

Research memo on approaches to climate law with examples

IMPORTANT: Legal Response International (LRI) acts as an intermediary in obtaining legal advice from third parties on the query you have raised. That advice is provided to LRI but we are able to share it with you. The third-party advisers have accepted certain duties to LRI but have not and do not accept any duty to you. LRI itself does not and cannot provide legal advice. As a consequence, LRI takes no responsibility for the content of any advice that it forwards, nor does it accept any responsibility for any delay either in obtaining or sending copies to you of the advice it receives.

In forwarding the advice to you, LRI does not intend to create a lawyer-client relationship with you and to the extent permitted by law, any liability of LRI to you (including in negligence or for any damages of any kind) is excluded. Any dispute between you and LRI shall be governed by English Law, and the English Courts will have exclusive jurisdiction. You agree that the English courts are the most appropriate and convenient courts to settle any dispute or claim that arises out of or in connection with this retainer and, accordingly, that you will not argue to the contrary. In consideration of LRI sharing the advice with you, you agree to the terms set out above.

*This advice is provided by third parties in response to **Query 100/24***

Table of Contents

<i>Summary</i>	2
<i>Introduction</i>	2
1 Reasons for adopting climate change laws and the benefits of the legislative vs policy route	3
1.1 Reasons for adopting framework laws	4
1.2 Reasons for adopting sectoral laws	6
1.3 Choice of law vs policy	7
1.3.1 Benefits of climate policy	7
1.3.2 Benefits of climate law	7
2 Different approaches taken to climate change laws in practice	8
2.1 Framework laws	8
2.1.1 African countries	8
2.1.2 Non-African countries' framework laws	12
2.2 Sectoral-only laws	12
2.3 Key takeaways from countries' approaches to sectoral versus framework legislation	14
3 African Model Climate Change Law	16
4 Legislative corpus on climate change	18
<i>Annex 1 Summary table of provisions in selected African climate framework laws</i>	<i>20</i>
<i>Annex 2 Summary table of provisions in the climate framework laws of Mexico, Guatemala and the UAE</i>	<i>26</i>

Summary

This research examines two broad approaches to climate change legislation: sectoral legislation and framework legislation. Some benefits of sectoral legislation are that it may be quicker to implement and may be more targeted. Framework legislation may be beneficial for broader implementation across government, to facilitate progress and accountability towards long-term objectives, aid consensus building, has a strong signalling effect -both internally (nationally) and externally (internationally), and enables a more stable political trajectory.

Countries may benefit from a sectoral approach, a framework approach or a combined approach. In addition, countries may develop and adopt climate policies. Some considerations on the benefits of taking a policy route vs legislative route are offered. The research then presents various countries' approaches and sets out key takeaways, such as the risk of climate-related provisions being overshadowed in sectoral legislation and the ability to back up policies and plans through concrete enforcement mechanisms in framework legislation. It also identifies some regional initiatives that it might be useful to leverage to formulate climate legislation that is fit for purpose from both international and domestic perspectives.

Introduction

This research discusses the following:

- (i) Section 1: Reasons for adopting climate change laws and considerations on the benefits of the legislative vs policy route;
- (ii) Section 2: Different approaches taken to climate change laws;
- (iii) Section 3: the African Model Climate Change Law; and
- (iv) Section 4: the legislative corpus on climate change – a comparative study on good legislative and parliamentary practices to implement the Paris Agreement (in Francophone countries, and currently only available in French).

Throughout the memo we discuss two different types of climate legislation, namely sectoral and framework climate laws. These are defined as follows:

- **Sectoral legislation/law** refers to legislation (passed by parliament) solely aimed at introducing a climate policy response for a given sector, or governing specific issue areas that have climate change requirements or considerations grafted within them.¹ Many such laws are introduced through amendments to pre-existing legislation.²
- **Framework legislation/law** in the context of climate law refers to an important subset of climate laws that link national and international agendas. Such laws share some or all of the following characteristics:³
 - passed by the legislative branch of government;

¹ <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2023/05/Consultation-submission-Enhancing-climate-change-legislation-litigation-and-intergenerational-justice.pdf>

² https://issuu.com/theparliamentarian/docs/parl2023iss4finalonline_single_reduced/40

³ See footnote 2.

- lay down general principles and obligations for climate change policymaking in a nation-state (or sub-state entity), with the explicit aim of reducing GHG emissions in relevant sectors through specific measures to be implemented at a later stage;⁴
- set out national, long-term and/or short-term/interim targets and/or sectoral targets and/or pathways for change;
- are multi-sectoral in scope;
- set the agenda for a country's climate policy response;
- establishing institutions, or amending the functions of existing ones;
- are comprehensive yet might not offer a complete treatment of all issues, instead establishing institutional structures that facilitate and guide future policy making;⁵
- establish processes to enable government action on climate change and give mandates to relevant actors to develop/revise further laws, regulations, policies etc.;
- establish mechanisms for transparency and/or accountability.

We note from the IPCC's 6th Assessment Report, Working Group III, that "climate laws require further research, including on the quantification of impact, framework versus sectoral approaches, and the various mechanisms through which laws act – target setting, creating institutional structures, mainstreaming and ensuring compliance."⁶

1 **Reasons for adopting climate change laws and the benefits of the legislative vs policy route**

This section contains (1.1) reasons for adopting framework laws, (1.2) reasons for adopting sectoral laws, and (1.3) the choice of adopting a law or a policy.

In practice, countries tailor their climate legislation to the particular context. For example, framework laws of many African countries are more focused on adaptation and the climate-readiness of its population rather than mitigation, because of the way in which climate change affects them and due to their low per capita GHG emissions.⁷ Many countries will adopt both framework and sectoral laws.⁸ The approach taken should depend on what governments want to achieve, and consider the impact that the local context will play, both positively and negatively, including political and economic stability, and industrial lobbying.

⁴ Thomas L Muinzer (ed), National Climate Change Acts: The Emergence, Form and Nature of National Framework Climate Legislation (Hart Publishing 2020) <http://www.bloomsburycollections.com/book/national-climate-change-acts-the-emergence-form-and-nature-of-national-framework-climate-legislation>

⁵ Abbie Clare, Sam Fankhauser and Caterina Gennaioli, 'The National and International Drivers of Climate Change Legislation' in Alina Averchenkova, Sam Fankhauser and Michal Nachmany (eds), Trends in Climate Change Legislation (Cheltenham, Edward Elgar, 2017), <https://china.elgaronline.com/edcollchap/edcoll/9781786435774/9781786435774.00008.xml>

⁶ Dubash, N.K., C. Mitchell, E.L. Boasson, M.J. Borbor-Cordova, S. Fifita, E. Haites, M. Jaccard, F. Jotzo, S. Naidoo, P. Romero-Lankao, M. Shlapak, W. Shen, L. Wu, 2022: [National and sub-national policies and institutions](#). In IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [P.R. Shukla, J. Skea, R. Slade, A. Al Khourdajie, R. van Diemen, D. McCollum, M. Pathak, S. Some, P. Vyas, R. Fradera, M. Belkacemi, A. Hasija, G. Lisboa, S. Luz, J. Malley, (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA. doi: 10.1017/9781009157926.015, page 1363.

⁷ https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/10/Climate-Governance-Functions_17_Nov_22.pdf

⁸ See footnotes 2 and 7.

1.1 Reasons for adopting framework laws

(i) Reduction of GHG emissions: the adoption of a framework law may have a practical effect in reducing greenhouse gas (GHG) emissions. There does not appear to be research examining whether a framework law or sectoral law is more effective at delivering climate outcomes. However, two examples of framework legislation that has enabled such reduction are:

- In the UK, the power sector has been transformed to have a greater share of renewable energy, with the UK's Climate Change Act a major reason for the transformation. The Act helped the UK to meet its first two carbon budgets and decouple GHG emissions from GDP.⁹
- In Mexico, the General Law on Climate Change (GLCC) guided the low-carbon transition in the energy sector providing long-term climate change and clean energy objectives for energy reform.¹⁰ The GLCC laid the foundation for a subsequent ratcheting of ambition. In 2015, building on the objectives set in its climate change legislation, Mexico adopted the Energy Transition Law, which advances decarbonisation of energy production and consumption. In this regard, the introduction of a framework law can help facilitate the effective development of sectoral laws, particularly where a system-wide approach is needed to ensure that complementarities and tradeoffs are well understood.¹¹ In April 2018, guided by its Nationally Determined Contribution (NDC) and lessons learnt from implementation of the original law, Mexico passed a decree amending the law to bring it into greater consistency with the Paris Agreement.¹²

A framework law may facilitate GHG emission reductions by helping to put short-term policymaking into a larger perspective. Setting out the long-term objective helps link short-term action to long-term targets. This can help avoid the risk of high-emission lock-in¹³ and higher cost for reductions later on (including through stranded financial and infrastructure assets). Framework legislation can prompt the analysis of emission and technological pathways to achieving decarbonisation, and also address the social dimension of the transition, by assessing the impacts of the transition on different groups of actors. This can ultimately ensure a just transition that is paramount to achieve support across society as a whole.¹⁴

(ii) Clarity on the path to achieve long-term objectives: a framework law may help to define a clear, evidence-based yet flexible path towards the long-term climate objective. The law would need to set (an) actual target(s) and outline further instruments to bring about the desired implementation. Ideally, the law sets out a science-based, long-term/overarching target, with short-term/interim targets that define the path towards the long-term target.¹⁵

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 progress monitoring) produces a steady and reliable policy cycle, creating more predictable

⁹ <https://www.lse.ac.uk/granthaminstitute/publication/10-years-uk-climate-change-act-summary/>

¹⁰ <https://www.lse.ac.uk/granthaminstitute/publication/legislating-for-a-low-carbon-and-climate-resilient-transition-learning-from-international-experiences/> at pages 51-52.

