action will be made visible on a regular basis. Importantly, enhancing implementation helps avoid the risk of high-emission lock-in and higher cost for reductions in the future.

Ultimately, **framework legislation can mandate political and national institutions to build capacity for planning their response to climate change**.<sup>44</sup> Governments need an overarching framework that align governmental structures and actions with long-term goals and facilitates the involvement of a wide range of actors. Enshrining such a framework in **a dedicated law not only reflects a government's resolve to achieve its climate objectives but can also facilitate planning, improve investment security in climate finance, increase buy-in and heighten transparency**.<sup>45</sup>

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<sup>38</sup> Ibid.

<sup>39</sup> Charveriat C. and Holme C. (2021). 'European Green Deal Barometer 2021.' Institute for European Environmental Policy and GlobeScan, Brussels and Paris, available [here](#).

<sup>40</sup> Ibid.

<sup>41</sup> Charveriat and Holme, note 39.

<sup>42</sup> Rüdinger et al, note 10.

<sup>43</sup> Ibid, p7.

<sup>44</sup> World Bank, note 6.

<sup>45</sup> Duwe and Evans, 2020, note 37.

### 3. Transparency and trust

A central theme within research on climate laws is that national climate laws commonly legislate **for the creation of independent expert advisory bodies**, either derivative from a legislative basis in the law itself (e.g. the UK Climate Change Committee) or established through subsidiary policy in order to implement the climate act (e.g. the Swedish Climate Policy Council (*Klimatpolitiska radet*) was not legislated for through the Swedish Climate Act of 2017 but was established shortly after through further implementation of climate policy).<sup>46</sup> In addition, the innovation of these bodies as playing a key role in climate policy-making was recognised by the establishment of a European Scientific Advisory Board on Climate Change through the EU's Climate Law.<sup>47</sup> The functioning of these bodies through the publishing of their reports and giving advice is seen as **providing transparency and trust about the real policy options**, in turn offering **political cover for ambitious and well-informed climate decisions by providing expert oversight of progress, and facilitating the input of trusted expert advice**.<sup>48</sup> In addition to policy and research papers explicitly considering the significant role of independent advisory bodies in climate governance,<sup>49</sup> there have been a number of reviews by national and international bodies on the structure and functioning of these institutions.

For example, in 2019, the Finnish Climate Change panel<sup>50</sup> provided an in-depth overview of national climate change advisory councils worldwide.<sup>51</sup> This report found that many countries promote their climate policy by having a climate act as the backbone, and that climate law countries often have some sort of mechanism for receiving expert and non-expert input and advice i.e., an

independent special body such as a national climate change advisory council, committees or stakeholder mechanisms. One of the key elements used by the panel to assess these independent advisory bodies was 'Interaction'. For example, it found that the Danish Council on Climate Change was *mandated* to engage in public debate and communicate transparently and effectively to the public on policy recommendations. This seeks to **establish public trust in the climate policy decision making** before it is adopted by Parliament.

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*Advisory councils on climate change can provide the necessary continuity and consistency over time, which is needed for truly effective and sound climate policy. The key to success for councils is to have statutory duties or a formal mandate, and that the council is seen both by the government and to the public eye as an objective source of information on climate change and policy. Thus the council can provide advice on climate policy that reaches over a time longer than a single term of government, and climate targets set are seen as credible.*<sup>52</sup>

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The Finnish Panel found that academic and expert councils are the most independent while the governmental ones the least. This finding is supported by many analyses of the role of independent bodies in

<sup>46</sup> Alina Averchenkova, and Lara Lazaro, (2020) 'The design of an independent expert advisory mechanism under the European Climate Law: What are the options?' (London: Grantham Research Institute, London School of Economics and Political Science). Available [here](#). Note: as mentioned earlier in our report that Sweden's 'Climate Policy Framework' which adopted a national climate law together with targets and the creation of an advisory body could be considered as 'one' framework.

<sup>47</sup> Duwe and Evans, note 7.

<sup>48</sup> Sharon Turner, Thomas Muinzer and Ciara Brennan, 'Closing the national ownership gap: An EU 'Fit for 55' requires the EU-27 to be 'Fit for Zero' (2021) EJN Climate Governance Observatory, Policy Paper No. 1 available [here](#).

<sup>49</sup> Averchenkova A, and Lazaro L, note 33; Averchenkova A, et al (2018) 'The role of independent bodies in climate governance: the UK's Committee on Climate Change' (London: Grantham Research Institute, London School of Economics and Political Science).

