

# Low carbon economy: What role for legislators?

## *Global trends, gaps and opportunities in climate change legislation*

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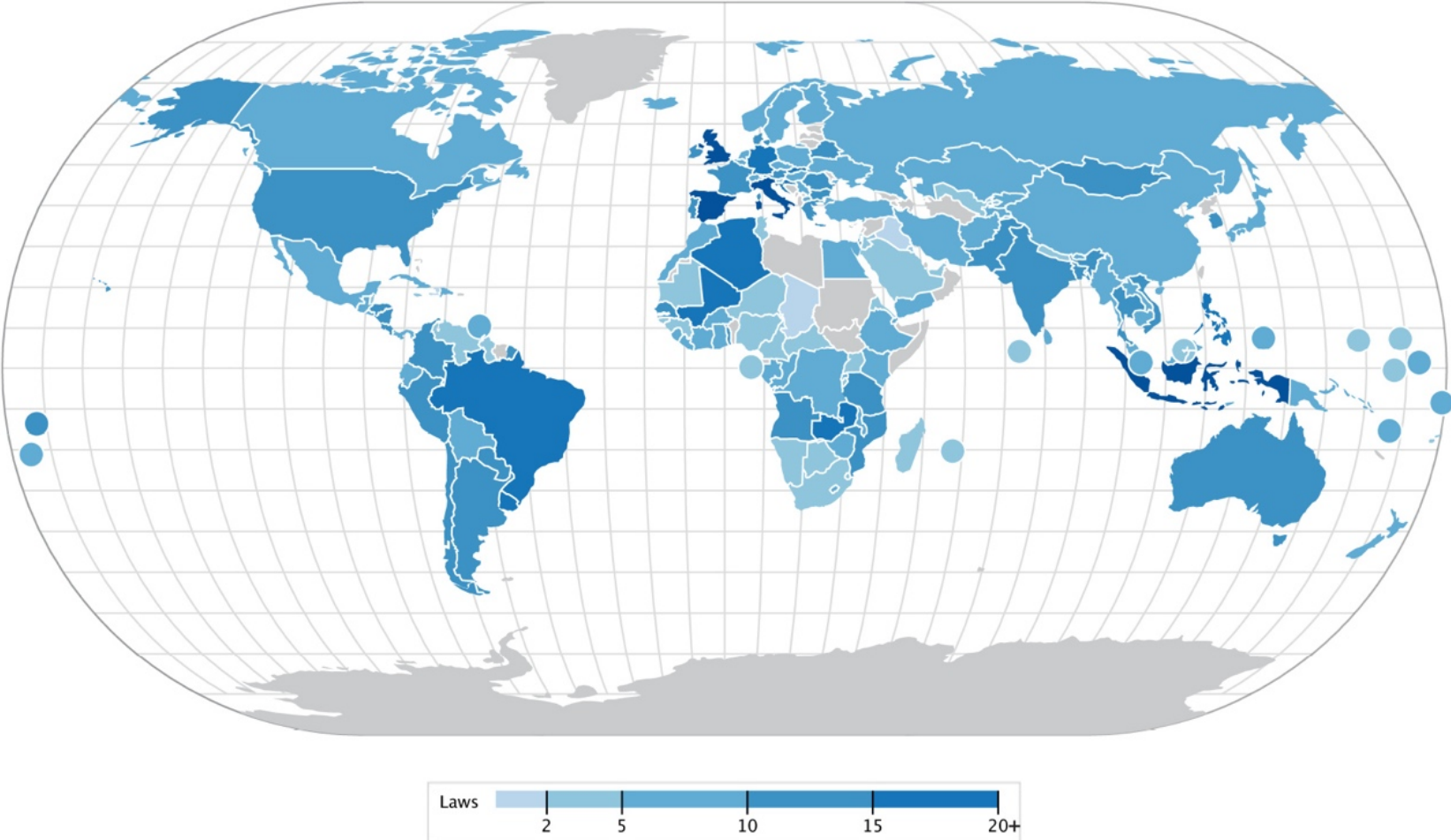
***[a.averchenkova@lse.ac.uk](mailto:a.averchenkova@lse.ac.uk)***