¹¹ See footnote 2.

¹² <https://www.lse.ac.uk/granthaminstitute/publication/mexicos-framework-legislation-on-climate-change/>

¹³ Lock-in occurs when high-emission infrastructure or assets continue to be used, despite the possibility of substituting them with low-emission alternatives, thereby delaying or preventing the transition to near-zero or zero-emission alternatives.

¹⁴ <https://www.lse.ac.uk/granthaminstitute/publication/towards-paris-compatible-climate-governance-frameworks/>

¹⁵ <https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-legislation-and-litigation-2018-snapshot/> at 4.

results and certainty of progress towards the targets.¹⁶ The law should also provide for continual adaptation planning towards climate resilience.¹⁷

It is important that framework legislation is reviewed on a regular basis. Outdated legislation can present a barrier to NDC implementation, an issue identified by a number of African countries.¹⁸

Further, a country might want to amend its path towards the long-term objective. In Mexico, while the GLCC in its original reading of 2012 was heavily focused on mitigation, its revision in 2018 mandated the development of a national adaptation plan and a requirement for states and municipalities to address adaptation. The revised law also made provisions for new mechanisms, including a reformed emissions trading system and further mandates regarding the transparency framework through which to observe the development and implementation of NDCs.¹⁹

(iii) Alignment and institutional capacity across government: a framework law may help ensure that different government ministries and different levels of government work cohesively towards climate targets. It can mainstream climate-conscious decision making into the regular functioning of line ministries, and coordinate national and subnational governments in transformational restructurings

Framework laws often create or modify existing institutional arrangements (e.g. scientific or advisory bodies), requiring different actors to engage with climate policy. Having an independent advisory body facilitates self-organisation across different sectors,²⁰ and appears beneficial to the success of framework laws. Such independent advisory body should ensure evidence-based decision-making and safeguard against political backsliding.²¹ These independent advisory institutions evaluate policy options and carry out independent progress reviews.²² Insufficient action will therefore be made visible on a regular basis.

Frameworks laws have been found to increase institutional capacity and knowledge on climate change across the whole of government,²³ in a way that sectoral laws may not.

(iv) Signalling effect: climate framework laws have a signalling effect. Governments that adopt long-term climate framework laws demonstrate that they have accepted the necessity of a transformation to a decarbonised economy, and that they are working proactively towards it. Passing framework legislation is a strong way for a government to show their commitment. This commitment sends a signal to all stakeholders that a government ‘means business’ on climate change, and will remain committed over time. This stability and predictability allows stakeholders (e.g. businesses, civil society, foreign investors) to engage, and adopt the new long-term policy objective as a basis for decision-making concerning their own strategies and investments.²⁴

In many countries, climate change framework legislation is aligned with commitments laid out in the context of the Paris Agreement.²⁵

(v) Deliberation and consensus forging: a framework law can facilitate consensus building around strategies and targets across relevant political stakeholders and regarding the need for

¹⁶ See footnote 14.

¹⁷ See footnote 15.

¹⁸ https://au.int/sites/default/files/documents/41959-doc-CC_Strategy_and_Action_Plan_2022-2032_08_02_23_Single_Print_Ready.pdf

¹⁹ See footnote 12.

²⁰ See footnote 2 at p. 310.

²¹ See footnote 15 and footnote 10 at p. 26.

²² See footnote 14.

²³ <https://www.lse.ac.uk/granthaminstitute/publication/impacts-of-climate-framework-laws/>

²⁴ See footnote 14.

²⁵ See footnote 39.

such a framework and its various elements. This political buy-in is crucial not only to kick-start the appropriate level of policy development but to deliver effective implementation of transformation over time.²⁶ In Mexico, the GLCC laid the institutional foundations for developing, mainstreaming and implementing the climate change agenda at the national, state and municipal levels. Its major achievements included the definition of responsibilities for states and municipalities.²⁷

In addition, mainstreaming climate in the general population and politics makes governments more likely to adopt climate laws and make them more ambitious. Research from climate change framework laws in Scotland, Austria, Denmark and Sweden shows how “a heightened attention combined with a strong deliberative process” lead to more ambitious climate laws in those countries.²⁸

(vi) Political stability:²⁹ framework legislation sets the long-term direction of climate strategy, providing a credible commitment to the continuity of climate objectives across political mandates. These objectives often require investment with long lead times which extend well beyond electoral mandates. Individuals and businesses need to have confidence in the stability of government climate policy if they are to invest time and money in and change their behavior in line with it.

1.2 Reasons for adopting sectoral laws

(i) Detailed and specific targets: In contrast to framework laws, sectoral laws have the benefit that they can set out detailed targets to ensure accountability. By focusing efforts on specific sectors or activities and setting sectoral targets, there can be more detailed accountability for meeting the target, often applied to a named government ministry or department to which responsibility has been assigned. It also means that even finer targets can be derived for other stakeholders such as businesses which can, for example, then set emission reduction targets according to sectoral benchmarks.³⁰ Targeting specific sectors which are particularly relevant to climate change in the relevant country may be more effective. For example, it has been argued that failing to regulate the protection of soil as part of climate mitigation measures in Zambia exacerbates the effects of climate change in that country. This regulation could come within a framework law or sectoral law – e.g. South Africa’s Climate Change Act (a framework law) includes sectoral targets (see Section 2).

(ii) Less time/resources: Enacting and implementing framework legislation requires significant time and financial resources.³¹ Framework legislation normally involves a whole-of-government effort to mainstream climate action in policy planning and often entails setting up an advisory group or committee to oversee this effort. It may cost less and be quicker to amend existing legislation or include climate-related provisions within sector-specific legislation.

(iii) Lower litigation risk: Framework laws can pose an increased litigation risk to the government originating from those concerned about progress on climate action, depending on the laws relating to commencing litigation against the government. Climate framework laws may provide a stronger basis for litigation compared to sectoral laws, which can impact the “outcomes and ambition” of

²⁶ See footnote 14.

²⁷ See footnote 12.

²⁸ Sarah Louise Nash and Reinhard Steurer, ‘Climate Change Acts in Scotland, Austria, Denmark and Sweden: The Role of Discourse and Deliberation’ (2021) 21 Climate Policy 1120 <https://www.tandfonline.com/doi/full/10.1080/14693062.2021.1962235>

²⁹ See footnote 39 **Error! Bookmark not defined.**

³⁰ <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2018/10/Aligning-national-and-international-climate-targets-1.pdf>

³¹ https://www.jstor.org/stable/pdf/26895680.pdf?refreqid=fastly-default%3A27feae477d7c986626dbb0c805f4ea25&ab_segments=&initiator=&acceptTC=1

climate governance.³² When a framework law or policy exists, it is likely that law or policy will constitute the basis for or subject of lawsuits that challenge national or subnational governments' action by arguing such climate action is insufficient or inconsistent.³³ However, effective climate legislation and the institutions created through it can provide governance solutions, to some extent supplanting the need for direct action through the courts.³⁴ Such legislation and institutions could be introduced through framework or sectoral legislation.

1.3 Choice of law vs policy

Governments have a wide range of 'tools' at their disposal: legislation, regulations, policies, strategies, economic tools, etc.. While they often use a mix of these to try to achieve the best outcomes, one of the first considerations will be whether to adopt a law or policy – or both.