<sup>50</sup> Sally Weaver, Sanna Lötjönen and Markku Ollikainen, 'Overview of national climate change advisory councils: the Finnish Climate Change Panel', available [here](#).

<sup>51</sup> The Finnish Climate Change Panel used six elements to assess and provide an overview of twenty-four independent advisory bodies worldwide; (1) Background (2) Structure (3) Secretariat (4) Publications (5) Funding (6) Interaction.

<sup>52</sup> Weaver et al. note 50, 15.

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climate law countries. For example, an independent review on Ireland's Climate Change Advisory Council<sup>53</sup> reinforces the idea that expertise plays a significant role in determining not only the quality of advice provided but reinforces public perception of the body as independent and therefore underpins trust in the Council's role and **builds political and stakeholder buy-in to policy recommendations**. Some national climate laws are explicit in defining membership of an advisory body to prevent such imbalance and omission of expertise.

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*"Expertise plays a crucial role in determining not only the nature and quality of advice provided, but in reinforcing perceived and real independence, and therefore underpinning trust in the Council's work and ultimately its ability to influence and build political and stakeholder buy-in to its advice."*<sup>54</sup>

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In addition, key findings highlighted that while the strength of the mandate of different independent advisory bodies vary, how they are legislated for in national climate laws are often similar - the council is to provide policy recommendations, but there is no enforcement on whether this advice is taken up by national governments.<sup>55</sup> Therefore, this leaves most councils to work within the limits of the existing political atmosphere and depending on the receptiveness of stakeholders.<sup>56</sup> This issue of "restraints" was addressed in the independent review of the Irish Climate Change Advisory Council – this report argued that the restrictive mandate undermined the authoritative nature of the council.<sup>57</sup> Therefore, more ambitious mandates ensure that these bodies more directly influence the full life-

cycle of climate policy making and enables **more robust scrutiny of progress**.

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*"The Council's proposed new role in carbon budgeting will also create a more empowering advisory mandate for it [which] will enable it more directly to influence the full life-cycle of climate policy making and the setting of ambition, enable more meaningful engagement with Government concerning policy options, and enable more robust scrutiny of progress."*<sup>58</sup>

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[A World Bank Reference Guide to Climate Change Framework Legislation \(2020\)](#) provides an in-depth analysis of twelve key elements that should be incorporated in drafting national climate framework legislation and how these elements are currently addressed in different laws, with the aim to help policy makers understand the benefits of legislating on climate change.<sup>59</sup> In addition, by reviewing climate laws worldwide, the report comprehensively answers questions and issues that have arisen as more national climate laws are adopted. In the context of transparency and trust, this report found that in climate law countries, oversight of implementation often manifests through independent expert bodies that provide a range of functions including measurement, reporting, and verification, in addition to the provision of independent assessment of progress. Some advisory bodies also facilitate stakeholder engagement which helps create greater buy-in for climate policy decisions.<sup>60</sup> These bodies, such as the UK's CCC, may require governments to submit periodic reports to **allow an assessment to be made of whether strategies and policies are meeting or**

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<sup>53</sup> Geraldine Tallon, Sharon Turner & Halldór Thorgeirsson, (2020) 'Independent Evaluation of the Climate Change Advisory Council', available [here](#).

<sup>54</sup> Ibid, page 20.

<sup>55</sup> A report by Averchenkova and Lazaro (see note 46) on the design of an independent expert advisory mechanism under the European Climate Law identified three main areas of function (1) scientific advisory through independent evaluation and guidance on the options for climate change targets and policies (2) Assessing progress of implementation (3) Facilitating public debate and stakeholder engagement.

<sup>56</sup> Sally Weaver, Sanna Lötjönen and Markku Ollikainen, note 50.

<sup>57</sup> Geraldine Tallon, Sharon Turner & Halldór Thorgeirsson, note 53.

<sup>58</sup> Ibid, page 37.

<sup>59</sup> This Reference Guide to Climate Change Framework Legislation was prepared by a World Bank team led by Nicholas Menzies, comprising Abdulaziz Almuzaini, Diana Annandsingh, Alina Averchenkova, Adrian Fozzard, and Xenia Kirchhofer. Available [here](#).