# Climate change laws of the world

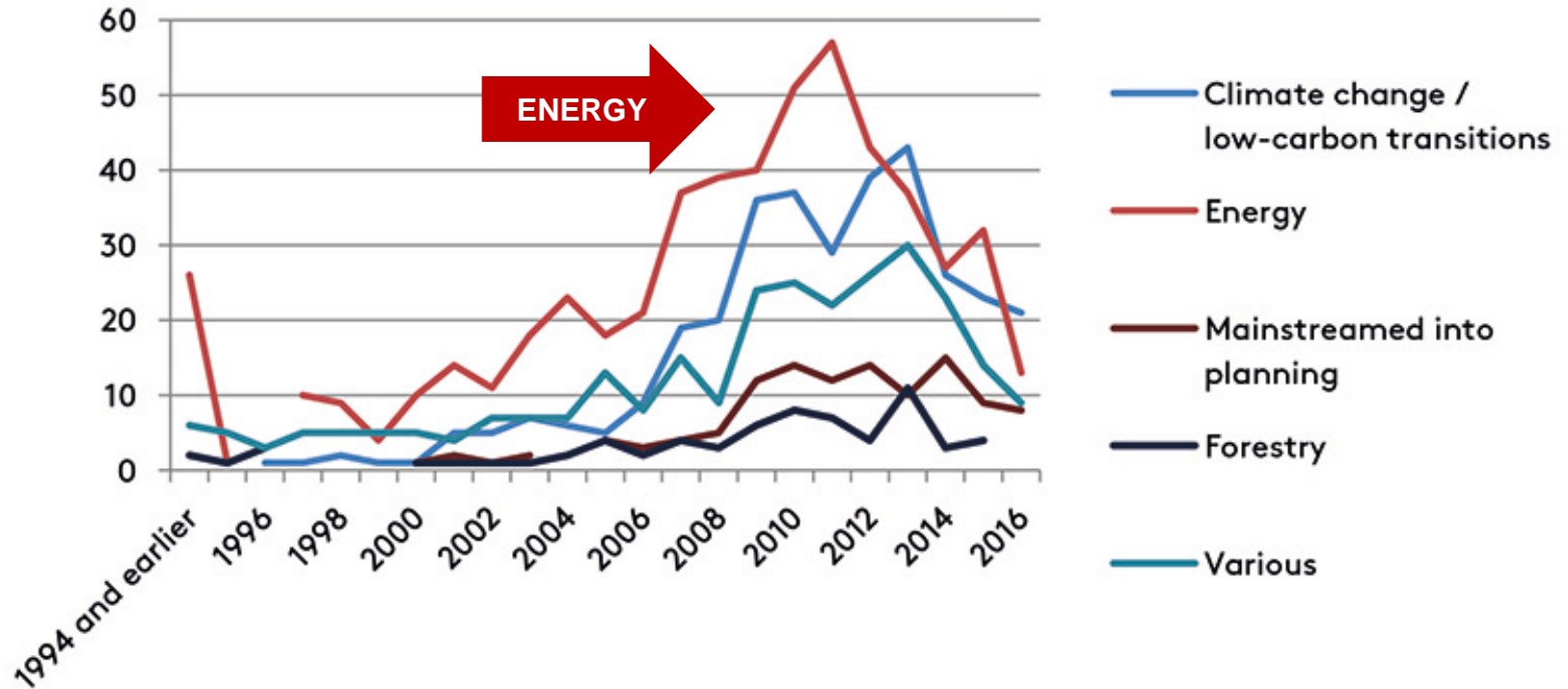


Main page: <http://www.lse.ac.uk/GranthamInstitute/legislation>

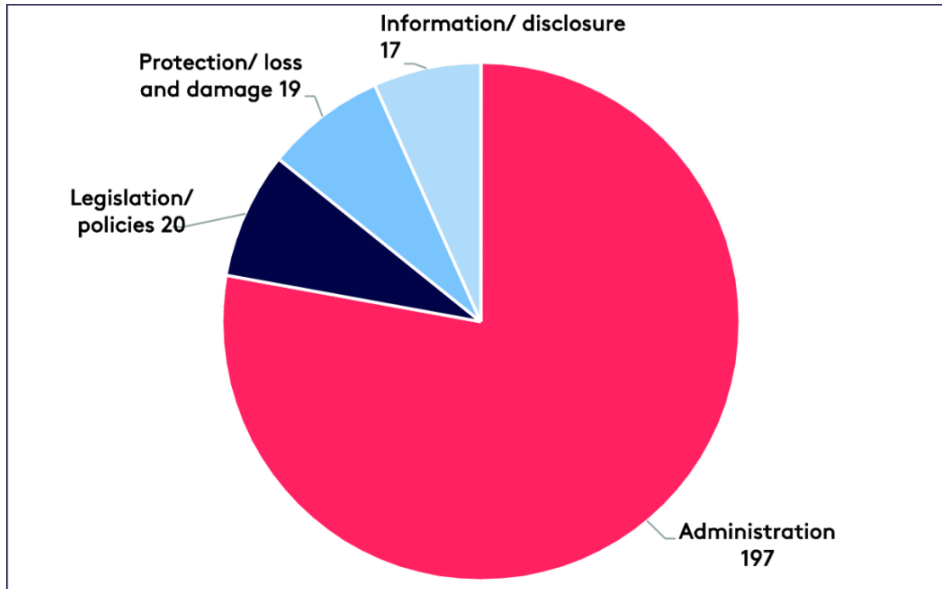
# CLIMATE LEGISLATION IN 177 COUNTRIES IN 2017



