



The political sustainability of climate policy: The case of the UK Climate Change Act[☆]



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ABSTRACT

This paper assesses the forces working for and against the political sustainability of the UK 2008 Climate Change Act. The adoption of the Act is seen as a landmark commitment to action on climate change, but its implementation has not been studied in any depth. Recent events, including disagreements over the fourth carbon budget and the decarbonisation of the electricity sector, shows that while the Act might appear to lock in a commitment to reducing emissions through legal means, this does not guarantee political lock-in. The assumption, made by some proponents of the Act, that accountability of political leaders to a public concerned about climate change, via Parliament, would provide the main political underpinning to the Act is criticised. An analysis of alternative sources of political durability is presented, drawing on a framework for understanding the sustainability of reform developed by Patashnik. It is argued that the Act has helped create major institutional transformations, although the degree to which new institutions have displaced the power of existing ones is limited. The Act has produced some policy feedback effects, especially in the business community, and some limited investment effects, but both have been insufficient to withstand destabilisation by recent party political conflicts. The Climate Change Act remains at risk.

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1. Introduction

At the end of November 2008, the UK Parliament passed the world's first Climate Change Act (henceforth 'the Act') setting a legally binding greenhouse gas emissions reduction target of an 80% cut from 1990 levels by 2050. The Act has come to play a central role in the UK's image as a leader on climate change (e.g. Schreurs and Tiberghien, 2010: 50–52). During its passage through Parliament the legislation was widely seen as an historic step. It enjoyed broad political support, was hailed by political leaders and the media as 'revolutionary' (e.g. Tempest, 2007) and was welcomed by environmentalists, trades unions and business.

The central pillar of the Act was the 2050 target, achieved through a series of five yearly carbon budgets, recommendations for which were to be made by a new independent expert Committee on Climate Change. It also required the Government to put forward "policies and proposals" sufficient to ensure that carbon budgets were met. The Act was intended as a means to bind future governments into meeting emissions budgets on the route to the 2050 target. This

constraint on politicians was in turn aimed at giving confidence to investors in low carbon technologies and infrastructure, "safe in the knowledge that governments would sustain the battle against climate change over the medium to long term" (Friends of the Earth, n.d.). However, less than four years after it was passed into law, there are signs that the Act has not so far succeeded in securing either political commitment or investor confidence.

Implementation initially went smoothly. Recommendations from the Committee for the first three carbon budgets (up to 2022) were agreed by the Government in 2009. A newly created Department for Energy and Climate Change immediately set about developing a Low Carbon Transition Plan to deliver these budgets. The 2010 general election saw the formation of a coalition Government which the new Prime Minister declared would be the 'greenest government ever'.

However, signs of trouble emerged in the process of agreeing the fourth carbon budget, which extended into the 2020s, beyond any existing commitments by the European Union, and also had important implications for upcoming investment decisions in the power sector. In early 2011, the Business Secretary Vince Cable intervened, arguing that the proposals for the fourth budget would impose too many costs on the economy and could not be agreed as they stood. After heavy lobbying by environmentalists, the Prime Minister did eventually step in to insist that the Climate Change Committee's proposal be accepted, and the fourth budget was finally agreed in May. However, the Chancellor, George Osborne,

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ensured that the decision would be revisited in an unprecedented review of the fourth budget in 2014.

Further rifts were to come. In October 2011, the Chancellor told the Conservative Party Conference that “a decade of environmental laws and regulations are piling costs on the energy bills of households and companies” and pledged to prevent the UK from cutting emissions more quickly than other European countries. In March 2012, the Government announced a new emissions performance standard that would allow the operation of gas-fired power stations without carbon capture until 2045 (DECC, 2012a). The chairman of the Climate Change Committee warned that the standard jeopardised the feasibility of future emissions reductions targets. In the summer, the Chancellor wrote to the Energy Secretary demanding that unabated gas should play a core role in electricity generation to at least 2030, that the Government should not set a 2030 target for electricity emissions, and that a cap be set on decarbonisation policy costs financed through energy bills. The World Wildlife Fund accused the Government of allowing the Act to “wither by neglect” (Allott, 2012). The Committee chairman insisted that a target for electricity emissions was needed to “buttress the signal provided by the carbon budgets”, but the published Energy Bill contained no decarbonisation target, and an attempt led by rebels in the House of Commons in the spring of 2013 to get one included failed.

Open conflict in government was alarming investors (Godsen, 2012). Seven global electricity technology firms wrote to the Energy Secretary in September 2012 expressing concerns that the UK was in danger of undermining its reputation as a country with low political risk for energy investments. According to industry sources, uncertainty had pushed up the cost of debt on energy projects by 15% (Harper, 2012). By early 2013, a call for the Act itself to be repealed appeared in a major national newspaper (The Telegraph, 2013).

