

Making ambition enforceable:

**Enshrining NDCs 3.0 into
Framework Climate Laws**

**climate
laws
now**

Introduction

Who are ClientEarth?

At ClientEarth, we are the non-profit lawyers for the planet. We use the power of the law as a force for change, to bring about the positive change we urgently need to protect all life on Earth.

The law has an immense power to shape the world around us. That's why the rule of law and legal systems are at the heart of our work. The law forms part of society's organising systems and is one of the most effective levers for sustained environmental transformation. We use the full cycle of the law to hold power to account, create legal foundations to turn global promises into real, enforceable actions, and bring about systemic change.

We're nearly 300 people across nine offices globally, working on over 140 active cases. We have one ambitious vision – a future where people and planet thrive together.

What are some cases we have worked on recently?

Earlier this year, ClientEarth launched a landmark lawsuit against an American oil and gas company over the US's zombie wells crisis, in which fossil fuel companies have abandoned millions of disused polluting oil and gas wells across the country. This practice worsens climate change, pollutes communities and costs the taxpayer billions of dollars. ClientEarth is representing a group of property owners in Colorado asking the court to hold oil and gas companies accountable for these wells in a landmark case that could dramatically overhaul responsibility for cleaning up these toxic wells.

In Europe, ClientEarth won its case against Italian authorities to safeguard Lake Vico – a protected nature site and source of drinking water – from catastrophic pollution caused by intensive hazelnut farming in the Lazio region.

In 2023, following a legal complaint we lodged in 2021, human rights experts at the UN issued a warning to Saudi Aramco, the biggest oil and gas company in the world (and the single largest corporate emitter) of its contribution to the climate crisis, and climate-related human rights impacts in Saudi Arabia and beyond. They also stated the financial backers of Aramco's activities could be in violation of international human rights law and standards.



What is ClientEarth's position on NDCs, the transition away from fossil fuels, and framework climate laws?

We believe the First Global Stocktake, the UNEP's Emissions Gap Report, and the UN's NDC Synthesis Report make it clear that current climate commitments are falling short. COP29 is therefore a moment to galvanise governments everywhere as we approach the deadline for countries to submit new nationally determined contributions as we seek to limit warming to 1.5°C. We also need to go further and faster with our transition away from fossil fuels.

As NDCs are not legally-binding, ClientEarth believes a crucial solution to keep warming of 1.5°C within reach is the next generation of framework climate laws. These ambitious, progressive, and science-driven framework climate laws can translate political ambition into policy action: turning global promises into real, enforceable actions at the domestic level. Framework climate laws that, when adequately drafted, create a legal foundation for reducing greenhouse gas emissions with interim and long-term targets, protect people's rights and ecosystems, and provide clear guidance to business, civil society, and policymakers at a domestic level which are tailored to national circumstances.

What do we expect from COP29?

COP29 is a moment to develop a global response to the climate crises, and a crucial opportunity for positive, co-ordinated climate action on a global scale. Previous COPs have produced several climate commitments and promises, not least the milestone of the Paris Agreement in 2015. This huge achievement, based on collective endeavour, underpinned a new framework of trust and delivery by states which translated political rhetoric and ambition into tangible goals and activities.

Globally the "adaptation gap" is increasing as more and more people and ecosystems are exposed to the devastating impacts of climate change. UNEP underlines that one out of six countries lack a national adaptation planning instrument and international financial flows remain well below what is needed to address the relevant risks and vulnerabilities. The inclusion of provisions on loss and damage ensures that States meet their international human rights obligations and their duty to cooperate. By defining clear and time-bound obligations for adaptation planning and investment as well as loss and damage mechanisms, Framework climate laws can significantly increase the resilience of communities in the face of the ever-increasing threats of climate change and close the adaptation gap.

On the back of the Global Stocktake at COP28, ClientEarth urges all Parties at COP29 to make a concerted and collaborative effort to rebuild trust in the COP process by building on the UAE Consensus' commitment to transition away from fossil fuels and their financing, implementing the next generation of framework climate laws to operationalise Parties' nationally determined contributions, and to give consideration to the importance of biodiversity and the next generations when passing new climate laws.

Clientearth's four COP29 asks

1

Transition away from fossil fuels: All countries must translate COP28's UAE Consensus into action

We want to see countries committing and taking action domestically from their pledge at COP28's UAE Consensus, which saw, for the first time at a COP, specific references to transition away from fossil fuels. Countries must continue their support for a global just *'transition away from fossil fuels in energy systems, in a just, orderly, and equitable manner, accelerating action in this critical decade, to achieve net zero by 2050 in keeping with the science'*. We expect countries to commit to further reductions in greenhouse gas emissions, renewed ambition to phase-out fossil fuels from their energy and economic systems, including through leveraging sufficiency-oriented policies that reduce demand for energy and resources while delivering a decent living standard for all.