# Climate laws and policies by focus area



# Court action is increasingly used to hold governments accountable and to increase ambition

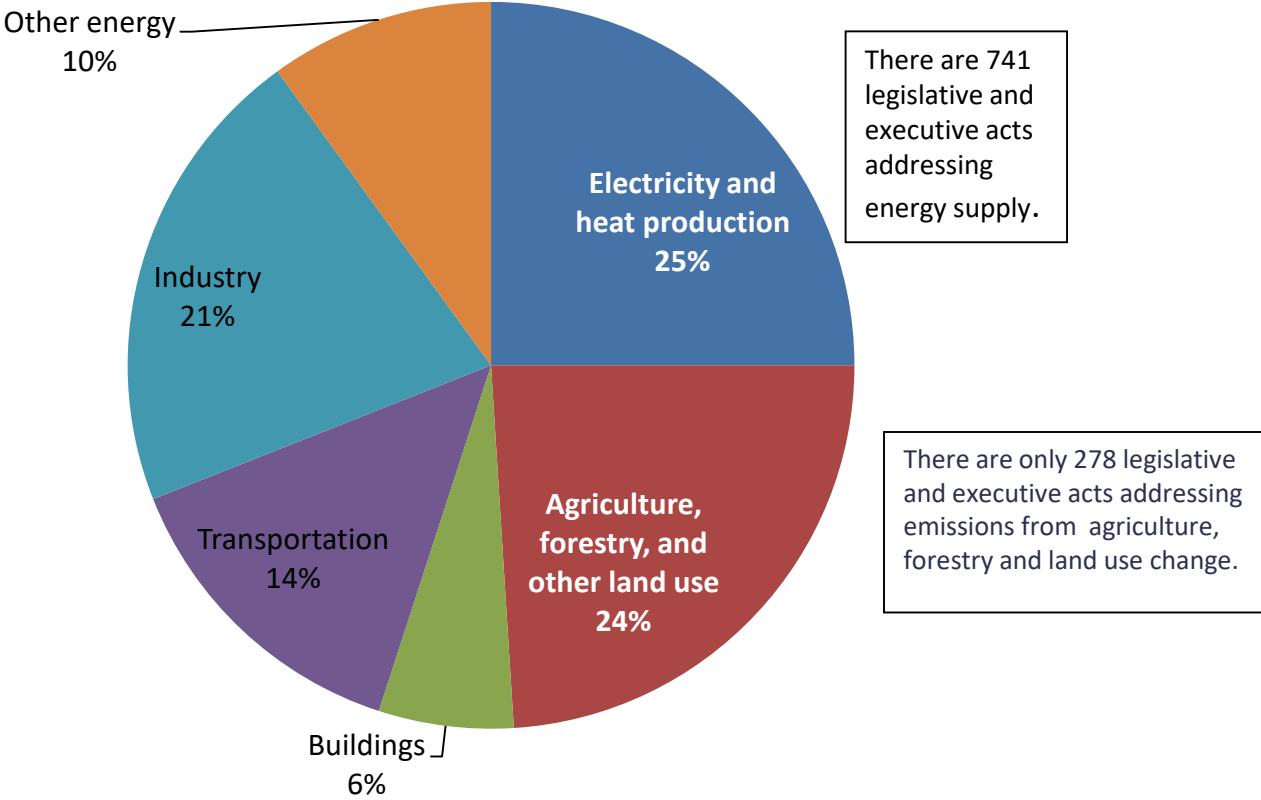


- **Court cases might address actions or inaction related to climate change mitigation and adaptation:**
  - To challenge either validity or particular application of laws
  - Press for greater ambition
  - To fill the gaps left by legislative and regulatory inaction
- **From our database, there were 20 cases in the *legislation/policies* category, all initiated after 2008, with a peak in 2015**