<sup>60</sup> Ecologic identified the independent climate councils in Sweden and the United Kingdom as an example where stakeholder outreach is incorporated as a part of each body's legal mandate. Available [here](#).



are at risk of failing to meet targets laid out in national climate legislation.<sup>61</sup>

Research also indicates that these independent bodies strengthen national climate policies including monitoring of policy actions across sectors, actors and levels of governance. An overview report conducted by Ecologic Institute and IDDRI provided a comprehensive mapping of national climate change advisory bodies in 32 member countries of the EEA<sup>62</sup>, framed with an overarching analysis of their national governance contexts found that climate councils often play roles of advisor, convenor and watchdog.<sup>63</sup>

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*'1. The 'watchdogs' act as policy monitors adding weight and accountability to climate policy processes through policy evaluation and targeted quality checks. 2. 'Advisors' seek to improve climate policy by providing scientific guidance and making concrete policy recommendations. 3. Finally, 'convenors' engage stakeholders and/or the public through formal (e.g., as in Denmark) or informal channels to broaden climate policy discourse'*<sup>64</sup>

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Moreover, the analysis showed that the landscape of national climate advisory bodies were as varied as their governance contexts across the EU.<sup>65</sup> In addition, the influence of a national advisory body on climate policy depends on a variety of factors (i) mandate, (ii) capacity, (iii) visibility and (iv) the national governance context in which it operates.<sup>66</sup> For example, the more specific the mandate, the more influence the advisory body has on

policy formulation. In relation to the governance context, robust climate governance systems are often enshrined in overarching national climate framework laws, effective advisory bodies namely independent scientific councils are often established as part of these framework laws with a dedicated and integrated role in the policy-making cycle. Ultimately, this report concluded that a climate advisory body, regardless of type, is only as effective as its governance context allows.

In addition, the Grantham Institute found that the Climate Change Act (UK) provides an independent and empirical evidence base that is used on all sides of the political and policy debate and is trusted in a way that government information or NGO studies may not be.<sup>67</sup>

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*"The first reason why the Act has transformed the political debate is the detailed reporting and monitoring process it has established. These reporting procedures provide a structure to the climate change debate, which is no longer ad hoc but has a sense of regularity and routine".*<sup>68</sup>

*"The CCC has established itself as an authoritative custodian of analytical honesty and rigour. Its reports provide an independent evidence base that is used on all sides of the debate and is trusted in a way that government information or NGO studies could not be"*<sup>69</sup>

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In conclusion, the various analyses agreed that a **strong independent body is critically important to ensure**

<sup>61</sup> World bank, note 6.

<sup>62</sup> Including the United Kingdom.

<sup>63</sup> Duwe and Evans, note 7. Available [here](#). Previous work carried out by the same authors on advisory bodies in the context of national climate framework laws identified the same three functions. Duwe & Evans (2020); Averchenkova, A. & Lazaro, L. (2020): 'The design of an independent expert advisory mechanism under the European Climate Law: What are the options?' London: Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science.

<sup>64</sup> Duwe and Evans, note 7.

<sup>65</sup> Ibid. See figure 2: Landscape of dedicated climate change advisory bodies in Europe (map), p28.

<sup>66</sup> The report provided a frame by which to conceptualise the enabling factors and barriers that leads to policy impact: "composition + strength of mandate + capacity, all of which influence the level of visibility, multiplied by an enabling ( or disabling) governance context."

<sup>67</sup> Sam Fankhauser, Alina Averchenkova and Jared Finnegan, '10 Years of the UK Climate Change Act', available [here](#).

<sup>68</sup> Ibid, 21.

<sup>69</sup> Ibid, 22.



**consistent policy delivery** and evidence-based decision-making, and furthermore that shortcomings of climate laws are sometimes inherently linked to the independence, resourcing and nature of the independent body established.<sup>70</sup>

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<sup>70</sup> It should be noted that one of the main shortcomings of Ireland's Climate Act (2021) identified by [DCU's Comparative Assessment](#)

[Report](#) was around the independence, and resourcing, of the Climate Change Advisory Council.

## 4. Public participation, communication and buy-in

While analysis suggests that most climate laws refer to public participation, its presence is often vague and resembles a guiding principle for climate policymaking rather than an obligation to create dedicated mechanisms.

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*‘While most laws mention public participation in some form, some do so only in vague terms or imply it as a guiding principle for climate policy making more generally, failing to include details on frequency or when participation will occur in the policy process.’<sup>71</sup>*

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An analysis of nine existing climate laws in Europe produced by Ecologic in 2020 identified ‘three degrees of public participation’.<sup>72</sup> Firstly, no or only a vague mention of public participation (Netherlands, Sweden); secondly, public participation relegated as a task for the external expert body (Denmark and UK) or thirdly, avenues for public participation built into climate policy making and thereby delegated to government bodies (Finland, France, Germany, Ireland, Spain).<sup>73</sup>

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*‘Many countries have established dedicated fora for stakeholder engagement, which may or may not be directly referenced in their respective climate laws. While not an exhaustive list by any means, the examples below represent efforts on the part of governments to institutionalise stakeholder engagement within the climate planning or policy process through*

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*regular dialogue fora, a formal mandate or role as well as well-established linkages to governmental bodies.’<sup>74</sup>*

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Furthermore, a report published by Climate Analytics, an NGO dedicated to supporting science-based policy to prevent dangerous climate change and enable sustainable development,<sup>75</sup> found that the scale of change required to meet national climate targets needs **inclusive processes that ensure participation, transparency, capacity building, and iterative social learning**. This report focused on the most important findings laid out in the IPCC’s special report for the preparation of long-term strategies.