2

NDC3.0: All countries must commit to submitting NDCs on time for February 2025

We want to see ambitious, progressive and science-driven NDCs by February 2025, that are informed by the Global Stocktake and include absolute emissions reductions and cover all greenhouse gas emissions and sectors as well as adaptation. We want to see significant political statements that set out what these will look like by all countries.





3

Framework climate laws:

Countries without framework climate laws need to pass effective climate laws and governance frameworks:

States should enact comprehensive and well-designed national framework climate laws to implement their Paris Agreement commitments by COP30. Parties should commit to operationalise the plans and commitments embodied in their NDCs through laws that include interim and long-term targets requiring absolute reductions of all national greenhouse gas emissions. These economy-wide transformative laws can advance equity through an engagement with a range of domestic stakeholders, business, and civil society. They can also create the right governance frameworks to ensure that adequate financing is available for adaptation and mitigation as required by national circumstances as countries transition to net zero.

4

Countries with framework climate laws need to tighten climate-compatible decision-making to align with 1.5°C:

Institutional practices must change so that state entities are legally required to take national climate targets and the best available science into account in their decision-making, particularly when consenting to new infrastructure but also when allocating public investment and support. They must update their carbon budgets and ensure that their existing climate strategies align with 1.5°C and recent court rulings, the best available science, and existing technology and solutions to enable the delivery of those targets ahead of the next carbon budget.

1

Taking stock of recent legal judgements

Increasingly, international legal obligations are playing a critical role to accelerate global efforts to mitigate and adapt to climate change. The existing international system governing climate change and greenhouse gas reductions have generated the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement. International law, and international proceedings send signals to domestic governments on the future of international climate cooperation, and how the international legal framework can provide a guide for rules of climate action.



International Court of Justice (ICJ)

ClientEarth welcomed the passing of a United Nations General Assembly resolution, which asked the world's highest court to clarify what countries must do legally to defend human rights and the environment from climate harm.

The resolution was proposed by Vanuatu and support grew from 17 co-sponsors in December to being adopted by consent by the UN General Assembly.

The International Court of Justice will now determine what states are required to do under international law, to prevent climate-related harm to present and future generations, as well as the legal consequences for having caused significant harm.



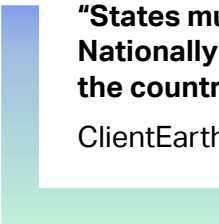
"International law is an important tool for shaping the fight against climate change – and as yet, we've not seen its full power. Advisory opinions such as this have the potential to clarify the legal obligations of States on one of the most pressing issues of our time – and can guide future climate action. This is an important advance in the climate law scape."

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International Tribunal for the Law of the Sea (ITLOS)

In May 2024 the world's highest court for marine protection issued an unprecedented advisory opinion on what states must do to safeguard the ocean from the impacts of climate change.

The tribunal unanimously found for the first time that states have an obligation to reduce their emissions to protect the ocean, that climate action may need to go beyond the Paris Agreement for countries to meet their legal obligations on marine protection, and those States with the greatest historic responsibility for climate change must step up and do more to address pollution from greenhouse gas emissions than states with smaller footprints.



"States must improve the climate plans they submit to the United Nations - known as their Nationally Determined Contributions - and today's outcome will be instrumental to push the countries most responsible for the climate crisis to ramp up their ambition."

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European Court of Human Rights (ECHR) 2024

On 9 April 2024 the European Court of Human Rights delivered its first judgment concerning climate change in the case *Verein Klimaseniorinnen Schweiz and others v. Switzerland*. ClientEarth acted as a third-party intervener.

This was the first ever climate case to be decided by an international human rights court anywhere in the world. ClientEarth is proud to have acted as a third-party intervener and to have assisted the Court with its expertise in this landmark case. The Court found Switzerland to have violated two of the fundamental rights guaranteed by the European Convention on Human Rights. The Court found that by failing to take sufficient climate action, Switzerland breached not only the right to private and family life, but also and the right to access to court. The European Court of Human Rights' judgment here is an encouraging indication of how other international and regional courts will approach the problem of the climate crisis and insufficient action by states.

