Index

‘access points’ 48
Access to Environmental Information Act (Germany) 183
adaptation to climate change 3, 5
and climate litigation 180, 184, 189
and drivers of climate change legislation 7
and international commitments 193, 195–6, 206
and least developed countries 8, 60, 61–2, 66–7, 69–70, 73–4
and sub-national level policy 11, 143, 144–5, 146, 147–8, 151–4, 156
administration (climate litigation objective) 182
Aghion, P. 129
alternative legislative agendas 9, 85–6, 96–101, 102
Amazon Fund (Brazil) 117
‘anti-fossil fuel’ initiatives 85–6, 87, 96–7
anti-regulatory climate litigation 175, 178–9
Argentina 203–4
Ashgar Leghari v. Federation of Pakistan (2015) 183, 184
Australia 7, 25, 30, 100, 114, 149–50, 175, 178, 179, 184, 187, 200
Averchenkova, A. 205
Bassi, S. 205
‘beneficiary pays’ principle 89
‘best practices’ 120, 144, 146, 199, 205
Bierbaum, R. 151
Brazilian Development Bank 117
Brazilian Superior Court of Justice 186
Bush, George H. W. 41
business cycle (domestic driver of legislation) 22, 24, 35, 36
Canada 25, 30, 149–50, 175, 179, 197, 199–200
Cancun Accord 73, 198, 200
Cancun Climate Change Conference (2010) 66
cap-and-trade schemes 49, 51, 91, 125–7
Carbon Disclosure Project 147, 154
carbon efficiency standards 125
carbon pricing 3, 10, 47–8, 92, 93, 124–7, 128, 134, 135
CBA (cost-benefit analysis) 91, 93, 97
CDM (Clean Development Mechanism) Fund (China) 117
Chan, S. 150
Charles & Howard Pty Ltd v. Redland Shire Council (2007) 187
China 5, 125, 178, 202
cclimate change legislation and policy 7–8, 37–8, 39–40, 42–5, 53
historic dynamics in 39–40
five-year-plans 7, 40, 42, 44, 202
institutions 114, 116, 117, 119
political economy of climate change 42–5, 53
Clean Air Act (US, 1970, 1990) 8, 30, 41, 49, 178
Climate Action Plan 2050 (Germany) 201–2
Climate Action Tracker 194, 196
Climate Change Act (UK, 2008) 23, 25, 29
Climate Change Authority (Australia) 114
Climate Change Justice and Human Rights Task Force Report 184
Climate Change Laws of the World database 2–4, 7, 12, 13, 20, 21, 61, 176, 194, 196, 204
cclimate change legislation
in China 7–8, 37–8, 39–40, 42–5, 53

209
and climate litigation 175–80, 183, 186–8
drivers of see drivers of climate change legislation
in EU 7, 8, 37–8, 39, 40–41, 42, 46–9, 53–4
historic dynamics in 39–42
and institutions 108, 110
and international commitments see international commitments
least developed countries see LDCs
and low-carbon policy 123, 124–5, 127, 132, 133, 134–6
normative foundations of see normative foundations
state and trends in 2–5, 6
study of 14
in USA 7, 8, 37–8, 39, 41–2, 49–52, 53, 54
Climate Change Litigation of the World database 176, 180
Climate Change Policy Executive Order (Nepal, 2011) 3
Climate Change Trust Fund Act (Bangladesh, 2009) 3, 65
climat justice 9, 85, 88–90, 98, 101
climate litigation 11–12, 175–6, 188–9
anti-regulatory 175, 178–9
centrality of climate change to cases 12, 186
characteristics of 12, 180–86
and climate policy 175, 178–80, 183, 188
core objective or rationale behind cases 182–4
direct 175, 178–9
and emission regulation 177, 178–9, 182, 184, 187
indirect 175, 178–9
plaintiffs and defendants 185
pro-regulatory 175, 178
relationship with climate regulation 11–12, 175–80, 186–8, 189
climate policy in China 7–8, 37–8, 39–40, 42–5, 53
and climate litigation 175, 178–80, 183, 188
domestic drivers of climate change legislation 7, 22–6, 30–31
effectiveness/transparency of policy administration 112–13
in EU 7, 8, 37–8, 39, 40–41, 42, 46–9, 53–4
executive policies 4–5, 62–5, 74, 195, 196
implementation through effective coordination 114–16
and institutions 9, 38, 44–5, 108–9, 110–20
and international commitments 194, 195–6, 198–9, 202–4, 205
international drivers of climate change legislation 7, 27–9, 30, 31
least developed countries see LDCs
legislative policies 4–5, 62–5, 74
low-carbon policy see low-carbon policy
mainstreaming climate policies 3, 6, 69, 70–72, 115, 117
Paris Agreement 1–2, 13
policy continuity 110–11
policy gap 13–14
policy legitimacy 111–12
sub-national level see sub-national level policy
in USA 7, 8, 37–8, 39, 41–2, 49–52, 53, 54
Climate Transparency 198
climate-resilient policy 1, 2, 8, 11, 100, 116
in developed countries 60, 62, 64, 71, 195
CO₂ Act (Switzerland, 2000, revised 2013) 21
Code for the Environment (Burkina Faso, 2013) 70
Columbia Law School 2, 3, 180
commitment devices 96, 111
Committee on Climate Change (UK) 114
Compact of States and Regions 144, 147–9
compensatory payments 134–5
competitiveness 10, 26, 47, 133–4, 135
Congress (US) 8, 50, 51
coordination, effective 114–16
COP (Conference of the Parties) 29, 143, 147, 153
Index