1.3.1 *Benefits of climate policy*

- A policy is issued more rapidly than legislation and can address immediate concerns, while the process of adopting a law (by parliament) is usually longer, more costly and cumbersome and therefore not suited to rapid progress.
- Policy allows for greater flexibility, and -in some cases- are more politically feasible which in turn can make it easier to implement and adjust.
- Policy is easier to amend. However, legislation can also capture, and allow for, flexibility if designed accordingly.³⁵

1.3.2 *Benefits of climate law*

- For the reasons already set out above in section 1.1, framework laws can:
 - Bring about reduction of GHG emissions
 - Provide clarity on the path to achieve long-term objectives
 - Have a stronger signalling effect
 - Enable alignment and institutional capacity across government
 - Help build long-term commitment, because the legislative process entails broad stakeholder engagement, deliberation, and debate³⁶
 - Facilitate consensus building
- Include mandatory progress monitoring and accountability of climate change measures (and enforcement mechanisms if failing to comply)

³² See footnote 23.

³³ <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/09/Challenging-government-responses-to-climate-change-through-framework-litigation-final.pdf>

³⁴ <https://bristoluniversitypressdigital.com/edcollchap-0a/book/9781529228977/ch001.xml>

³⁵ Wenta J, McDonald J, McGee JS, 'Enhancing Resilience and Justice in Climate Adaptation Laws' (2019) 8(1) Transnational Environmental Law 89 doi:10.1017/S2047102518000286

³⁶ See footnote 39 **Error! Bookmark not defined.**

- Strengthen the country's commitment to policy continuity, because it is more difficult to change legislation (passed by parliament) than executive policy instruments (e.g. decrees, regulations, plans, and strategies)
- Be enforced through judicial and other forms of review

In practice, the choice between law and policy is to a large extent informed by the legal system and regulatory tradition of a particular country, the political context at the time (e.g. whether/how much commitment and drive there is at the highest level of government), as well as other, sometimes external, drivers – e.g. encouragement from aid donors, financial aid for the development of a law rather than policy, if the country is presiding and hosting a climate COP conference -which some research findings suggest can impact the emergence and content of climate change acts-³⁷ etc.

The more “macro-consideration” of which approach (law or policy) is more effective at delivering climate outcomes appears difficult to grasp. There is extremely limited evidence on the aggregate effects of climate laws on climate outcomes, although there is a broader literature assessing the outcomes of climate policies.³⁸ However, there is to our understanding no research looking at whether a law or policy is more effective at delivering climate outcomes, and this might in practice be difficult to carry out. Notwithstanding this, we notice that many countries often resort to a mix of policy approaches, combining policies, with framework and/or sectoral laws.

2 **Different approaches taken to climate change laws in practice**

In this section we set out the approach to climate change legislation that different countries have taken, first considering countries that have adopted framework laws and secondly looking at those which have only adopted sectoral laws.

2.1 **Framework laws**

2.1.1 *African countries*

African countries which have enacted framework laws include: Benin, Gabon, Kenya, Mauritius, Nigeria, South Africa, Uganda, and Zambia. Below, we discuss the cases of Zambia and Uganda.

Annex 1 contains a summary table of provisions in the climate framework laws of Kenya, Nigeria, Uganda, and South Africa. This table shows how these countries' framework laws respond (or not) to the World Bank's twelve key elements to assess the scope of climate framework legislation.³⁹

³⁷ Alina Averchenkova, 'Mexico's Framework Legislation on Climate Change: Key Features, Achievements and Challenges Ahead' in Thomas L Muinzer (ed), National Climate Change Acts: The Emergence, Form and Nature of National Framework Climate Legislation (Hart Publishing 2020) <https://www.bloomsburycollections.com/monograph?docid=b-9781509941742>, and references to Peru and Chile's hosting and presiding over COP as having (some form of) impact on the emergence and content of their respective climate change acts in Madariaga Gómez de Cuenca, M. (2024). The COP That Was and Wasn't. A Legal Biography of COP 25 in Chile [Unpublished doctoral dissertation]. University College London.

³⁸ See footnote 6.

³⁹ World Bank Group, World Bank Reference Guide to Climate Change Framework Legislation (December 2020). <https://documents1.worldbank.org/curated/en/267111608646003221/pdf/World-Bank-Reference-Guide-to-Climate-Change-Framework-Legislation.pdf>

Zambia

Zambia's experience to climate legislation is particularly relevant given they have recently amended sectoral legislation and also enacted a framework law.

Challenges with adopting framework legislation

The Zambian Government announced in 2020 that it was developing a climate change bill,⁴⁰ and in 2022 stated that the bill was at an advanced stage.⁴¹ It was expected to be put before Parliament in 2023.⁴² The Government consulted on a climate change bill between 2020 and 2024, including with civil society and through validation workshops.⁴³

However, it does not appear that any such act was published or laid before Parliament until very recently in October 2024 (see below).⁴⁴ The Government reportedly faced challenges with enacting a framework law, due to the disruptive impact of the COVID-19 pandemic, changing government priorities, and dealing with emerging issues like carbon markets.⁴⁵ A Zambian MP also previously noted that other challenges to adopting climate legislation included limited financial support, inadequate technical capacity, overlapping objectives between diverse sectors, and insufficient relevant information and data.⁴⁶

Amendment to existing legislation

While facing the challenges described above, Zambia amended the Environmental Management Act 2011 through the Environmental Management (Amendment) Act 2023.⁴⁷ It had been identified that there were significant changes to environmental management and climate change adaptation in Zambia since the Act's enactment in 2011. In relation to climate change, the Environmental Management Act 2011 previously included provisions requiring the relevant Minister to develop guidelines for climate emergencies, and requiring the relevant Agency to research climate change.

Although the 2023 amendments mainly related to the solid waste regime, the new Clause 9(2)(p)(q) of Environmental Management Act 2011 introduced provisions to “*promote actions on climate change adaptation and mitigation in collaboration with an appropriate authority*” and “*undertake inventory of greenhouse gas emissions*”. The inventory of GHGs is now being implemented by the Zambia Environmental Management Agency (ZEMA).⁴⁸

⁴⁰ <https://www.lusakatimes.com/2020/10/15/crusade-on-climate-change-needs-inclusiveness/>;
<https://tizambia.org.zm/2024/10/remarks-by-the-permanent-secretary-ministry-of-green-economy-and-environment-dr-douty-chibamba-during-the-launch-of-the-gap-analysis-and-corruption-risk-assessment-of-climate-finance-in-zambia/>;
<https://www.parliament.gov.zm/node/9923>

⁴¹ <https://www.lusakatimes.com/2022/05/12/govt-to-formulate-climate-change-bill/>

⁴² <https://www.mgee.gov.zm/wp-content/uploads/2023/10/Part-1-of-the-carbon-market-framework-for-zambia.pdf>;
<https://www.parliament.gov.zm/node/10881>

⁴³ <https://tizambia.org.zm/2024/10/remarks-by-the-permanent-secretary-ministry-of-green-economy-and-environment-dr-douty-chibamba-during-the-launch-of-the-gap-analysis-and-corruption-risk-assessment-of-climate-finance-in-zambia/>

⁴⁴ See <https://www.parliament.gov.zm/node/11566>

⁴⁵ <https://www.agnesafrika.org/southern-africa-parliamentarians-rally-behind-a-unified-model-climate-change-law-to-strengthen-regional-legislation/>

⁴⁶ <https://www.parliament.gov.zm/node/10078>

⁴⁷ <https://www.parliament.gov.zm/node/11188>

⁴⁸

https://www.parliament.gov.zm/sites/default/files/documents/committee_reports/REPORT%20OF%20THE%20COMMITTEE%20ON

Overall, the climate-related provisions of this Act were limited in scope, and the amendments were criticised for failing to realign the Environmental Management Act with the UNFCCC or other international and regional climate change instruments.⁴⁹

Framework law

In late 2024, the Zambian Government introduced a draft framework law. The draft Green Economy and Climate Change Bill was introduced on 31 October 2024⁵⁰ and was open for public consultation until 28 November 2024. Following this, the bill was passed as law. However, the act will only come into commencement, i.e. into operation, “on the date that the Minister may appoint by statutory instrument” (see section 1 of the Act) which, to our knowledge, has not yet happened at the time of writing. Section 47 of the law obliges a minister (unclear which minister) to develop a National Adaptation Plan and National Mitigation Plan within two years of the commencement of the Act.

This Act aims to (among other things):⁵¹

- provide for climate change adaptation and disaster risk reduction;
- provide for climate change mitigation, low emission development, green economy and related actions;
- regulate carbon markets;
- provide for environmental and social safeguards in climate change actions;
- establish the Climate Change Fund; and
- implement the UNFCCC and the Paris Agreement domestically.

This Act contains much more detail on climate-related measures than the amendment to the Environmental Management Act 2011 referred to above.

A report from the Committee on Agriculture, Lands and Natural Resources on the draft Bill⁵² notes that all stakeholders who were consulted believed it “*would have a positive impact on Zambia’s efforts to combat climate change*” and “*consolidate various climate action initiatives under one legislative umbrella as well as provide for coordination of the efforts of various stakeholders*”.