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*‘It also requires stronger coordination and monitoring of policy actions across sectors, actors and levels of governance, and encouraging social innovation and participation of non-state actors from industry, civil society, and scientific institutions can support this. Education and public awareness can also enable accelerated behavioural change’<sup>76</sup>*

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The report also found that encouraging social innovation and participation of non-state actors can play an important role in supporting this.<sup>77</sup> **While climate laws do not commonly create rights of public participation, they play a key role in ensuring transparency about the real policy options** i.e., through government reporting mechanisms and the functioning of national advisory bodies. For example, a 2020 Ecologic report found that

<sup>71</sup> Duwe and Evans (2020), note 37, p35.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid, 36. See also ‘[Climate Laws in Europe: Good Practices in Net-zero management](#)’ for best practice models of countries who have tried to institutionalise public engagement within climate planning.

<sup>75</sup> Michiel Schaeffer and others, ‘Supporting Science-Based Policy to Prevent Dangerous Climate Change, Enabling Sustainable Development Insights from the IPCC Special Report on 1.5°C for Preparation of Long-Term Strategies’ (2019) Available [here](#).

<sup>76</sup> Ibid, p19.

<sup>77</sup> Ibid, p19.

despite the diverse approach to the role of public participation in climate legislation, all climate laws implicitly require the publication of climate reporting - either because it is submitted to parliament or falls under the mandate of the national advisory body.<sup>78</sup> For example, in Finland all medium and long-term draft plans must be made available to the public for consultation prior to adoption.

Analysis of public participation in climate law countries found that many of them use independent advisory bodies as a forum for enabling public comment and dialogue or discussion of climate issues more broadly.<sup>79</sup> For example, there is no mention of public participation in Sweden's Climate law, but stakeholder engagement seems to be regulated entirely to the external advisory body. **Further analysis of public participation in climate law countries found that independent advisory mechanisms or bodies are essential for enhancing legitimacy and accountability of the policymaking process which in turn strengthens public trust and empowers debate between the public and politicians.**<sup>80</sup>

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*'Independent expert advisory mechanisms or bodies on climate change are essential for enhancing the legitimacy and accountability of the policymaking process and helping to strengthen public trust and political support for climate action. This is necessary for a successful transition to 'climate neutrality' (net-zero greenhouse gas emissions) in Europe: there must be political buy-in and public support for both the objectives and policies*

*needed to achieve it, from across the EU.*<sup>81</sup>

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For example, in Denmark, the expert council is also charged with conducting and encouraging public debate on national climate policy.<sup>82</sup> In addition, the ground-clearing analysis done by Grantham Research Institute on Climate Change and the Environment found that one of the contributing factors to the success of the UK's CCC was due to its extensive and broad stakeholder engagement.<sup>83</sup> This report aimed to inform the debate on the need for and design of an independent expert advisory mechanism under the European Climate Law, based on the experiences of implementation of national climate law frameworks.

An additional study produced by the Grantham Institute assessed the influence of advisory councils on political debates used empirical evidence to assess the influence of the UK's Climate Change Committee on parliamentary debate over the past 10 years (2021).<sup>84</sup> It found that the UK parliament – both government and opposition – relied on the CCC's evaluations in implementing key climate policies including carbon budgets, flooding and preparation for the energy bill.<sup>85</sup> Between December 2008 and May 2018, the CCC was referenced in the UK Parliament five times more than the Intergovernmental Panel on Climate Change. As previously mentioned, advisory bodies do not have formal powers to enact policy at Government level – the UK's Climate Change Council relies on the 'political embarrassment' that's its assessments may cause, and the threat of judicial review being brought by NGOs. Ultimately, this report concludes that while advisory bodies act as a trusted source for parliamentary debate and in turn encourages public participation, there is still a deficit in the political buy-in and public support for the implementation of policy solutions.<sup>86</sup>

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<sup>78</sup> Duwe and Evans, note 37.

<sup>79</sup> Ibid.

<sup>80</sup> Averchenkova and Lazaro, note 63.