Copenhagen Accord 198, 200

country-to-country peer effects (international driver of legislation) 27, 28–9
courts see climate litigation
CPC (Communist Party of China) 39, 40, 44, 45
CRGE (Climate-Resilient Green Economy) strategy 71
Cultural Revolution (China) 40

Dechezleprêtre, A. 128

Decision C-035/16 (2016) 184
Decree 140 (Argentina, 2007) 3
democracy 7, 25–6, 35, 36
deployment support (for low-carbon technology) 129–30
devolution of power 116
diffusion effects 28–9
direct climate litigation 175, 178–9
disaster risk reduction 67, 68, 70, 79–81, 154
domestic drivers of climate change legislation 7, 22–6, 30–31, 35–6
drivers of climate change legislation 7, 19–20, 29–31, 38
business cycle 22, 24, 35, 36
country-to-country peer effects 27, 28–9
data and analytical methods 20, 21–2
democracy 7, 25–6, 35, 36
domestic drivers 7, 22–6, 30–31, 35–6
electoral cycle 7, 22, 25–6, 31, 35, 36
framework legislation 7, 22, 23, 30, 35, 36
hosting an international climate summit 27, 35, 36
international drivers 7, 27–9, 30, 31, 35, 36
international treaty obligations 7, 27–8, 31
party-political orientation of government 7, 22, 24–5, 30, 35, 36
political economy of climate change 7, 19–20, 22, 30
stock of existing legislation 22, 23, 30, 36

strong government 7, 22, 26, 30–31, 35, 36
duty-focused approaches 89

ECJ (European Court of Justice) 177
economic efficiency 9, 85, 90–93, 98, 101
economic rigidities 133
Economic Vulnerability Index 59
EIA (Environmental Impact Assessments) 182
electoral cycle (domestic driver of legislation) 7, 22, 25–6, 31, 35, 36
emission reduction policy/targets 1, 3, 5, 20, 28, 37, 43
and climate litigation 177, 178–9, 182, 184, 187
in EU 46, 48
and institutions 109, 118
international commitments 12–13, 193, 194, 195–9, 200–201, 202–3, 204–6
and low-carbon policy 10, 123–4, 125–7, 128, 130–31, 132, 134–6
normative foundations of climate legislation 88–9, 90–91, 93, 95
sub-national level policy 11, 144, 146, 147–50, 160–74
in USA 41, 49, 50, 51, 54
emissions gap 13
Emissions Trading Scheme (EU) 24
Energy Act (UK, 2013) 23
energy demand 3, 4, 132
energy efficiency 3, 4, 5, 8, 38, 42, 43, 46, 49, 50, 148, 150
in least developed countries 70–71, 73
and low-carbon policy 10, 123, 127, 128, 130–32, 133, 134–5
‘energy efficiency gap’ 130–31
energy law 67, 68, 71–3, 79–81
energy security 30, 43, 50, 136
energy supply 3, 4
Energy Transition Law (France, 2015) 26, 133
‘enhancement’ cases (climate litigation) 12, 187–8
EPA (Environmental Protection Agency, US) 41, 49, 119, 177
ETS (Emissions Trading System, EU)
Trends in climate change legislation