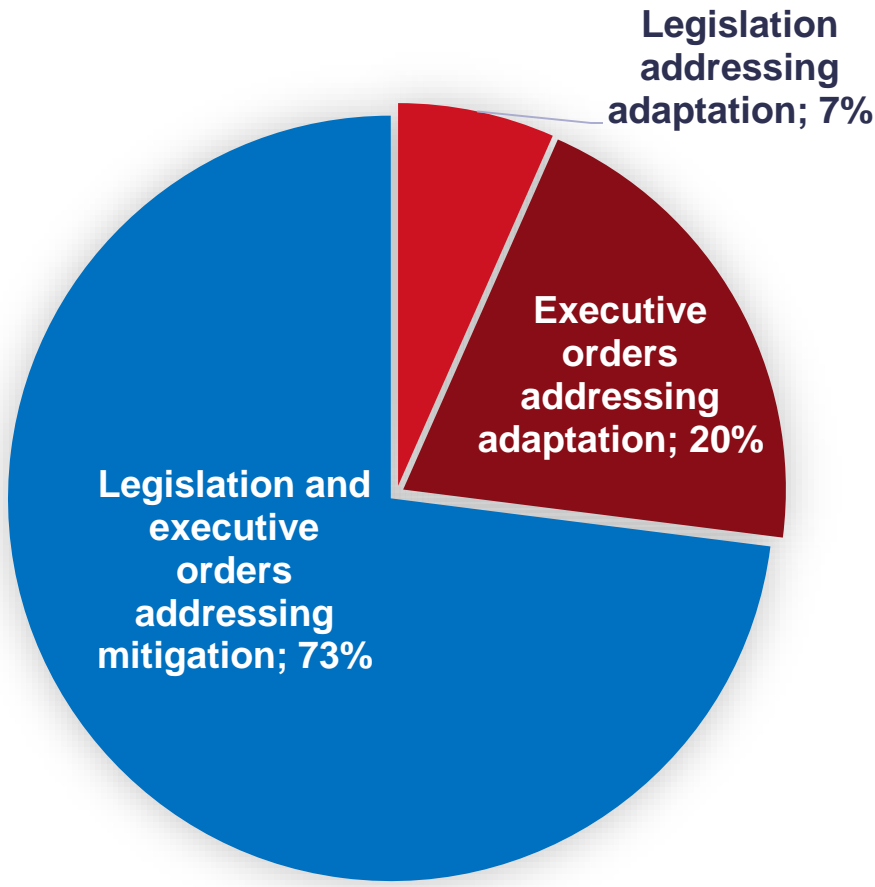


# Sectoral focus of legislation does not match emissions profiles

GHG emissions from various sectors



# Adaptation is under-legislated



# Institutional Arrangements and Mandates



Delegation of responsibilities and powers to regulate

Designation of policy coordination responsibility

Inter-agency coordination mechanism

Independent advisory body

Provisions for enforcement and monitoring

Parliamentary oversight



# A searchable database with over 1370 laws from 177 countries

## Climate Change Laws of the World

Please make a selection

**Legislation** **Litigation**

### Search Climate Change Laws of the World

Region  
All

Country  
All

From year  
All

To year  
All

Country importance as emitter ⓘ  
All

Country income group ⓘ  
All

Framework legislation ⓘ  
All

Executive/Legislative ⓘ  
All

Categories ⓘ  
All


**Search**

Search the databases by selecting the legislation or the litigation search and applying your search criteria.

You can also **click here to explore our interactive country map.**

### About

Climate change Laws of the World and Climate Change Litigation of the World build on several years of data collection by both the Grantham Research Institute and the Sabin Center, including the collaboration of Grantham Institute with GLOBE International on a series of Climate Legislation Studies.



Climate Change Laws of the World covers national-level climate change legislation and policies in 164 countries. They include the world's 50 largest greenhouse gas emitters and 93 of the top 100 emitters. Together they account for nearly 95 per cent of global greenhouse gas emissions. The database covers climate and climate-related laws, which reflects the relevance of climate policy in areas including energy, transport, land use, and climate resilience.

Climate Change Litigation of the World features climate litigation cases from 25 countries. These cases raise issues of law or fact regarding the science of climate change and/or climate change mitigation and adaptation policies or efforts before an administrative, judicial or other investigatory body. The dataset does not include the United States – To access information about climate change litigation in the US, please **click here to go to the Sabin Center / Arnold & Porter Kaye Scholer database.** This will take you to a different website and will open in a new window.

For details about methodology and scope, as well as for a report on trends in litigation and legislation in 2017, **see** <http://www.lse.ac.uk/GranthamInstitute/publication/globaltrends2017/>

### Use and reference of the data

The authors encourage the use of this database. Users are welcome to download, save, or distribute the results electronically or in any other format, without written permission of the authors. Please reference the source as follows:

Climate Change Laws of the World database, Grantham Research Institute on Climate Change and the Environment and Sabin Center for Climate Change Law. Available at: <http://www.lse.ac.uk/GranthamInstitute/Legislation>.