<sup>81</sup> Ibid, p3.

<sup>82</sup> Denmark's climate change law mandates the creation of a National Climate Dialogue forum. Weaver et al, note 50.

<sup>83</sup> Alina Averchenkova, Sam Fankhauser & Jared J.

Finnegan (2021) 'The influence of climate change advisory bodies on political debates: evidence from the UK Committee on Climate Change', Climate Policy. Available [here](#).

<sup>84</sup> For more information on the mandate for the UK's Climate Change Committee see

here: (1)<https://www.legislation.gov.uk/ukpga/2008/27/contents> (2)<https://www.theccc.org.uk/what-is-climate-change/a-legal-duty-to-act/>.

<sup>85</sup> Averchenkova, Fankhauser and Finnegan (2021), note 83.

<sup>86</sup> Ibid.

IDDRI notes that **the stability and predictability of a national climate law allows stakeholders to engage and adopt new long-term policy objectives as a basis for decision-making.**<sup>87</sup> Representative stakeholder dialogues, although arguably time consuming, are critical in **identifying key issues and reducing the risk of opposition to climate governance frameworks at later stages.**<sup>88</sup> The report also makes the point that dedicated stakeholder mechanisms exist in several countries, but they are rarely referenced in climate laws but rather **the establishment of a climate governance framework allows the ‘anchoring’ of stakeholder engagement activities.**<sup>89</sup> If the processes established by a national climate law have built-in opportunities for public and stakeholder involvement, **the law can help to generate buy-in and create ownership of the direction, structure and actions needed to achieve climate targets.**<sup>90</sup> The concept of ‘buy-in’ appears frequently across analysis surrounding public participation and climate laws, reflecting the recognition of the change in behaviour on a societal scale that will be required in order to implement the transition to carbon neutrality.<sup>91</sup>

An important component of public participation infrastructure in climate law countries are ‘Citizens’ Climate assemblies.’ Notably, the only climate law that *required* the creation of a Citizens Climate Assembly is the Spanish Climate Framework law. The potential significance of Citizens’ Assemblies has been recognised through the increasing number of countries in Europe returning to their Climate Assemblies as an instrument in the development of their climate policies. This has resulted in the establishment of a dedicated network for sharing best practice on the design and implementation of climate assemblies, across Europe and beyond - [KNOCA](#).<sup>92</sup> This initiative defines Citizens’ Assemblies as a

relatively new political institution that often enables a randomly selected group of everyday people to deliberate and make collective recommendations on climate policy, complimenting existing democratic processes. KNOCA provides expert briefings, for example, on the impact and legacy of climate assemblies on policy and how they can maximise their legitimacy and resonance.<sup>93</sup> KNOCA briefing no.4 on ‘*Planning and Assessing the Impact and Legacy of Climate Assemblies*’ draws on rapid evidence review and interviews with experts on climate deliberation to provide a framework that aims to inform best practice to help maximise the impact and legacy of climate assemblies. ‘Impact’ is suggested to be best understood as the near-term and specific outcomes arising from a particular scope. Whereas ‘legacy’ addresses the wider influence that can be achieved over a longer period of time. This briefing found that strategic involvement of a diverse range of actors is likely to heighten the influence of climate assemblies’ overtime.<sup>94</sup> Therefore, it is important that Climate Assemblies find more ways to engage wider public, business, civil society groups and media to create greater impact and ensure a more ‘durable legacy’, for example, by developing a robust media and communications strategy and integrating this into their scope to increase media coverage and shifts in public discourse.<sup>95</sup>

Furthermore, the briefing offers an important distinction to be made between different types of impact and legacy of climate assemblies:

- (i) Normative,
- (ii) Instrumental,
- (iii) Substantive.

<sup>87</sup> Andreas Rüdinger and others, ‘Institut Du Développement Durable et Des Relations Internationales’: An overview of Findings from Recent Research into 2050 Climate Laws and Strategies. (2018) Available [here](#).

<sup>88</sup> Andreas Rüdinger. (2018). ‘Institut du développement durable et des relations internationales. Best practices and challenges for effective climate governance frameworks: A case study on the French experience.’ Available [here](#).

<sup>89</sup> Andreas Rüdinger and others, ‘Institut Du Développement Durable et Des Relations Internationales’: An overview of Findings from Recent Research into 2050 Climate Laws and Strategies. (2018) Available [here](#).

<sup>90</sup> Duwe and Evans (2020), note 37.

<sup>91</sup> Thomas L. Muinzer and Sharon Turner, ‘Apply the lessons from Europe’s climate law countries to Strengthen and de-risk the commission’s “fit for 55” proposals’ (2021) EJN Climate Governance Observatory, Policy Note No.1 available [here](#).