The role of ClientEarth's third party intervention was to assist the Court by providing information on the present and future effects of global temperature increases on human health, the duties of States under international climate change law, and the implications for climate policy and legislation and the due diligence standard under the Convention.

In its reasoning for finding a violation of the right to respect for private and family life, the Court elaborated standards which are binding on all 46 Member States of the Council of Europe. These standards concern both climate mitigation obligations and climate adaptation obligations.

The case successfully argued that Swiss senior women's right to private and family life under the European Convention on Human Rights was being violated due to their government's lack of ambitious national climate action, for both climate mitigation obligations and climate adaptation obligations. The Court confirmed the violation, and defined guardrails for member states of the Council of Europe regarding climate change.

In the area of climate mitigation obligations, the Court stipulated that in order to be effective, the regulatory frameworks of each Member State must limit national greenhouse gas emissions through a carbon budget or other quantifiable measures.

In another, very important conclusion, the Court made explicit that Member States cannot evade their lack of a national carbon budget, by pointing towards their Nationally Determined Contributions, or NDCs, under the Paris Agreement. Being a signatory to the Paris Agreement, according to the Court, is not enough for States to dispense with their human rights obligations. This result from one of the world's highest courts sends a clear message: governments must take real action on emissions to safeguard the human rights of their citizens.

The Court further emphasised that it is not enough to simply enact laws with the above provisions; states must also ensure that the laws are implemented and incorporated into a binding regulatory framework at the national level, followed by adequate implementation.

"This is a European first for climate litigation. As this Court ruling is binding, signatory states now have a clear legal duty to ensure their climate action is sufficient to protect human rights, and judges across Europe will have to apply these new principles to the growing number of climate cases before them."

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Poland Supreme Court

ClientEarth is now bringing an appeal before Poland's Supreme Court, with new legal leverage provided by the recent ECtHR ruling. Poland is one of the few European countries with no legally binding pathway to climate neutrality. The ECtHR's judgment confirms that this is now a minimum expectation and obligation on countries to uphold their citizens' fundamental rights.

The Court elaborated standards around climate mitigation and adaptation, as well as a binding expectation that all countries should have a carbon budget or equivalent GHG reduction mechanism.



"Governments that lack adequate climate legislation or fail to put such plans into real action run the risk of exposing themselves to legal action, as courts continue to clarify what states must do when it comes to addressing climate change."

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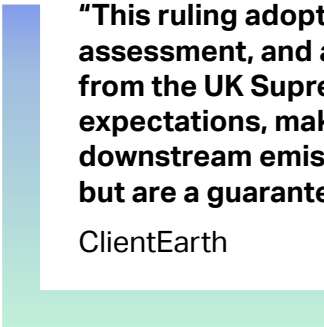
UK Supreme Court

In 2024, ITLOS, the international legal tribunal, confirmed in an advisory opinion that states everywhere should be considering cumulative and indirect impacts in Environmental Impact Assessment decisions for new industrial and construction projects and apply a 'stringent' standard to their decisions.

The UK's Supreme Court then ruled that authorities must consider downstream greenhouse gas emissions when weighing planning approval, in a case fighting the construction of a new oil well in Surrey. Currently, these 'downstream' emissions are not required to be considered in planning decisions across the UK.

Lord Leggatt, the judge who drafted the majority opinion, said it was clear that oil from the wells would be burned, making the resulting greenhouse gas emissions 'straightforwardly results of the project' and that they should therefore be considered in planning approvals.

ClientEarth maintains that this judgement changes the game for Scope 3 emissions – those that are created by use of a company's products.



"This ruling adopts a sensible approach to the law governing environmental impact assessment, and aligns the UK with international law and practice. This clear decision from the UK Supreme Court changes the game for planning decisions: it irons out expectations, making it clear that companies and authorities have to account for downstream emissions – those that don't come directly out of on-site operations, but are a guaranteed result of oil extraction."

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UK High Court

The UK High Court ruled for a second time in ClientEarth's favour that the UK government's climate strategy is not fit-for-purpose, and therefore breaches the UK Climate Change Act.

In 2022, the High Court ruled in ClientEarth's favour for the first time against the government's inadequate net zero strategy, concluding that it breached the Climate Change Act, and needed to be strengthened.

The UK government then produced a revised climate plan that ClientEarth believed still did not meet the minimum legal standards of the credible plan required by the law. The new plan relies on high-risk and unproven technologies to tackle climate change, as well as vague and uncertain proposals. This approach doesn't stand up to the basic requirements of the Climate Change Act.