<http://www.lse.ac.uk/GranthamInstitute/climate-change-laws-of-the-world/>

# Search laws by various criteria

[Write to us](#)

## Climate Change Laws of the World

Legislation **Litigation**

### Search Climate Change Laws of the World

Region: South Asia

Country: All

From year: 2013 To year: All

Country importance as emitter: All

Country income group: All

Framework legislation: All

Executive/Legislative: All

Categories: All

**Search** or [Clear all](#)

Filtered view - (10) [Download results \(CSV in .zip\)](#)

**National Biodiversity Strategy and Action Plan** (Afghanistan/2014/Executive)

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**National Comprehensive Agriculture Development Priority Program 2016 – 2020** (Afghanistan/2016/Executive)

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**Rural Renewable Energy Policy (RREP)** (Afghanistan/2013/Executive)

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**Action Plan for Energy Efficiency and Conservation** (Bangladesh/2013/Executive)

Published by the Ministry of Power, Energy and Mineral Resources, the action plan aims to set a cohesive framework for energy efficiency and conservation activities under the guidance of the ... [read more »](#)

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**Climate Fiscal Framework** (Bangladesh/2014/Executive)

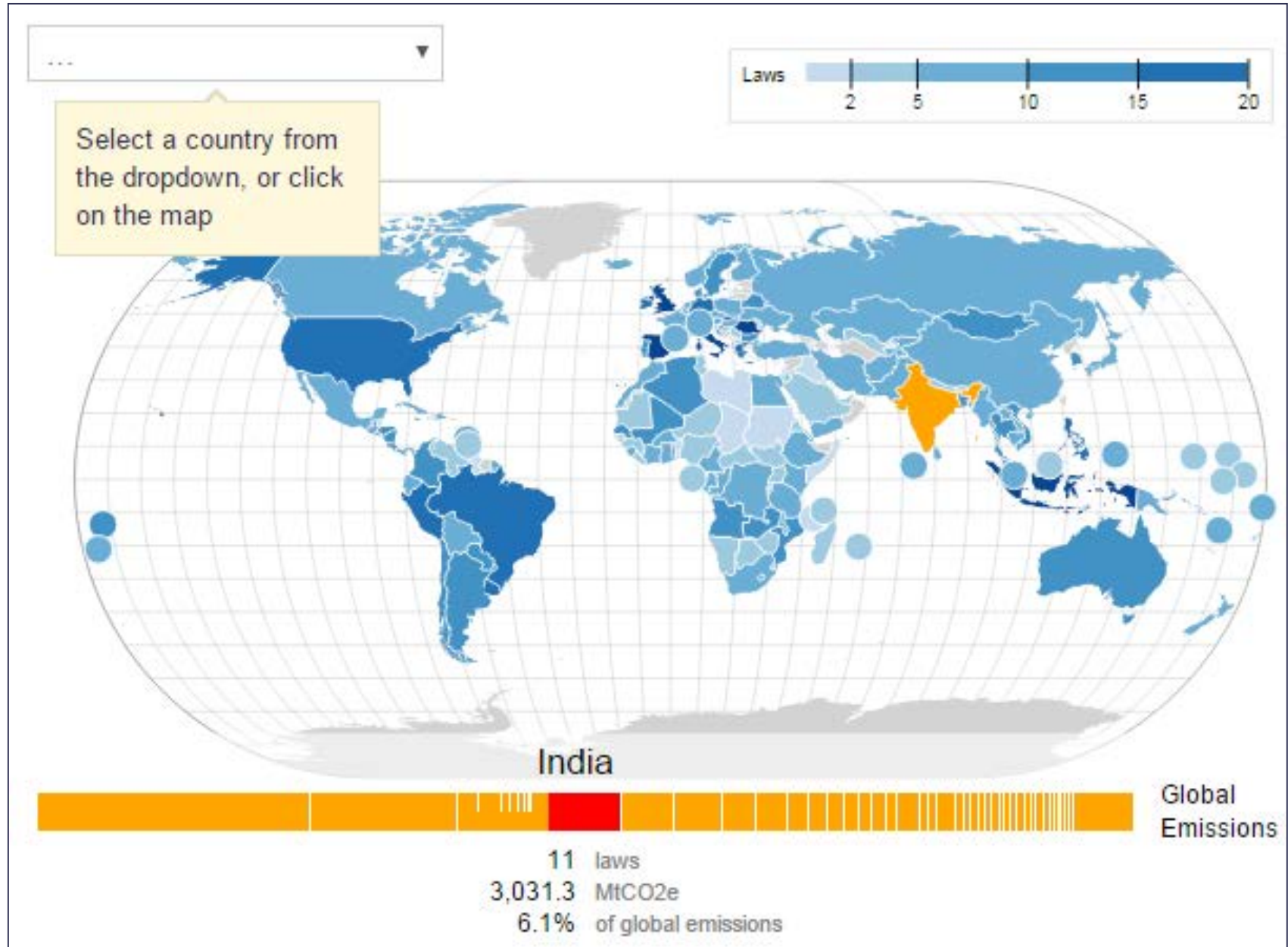
The Climate Fiscal Framework (CFF), published by the Ministry of Finance, provides principles and tools for climate fiscal policy-making (CFP), helping to identify the demand and supply sides of climate ... [read more »](#)