The Committee noted duplication and overlap between this Bill (which provides that GHG inventory will be undertaken by the Department of Green Economy and Climate Change) and Clause 9(2)(p)(q) of Zambia’s Environmental Management Act 2011 (referred to above), under which ZEMA undertakes this function.

[%20AGRICULTURE%2C%20LANDS%20%26%20NATURAL%20RESOURCES%20ON%20THE%20GREEN%20ECONOMY%20AND%20CLIMATE%20CHANGE%20BILL%2C%20N.A.B%20NO.%2018%20OF%202024%20%20FOR%20THE%20FOURTH%20SESSION%20%20OF%20THE%20NATIONAL%20ASSEMBLY.pdf](#)

⁴⁹ <https://www.sciencedirect.com/science/article/pii/S2667006223000230>

⁵⁰ <https://zambialii.org/akn/zm/doc/bill/2024-11-01/the-green-economy-and-climate-change-bill-no-18-of-2024/eng@2024-11-01>

⁵¹

<https://www.parliament.gov.zm/sites/default/files/documents/acts/Acts%20No.%2018%20for%202024%2C%20The%20Green%20Economy%20and%20Climate%20Change%2C%20pdf.pdf>

⁵² See footnote 48.

The Bill has faced some criticism, such as for failing to include provisions for Free, Prior, and Informed Consent (FPIC) to take into account the views of local communities, and because it would create new institutions while there are already existing bodies tasked with climate action, which could lead to institutional duplication and inefficiencies.⁵³ Other criticisms have been raised by carbon project developers, for not providing enough clarity on certain institutional, procedural, capacity, technical and temporal aspects.⁵⁴

Uganda

Uganda's experience with enacting a climate framework law is interesting because the bill initially faced significant issues due to a lack of support for it, but this was overcome through consensus building.

Uganda had ratified the UNFCCC, Kyoto Protocol and Paris Agreement by 2016, but did not have any legal/regulatory framework for domestic implementation of the treaties and did not have any overarching climate legislation.⁵⁵ Whilst Uganda had some sectoral laws which addressed climate change, the Ugandan Parliament's Committee on Climate Change opined that climate change tended to be overshadowed and lose prominence upon implementation of the sectoral laws.⁵⁶

Its parliamentary climate change forum began to consider the creation of a framework law in 2018, and a draft bill was approved by Cabinet in 2019⁵⁷ and published in 2020⁵⁸ after significant efforts by government and non-government actors.⁵⁹

However, the bill then reportedly stalled as there was no effective mechanism to coordinate efforts and galvanise its support. Key stakeholders had been involved – e.g. the Ministry of Water and Environment, Parliament, NGOs, academia – but their impact was limited because they were operating in silos.⁶⁰

The Westminster Foundation for Democracy (WFD), a UK public body, engaged with the Climate Change Committee and the Parliamentary Forum on Climate Change and convened all actors involved to review the bill and generate consensus and advocate for its passage, for example by convening a high-level roundtable. WFD supported a lobby meeting with the Speaker and Deputy Speaker of Parliament, WFD parliamentary champions and members of the Climate Change Committee to solicit support for the bill. Following this, when it was tabled at Parliament, the bill passed without opposition.⁶¹

Uganda's Climate Change Act (among other things):

- gives effect to the UNFCCC, Kyoto Protocol, and Paris Agreement by giving these treaties the force of law in Uganda,

⁵³ https://www.facebook.com/story.php?story_fbid=603499035578696&id=100077558140264&_rd=1

⁵⁴ <https://www.linkedin.com/pulse/2024-green-economy-climate-change-act-zambia-clinton-shamakamba-wbirf/>

⁵⁵ <https://bills.parliament.ug/attachments/CCH3-20-Report%20of%20the%20Committee%20on%20Climate%20Change%20on%20the%20National%20Climate%20Change%20Bill.%202020.pdf>

⁵⁶ See footnote 55.

⁵⁷ <https://web.archive.org/web/20220706072534/https://www.mediacentre.go.ug/media/cabinet-decisions-taken-during-cabinet-meeting-held-monday-25thmarch-2019>

⁵⁸ https://bills.parliament.ug/user_bill_stage.php?billid=379

⁵⁹ <https://www.wfd.org/story/forging-consensus-get-crucial-climate-bill-passed-uganda>

⁶⁰ <https://www.wfd.org/story/forging-consensus-get-crucial-climate-bill-passed-uganda>

⁶¹ <https://www.wfd.org/story/forging-consensus-get-crucial-climate-bill-passed-uganda>

- mandates the creation of a Framework Strategy on Climate Change, as well as a National Climate Action Plan and District Climate Action Plans,
- contains a series of provisions establishing a transparency framework and MRV system,
- permits the Minister responsible for Climate Change to
 - develop further regulations regarding participation in climate change mechanisms such as emissions trading mechanisms, and
 - make further regulations regarding the responsibilities of private entities.
- creates a National Climate Change Advisory Committee to provide independent technical advice,
- clarifies the responsibilities of District and local governments with respect to climate change,
- regarding climate change litigation, contains broad provisions on standing to bring cases before the High Court against the Government, an individual, or private entity "whose action or omission threatens or is likely to threaten efforts towards adaptation to or mitigation of climate change".

2.1.2 *Non-African countries' framework laws*

Other countries which have enacted framework laws include: Chile, Fiji, Guatemala, Mexico, Norway, Peru, Portugal, United Arab Emirates (UAE), UK, etc. **Annex 2** contains a summary table of provisions in the climate framework laws of Mexico, Guatemala and the UAE. This table shows how these countries' framework laws respond (or not) to the World Bank's twelve key elements to assess the scope of climate framework legislation.⁶²

2.2 Sectoral-only laws

We have set out below examples from Malawi, Chad, and Ghana. These countries have no framework legislation but instead have some climate-related provisions in sectoral legislation.

Malawi

The Malawi Government stated in 2023 that it wished to develop a Climate Change Act by the end of 2024,⁶³ and it was reported that the Government was preparing a position paper on the need for a new legal instrument to guide climate action.⁶⁴ However, neither the legislation nor position paper appear to have been published yet. We understand that the Ministry responsible for climate change matters is at the conception and consultation stage of the law-making process, which is essentially the first step in this process.

⁶² See footnote 39.

⁶³ https://unfccc.int/sites/default/files/resource/Malawi_presentation%20pptx_FSV15.pdf

⁶⁴ <https://documents1.worldbank.org/curated/en/099545010272237260/pdf/P1772201ced75ce9182e7142761bde013662bca4fe42.pdf>

The enactment of another climate-related law, the Disaster Risk Management Act, was a lengthy process. Consultations with stakeholders first started in 2013,⁶⁵ the bill was drafted in 2021 and then passed in 2023⁶⁶. It is reported the consultations were extensive but enabled to identify the types of provisions that would need to be included in the new law.⁶⁷

The Environment Management Act 2017,⁶⁸ establishes the Environment Fund which is administered by the Malawi Environmental Protection Authority, also established under the Act.

Chad

Chad's legal system is based in French civil law and there are elements of customary law. It has signed various climate agreements such as the UNFCCC, and has legal instruments on the Great Green Wall⁶⁹ (a multinational initiative to combat climate change and desertification in the Sahel region in Africa) and environmental protection.⁷⁰ It does not have a framework climate law, but does have various provisions on the environment in its 2018 Constitution (see below on recent changes).⁷¹ Chad also issued a decree in 2018 on the creation, remit, composition and operation of the National Designated Authority of the Green Climate Fund in Chad.⁷²

Chad has undergone the following political changes in recent years: the 2018 Constitution was suspended in April 2021; a constitutional referendum was held in December 2023 and a new constitution entered into force;⁷³ a presidential election was held in May 2024; and a parliamentary election was held in December 2024. The 2023 Constitution contains provisions on the environment that are essentially equivalent to those in the 2018 Constitution: Article 51 provides that everyone has the right to a healthy environment and Article 57 provides that environmental protection is a duty for all.⁷⁴

Ghana

Ghana has various laws to regulate climate change matters including the Environmental Protection Agency Act (1994) Act 490 (EPA Act), the Renewable Energy Act (2011) Act 932 and the Petroleum Production and Exploration Act (2016) Act 919.⁷⁵ However, there is no law defining or classifying carbon and no law governing Ghana's participation in carbon markets. An update to the EPA Act is expected to include legislative provisions on carbon markets.⁷⁶

Ghana's reliance on sectoral legislation for climate provisions has been criticised on the basis that it leads to climate issues becoming secondary to other issues like land use and

⁶⁵ https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2024-01/Development%20of%20Malawi%E2%80%99s%20%20Disaster%20Risk%20Management%20Act%202023%20%282%29.pdf

⁶⁶ <https://www.refworld.org/legal/legislation/natlegbod/2023/en/147705>

⁶⁷ See footnote 65.