The Secretary of State for Energy Security and Net Zero has until May 2025 to draw up a new climate plan.



"We are pleased that ClientEarth, through taking action in this case and in our 2022 case, can help ensure that the UK Climate Change Act – one of the world's first pieces of long-term domestic climate legislation – is being implemented by the government in a way that makes the actual achievement of its Net Zero target a realistic proposition."

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Despite the above rulings on climate matters, ClientEarth believes that we have not seen enough meaningful progress in tackling the systemic issues causing the climate crises, action over ambition on the transition away from fossil fuels, or the translation of the Paris Agreement and the nationally determined contributions into domestic legislation.

The above judgements are not enough to provide the necessary all-encompassing frameworks and political impetus to effect change at the national level. Beyond the rulings of judges, ClientEarth maintains that these need to be translated domestically into political and socio-economic choices that protect people and planet, and that the best way to do so is to enshrine them in the next generation of framework climate laws.

2

A lasting solution: the next generation of framework climate laws

The 2015 Paris Agreement saw 196 out of 198 UNFCCC Parties commit to a legally binding international treaty on climate change, which aims to limit global warming to 1.5°C above preindustrial levels, among other goals.

Over the past two years, the NDCs of each signatory Party have been analysed and were presented in September 2023 in the Global Stocktake. This Global Stocktake serves as a central instrument of the Paris Agreement that forms part of an “ambition mechanism” articulating the preparation of countries’ pledges.

The Global Stocktake noted that the greatest barrier to the climate crisis is not technology or finance but political will:

‘Creativity and innovation in policymaking and international co-operation is essential’.



What is the current status of FCLs?

To have an FCL is an important policy indicator, but some FCLs need significant revision.

A great diversity of countries ranging from Mexico, Spain, the Republic of South Africa, to the UK, France, Germany, Chile, Nigeria, Kenya, Sweden, and Uganda, have all enacted framework climate laws. However, there is significant room for improvement and the progress in implementation remains insufficient in most.

- Among the top 15 GHG emitters; China, United States, India, Indonesia and Turkey still lack framework climate laws (as of November 2024), despite ongoing efforts in some to enact FCLs in some and comprehensive revision of environmental legislation to strengthen climate action in others. Comprehensive updates are required in the majority of existing climate laws, particularly in those of Brazil and Japan.
 - Poland and Italy, which are among EU's top 5 emitters also lack climate framework laws. Romania, Belgium and Czechia are also among the EU member states which lack FCLs while many EU accession states, Ukraine, Bosnia and Herzegovina, and Serbia do not have national climate framework laws. EU based experts point out the need for significant improvements in certain national laws and the EU level legislation.
 - Alongside Indonesia, Singapore, Malaysia, Vietnam and Thailand lack FCLs as of November 2024 despite significant efforts in some of those countries to enact such laws.
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The next generation of Framework Climate Laws

At COP29, countries will be considering the delivery of new NDCs by February 2025, and how they will be 1.5°C-aligned and economy-wide, covering all greenhouse gases and sectors.

Although NDCs provide a summary of national ambition and intended actions, they are usually not legally binding before national courts, nor are they detailed enough to showcase how efforts to meet those targets will be implemented.

The London School of Economics and Political Science's Grantham Research Institute on Climate Change and the Environment states:

"The binding nature of national legislation, coupled with the political accountability that tends to underscore decisions made by executive branches of government, make climate laws and policies well-placed to fill these gaps in countries' NDCs."

What are the benefits to people and planet?

National FCLs are therefore an important tool to guarantee a roadmap for governments to help re-orientate their economies, land use and energy systems, whilst also positively benefitting a country's population, health, and economy. ClientEarth maintains that the next generation of FCLs can improve the nexus between climate and nature, tackle pollution, and ensure the full implementation of a country's NDCs, whilst also set up a legacy legal framework to safeguard a healthier, sustainable future for people and planet.

A new generation of FCLs can provide essential stability and security for business as governments set out their transition to net zero, according to individual national circumstances. They can establish interim and long-term targets that require absolute reductions of all GHG emissions and create a clear and comprehensive framework for long-term policy-planning and action. They can therefore make climate governance easier.

A strong FCL plans for the longer-term and will include an effective forward-looking "planning duty", to ensure that policy stays on track before it is too late to correct course and targets are missed. They also provide for the establishment of an independent expert body to assist with preparing credible science-based transition pathways.