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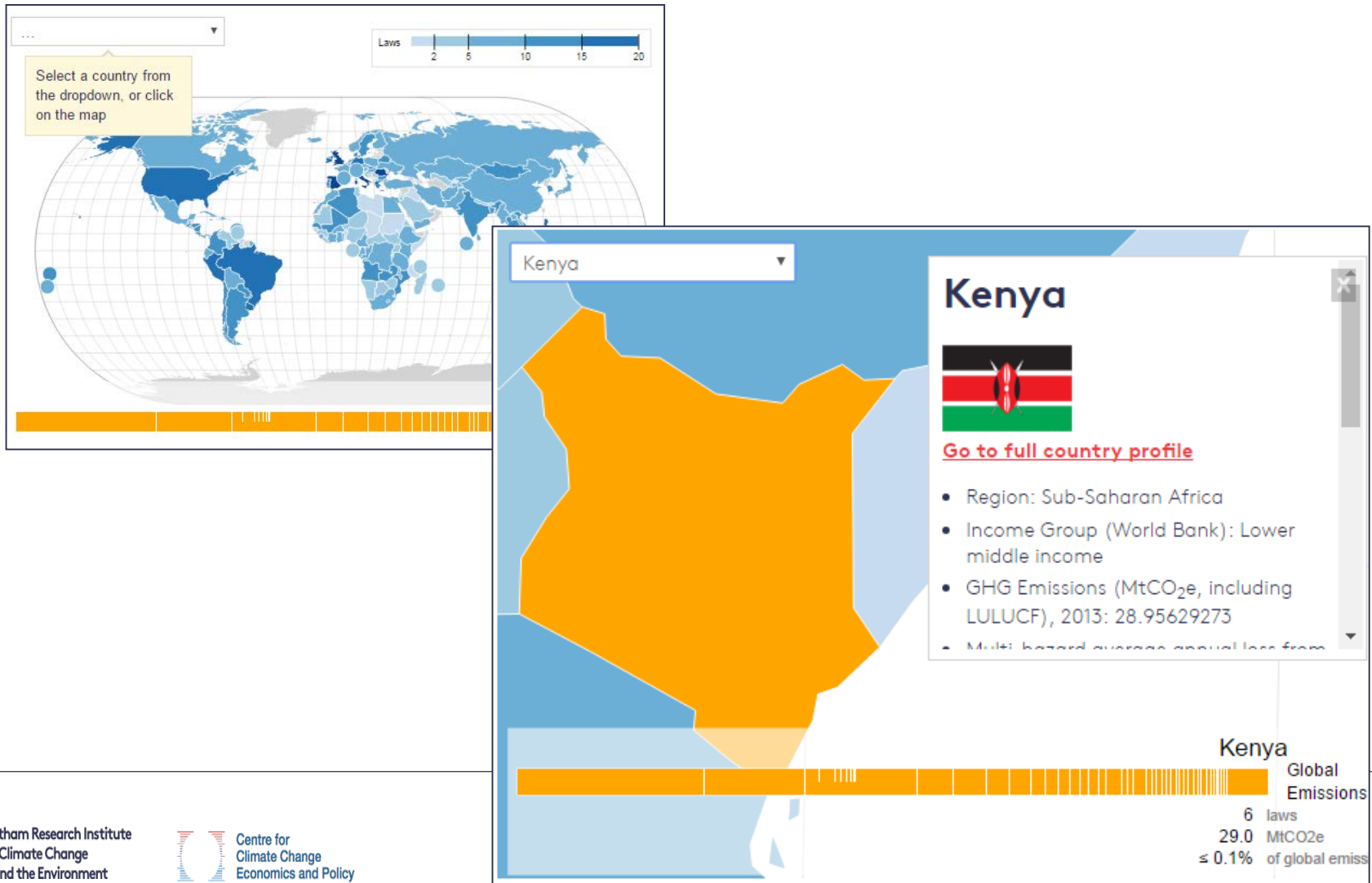
**National Sustainable Development Strategy (2010-2021)** (Bangladesh/2013/Executive)

The NSDS identifies five strategic priority areas and three cross-cutting areas that are critical to achieve sustainability in Bangladesh. The five strategic priority areas are: – Sustained economic growth – ... [read more »](#)