⁶⁸ <https://malawilii.org/akn/mw/act/2017/19/eng@2017-05-05>

⁶⁹ https://climate-laws.org/document/order-no-12-04-establishing-the-national-agency-of-the-great-green-wall_8168

⁷⁰ <https://ampeid.org/documents/chad/law-no-014-pr-98-defining-the-general-principles-of-environmental-protection/>

⁷¹ https://unfccc.int/sites/default/files/resource/CHAD-NAP_EN-web.pdf (p.18);

https://www.constituteproject.org/constitution/Chad_2018

⁷² <https://faolex.fao.org/docs/pdf/Cha185830.pdf>; https://unfccc.int/sites/default/files/resource/CHAD-NAP_EN-web.pdf (p.18);

⁷³ <https://www.dw.com/en/after-a-new-constitution-whats-next-for-chad/a-67851992>

⁷⁴ <https://presidence.td/wp-content/uploads/2024/06/Constitution.pdf>

⁷⁵ <https://theconversation.com/ghana-is-behind-the-curve-on-climate-change-laws-expert-suggests-a-way-to-get-corporations-on-board-218612>

⁷⁶ <https://openknowledge.worldbank.org/server/api/core/bitstreams/be9a2ac1-4b9c-597e-bb33-4ef086cdd0ff/content>

conservation.⁷⁷ Ghana published a National Climate Change Policy (NCCP) in 2013 but does not have a framework legislation on climate change. While the NCCP contains a framework covering all relevant sectors and stakeholders in mitigation and adaptation and thereby usefully guides policy directions and actions, there is a lack of enforceability and sanctions attached to the NCCP, and some have argued there is a lack of implementation drive due to a lack of political will and inadequate funding.⁷⁸

2.3 Key takeaways from countries' approaches to sectoral versus framework legislation

General points on framework legislation

- Some may choose to enact a framework law because climate-related provisions in sectoral laws may be overshadowed by other non-climate related provisions of the legislation.
 - This is partly why Uganda chose to adopt framework legislation when sectoral legislation related to climate change already existed.
 - Ghana's approach to legislate on climate issues through sectoral legislation (and not framework law) has been criticised on the basis that it leads to climate issues becoming secondary to other issues like land use and conservation.
- Framework legislation (as opposed to sectoral legislation) may be necessary to coordinate action amongst different stakeholders in government and consolidate overlapping policies.
- A lack of framework legislation to back up policies and plans can mean there is a lack of sanctions/enforcement relating to climate change matters.
- Even among countries that have framework laws, the approaches taken may differ. The elements will depend on each country's specific political and governance context, and the feasibility of implementation.
 - Some framework laws, such as Uganda's, do not contain a target.
 - Other framework laws, such as Nigeria's, do not provide for subnational governance.

Identifying overlap(s): it is important to identify potential overlap(s) between the new law and existing laws containing climate-related provisions prior to drafting the new law – such as overlap between mandates of different government departments – and identify how these will be addressed.

⁷⁷ See footnote 75.

⁷⁸ <https://journals.sagepub.com/doi/10.1177/14614529231200167>

- In the case of Zambia’s framework law, these issues were identified whilst the bill was being reviewed by the relevant parliamentary committee, highlighting the importance of legislative scrutiny.

Clear drafting: whichever approach is taken (framework vs sectoral legislation), clear drafting is important and will make it more likely that targets are met. Obligations must be clearly assigned, time-bound and detailed, to ensure their enforceability.⁷⁹ These must be accompanied by monitoring, review and enforcement mechanisms.

Consultation: in-depth consultation on draft legislation with civil society and relevant stakeholders from across different sectors – e.g. business, academia, trade unions, etc – should be carried out as they help to:

- identify, and respond to, issues with draft legislation,
- build consensus amongst stakeholders which in turn is likely to:
 - contribute to legislation being passed,
 - contribute to the successful implementation of the measures outlined in the law,
 - augment the ambition of the law,
 - ensure the processes to implement the law are also participatory.

Alternatives – amending existing legislation: if there is a need to legislate for a specific climate-related provision, it may be possible to amend existing legislation instead of developing a framework law. This approach could be quicker and subject to less scrutiny than enacting new legislation. In addition, amending existing legislation could also be done in parallel with the development of a framework law.

- In Zambia, this two-pronged approach allowed the government to start developing GHG emissions inventories even though the process for enacting a framework law had stalled.
- Zimbabwe, which is in the process of finalising its framework climate law, also took a two-pronged approach:
 - Its 2023 Carbon Credits Trading (General) Regulations provided for the responsible authority, the registration, monitoring, reporting, and verification of carbon credit projects, and the sharing of proceeds from carbon credit trading, among others.
 - The institutional architecture for the carbon credit market is being created through the country’s Climate Change Management Bill.⁸⁰

⁷⁹ <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2021/11/Accountability-mechanisms-in-climate-change-framework-laws.pdf> (p. 2).

⁸⁰ <https://africanclimatewire.org/2024/08/zimbabwe-seeks-to-calm-carbon-market-waters/>

Alternatives – including a climate-related provision in the constitution: some of the signalling which comes from enacting a framework law may be achieved by including a climate-related provision in a country’s constitution. Inclusion of climate or environmental matters in a constitution is likely to be a strong signal, given that constitutions are generally seen as the foundational laws of a country and more permanent than other legislation (since they require greater legislative effort and scrutiny to amend). However, other aspects intrinsic to a framework climate law (such as setting out targets and accountability mechanisms) are not well suited to be included in a constitution.

Implementation: framework law should consider carefully its implementation steps and ensure that sufficient time is given for their drafting in the same law. Implementation of a framework act is lengthy:

- it often requires responsible institutions to detail the process to enact instruments under the act;
- which in turn requires the enactment of the instruments themselves - such as emission limit regulations, mitigation and adaptation plans, etc.;
- if often creates institutions or bodies that need to be further regulated to be in place.

3 **African Model Climate Change Law**

The African Group of Negotiators Experts Support (AGNES) – a not-for-profit thinktank of African experts and practitioners that provides evidence-based technical support to African Governments and the African Group of Negotiators (AGN) – has mentioned an African Model Climate Change Law in press releases.

There is not much information available publicly on this, and it is not clear if AGNES have developed their own model law, or if they are referring to the model law developed by the Pan African Parliamentarians.

The information we have been able to find on an African model climate change law is as follows:

- On 3 July 2024, the Pan-African Parliamentarians reportedly adopted a “climate change Model law” which is expected to guide legislation at national levels.⁸¹ The Model Law on Climate Change was developed by the committee on rural economy, agriculture, environment and natural resources and took into account the diverse legal traditions within the African Continent. This followed a resolution adopted around a year ago, on 1 June 2023, approving the proposal for the development of this model law.⁸²
- At the Second Regional Southern Africa Parliamentary Meeting on Climate Change in Windhoek, Namibia, in early August 2024, it was noted that Southern African countries have faced challenges in creating climate legislation (e.g. Zambia, as described above).

⁸¹ <https://pacja.org/a-model-law-on-climate-change-adopted-what-is-next/>

⁸² <https://pacja.org/wp-content/uploads/2024/07/Adopted-Resolution-on-the-Development-of-a-Model-Law-on-Climate-Change-for-Africa.pdf>

Therefore, there is strong support for a Southern African model climate change law which could be adapted for national contexts and serve as a guide for national laws.⁸³

- During the Pre-COP29 AGNES Strategy Meeting from 30 August to 5 September 2024, the African Network of Parliamentarians on Climate Change (ANPCC) was established through the [Abidjan declaration](#). At a side meeting, AGNES presented key elements of the “Climate Change Model Law for Africa”⁸⁴ and the ANPCC requested intensified research and identification of best practices especially in Carbon Markets and Trading, Climate Finance, Just Transition and Public Participation.⁸⁵
- AGNES conducted a validation exercise of the final draft in January 2025 in Nigeria.⁸⁶ With the law now validated, the next steps include its review by the ANPCC and the Pan-African Parliament Permanent Committee on Environment, Agriculture, Rural Development, and Natural Resources.⁸⁷ Additionally, a Best Practices Report will be published and presented for consideration and adoption by national and regional parliaments across the continent.

We have not been able to obtain a copy of the Model Climate Change Law. Its content is reported to include (see reference in footnote 87):

1. Objects and Principles of the Law

The principles and objects of the Law which shall guide stakeholders when undertaking climate action, interpreting the provisions of this Law or performing any other climate-related initiatives.

The objects of the Law include providing a solid policy coordination and institutional framework as well as provide for climate finance.