Properly constructed FCLs include planning and policy mechanisms and instruments regarding the challenges of adaptation and biodiversity loss on a national, regional and local level. It is crucial that such mechanisms and instruments are comprehensive, coherent and clear, with each level and unit of government left in no doubt as to their rights and obligations, as well as to the sources of funding for and expected outcome of any actions planned or undertaken.

They can also assist financial flows, by providing confidence to decision-makers that there is a strong institutional framework for climate mitigation and adaptation, and for transparent and accountable use of climate finance. Redirecting capital 'towards that of a cleaner, more resilient future' requires change not only in the scale of the commitment made by public and private sources, but also changes in the institutional frameworks, that present obstacles to climate finance flows in recipient countries, hindering effective action on climate change.

An FCL can also help support the restoration of a country's climate infrastructure. The existing policies of unsustainable extraction, production, and consumption are creating a spiraling crisis for climate and nature, endangering health, livelihoods, and businesses. The right national laws and financial flows to address biodiversity loss and mitigation will protect and restore nature and give it space to contribute to a country's climate ambitions.

The process of enacting an FCL can also depoliticise the climate debate and increase the buy-in of broad segments of society, including business, NGOs, and the public at large, increasing the likelihood of enhanced public ownership and consensus.

COP29: A galvanising moment for the next generation of framework climate laws before the February 2025 NDC deadline

ClientEarth recommends that as many States as possible use COP29 to publicly commit to enacting comprehensive and well-designed framework climate laws to implement their Paris Agreement commitments by COP30, as set out in Para 171 of the Global Stocktake.

NDCs currently lack the ambition necessary to curb the most severe effects of global warming, and the pronounced emissions gap between what countries have committed to and what they are on track to achieve in practice must be closed. It is critical that we see more ambitious climate policies by governments, but also more effective ones.

An FCL is therefore an essential, unique tool in the national efforts to tackle climate change and meet the goals of the Paris Agreement in a timely manner, with the least disturbance to individuals and business, and with the greatest possible advantage for the economy and society. By creating an overarching governance structure to enable the creation and coordination of climate-protection policy within a specific jurisdiction, an FCL provides the domestic vehicle for systemic change through GHG emissions reduction targets that shape government policies. By introducing a new generation of FCLs, governments can set out general principles of climate change policy, the institutional framework for this policy, set jurisdiction-wide emissions reduction and adaptation targets, and define the processes necessary to achieve those targets.



What should a framework climate law include?

- **Legally-binding, unequivocal emissions-reduction and carbon-neutrality targets:** Targets to reduce emissions should be both quantitative and temporal, covering the entire jurisdiction, and where appropriate, sub-divisions of jurisdictions or sectors of the economy; clear forward-looking planning duties must be imposed on the relevant public authorities, requiring them to put in place clear, credible and comprehensive policies and plans sufficiently far in advance to enable the GHG emission reduction targets to be met;
- **Stronger environmental and climate protection institutions:** Those institutions charged with environmental protection must be strengthened, particularly with the mandates of monitoring and reduction of emissions. In many cases, this might require the introduction of a separate, independent entity, such as a scientific advisory council and a climate protection agency; tasked with the regular monitoring of government progress against the climate targets;
- **Consistent financial flows and decision-making:** It is important that the laws ensure that state budgets are aligned with the required action to meet domestic and international climate commitments, that all financial instruments and mechanisms are aimed at the promotion of climate-friendly activities and the decommissioning of fossil-fuel demand and infrastructure;
- **Adaptation planning and actions:** There must be an increased focus on vulnerable areas and populations, and with a short, medium and long-term outlook. Adaptation planning and actions should be undertaken broadly, making sure that planning is undertaken concurrently and coherently on a national, regional and local level;
- **Accountability mechanisms:** The law must provide for effective public, judicial and political oversight and redress regarding any non-compliance by public authorities;
- **Public participation and stakeholder engagement:** The law must ensure meaningful, informed and effective participation of all stakeholders with a particular focus on civil society, local communities and indigenous peoples;
- **Transparency and access to information:** The law must include provisions to strengthen public access to climate related information, to ensure the publication of reports on the government's progress against the climate change targets and goals;
- **Guiding principles for climate action:** The law must set out the principles that should guide public institutions in their decision-making regarding climate change, particularly principles to reflect the human rights obligations of the states and their duties to protect the most vulnerable segments of the society as well as biodiversity and resource use;
- **Clear definition of procedures and relevant mandates of public institutions:** FCLs should clearly define the procedure and responsible authorities for the setting and updating of the GHG emission reduction targets, adaptation goals and climate change plans;
- **Interlinkages between biodiversity and climate change:** The law should include coordinated (and where possible integrated) planning processes to recognise and operationalise the biodiversity and climate change interlinkages, including by integrating climate targets and obligations with biodiversity targets and obligations. New FCLs should also include resource use limits in the law or cross-refer to such limits included in other legislation;
- **Mainstreaming of climate protection:** New FCLs should introduce provisions to ensure the consideration of climate change in state budget processes, public procurement, planning and permitting decisions. They should urge public entities to ascertain that projects and other activities approved by the government do not create a risk for the attainment of the goals of the framework climate law.

