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# Mexico's General Climate Change Law

Michael B. Gerrard and Anne Siders

Mexico's *General Climate Change Law* (CCL) creates a coherent and ambitious national framework within which Mexico may fulfill its Copenhagen Pledge and establish itself as an international leader in climate change mitigation, but achieving these ends will require significant and on-going support from the Mexican government.

National legislation is a vital component of the effort to combat climate change. International agreements provide a framework for coordination and cooperation, but national legislation is still the primary means by which most emissions reduction will be achieved. Often national legislation addresses climate change in a piecemeal fashion, addressing energy, land-use, pollution, or other issues that lack the political sensitivity of climate change. Mexico's *Law for the Use of Renewable Energies and for the Finance of the Energy Transition* is an example of a legislative effort to promote low-carbon energy sources without directly addressing emissions reductions.

Alternatively, 'flagship' laws, laws that integrate various strands under one recognized climate change umbrella, can provide coherence to the legislative regime and provide a clear political signal of support for climate change mitigation. Such flagship laws are not uncommon: Australia, Canada, the European Union, France, Germany, Italy, Japan, Norway, Russia, South Korea, and the United Kingdom have all passed such legislation. Flagship laws with greenhouse gas reduction targets are less common amongst developing countries and emerging markets, where lawmakers must struggle to balance the need to reduce greenhouse gas emissions with economic development goals. With the CCL, Mexico joins the ranks of Brazil, China, India, Indonesia, and South Africa in recognizing that climate change mitigation and economic development are not mutually exclusive.

In fact, according to a study by GLOBE International, one of the primary reasons nations often adopt climate change legislation is economic gain. Through climate change legislation, nations can create opportunities for economic growth through investment in 'green' industries, benefit from climate finance opportunities, or participate in, and reap the benefits of, the Clean Development Mechanism or Joint Implementation, either as buyers or sellers of carbon credit.

Reflecting the principle of “common but differentiated responsibility” enshrined in the UNFCCC, the IPCC Fourth Assessment Report noted that avoiding dangerous climate change requires an aggregate emission cut of at least 80% from 1990 levels for developed countries by 2050, with developing countries committing to substantial reductions relative to business as usual. This approach is reflected in national legislation. For example, the United Kingdom has adopted a binding emissions reduction target of at least 34% below 1990 levels by 2020 and at least 80% by 2050, while Mexico aims to reduce emissions by 30% compared to business as usual by 2020 and 50% by 2050.

Flagship climate change legislation is often closely correlated with leadership in the international arena. For example, Japan passed its first climate-related law shortly after hosting the U.N. climate negotiations in Kyoto, and Indonesia released its *National Action Plan — Addressing Climate Change* when it hosted COP-13 in Bali in 2007. Mexico hosted COP-16 in Cancún in late 2010, and that international role, coupled with the subsequent successful passage of the CCL, establishes Mexico as one of the leaders in international climate change mitigation.

Maintaining a leadership role in climate change is a difficult proposition, as climate change can be a particularly divisive issue in domestic politics, and administrations are not always eager to build on the successes of their predecessors. The United States, for example, observes dramatic shifts in climate change and energy policies depending on the President and his administration. Times of transition, such as the current U.S. election period, can make the status of pending legislation and regulations particularly tenuous. Such partisan support and inconsistency is not unique to the United States, though, and it is a practical danger to the effective implementation of climate change legislation, which requires consistent support.

The CCL establishes a framework within which identified agencies and actors may take concrete steps to reduce greenhouse gas emissions and achieve Mexico's Copenhagen Pledge. Among the notable tools created by the CCL are a national greenhouse gas registry of stationary and mobile sources, the National Institute of Ecology and Climate Change (INECC), and the potential for a carbon-trading market and other financial incentives for industries to reduce emissions. The CCL also takes an important step towards a comprehensive climate change policy by providing for climate change adaptation through the Climate Change Fund and by considering emissions resulting from deforestation and degradation. The destruction of forest ecosystems plays an important role in contributing to climate change, while their pres-

ervation can play an equally important role in reducing the vulnerability of local communities.

However, the CCL framework and tools are not self-executing, and substantial support from the executive branch will be necessary to achieve meaningful reductions. For example, the greenhouse gas registry will include only sources that exceed a threshold — a threshold that has yet to be defined. The registry will only be a useful tool if the threshold for inclusion is defined so as to include a wide range of potential sources. Similarly, the INECC will only succeed in its coordinating role if provided with sufficient resources and leadership, and the Climate Change Fund and other financial incentives will only be created and implemented if they enjoy political support from the new President and his administration.

The CCL is therefore a significant demonstration of Mexico's commitment to climate change mitigation and an important example of the type of ambitious reductions that can be achieved by developing countries, but its execution will require on-going political and financial support in order to be truly effective.