The principles include the precautionary principle, the prevention principle, and the principle of common but differentiated responsibilities and respective capabilities.

2. Policy, Coordination and Institutional Frameworks

A framework (adjustable to the respective countries’ institutional regimes) on climate policy coordination as well as establishing institutions with mandates of implementation of climate change policy.

A coordination mechanism for valuating the amount and expenditure of climate finance by Government towards climate action (Climate Budget Tagging).

3. National Climate Change Responses

A guiding framework for the development and communication of national climate change responses such as National Adaptation Plans, Nationally Determined Contributions and Long-

⁸³ <https://www.agnesafrica.org/southern-africa-parliamentarians-rally-behind-a-unified-model-climate-change-law-to-strengthen-regional-legislation/>

⁸⁴ https://www.linkedin.com/posts/agnes-africa-53bb172a9_weve-just-wrapped-up-an-incredibly-productive-activity-7232032983111663619-sm0O/

⁸⁵ https://www.linkedin.com/posts/agnes-africa-53bb172a9_weve-just-wrapped-up-an-incredibly-productive-activity-7232032983111663619-sm0O/

⁸⁶ <https://www.agnesafrica.org/african-climate-change-law-validation-meeting-set-for-abuja/>

⁸⁷ <https://www.agnesafrica.org/african-lawmakers-validate-landmark-model-climate-change-law-in-abuja/>

Term Low Emissions Development Strategies including preferable components that are contained in these documents.

4. Carbon Markets and Trading

A best practice framework for conducting carbon trading in Africa including the best institutional arrangements, project requirements, benefit-sharing mechanisms, and methodologies for measurement, reporting, and verification of mitigation outcomes from carbon projects.

5. Climate Finance

Best practices on sustainable climate financing, record keeping, and the use of climate finance for climate action. Provisions for auditing of climate finance to ensure accountability and transparency.

6. Enhanced Transparency Framework

Monitoring, Evaluation and Learning of Adaptation action, Measurement, Reporting and Validation of Mitigation outcomes and National Communications of the country to the relevant institutions and international mechanisms such as the UNFCCC.

A guiding framework for the development and communication of the Biennial Transparency Report required under the Paris Agreement as transparency mechanism that may be adopted by countries.

7. Public Participation

The principle of public participation is entrenched, providing various channels and avenues through which the public and private sector can contribute to the State's climate change commitments and objectives.

Provisions also ensure access to climate information by the public through climate fora, notices and access to registries maintained by the Government's institutions.

4 Legislative corpus on climate change

(Cited materials currently only available in French).

The Parliamentary Assembly of La Francophonie (APF) published in March 2024 a [comparative study](#) on good legislative and parliamentary practices to implement the Paris Agreement in French-speaking countries (hereafter referred to as the "legislative corpus").

The objective of this legislative corpus and its roll-out is to foster the development, adoption and implementation of relevant and effective climate laws in French-speaking countries to facilitate their access to climate finance and strengthen the resilience of their populations and institutions to the present and future effects of climate change.

The legislative corpus on climate change is composed of:

- (i) an inventory of the implementation of the Paris Agreement in French-speaking countries as of 2023 which identifies best legislative and parliamentary practices in climate matters (PART I – [REPORT](#), 56 pages);
- (ii) country fact sheets referencing all the relevant climate laws, policies and tools that were used to identify the practices in PART I (PART II - [COUNTRY FACT SHEETS](#), 69 pages); and
- (iii) a toolbox proposing 10 concrete actions to assist parliaments in developing and implementing an effective climate law to:
 - a. develop a robust legislative framework;
 - b. strengthen the institutional framework and climate governance;
 - c. monitor government action on climate matters; and
 - d. finance national climate policy.
 (PART III – [TOOLBOX](#), 39 pages)

In 2024, three regional seminars were organised to roll-out the legislative corpus:

- (i) in Malabo, Equatorial Guinea, for the Congo Basin countries (Cameroon, Gabon, Equatorial Guinea, Democratic Republic of Congo, Central African Republic);
- (ii) in Mahé, Seychelles, for the Indian Ocean countries (Comoros, Madagascar, Mauritius, Seychelles); and
- (iii) in Nouakchott, Mauritania, for the Sahel countries (Benin, Ivory Coast, Mauritania, Togo).

These seminars raised awareness among parliamentarians of the urgency of adopting a climate law in 2025, ten years after the Paris Agreement. They also initiated collaboration between parliaments in the same region with similar climate issues, in particular to gain feedback from countries that already have a climate law (Benin, Gabon, Mauritius) as well as between those present - members of the government, experts and parliamentarians from the same country.

Among the participating countries, Equatorial Guinea, Togo, Côte d'Ivoire, are currently developing a draft/proposal for a climate law and Mauritius has begun a process of improving its current climate law.⁸⁸

⁸⁸ Dr. Stéphanie Reiche-de Vigan, RAPPORT D'ÉTAPE Sur le déploiement du Corpus législatif sur les changements climatiques élaboré par l'Assemblée parlementaire de la Francophonie (APF) pour accompagner les parlements francophones vers l'adoption de lois climat, APF, 15 décembre 2024. https://apf-francophonie.org/sites/default/files/2025-02/Corpus%20climat-Rapport%20d%27%C3%A9tape%202024%20VF_0.pdf

Annex 1 Summary table of provisions in selected African climate framework laws

Key elements for framework legislation ⁸⁹	Kenya	Nigeria	Uganda	South Africa
1. Long term targets a. Net zero emission b. Adaptation	The Climate Change Act (Chapter 387A, Rev Ed 2023) ⁹⁰ states that the National Climate Change Council shall set the targets for the regulation of GHG emissions (Section 6).	The 2021 Climate Change Act ⁹¹ sets a target to achieve net zero GHG emissions between 2050 and 2070. (Section 1(f)) <i>(As Nigeria is a major oil exporter, the emphasis on mitigation is significant. This Act also moved Nigeria away from focusing on climate resilience to a large extent as opposed to mitigation.²⁵)</i>	The National Climate Change Act, 2021 ⁹² - does not contain any long term target.	The Climate Change Act 2024 ⁹³ does not contain specific targets but requires the Cabinet Minister to publish targets (Section 24). Until these are published, South Africa's NDC remains the current target, which as of 2023 is a commitment for GHG levels of 398-510 MtCO ₂ e by 2025, and 350-420 MtCO ₂ e by 2030.
2. Intermediate and sectoral targets	There are no intermediate or sectoral targets.	The Federal Ministry responsible for Environment shall, in consultation with the Federal Ministry for National Planning, set the carbon budget and budgetary period for Nigeria and periodically revise the carbon budget in line with Nigeria's NDCs (Section 19).	There are no intermediate or sectoral targets.	Sectoral targets are also not contained within the Act and must be set by the Cabinet Minister (Section 25).
3. Risk and vulnerability assessments	Climate risk and vulnerability assessments shall be incorporated in all forms of assessment (Section 20).	The Federal Ministry of the Environment shall publish detailed national, regional and sectoral climate vulnerability and risk assessments that will	The Act does not provide for risk and vulnerability assessments.	Metropolitan/district municipalities must undertake a climate change needs and response assessment within 1 year of publication of National

⁸⁹ <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/267111608646003221/world-bank-reference-guide-to-climate-change-framework-legislation> World Bank Group, World Bank Reference Guide to Climate Change Framework Legislation (December 2020) at 8-9.

⁹⁰ <http://kenyalaw.org/8181/exist/rest/db/kenyalex/Kenya/Legislation/English/Acts and Regulations/C/Climate Change Act - No. 11 of 2016/docs/ClimateChangeAct11of2016.pdf>

⁹¹ <https://faolex.fao.org/docs/pdf/NIG208055.pdf>

⁹² https://climate-laws.org/documents/national-climate-change-act-2021_0dc4?id=national-climate-change-act-2021_aeec

⁹³ https://www.gov.za/sites/default/files/gcis_document/202407/50966climatechangeact222024.pdf

		serve as the basis for adaptation components of the Action Plan (Section 19(5)(a)).		Adaptation Strategy and Plan (Section 17). The National Adaptation Strategy and Plan must contain assessment of vulnerability to climate change and related risks (Section 21).
4. Climate change strategies and plans	Mandates the Cabinet Secretary to formulate a National Climate Change Action Plan, to be updated every five years, with implementation review conducted every two years (Section 13).	The Secretariat to the National Climate Change Council, in consultation with the Federal Ministries responsible for Environment, and Budget and National Planning, shall formulate an Action Plan in every five-year cycle, with the first to be produced not later than 12 months from the commencement of this Act. The Act sets out the components of the Action Plan. (Section 20)	The Climate Change Department in the Ministry of Water & Environment shall, within one year of the commencement of this Act, develop a National Climate Change Action Plan to be reviewed every five years or earlier (Section 6).	The Cabinet Minister must develop and publish a National Adaptation Strategy and Plan within two years of commencement of the Climate Change Act (Section 21). This Plan must be reviewed and amended every five years.
5. Policy instruments a. Carbon pricing b. Information c. Regulation d. Programs e. Fiscal measures – Tax rates f. Fiscal management – budgeting; public investment; assessment of fiscal risks	The Act contains provisions regulating carbon markets, including environmental impact assessments and provision of social and environmental benefits (Part IVA).	Section 24 of the Act sets out the climate obligations of private entities that aims to mainstream climate considerations and transition planning in the private sector, with a focus on mitigation measures and alignment with national emissions goals. <i>(The intention was to future-proof the activities of the country's private sector by requiring a broad swathe of private entities to engage with the act, and to ensure that mitigation actions can be enforced. However, the implementation remains unclear pending further</i>	The Minister may make regulations on emissions trading mechanisms, and non-market and cooperative approaches under the Paris Agreement (Section 9).	The Act aims to develop a national climate change response to ensure a long-term just transition to a climate-resilient low-carbon economy and society in South Africa. The Act provides for carbon budgets to be assigned to persons engaged in the activities which emit or have the potential of emitting GHGs.