A response for the rights and lives of future generations

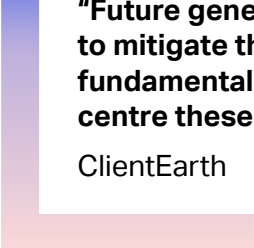
Ultimately, the need to transition away from fossil fuels and the urgency for the next generation of framework climate laws that enshrine the next round of NDCs is to protect the rights and lives of future generations. It is future generations that are likely to bear an increasingly severe burden of the consequences of present failures and omissions to combat climate change, yet they have no recourse to participate in the current decision-making processes.

Most recently, the **UN's Declaration on Future Generations** was a pivotal moment in acknowledging the responsibility to act to protect the rights and lives of future generations, and the first time at a senior political level that so many countries committed to taking their interests into account when decision-makers are considering policy and legislative changes at a domestic level.

This milestone is an historic one, with world leaders acknowledging that present generations have a responsibility to act with the needs and interests of future generations in mind.

ClientEarth also welcomed the call for a **UN Special Envoy for Future Generations** during the 2024 UN General Assembly, a new role to safeguard the interest of future generations and better accelerate the long-term progress of the UN's SDGs. By having a role that serves as a multilateral focal point to connect work on future generations across all the wider UN systems, countries are committing to equip the multilateral system to mainstream long-term thinking and future generations across policies and actions.

ClientEarth believes that using the power of the next generation of framework climate laws can establish legacy legal frameworks to protect the rights of present and future generations, and establish stronger obligations on states to protect people and planet today, as well as tomorrow, and help national ambitions to keep warming of 1.5°C within reach.



"Future generations will reap the costs of our failure to take rapid and effective action to mitigate the climate crisis. By this failure, states are responsible for harming the fundamental human rights of current and future generations. We hope to impel states to centre these human rights when planning future economic strategies."

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3

COP28's UAE Consensus and the global transition away from fossil fuels

The overarching background to COP28 last year was the First Global Stocktake, with confirmation that progress towards decarbonising and remaining within 1.5°C is not happening fast enough. This urgency galvanised global ambition, and for the first time at a COP, the transition away from fossil fuels was specifically referenced in the text of the UAE Consensus. There was agreement on the need for a global just *'transition away from fossil fuels in energy systems, in a just, orderly, and equitable manner, accelerating action in this critical decade, to achieve net zero by 2050 in keeping with the science'*.

This was heralded by UN Climate Change Executive Secretary Simon Stiell as *'the beginning of the end'* of the fossil fuel era.

ClientEarth expects countries to commit to further reductions in greenhouse gas emissions, renewed ambition to phase-out fossil fuels from their energy and economic systems, including through leveraging sufficiency-oriented policies that reduce demand for energy and resources while delivering a decent living standard for all.



The UAE Consensus set out clear opportunities for action to be taken by policymakers

- **Existing technologies sufficient to achieve 1.5°C:** Paragraph 16(c) set out that feasible, effective and low-cost mitigation options are already available in all sectors to keep 1.5°C within reach in this critical decade with the necessary cooperation on technologies and support;
 - **Pursuit of domestic mitigation measures to achieve NDCs:** Paragraph 164 recalled Article 4, paragraph 2 of the Paris Agreement, which states that each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve, and that Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions;
 - **Highest possible ambition beyond existing NDCs:** Paragraph 167 recalls Article 3 and Article 4, paragraph 3, of the Paris Agreement, and reaffirms that each Party's successive nationally determined contribution will represent a progression beyond the Party's current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances;
 - **New or intensified domestic laws to implement NDCs:** Paragraph 171 invites all Parties to put in place new or intensify existing domestic arrangements for preparing and implementing their successive nationally determined contributions.
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Where do we currently stand?

The 2024 **UN Environment Programme Emissions Gap Report** is clear that our current climate commitments are falling short. The gap between ambition and action demands immediate action ahead of the February 2025 NDC deadline for new climate pledges, as required under the Paris Agreement.