These events are a sharp reminder that “the passage of a reform law is only the beginning of a political struggle” (Patashnik, 2008: 3). In the case of a major transformation such as that of decarbonising an entire economy, this struggle may last several decades. However, while some observers have noted the gap between the ambition contained in the Act and the difficulties of implementation (e.g. Helm, 2010; Giddens, 2009: 83–88), it remains the case that most political analysis of climate policy focuses on the *adoption phase* (for detailed accounts of the drivers of the adoption of the Climate Change Act see Carter, 2006, 2010; Carter and Ockwell, 2007; Hill, 2009; IoG, 2012; Rollinson, 2010). By contrast, in this paper I examine the evolution of political dynamics *after* climate policy is adopted. Of particular interest here is the possibility that, once formally adopted, policy may subsequently be undermined or even reversed in its implementation phase.

As the centrepiece of UK climate policy, underpinning more detailed sectoral policies, the Climate Change Act is the main case study. In examining the political dynamics of its implementation, I draw on a framework for analysing the sustainability of public interest reforms after adoption developed by Patashnik (2008), applying it for the first time both to climate change as a particularly extreme kind of public interest or collective action problem, and to the UK context.

The analysis offered here draws on interviews with two of the original actors involved in the adoption of the Climate Change Act: Bryony Worthington, who at Friends of the Earth provided the idea of carbon budgets and went on to draft parts of the Act; and Michael Jacobs, who was energy and environment adviser to the Chancellor, and subsequently Prime Minister, Gordon Brown, from 2004 to 2010. It also draws on interviews with members of the business community who preferred to remain anonymous.

The next section lays out the theoretical approach. Section 3 considers the nature of climate change as a public interest policy challenge. The view of some proponents of the Act was that it would be politically underpinned by public concern about climate change, expressed through accountability to Parliament. However, I argue that this view is consistent neither with political theory nor with evidence on the low salience of climate change in the UK. This issue has been noted in passing (e.g. Carter, 2008, 2010; Lorenzoni and Pidgeon, 2006; Hale, 2010; Harrison and Sundstrom, 2010) but its political implications are rarely explored in any depth. Patashnik’s framework suggests that public indifference means that the durability of climate policy in the UK depends heavily on the degree to which it has had other political lock-in effects. Section 4 focuses on how far the transforming the institutional landscape. Section 5 examines how far affiliations, interests and identities in key political groups have been affected by the Act, and Section 6 looks at how far the Act has led to the creation of new vested interests through financial and physical investments in the electricity sector. The paper concludes with an overall assessment of the risks of policy reversal, and an evaluation of the usefulness and limitations of Patashnik’s approach.

2. Analytical approach

As noted above, while there is a growing literature on the politics of climate change, there has been relatively little study of the politics of implementation of climate policy. It has long been recognised in political science that policy change is a process over time, crucially including an implementation phase post-adoption (Pierson, 2005; Hill, 2012). The early policy literature framed implementation in terms of what is known in rational choice theory as a “principal-agent problem”, i.e. how policy makers can get bureaucrats to implement policy in the spirit it was intended, without being distorted or undermined by the interests of those bureaucrats (e.g. Pressman and Wildavsky, 1973). Subsequent research (reviewed in Hill, 2012: 209–218) has opened up the implementation process, recognising that policy continues to be defined during the process of implementation, and that implementation is just as much a contested and political process as adoption.

Within this field, of particular relevance for climate policy are the political dynamics of policy reform undertaken in the wider *public interest or good*. A long-standing theme in political science, going back to Olsen (1965), is the expectation that special interest groups are likely to drive political decision making more than the public good, since such groups have lower costs to and greater benefits from getting their interests represented via organised lobbies than do the general public. Despite this expectation, public interest policies do get passed, and the Climate Change Act is an example of just such a policy. However, public interest legislation can also expect to face particular types of problem in the implementation phase. Where there is a special interest group pressing for a policy change, the implementation of that change will benefit from the continued support of that group. By contrast, public interest reform typically involves the loss of benefits by previously privileged groups and at the same time, the benefits for the wider public may be widely diffused, and politically not very visible. As we shall see below, this condition applies *a fortiori* to climate policy.

The main analysis for the study of the political dynamics of implementation of public interest policies comes from the work of Patashnik (2003, 2008). His argument is that the sustainability of such policy depends on the “reconfiguration of political dynamics” (Patashnik, 2008: 3). To achieve this, policy change must “disrupt longstanding patterns of governance, recast institutions, upset existing power monopolies and create policy feedback effects that

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