		<i>guidance from the government.⁹⁴⁾</i>		
6. Independent expert advice	There are no provisions on independent expert advice.	There are no provisions on independent expert advice.	The Ministry of Water & Environment shall constitute a National Climate Change Advisory Committee comprised of technical experts and four other persons from the National Planning Authority, academia, private sector and civil society, to provide independent technical advice to the Policy Committee on the Environment and the Minister (Section 16).	There are no provisions on independent expert advice.
7. Coordination mechanism	<p>Establishes a National Climate Change Council, appointed by the President, to oversee implementation (Sections 5 to 7).</p> <p>The Act outlines specific duties for all state ministries, departments, and agencies (Section 15); establishes a Climate Change Directorate to lead implementation (Section 9); and appoints a senior official to coordinate the mainstreaming of climate change into sectoral strategies.</p>	<p>Establishes a National Climate Change Council vested with powers to make policies and decisions on all matters concerning climate change in Nigeria and coordinate the implementation of sectoral targets (Sections 3 and 4). The Council consists of the President of Nigeria, various Ministers and other representatives (Section 5). The Council shall appoint zonal coordinators from the six geopolitical zones of Nigeria (Section 11).</p> <p>Ministries, departments and agencies shall establish a climate change desk to be supervised by an officer not below the Directorate cadre, to integrate climate change</p>	A lead agency shall prepare a Lead Agency Climate Action Plan to indicate joint projects of national and local governments (Section 7).	The Presidential Climate Commission, which existed before the Act, continues to exist. This is made of up to 25 members from various parts of society and advises on the country's climate change responses (Sections 10 to 16).

⁹⁴ Innovations in climate change legislation: Kenya, Uganda and Nigeria in focus, The Parliamentarian (Issue 4, 2023) <https://www.lse.ac.uk/granthaminstitute/news/innovations-in-climate-change-legislation-kenya-uganda-and-nigeria-in-focus/> at 314.

		activities into their core mandate (Section 22).		
8. Stakeholder engagement	The Act contains provisions to ensure public participation in developing strategies, laws and policies relating to climate change (Section 24) and develop a public engagement strategy for climate change action plans and to encourage the public to contribute to the achievement of those plans (Section 30).	The Action Plan shall first be published to the general public for consultation for a period of not less than eight weeks, ending 14 days before the presentation of said plan to the National Climate Change Council and Federal Executive Council (Section 20). The Secretariat shall publish its public engagement strategy each year, setting out the modalities to achieve the Act's objectives (Section 30).	The Act does not have any provisions mandating stakeholder engagement.	Before exercising certain functions/powers under the Act, the relevant person responsible must give notice to the public and consider responses received (Section 32).
9. Subnational governments	County governments shall integrate and mainstream climate change actions, interventions and duties set out in this Act and may enact legislation to further define implementation of its obligations under this Act (Section 19).	There are no provisions for subnational governments.	Each district in Uganda shall develop a District Climate Change Action Plan, within one year after the development of the National Climate Change Action Plan (Section 8). The Natural Resources department of a district is responsible for the implementation of said plan (Section 18). Local governments, on the advice of the District Environment and Natural Resources Committee, shall appoint lower level government climate change committees responsible for climate change in their local jurisdictions (Section 20).	The Act establishes the Provincial Forum on Climate Change to coordinate climate change response actions in the relevant province (Section 8). The Act establishes the Municipal Forum on Climate Change to coordinate responses and actions for the relevant municipality (Section 9).
10. Financing implementation	The Act establishes a Climate Change Fund to be administered by the Council (Section 25) and mandates that the Cabinet Secretary grant	Establishes a Climate Change Fund for administering the Council, climate change advocacy and information dissemination, innovative	The Minister responsible for finance shall in consultation with the Minister for Water & Environment, provide for climate change financing,	Sets requirements for funding of the Presidential Climate Commission (Section 14). A further mechanism to support funding must be established by

	incentives for mitigation and adaptation (Section 26).	climate change and adaptation projects, conducting assessment of climate change impact on vulnerable communities, etc. (Section 15). The Council may borrow money from financial organisations (Section 17) and may accept gifts of property on terms not inconsistent with the functions of the Council under this Act (Section 18).	taking into account viable climate change financing mechanisms at the national level and international climate change financing mechanisms (Section 21). The Minister may provide incentives to persons engaged in implementing response measures for adaptation and mitigation (Section 22).	the Cabinet Minister (Section 18).
11. Measuring, reporting and verification	Empowers the coordination body, the National Climate Change Council, to impose climate change obligations on private entities and stipulates investigation, monitoring, and enforcement powers (Sections 15 and 16). The Cabinet Secretary shall make regulations to guide the reporting and verification of climate change actions (Section 22).	The Federal Ministry of the Environment may publish guidelines for measurement, reporting and verification of national emissions that will serve as the basis for the setting and annual review of the carbon budget (Section 19(5)(b)).	The Minister shall by regulations prescribe the standard format, requirements and methodologies for measurement of emissions and removals of the targeted GHG (Sections 10 and 11). The Commissioner of the Department of Climate Change shall deliver an annual national report to meet Uganda's international obligations, with verified GHG data verified (Sections 12 and 13).	The Cabinet Minister must determine indicators for measuring progress (Section 19). The Cabinet Minister is responsible for developing/amending policies on emissions targets and for monitoring progress on emissions targets (Section 35).
12. Oversight	Requires the Cabinet Secretary for environment and climate change to report annually to the parliament on the status of international and national climate commitments and on progress toward achieving low-carbon, climate-resilient development. (Section 8) The law also provides broad standing for citizens to bring claims before the Environment and Land Court in response to actions that have adversely affected, or are likely to affect,	The Director-General of the Secretariat of the Council shall, within one year of formulating the Action Plan for each five-year-cycle, submit to the Council and National Assembly Committees on Climate Change, a detailed report on the state of the nation with regards to climate change. The Director-General shall, within three months after the end of every financial year, publish publicly and submit to the National Assembly, an	A person may apply to the High Court for relief against the Government, an individual or a private entity whose action or omission threatens or is likely to threaten efforts towards adaptation to or mitigation of climate change (Section 26). The Department of Climate Change shall submit a biennial report on climate change to the Minister who shall submit it to	Provides deadlines and parameters for reporting to government by the Presidential Climate Commission (Section 15).

	mitigation and adaptation efforts (Section 23).	evaluation report on performance of climate change duties by private and public entities (Section 21).	Cabinet for consideration (Section 27).	
--	---	--	---	--

Annex 2 Summary table of provisions in the climate framework laws of Mexico, Guatemala and the UAE

Key elements for framework legislation ⁹⁵	Mexico ⁹⁶	Guatemala ⁹⁷	UAE
<p>1. Long term targets</p> <p>a. Net zero emission</p> <p>b. Adaptation</p>	<p>The 2018 decree amending the 2012 General Law on Climate Change includes an unconditional commitment to reduce greenhouse gas emissions by 22% and black carbon emissions (from charcoal or soot) by 51% below business as usual by 2030, implying that emissions would peak by 2026 and that the intensity of GHG emissions per unit of GDP will be reduced by about 40% between 2013 and 2030.</p> <p>There is a conditional target to further reduce greenhouse gas emissions by 36% and black carbon by 70% below business as usual by 2030, subject to international support.</p>	<p>The ‘Framework law to regulate vulnerability reduction and obligatory adaptation to the effects of climate change and the mitigation of GHG emissions’ (Climate Change Law)⁹⁸ does not appear to contain targets, which are in the country’s NDCs instead.</p> <p>The primary objective of the law is to provide an immediate and co-ordinated response to climate change, in part through the establishment of the National Council of Climate Change presided over by the President of the Republic, and the development of a national adaptation and mitigation plan, as well as institutional adaptation and mitigation strategies in all public institutions.</p>	<p>The Federal Law on the “Reduction of Climate Change Effects” 2024⁹⁹ does not contain targets but requires the Cabinet to determine annual targets for emission reduction (Article 5).</p>
<p>2. Intermediate and sectoral targets</p>	<p>The 2018 amendments also introduced sectoral emission reduction targets.</p>	<p>The law does not appear to contain targets (as the law is in Spanish we have identified information from reports and other documents rather than the Law itself).</p>	<p>Does not contain targets but requires the Cabinet to determine annual targets for emission reduction for all sectors (Article 5).</p>

⁹⁵ <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/267111608646003221/world-bank-reference-guide-to-climate-change-framework-legislation> World Bank Group, World Bank Reference Guide to Climate Change Framework Legislation (December 2020) at 8-9.