Similarly, the **UN's 2024 NDC Synthesis Report** sets out that current national climate plans are failing: countries are falling significantly short of the deep cuts to greenhouse gas emissions that the science requires. The report highlights that current national climate plans would see emissions drop by only 2.6% from 2019 levels by 2030. This will lead to a catastrophic human and economic disaster.

What does this mean?

The emissions gap report details that emissions are now up 1.3% from 2022, at a rate faster than the past decade. It sets out that many countries are not on track to meet their existing NDCs. Collectively, G20 policies will exceed NDC commitments by 1 billion tonnes of CO₂ by 2030.

The current trajectory of policies will put the world on a 2.9°C increase in global temperatures by 2100. Even meeting the existing NDCs, the world will see a 2.4°C to 2.6°C rise. This will be a failure to meet the Paris Agreement goals.

We need significant greenhouse gas emissions reductions by 2030 across energy and economic systems of every country, or limiting global warming to 1.5°C will become impossible. Every delay pushes us towards exceeding a 2°C target.

How can we do it?

The growing emissions gap can be solved by political will. Similarly, the UN's synthesis report calls for an end to an era of inadequacy and a dramatic step up in climate action and ambition. The UAE Consensus was clear that existing technologies are sufficient to achieve 1.5°C, and as well as encouraging the highest possible ambition beyond existing NDCs, set out that domestic mitigation measures and new, or intensified existing domestic arrangements were an avenue for policymakers seeking to take action.

ClientEarth believes further action can be taken at a domestic level to continue the transition away from fossil fuels.

Shift away from harmful fossil fuel subsidies:

Globally, according to the IMF, total fossil fuel subsidies amounted to \$7 trillion in 2022. Fossil fuel subsidies must be phased out as soon as possible to allow for a shift of public resources from harmful subsidies to incentives and budgets for climate action. It is also an essential condition for truly delivering on Article 2.1C Paris Agreement – to make financial flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development. Phasing out fossil fuel subsidies is also paramount for achieving demand reduction and working towards a financial system that truly integrates the polluter pays principle.

Reduce fossil fuel demand:

Globally, there are ongoing efforts to reduce the landscape of fossil fuel demand through corporate, city, and governmental actions:

- ClientEarth supports campaigns in Europe for a ban on advertising and sponsorship by fossil fuel and transport companies;
- Cities and states, such as Sydney, Amsterdam, and France have taken steps to ban fossil fuel advertising;
- Citizens Assemblies have recommended bans on fossil fuel advertising;
- Advertising agencies are boycotting fossil fuel clients; major cultural institutions and sporting events, such as the Australia Open are now rejecting fossil fuel sponsorships; and press titles are refusing to carry fossil fuel advertising.

Climate-neutral sources of energy:

Parties must set out clear plans enshrined in domestic legislation to phase-out fossil fuels, shifting energy systems away from fossil fuels towards climate-neutral sources of energy, whilst minimising the negative impacts of mining and energy infrastructure on biodiversity and people.

Learning from the WHO Framework Convention on Tobacco Control

The WHO Framework Convention on Tobacco Control asserts the importance of demand reduction strategies in addition to supply issues. In the convention, States agreed provisions on non-price measures which have deep relevance for addressing society's addiction to tobacco. ClientEarth believes that anti-greenwashing regulation should learn from the convention and serve the following purposes:

- protection of [climate] policies from commercial and other vested interests of the [fossil fuel] industry;
 - protection from exposure to [fossil fuels air pollution];
 - regulation of the contents of [fossil fuel] products;
 - regulation of [fossil fuel] product disclosures;
 - packaging and labelling of [fossil fuel] products;
 - education, communication, training and public awareness;
 - [bans on fossil fuel] advertising, promotion and sponsorship; and
 - demand reduction measures concerning [fossil fuel] dependence and cessation.
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Tackle greenwashing:

Using domestic legislation for a demand reduction strategy for fossil fuels (akin to the WHO Framework Convention on Tobacco Control), encompassing non-price measures such as bans on advertising, promotion and sponsorship and bans on involvement in climate policy.

At ClientEarth, we have a strong track record in using the law to tackle greenwashing, which began with a precedent-setting complaint against BP. In 2019, we lodged a world-first legal complaint alleging BP's global 'Keep Advancing' and 'Possibilities Everywhere' ad campaigns misled the public by focusing on BP's low carbon energy products, when more than 96% of BP's annual spend was on oil and gas. Following the complaint, BP withdrew its advertising.