8, 24, 48, 95, 125, 127, 134, 182, 185

EU (European Union)
carbon efficiency standards 125
climate change legislation and policy 7, 8, 37–8, 39, 40–41, 42, 46–9, 53–4
drivers of climate change legislation 21
Emissions Trading Scheme 8, 24, 48, 95, 125, 127, 134, 182, 185
historic dynamics in climate change legislation 40–41
and institutions 119
international commitments 201–2
political economy of climate change 46–9, 53–4
European Commission 41, 47–8, 53, 199
European Environmental Protection Agency 41
Executive Orders 50
executive policies 4–5, 62–5, 74, 195, 196

Fankhauser, S. 24, 123
financial arrangements (institutions) 116–18
five-year-plans (China) 7, 40, 42, 44, 202
flagship laws 23, 25, 26, 30, 36
‘flexibility mechanisms’ 93, 94, 95
fossil fuels/fossil fuel industry 38, 45, 46–7, 50, 73, 186, 203
‘anti-fossil fuel’ initiatives 85–6, 87, 96–7
and drivers of climate change legislation 38
fossil fuel subsidies 110, 123
and low-carbon policy 10, 132–3, 136
and normative foundations of climate legislation 85–6, 87, 91, 92, 96–7, 99
Framework Act on Low Carbon Green Growth (South Korea, 2009) 26, 30
framework legislation 7, 22, 23, 30, 35, 36, 69–70, 199
Fredriksson, P. 20, 26
free-riding 28–9
Fukuyama, F. 109
G8 Summit (Gleneagles, 2005) 29
Galarraga, I. 145, 146
Galeotti, M. 128
General Law on Climate Change (Mexico) 202
Gerrard, M. B. 179, 180
GIB (Green Investment Bank) 118
global public goods 19, 20, 28, 144, 154
‘global stocktake’ 193, 198
Gonzalez-Eguino, M. 146
‘good governance’ 109
Gough, I. 134
‘grandfathering’ 89
Grantham Research Institute on Climate Change (London School of Economics) 2, 3, 21, 180
‘green transformations’ 85–6, 97–9
Greenhouse Gas Reduction Roadmap (South Korea) 200
‘hindrance’ cases (climate litigation) 187–8
historic dynamics in climate change legislation 39–42
hosting an international climate summit (international driver of legislation) 27, 35, 36
household incomes 134
HSBC 24
Human Assets Index 59
ICCTF (Indonesia Climate Change Trust Fund) 117–18
ICJ (International Court of Justice) 177
IIED (International Institute for Environment and Development) 60
indirect climate litigation 175, 178–9
information/disclosure (climate litigation objective) 12, 182–3
innovation, incentivizing 10, 128–30
institutional arrangements 3–4
institutions
assessment and strategy formulation 113–14
Index 213