⁹⁶ As a full English translation of the up-to-date version of the law is not available, information on the law has been derived from this source: https://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2018/11/Policy_report_Mexico's-General-Law-on-Climate-Change-Key-achievements-and-challenges-ahead-29pp_AverchenkovaGuzman-1.pdf and an English translation of the original version of the law: https://cdn.climatepolicyradar.org/navigator/MEX/2012/general-law-on-climate-change_59bbc39608493f5839b06d68b399fc06.pdf

⁹⁷ The law is in Spanish, hence information has primarily been sourced from reports and other documents.

⁹⁸ https://climate-laws.org/document/framework-law-to-regulate-reduction-of-vulnerability-mandatory-adaptation-to-the-effects-of-climate-change-and-the-mitigation-of-greenhouse-gas-effects-decree-of-the-congress-7-2013_6c9f?q=guatemala. We have obtained most of the information here from <https://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2015/05/GUATEMALA.pdf>

⁹⁹ <https://uaelegislation.gov.ae/en/legislations/2558/download>, the law will come into effect on 30 May 2025.

<p>3. Risk and vulnerability assessments</p>	<p>The Law provides for the development of risk atlases by federal, state and municipal authorities.</p>	<p>We could not identify any provisions on risk and vulnerability assessments (as the law is in Spanish we have identified information from reports and other documents rather than the Law itself).</p>	<p>Requires the Ministry to issue a resolution regarding the development of adaptation plans including provisions on assessment of climate-related risks in the relevant sector (Article 7).</p>
<p>4. Climate change strategies and plans</p>	<p>The National Strategy on Climate Change (ENCC): The strategy constitutes a document governing national climate policy in the medium and long term with the objective of transition to a competitive, sustainable low-carbon economy. It is expected that the strategy is updated at least once every 10 years for mitigation and once every six years for adaptation.</p> <p>Special Programme on Climate Change (PECC): This programme includes measures that aim to reduce emissions of greenhouse gases and improve the ability to respond to the negative impacts of climate change. The PECC should be detailed during each governmental period – this means every six years, while the National Strategy on Climate Change is the mid-term strategy that goes beyond governmental periods.</p>	<p>The law itself does not appear to contain strategies and plans. Based on the National Action Plan for Adaptation and Mitigation, the corresponding public institutions must have institutional strategic plans, which must be reviewed and updated regularly. As a priority, strategic and operational plans will be developed around themes of health, marine coastal zones, agriculture, forestry and infrastructure (Article 15).</p>	<p>Requires development of an adaptation plan in the sectors of infrastructure, energy, environment, health, insurance and others deemed relevant (Article 7).</p>
<p>5. Policy instruments</p> <ul style="list-style-type: none"> a. Carbon pricing b. Information c. Regulation d. Programs e. Fiscal measures – Tax rates f. Fiscal management – budgeting; public 	<p>Policy planning tools outlined by the Law include the National Strategy on Climate Change (ENCC); the Special Programme on Climate Change (PECC) and the programmes of the states. Economic and financial instruments include provisions for a carbon market and the creation of the Climate Change Fund. The Law makes provisions for a Climate Change Information System, a greenhouse gas inventory, and a registry of emissions.</p>	<p>The Act delegates responsibility to the various governmental agencies to develop and implement climate change policies within specific areas to address:</p> <ul style="list-style-type: none"> • carbon emissions generated by land use and the energy sector; • the creation of a carbon market; • increasing public awareness and participation; • public financing; and 	<p>The Law focuses requirements on action on mitigation, incentivising new technologies, and emission reduction.</p>

investment; assessment of fiscal risks		<ul style="list-style-type: none"> development of climate-related policies. 	
6. Independent expert advice	<p>Consultative Council on Climate Change: This is the permanent consultative body of the Inter-Ministerial Commission on Climate Change (CICC). Its members come from the social, private and academic sectors and have recognised merit and experience in climate change. Among its functions are: 1) to advise the CICC and recommend certain studies, policies and actions, and propose adaptation and mitigation goals to face the adverse effects of climate change; and 2) to promote informed and responsible stakeholder participation, primarily through public consultations.</p>	<p>We could not find any provisions on expert independent advice (as the law is in Spanish we have identified information from reports and other documents rather than the Law itself).</p>	<p>There is no provision providing for independent expert advice.</p>
7. Coordination mechanism	<p>The Inter-Ministerial Commission on Climate Change (CICC) is the permanent coordination mechanism on climate change among the federal ministries (Secretaries of State in Mexico).</p>	<p>The Climate Change Law established the National Council of Climate Change (NCCC), which includes representatives of government ministries from national and sub-national levels, members of civil society, members of indigenous peoples' organisations, corporations, and academic institutions, and which is presided over by the President of the Republic (Article 8).</p>	<p>The Law permits the Cabinet to establish any boards or committees composed of representatives of the federal and local government entities and the private sector, but the legislation itself does not create a new board / committee (Article 9).</p>
8. Stakeholder engagement	<p>Appendix A The three levels of government shall promote the co-responsible participation of the society in the planning, implementation, and oversight of the National Climate Change Policy.</p>	<p>The guiding principles provide that the government include broad public participation in designing and carrying out climate change actions (Article 6).</p>	<p>The Law does not contain any provisions on stakeholder engagement.</p>
9. Subnational governments	<p>Under the Law, Mexico's 32 states and 2,475 municipalities are also part of the 'National System on Climate Change' and are mandated to deal with climate</p>	<p>Responsibility is delegated to various governmental agencies.</p>	<p>Boards / committees are to be established by the Cabinet and composed of representatives of the</p>

	change by creating local mitigation and adaptation programmes.		federal and local government entities and the private sector.
10. Financing implementation	Establishes a Climate Change Fund with the purpose of attracting and channeling public, and private, national, and international financial resources in order to support the implementation of actions to combat climate change. Adaptation actions shall have priority in the use of the Fund's resources.	Establishes the national climate change information system and the national climate change fund to finance projects that address risk management, adaptation and/or mitigation (with 80% of the fund dedicated to risk and vulnerability management and adaptation).	The Law does not contain any provisions on financing implementation.
11. Measuring, reporting and verification	The national policy on climate change mitigation shall include, through the planning, policy, and economic instruments set forth in this Law, diagnosis, planning, measuring, monitoring, reporting, verification, and evaluation of national emissions.	The NCCC is tasked with regulating and monitoring the implementation of actions arising out of the law, including the design and implementation of climate change policies, strategies, plans, programmes, and mitigation and adaptation measures.	When the law comes into force in 2025, sources determined by the Ministry and competent authority will be tasked with measuring emissions regularly, submitting periodic reports, and, if necessary, taking measures to reduce emissions. The Ministry and competent authority will verify the data, and collect and analyse it annually. (Article 6)
12. Oversight	The national climate change policy will be subject to periodic and systematic evaluations carried out by the Coordination for Evaluation (composed of the head of the National Institute of Ecology (INECC) and Climate Change and six civil society advisors), in order to propose, as appropriate, full or partial amendments, additions, or redirectioning. ¹⁰⁰	We could not identify any information on oversight mechanisms in the Law (as the law is in Spanish we have identified information from reports and other documents rather than the Law itself).	The competent authority and the entity concerned shall provide the Ministry, on a regular basis or upon request, with any data, reports, and studies necessary for predicting and monitoring climate change and studying its impacts. The Ministry shall, in coordination with the entity concerned and the competent authority, support and enhance local capacities and regional and international cooperation in the field of climate science and research.

¹⁰⁰ Critics (see policy report referenced at footnote 96), however, note that the law has weak accountability mechanisms, for instance that there is no independent body to assess and monitor the progress and challenges related to climate policies, because INECC is at the same time the judge of and an active party in the development of the policies.