Our greenwashing case against KLM, in support of Dutch partners Fossielvrij and Reclame Fossielvrij, culminated in an historic ruling from the District Court of Amsterdam earlier this year. The court ruled against KLM after the airline ran ads in which it claimed to be 'creating a more sustainable future', promoted its 'commitment to the Paris Agreement climate goals', and sold opportunities for customers to 'offset' the climate impact of their flights. The court found these claims misleading, and therefore unlawful. Alongside our Dutch partners, we also issued a legal letter warning 71 airlines operating out of Schiphol airport that they must respect the greenwashing limits clarified by the legal precedent-setting Dutch Court ruling against KLM in March this year.

Conclusion

The First Global Stocktake, the UNEP's Emissions Gap Report, and the UN's NDC Synthesis Report make it clear that current climate commitments are falling short. COP29 is therefore a moment to galvanise governments everywhere as we approach the deadline for countries to submit new nationally determined contributions as we seek to limit warming to 1.5°C. We also need to go further and faster with our transition away from fossil fuels.

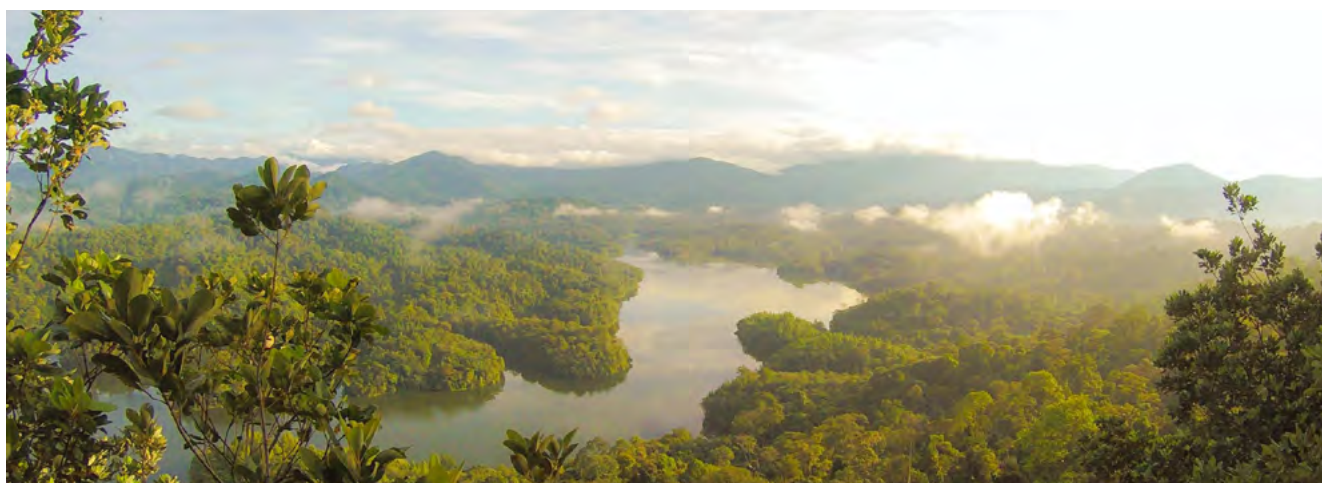
ClientEarth wants to see countries maintain their commitment to the language of COP28's UAE Consensus and its specific reference to the transition away from fossil fuels, and expect countries to commit to further reduction of greenhouse gas emissions and renewed ambition to phase-out fossil fuels from their energy and economic systems as we approach the February 2025 deadline for the next round of NDCs.

These NDCs must be ambitious, progressive, and science-driven, and include absolute emissions budgets and cover all greenhouse gas emissions and sectors.

We believe a legal solution is the next generation of framework climate laws, to provide a roadmap for governments seeking to re-orientate their economies, land use and energy systems, as they look to positively benefit their country's population, health, and economy. A framework climate law can also serve as a legacy legal framework to safeguard a healthier, sustainable future for people and planet, as well as provide essential stability and security for business and society.

ClientEarth believes that using the power of the next generation of framework climate laws can establish legacy legal frameworks to protect the rights of present and future generations, and establish stronger obligations on states to protect people and planet today, as well as tomorrow, and help national ambitions to keep warming of 1.5°C within reach.

ClientEarth's global reach and access to national, regional, and international expertise regarding framework climate laws enables us to see the bigger picture and to be an invaluable partner for anyone wishing to improve their climate-protection laws.



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