<sup>92</sup> KNOCA is a European Network for sharing best practice on the design and implementation of climate assemblies. KNOCA brings together policymakers, academics, civil society activists and others working on climate policy. See [here](#).

<sup>93</sup> Alina Averchenkova, Dorota Stasiak, Azucena Morán & others (2021) KNOCA Briefing No.3, ‘How can the legitimacy and resonance of climate assemblies in wider society be ensured?’ Available [here](#).

<sup>94</sup> Daniel Thorman and Stuart Capstick (2022) KNOCA Briefing No.4, ‘Planning and Assessing the Impact and Legacy of Climate Assemblies.’, page 2. Available [here](#).

<sup>95</sup> Ibid, page 3.

For example, in regard to the impact and legacy of Climate Assemblies on civil society engagement and the democratic process, this briefing proposes that planners facilitate a more participatory and citizen-led form of governance and policy making. The potential *normative* outcome includes ongoing citizen participation in democratic and political decision-making, the *substantive* impact establishes climate action as a concern and responsibility of the wider public and finally *instrumental* outcomes provide for greater widespread support for climate action that's translated into political, economic and social change.<sup>96</sup> Ultimately, emphasis on all three types of impacts can lead to a broader spectrum of outcomes.

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*'The ultimate test of the impact and legacy of climate assemblies is the extent to which they enable meaningful progress on addressing climate change. It is often argued that citizen deliberation can lead to more ambitious proposals than could be accomplished in their absence.'*<sup>97</sup>

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A 2020 Ecologic report<sup>98</sup> used Ireland's Citizens' Assembly as a case study to demonstrate an effective citizens engagement model – drafting key proposals that ensured climate action was at the centre of Irish policymaking. Subsequently, the establishment of an independent advisory body created an authoritative assessment of inadequate policy development that enabled NGOs to challenge the Irish Climate Plan and the ruling in *Climate Case Ireland* played a significant factor in strengthening Ireland's national climate law.<sup>99</sup>

Ultimately, effective public participation mechanisms, legislated through climate laws or subsidiarily, play a significant role in:

- creating buy-in and transparency about real policy options.
- Strengthening public trust in policymaking

- Empowering debate between the public and politicians
- Reducing risks to opposition

**While there is a strong consensus that the transformational change required to meet national climate targets is contingent upon effective public participation mechanisms - for e.g., extensive stakeholder engagement, citizens assemblies, or entirely regulated to independent advisory bodies, legislating for public participation remains a major shortcoming in the design of national climate laws. There are also concerns about 'who' actually engages in these processes and the need for more inclusive processes.**

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*most framework climate laws do not contain strong provisions for public participation'.<sup>100</sup>*

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<sup>96</sup> Ibid, see Table 2 page 7 for an overview of the types of impact and legacy that can be obtained in relation to civil society engagement and the democratic process.

<sup>97</sup> Ibid, page 2.

<sup>98</sup> Duwe and Evans (2020), note 37.

<sup>99</sup> Friends of the Irish Environment CLG applicant -and- the Government of Ireland, Ireland and the Attorney General, 19<sup>th</sup> of September 2019.

<sup>100</sup> Torney (2021), note 6.

## 5. Policy coordination and alignment

A 2018 IDDRI report<sup>101</sup> researching 2050 climate laws and strategies proposed that legally enshrined climate governance frameworks are more effective when there is co-ordinated policy development across all sectors (both horizontal and vertical coordination). Clear institutional set-up for effective coordination managing the implementation and adoption of a decarbonisation strategy requires policy actions in all sectors and ministries.<sup>102</sup> It argued that explicitly laying out the institutional setup and interaction in a national climate framework legislation can significantly improve integration across sectoral policies through better coordination and allocation of responsibilities.<sup>103</sup> For example, in the UK the Secretary of State is responsible for the coordination of climate policy and the CCA's overall implementation. Creating a specific governmental institution or committee tasked to ensure policy co-ordination can be a highly effective means of ensuring that all government departments are engaged, and that **climate policy is considered as a cross-cutting priority in the different policy sectors.**<sup>104</sup>

A key ingredient to all effective climate governance frameworks is the legislation of processes that define and determine specific policies which will contribute to the transformation of the economy and emissions reductions.<sup>105</sup> Furthermore, it is important that national climate frameworks establish procedures and timetables for adoption of policy packages at regular intervals across policy sectors in alignment with national long-term strategies.