# Interactive country map



# Clicking on a country opens a window with key indicators and a link to a detailed country profile



# Country profiles : legislative portfolio

## Kenya



 **Intended National Determined Contribution (INDC) (PDF)**

### Country Data

#### Region

Sub-Saharan Africa

#### Income Group (World Bank)



Lower middle income

#### Multi-hazard average annual loss from natural disasters (percent of GDP)

23.6%

#### GHG Emissions (MtCO<sub>2</sub>e, including LULUCF), 2013

28.95629273

#### Rank as emitter

Below Top 50

#### Main groups

#### Paris Agreement ratification status

Ratified (28/12/2016)

#### Federative/Unitary

Unitary

Approach to Climate Change

**Legislative Portfolio**

Executive Portfolio

Litigation

Indicators

Legislative Process

Sources

### Climate Change Act, 2016 ( 2016/Mitigation and Adaptation Framework )

This Act provides a framework for promoting climate resilient low carbon economic development. It aims to (Art 3-2): "mainstream climate change responses into development planning, decision making and implementation; build resilience and enhance adaptive capacity to the impacts of climate change; formulate programmes and plans to enhance the resilience and adaptive capacity of human and ecological...[read more](#)

### Energy Act 2006, Parts of which is executed by the Energy Management Regulations 2012 ( 2007 )

Encompassing several laws related to energy, the Act has a very broad scope, covering all forms of energy, from fossil fuels to renewables. The Act mandates the government to promote the development and use of renewable energy, including biodiesel, bioethanol, biomass, solar, wind, hydro-power, biogas, charcoal, fuel-wood, tidal, wave, municipal waste, among others. The Act...[read more](#)

*Last modified 6 September, 2015*



# Country profiles : executive portfolio

[Write to us](#)

## Kenya



[Intended National Determined Contribution \(INDC\) \(PDF\)](#)

### Country Data

Region  
**Sub-Saharan Africa**

Income Group (World Bank)  
 **Lower middle income**

Annual loss from natural disasters (average percent of GDP)   
**23.6%**

GHG Emissions (MtCO<sub>2</sub>e, including LULUCF), 2013  
**28.96**

Rank as emitter   
**Below Top 50**

Main groups  
**G77**

Paris Agreement ratification status

[Approach to Climate Change](#)[Legislative Portfolio](#)[Executive Portfolio](#)[Litigation](#)[Indicators](#)[Legislative Process](#)[Sources](#)

### National Environment Policy 2013 ( 2013 )

The Policy aims to provide a framework for an integrated approach to sustainable management of Kenya's environment and natural resources. In particular it proposes to strengthen: • Legal and institutional framework for good governance • Integrate environmental management with economic growth, poverty reduction and improving livelihoods • Research and capacity development • Promote new environment...[read more](#)

### National Climate Change Response Strategy 2010 As implemented by 2013-2017 Climate Change Action Plan ( 2010 )

The National Climate Change Response Strategy outlines its objectives as to : • Enhance the understanding of the global climate change regime, negotiation process and develop priorities for Kenya • Assess the evidence and impacts of climate change in Kenya • Recommend adaptation and mitigation measures • Develop assessment and capacity building frameworks • Recommend...[read more](#)

### Agriculture (Farm Forestry) Rules 2009 ( 2009 )

...[read more](#)

### National Policy for Disaster Management ( 2009 / Adaptation Framework )

The policy recognizes that climate change contributes significantly to Kenya's increasing vulnerability to disasters in the last two decades and affects seriously the lives and livelihoods of communities. The policy therefore aims to institutionalise mechanisms to address these disasters and associated vulnerabilities stressing the central role of climate change in any sustainable and integrated National...[read more](#)

*Last modified 18 October, 2016*

# Law/policy profiles: English summaries for 850+ laws

Write to us

## Kenya



Total number of climate laws and policies:  
7

Total number of climate litigation cases: 0

[see full legislative portfolio](#)

[see full executive portfolio](#)

[see all litigation](#)

## Climate Change Act, 2016

Legislative, Mitigation and Adaptation Framework © 2016

This Act provides a framework for promoting climate resilient low carbon economic development. It aims to (Art 3-2):

1. “mainstream climate change responses into development planning, decision making and implementation;
2. build resilience and enhance adaptive capacity to the impacts of climate change;
3. formulate programmes and plans to enhance the resilience and adaptive capacity of human and ecological systems to the impacts of climate change;
4. mainstream and reinforce climate change disaster risk reduction in strategies and actions of public and private entities;
5. mainstream intergenerational and gender equity in all aspects of climate change responses;
6. provide incentives and obligations for private sector contributions to achieving low carbon climate resilient development;
7. promote low carbon technologies to improve efficiency and reduce emissions intensity by facilitating approaches and uptake of technologies that support low carbon, and climate resilient development;
8. facilitate capacity development for public participation in climate change responses through awareness creation, consultation, representation and access to information;
9. mobilize and transparently manage public and other financial resources for climate change response;
10. provide mechanisms for, and facilitate climate change research and development, training and capacity building;
11. mainstream the principle of sustainable development into the planning for and decision making on climate change response; and
12. integrate climate change into the exercise of power and functions of all levels of governance, and to enhance cooperative climate change governance between national government and county governments”.