and climate governance 108–10, 112–13, 118, 119–20
and climate policy 9, 38, 44–5, 108–9, 110–20
devolution of power 116
and drivers of climate change legislation 19, 20, 23
effectiveness/transparency of policy administration 112–13
and finance 116–18
functional approaches 113–19
and ‘green transformations’ 98–9
implementation through effective coordination 114–16
monitoring, reporting and verification systems 9, 118–19
policy continuity 110–11
policy legitimacy 111–12
political economy of climate change 44–5, 47–8, 50–51, 109, 111, 113
principle-based approaches 110–13
stakeholder engagement 9, 111–12, 114–15, 119–20
interest groups 20, 26, 30, 38–9, 45, 48, 51, 52
international commitments 12, 193–4, 205–6
and adaptation to climate change 193, 195–6, 206
China 202
and climate policy 194, 195–6, 198–9, 202–4, 205
effective implementation of targets 198–9
emission reduction 13, 193, 194, 195–9, 200–201, 202–3, 204–6
EU 201–2
increasingly ambitious targets 199–201
international and domestic law 194–5
Mexico 202–3
and mitigation of climate change 12, 193, 195–6, 199, 200, 201–3, 204–5, 206
national comparisons 201–4
and nationally determined contributions 12, 193, 194, 195–7, 198, 199–200, 201–2, 205
Paris Agreement 12, 193–4, 195–7, 198, 199–200, 201, 204, 205, 206
USA and Argentina 203–4
international drivers of climate change legislation 7, 27–9, 30, 31, 35, 36
international law 8, 95, 96–7, 97, 101, 194–5
international treaty obligations (international driver of legislation) 7, 27–8, 31
IPCC (Intergovernmental Panel on Climate Change) 61, 144, 146, 151, 156, 179
Jha, V. 112, 115, 117
judiciary see climate litigation
Juholaa, S. 153
‘just transition’ 85–6, 100–101
‘Kaldor-Hicks efficiency’ 90
Kroll, S. 20
Kyoto Protocol 4, 51, 62, 183
and drivers of climate change legislation 7, 19, 26, 27–8, 31, 35, 36
and international commitments 194–5, 200, 201
and normative foundations of climate legislation 93, 94, 95
Law Establishing the Framework for Disaster Management (Mozambique, 2014) 70
LDCs (least developed countries) 8, 59–61, 74–5
adaptation to climate change 8, 60, 61–2, 66–7, 69–70, 73–4
addressing loss and damage 73–4
agriculture and food policies 68, 79–81
climate-resilient development 60, 62, 64, 71
climate-specific laws and policies 67, 69–70, 79–81
disaster risk reduction 68, 79–81
energy and climate change 67, 68, 71–3, 79–81
environmental laws 67, 68, 79–81
executive and legislative policies 5, 62–5, 74
forestry laws and policies 67, 68, 79–81
key focus areas 67–74
low-carbon development 8, 60, 62, 64, 66–7, 71, 73, 74
mainstreaming climate change into development agendas 70–71, 72
mitigation of climate change 8, 60, 62, 64, 66–7, 69–70
needs and unique challenges 61–2
Paris Agreement 60, 64, 66, 73, 74
planning and development policies 68, 79–81
vulnerability to climate change 8, 59–60, 61–2, 66, 70, 75
legislation/policies (climate litigation objective) 12, 183
liberal egalitarianism 85, 86–7, 88, 92, 98, 101
Lima Call for Climate Action 11, 143
Lima-Paris Action Agenda 146
Lockwood, M. 29
London School of Economics 1, 2, 3, 21, 180
loss and damage, addressing 73–4
low-carbon policies/economies 1–3, 10, 37, 38, 47, 48, 50, 53
cap-and-trade schemes 125–7
carbon pricing 3, 10, 47–8, 92, 93, 124–7, 128, 134, 135
emission reduction 10, 123–4, 125–7, 128, 130–31, 132, 134–6
and energy efficiency 10, 123, 127, 128, 130–32, 133, 134–5
incentivizing low-carbon innovation 10, 128–30
incentivizing reallocation of capital 132–3
legislation for 123, 124–5, 127, 132, 133, 134–6
low-carbon development of LDCs 8, 60, 62, 64, 66–7, 71, 73, 112
low-carbon transport 3
and market failure 10, 123, 124, 127–9, 133, 135
quota systems 125, 126–7, 134
removing associated barriers 10, 127–33
socioeconomic consequences 133–5
LULUCF (Land Use, Land Use Change and Forestry) 3
mainstreaming climate policies 3, 6, 69, 70–72, 115, 117
Majone, G. 114
Mao Zedong 40
Markell, D. L. 177–8, 182
market failure 10, 90–91, 123, 124, 127–9, 133, 135
Massachusetts v. Environmental Protection Agency (2007) 177, 178
Mexico 202–3
mitigation of climate change 1, 2, 14, 50, 54
and climate litigation 184, 188
and international commitments 12, 193, 195–6, 199, 200, 201–3, 204–5, 206
and least developed countries 8, 60, 62, 64, 66–7, 69–70
and low-carbon policy 128, 135
normative foundations of climate legislation 86, 88, 90, 93, 95–6, 98, 100
and sub-national level policy 11, 143, 144–5, 146–51, 156
Moser, S. C. 151
MRV (monitoring, reporting and verification) mechanisms 9, 12, 92, 95, 118–19, 198, 199, 204, 205
Muro, M. 50
Nakhooda, S. 112, 115, 117
National Action Plan on Climate Change (India) 116
National Biofuel policy (Mozambique, 2009) 73
National Climate Change Action Plan (Gabon) 3
National Climate Change Policy (Myanmar, draft) 71
national climate funds 117–18
National Climate Policy (Zambia) 71
National Development Strategy (Solomon Islands) 71
Index 215