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*'Establishing procedures and timetables for the elaboration and adoption of policy packages at regular intervals across sectors (under the guidance of a long-term strategy and in connection with*

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*progress monitoring) produces a steady and reliable policy cycle.'*<sup>106</sup>

If it is solely left to individual ministries it leads to greater uncertainty for stakeholders, therefore coordination across policy sectors weakens.<sup>107</sup>

Similarly, the World Bank Reference Guide supports the expert opinion that coordination is required horizontally, between agencies at each level of government, and vertically, across national, regional, and local tiers of government.<sup>108</sup> This report explored coordination further and found that effective coordination is achieved through the alignment of actors around long-term targets for decarbonization and adaptation. Institutional arrangements can support these policy and planning processes. In this analysis, it was found that climate change is typically addressed by an existing coordination body, such as a planning committee, where climate change policy and planning are addressed alongside other development priorities. More often, framework legislation establishes a dedicated coordination body for climate change.<sup>109</sup>

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*'This body should comprise representation at a senior level (typically head of agency), so that it has the authority to direct agencies' management and marshal financial and technical resources needed for policy development, planning, implementation, and monitoring.'*<sup>110</sup>

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The key governmental institutions responsible for dealing with Climate Change had been established prior to the adoption of the UK's CCA, however, the Act **helped define the duties and powers of government**

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<sup>101</sup> Rüdinger et al (2018), note 87.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid, 8.

<sup>107</sup> Averchenkova and Lázaro-Touza (2020) note 25.

<sup>108</sup> World Bank, note 6.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid, p28.



**institutions in regard to climate change policy.**<sup>111</sup> For example, the implementation mechanisms created by the UK's CCA focus on national government agencies such as DEFRA etc but are supported by parliamentary oversight. The UK's CCA is widely regarded by experts as a primary example of a 'flexible model' in the design of their national climate framework legislation. However, this report argues that closer coordination among state actors is required to further ensure that this model remains effective.

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*'Clarity of the institutional mandates and coverage of the main climate and energy transition governance functions through these mandates are the essential factors for the effectiveness of the legislative instruments'.<sup>112</sup>*

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Similar to the UK, the core features of the overall institutional framework in France were already in place and determined by prior legislation. However, in contrast to the UK's national climate framework, the complexity of the national climate framework in France poses a significant coordination challenge as the legislation is less flexible and legislates for an excessively broad coverage of government sectors. Ultimately, experts are of the consensus that in countries where there are gaps in the overall institutional setup, key features should be further included in the framework legislation.

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<sup>111</sup> Averchenkova and Lázaro-Touza (2020) note 25.

<sup>112</sup> Ibid, p13.

## 6. Conclusions

This report has highlighted common themes and analysis emerging in literature and analysis of the experience of 'climate law countries'. While every climate law is different and many are at different stages of development, implementation and experience, core benefits have been identified in the existing literature. Although these obviously exist to different degrees and depend fundamentally on the nature of each national law and ultimately its proper implementation, to date expert analysis has indicated that:

1. **National climate laws are a means of increasing ambition over time.**
2. **National climate laws act as a driver of policy stability.**
3. **National climate laws signal political commitment to the transition to climate neutrality and are important for solidarity between countries, within countries and with future generations.**
4. **National climate laws commonly legislate for the creation of independent expert advisory bodies, which through robust scrutiny enhance trust.**
5. **National climate laws can put in place mechanisms to help provide transparency about the real policy options.**
6. **National climate laws can be a vehicle for enhanced public participation processes in decision-making relating to climate policy, delivering increased stakeholder engagement and reducing the risk of opposition to climate governance frameworks at later stages through fostering ownership of the transition.**
7. **National climate laws can help deliver policy coordination of state actors and clear institutional mandates ensuring alignment between interim measures and national long-term strategies.**