The Act establishes a National Climate Change Council, chaired by the President, with Deputy President as vice-chair, that provides an overarching national climate change coordination mechanism. It also establishes the Climate Change Directorate – Secretariat to the Council and the lead agency of the government on national climate change plans and actions.

The prerogatives of the National Climate Change Council include (Art 6):

1. ensure the mainstreaming of the climate change function by the national and county governments;



# Litigation search

Please make a selection

Legislation

Litigation

## Search Climate Change Litigation of the World

From year  To year

Country

Side A (plaintiff / claimant) type

Side B (defendant) type

Side C (intervenor) type

Category

Climate area covered

Status

Search

### Or free text search

e.g. for citation / reference number

Search

Search the databases by selecting the legislation or the litigation search and applying your search criteria.

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Climate Change Litigation cases raise issues of law mitigation and adaptation body. The dataset does litigation in the US, please [database](#). This will take

For details about methodology legislation in 2017, see <http://www.lse.ac.uk>

## Use and reference

The authors encourage the results electronically. Please reference the source Climate Change Laws of the Environment and <http://www.lse.ac.uk>

## Invitation to

We aim for the database claim to have identified the readers of this report to draw our attention to any entries we may have missed. Please send your comments (attaching supporting documents if possible) to: [gri.cgl@lse.ac.uk](mailto:gri.cgl@lse.ac.uk).

**Side types:** Individual, government, corporation, NGO

### Category:

- Cases challenging legislation/policies
- Cases regarding information/disclosure cases
- Cases dealing with Protection/loss and damage
- Cases addressing administrative issues

**Climate area:** mitigation, adaptation, both

**Status:** open, closed, appealed

# 253 climate-related court cases in 25 jurisdictions

## Netherlands



Total number of climate laws and policies:

9

Total number of climate litigation cases: 1

[see full legislative portfolio](#)

[see full executive portfolio](#)

[see all litigation](#)

## Urgenda Foundation v. Kingdom of the Netherlands (District Court of the Hague, 2015)

<b>Year opened:</b>	2015
<b>Status:</b>	Appeal pending
<b>Jurisdiction:</b>	The Netherlands
<b>Principle law(s):</b>	European Convention on Human Rights, UNFCCC
<b>Mitigation/adaptation:</b>	Mitigation

### Summary

A Dutch environmental group, the Urgenda Foundation, and 900 Dutch citizens sued the Dutch government to require it to do more to prevent global climate change. The court in the Hague ordered the Dutch state to limit GHG emissions to 25% below 1990 levels by 2020, finding the government's existing pledge to reduce emissions 17% insufficient to meet the state's fair contribution toward the UN goal of keeping global temperature increases within two degrees Celsius of pre-industrial conditions. The court concluded that the state has a duty to take climate change mitigation measures due to the "severity of the consequences of climate change and the great risk of climate change occurring." In reaching this conclusion, the court cited (without directly applying) Article 21 of the Dutch Constitution; EU emissions reduction targets; principles under the European Convention on Human Rights; the "no harm" principle of international law; the doctrine of

# Countries not yet in the database:



Antigua and Barbuda



Lebanon



Saint Kittes and nives



Bahamas, The



Luxembourg



Saint Lucia



Bahrain



Malta



Saint Vincent and the Grenadines



Barbados



Monaco



San Marino



Dominica



Oman



Suriname



Korea, North



Qatar



Syria

Your input is valuable and very welcome:

[gri.cgl@lse.ac.uk](mailto:gri.cgl@lse.ac.uk)



**Thank you Grazie - 谢谢 - Merci - Спасибо - Gracias -  
شكرا - Terima kasih - Kiitos - Grazie - ඔබට ස්තූතියි -  
Obrigada - ありがとうございます - Danke  
Tak - धन्यवाद - آپ کا شکریہ - תודה**

**Your input is valuable and very welcome:  
[gri.cgl@lse.ac.uk](mailto:gri.cgl@lse.ac.uk)**

**[www.lse.ac.uk/granthaminstitute/legislation](http://www.lse.ac.uk/granthaminstitute/legislation)**