National Leading Group on Climate Change (China) 114
National Strategy on Climate Change and Low Carbon Development (Rwanda, 2011) 26
NAZCA (Non-State Actor Zone for Climate Action) 11, 143, 147–9
NDCs (nationally determined contributions) 1, 14, 96, 147 and international commitments 12, 193, 194, 195–7, 198, 199–200, 201–2, 205 and least developed countries 60, 64, 74
NDRC (National Development and Reform Commission, China) 5, 44, 114
Presidential Instruction for a Moratorium on Forest Concessions (Indonesia, 2011) 3
principle-based approaches 110–13
proactive climate litigation 175
pro-regulatory climate litigation 175, 178
protection/loss and damage (climate litigation objective) 12, 183
public opinion 38–9, 45, 48–9, 52, 204
Public Prosecutor Office (Brazil) 186
qualitative analysis 20
quantitative analysis 20
quota systems 125, 126–7, 134
R&D (research and development) 128
reactive climate litigation 175
Reagan administration 41
reallocation of capital, incentivizing 132–3
REDD+ (Reduced Emissions from Deforestation and Forest Degradation) 3
regional climate policy see sub-national level policy
RegionsAdapt initiative 144, 153–4, 155, 156
renewable energy 3–4, 5, 8, 43, 45, 46, 49, 86, 93, 129
international commitments 196, 203, 204
in least developed countries 64, 67, 70, 71, 73
and sub-national level policy 148–50
Renewable Energy Act (Gambia, 2013) 65, 73
Renewable Energy Law (Senegal, 2010) 73
Renewable Energy Sources Act (Germany, 2008) 3, 129–30
republicanism 87
research and development 3
RGGI (Regional Greenhouse Gas Initiative) 49
Ribeiro, M. 153
rights-focused approaches 88–9
Royal Decree 233 (Spain) 132
Ruhl, J. B. 177–8, 182
Sabin Center on Climate Change Law (Columbia Law School) 2, 3, 180
Saul Luciano Lliuya v. RWE (2015) 183
Sauquet, A. 28
SDGs (Sustainable Development Goals) 5, 70, 71, 75
SEA (Single European Act) 40–41
Shogren, J. 20
SIDS (small island developing states) 60, 66
SOEs (state-owned enterprises) 43, 45
Special Eurobarometer Report on Climate Change 48–9
Special Fund to Support the Implementation of Energy Efficiency Targets (Italy, 2010) 3, 133
stakeholder engagement 11, 65, 75, 97
and institutions 9, 111–12, 114–15, 119–20
sub-national level policy 147, 154, 156
state and trends in climate change legislation 2–5, 6
status quo cases (climate litigation) 187–8
Stern, N. 123
Stern Review of the Economics of Climate Change (2007) 93
stock of existing legislation 22, 23, 30, 36
strong government (domestic driver of legislation) 7, 22, 26, 30–31, 35, 36
sub-national level policy 11, 21, 143–5, 154, 156
adaptation to climate change 11, 143, 144–5, 146, 147–8, 151–4, 156
emission reduction 11, 144, 146, 147–50, 160–74
mitigation of climate change 11, 143, 144–5, 146–51, 156
Paris Agreement 11, 143, 147, 153, 154
RegionsAdapt initiative 144, 153–4, 155, 156
Index

role of regional governments 11, 143, 144, 145–6, 151, 154
Supreme Court (US) 51, 178

Tax Reform Act (Japan, 2012) 3
Townshend, T. 23, 25, 29
‘tragedy of the commons’ 154
‘transitional fairness’ 85–6, 99–101
Trump, Donald 30, 49, 51, 54, 204

UK (United Kingdom) 23, 29, 202
and climate litigation 175, 179, 188
and institutions 114, 116, 118
and low-carbon policy 126, 134
UN Climate Summit (2014) 150
Under2 Coalition 147–9
UNEP (United Nations Environment Programme) 198
UNFCCC (United Nations Framework Convention on Climate Change) 93–4, 118, 189
and drivers of climate change legislation 7, 19, 29
and international commitments 12, 194, 195, 197, 200, 205
and least developed countries 60, 64, 66
and sub-national level policy 143, 147, 153
Urgenda case (Netherlands) 177, 179, 183
USA (United States of America)
climate change legislation and policy 7, 8, 37–8, 39, 41–2, 49–52, 53, 54
and climate litigation 12, 175, 177, 178, 179, 180, 185
drivers of climate change legislation 30
emission reduction policy/targets 41, 49, 50, 51, 54
historic dynamics in climate change legislation 41–2
and institutions 116, 119
and international commitments 203–4
political economy of climate change 49–52, 54
sub-national level policy 149–52
utilitarianism 9, 85, 87, 89–90, 92–3, 98, 101

Vanhala, L. 179
Verdolini, E. 128
‘veto points’ 48
Vienna Convention on International Treaties 195
virtue ethics 87, 97, 101
von Stein, J. 20
well-being, distribution of 85, 86–7
Westerhoff, L. 153
Wigan Borough Council v. Secretary of State for Environment, Transport & Regions (2001) 188
Wilensky, M. 178, 179, 180, 182
World Bank 109
WTP (willingness to pay) 90, 91
Xi Jinping 40
Zenghelis, D. 24