## References

- Averchenkova, A., Fankhauser, S., & Finnegan, J.J (2021). *The impact of strategic climate legislation: evidence from expert interviews on the UK Climate Change Act, Climate Policy*. Available [here](#).
- Averchenkova A, and Lazaro L, (2020) *The design of an independent expert advisory mechanism under the European Climate Law: What are the options?* (London: Grantham Research Institute, London School of Economics and Political Science) Available [here](#).
- Averchenkova A, et al (2018) *The role of independent bodies in climate governance: the UK's Committee on Climate Change* (London: Grantham Research Institute, London School of Economics and Political Science) Available [here](#).
- Averchenkova, Alina, and Lara Lázaro-Touza (2020) . *Legislating for a Low Carbon Transition in Europe: Experiences in the UK, France and Spain*. Accessible [here](#).
- Charveriat C. and Holme C. (2021). *European Green Deal Barometer 2021*. Institute for European Environmental Policy and GlobeScan, Brussels and Paris. Available [here](#).
- Duwe, Matthias and Evans, Nicolas (2020). *Climate Laws in Europe: Good Practices in Net Zero Management*. Available [here](#).
- Duwe, Matthias and Evans, Nicolas (2021). *Climate Governance Systems in Europe: the role of national advisory bodies*. Available [here](#)
- Velten, Eike Karola, Nick Evans, Deyana Spasova, Matthias Duwe, Ramiro de la Vega, Laurens Duin, and Harrison Branner (2022): *Charting a path to net zero: An assessment of national long-term strategies in the EU*. Ecologic Institute, Berlin. Available [here](#).
- Fankhauser, S., Averchenkova, A., & Finnegan, J. (n.d.). *10 years of the UK Climate Change Act*. Available [here](#).
- Muinzer, Thomas. (2020). *Conceptualising and Formulating National Climate Change Acts*.
- Muinzer, Thomas. (2020). *What Do We Mean When We Talk about National 'Climate Change Acts' and How Important are They in the Context of International Climate Law?*.
- Muinzer, Thomas (ed.), *National Climate Change Acts: The Emergence, Form and Nature of National Framework Climate Legislation* (UK: Hart, 2021)
- Nash, Sarah Louise, and Reinhard Steurer. *Taking Stock of Climate Change Acts in Europe: Living Policy Processes or Symbolic Gestures?* *Climate Policy*, vol. 19, no. 8, June 2019, pp. 1052–65, Available [here](#).
- Nash, Sarah Louise. *Anything Westminster Can Do We Can Do Better': The Scottish Climate Change Act and Placing a Sub-State Nation on the International Stage*. *Environmental Politics*, vol. 30, no. 6, Nov. 2020, pp. 1024–44, Available [here](#).
- Nash, Sarah Louise, and Reinhard Steurer. *Climate Change Acts in Scotland, Austria, Denmark and Sweden: The Role of Discourse and Deliberation*. *Climate Policy*, Aug. 2021, pp. 1–12, Available [here](#).

## CLIMATE LAWS: WHAT ARE THE EXPERTS SAYING?

Nash, Sarah Louise, and Reinhard Steurer. *Taking Stock of Climate Change Acts in Europe: Living Policy Processes or Symbolic Gestures?* Climate Policy, vol. 19, no. 8, June 2019, pp. 1052–65, Available [here](#).

Nash, Sarah Louise, and Reinhard Steurer. *From Symbolism to Substance: What the Renewal of the Danish Climate Change Act Tells Us about the Driving Forces behind Policy Change*. Environmental Politics, May 2021, pp. 1–25, Available [here](#).

Rüdinger, A. (2018). Institut du développement durable et des relations internationales. *Best practices and challenges for effective climate governance frameworks: A case study on the French experience*. Available [here](#).

Rüdinger, A., Voss-Stemping, J., Sartor, O., & Duwe, M. (2018). Institut du développement durable et des relations internationales. *Towards Paris-compatible climate governance frameworks: An overview of findings from recent research into 2050 climate laws and strategies*. Available [here](#).

Schaeffer, M., Fuentes Hutfilter, U., Brecha, R., Fyson, C., & Hare, B. (2019). *Supporting science-based policy to prevent dangerous climate change, enabling sustainable development Insights from the IPCC Special Report on 1.5°C for preparation of long- term strategies*. Available [here](#).

Tallon G., Turner & Thorgeirsson H *Independent Evaluation of the Climate Change Advisory Council* (2020) Available [here](#).

Torney, D., *Comparative Assessment of the Climate Action and Low Carbon Development (Amendment) Act 2021*. (2021) Available [here](#).

Torney D, *Ireland's Citizens' Assembly on Climate Change: Lessons for Deliberative Public Engagement and Communication* (2020) Environmental Communication A: Journal of Nature and Culture 14(2): 1-6. Available [here](#)

Turner S., Muinzer T., & Brennan C., *Closing the national ownership gap: An EU 'Fit for 55' requires the EU-27 to be 'Fit for Zero* (2021) EJNI Climate Governance Observatory, Policy Paper No. 1 Available [here](#).

Weaver, S., Lötjönen, S., & Ollikainen, M. (n.d.). *Overview of National Climate Change Advisory Councils 1 Overview of National Climate Change Advisory Councils*. The Finnish Climate Change Panel. Available [here](#).

*World Bank Reference Guide to Climate Change Framework Legislation*. (2020). Available [here](#).