

European cities need more legal flexibility to prepare and protect residents from the climate emergency, study warns

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Laws intended to protect the environment in European cities must be more flexible in order to protect residents from the climate emergency,

experts have warned.

More "adaptive" legislation and governance is needed if [urban areas](#) are to cope with changing temperatures and ecosystems, the study says.

Researchers say current environment law plays a part in protecting cities, but also stops them building resilience.

The study, by Tony Arnold from the University of Louisville and Tiago de Melo Cartaxo from the University of Exeter—and both from the Exeter Center for Environmental Law—is published in the book "[Urban Climate Resilience](#)."

Dr. de Melo Cartaxo said, "European cities could arguably be world leaders in bringing together climate adaptation, given the multiple layers of laws and institutional frameworks involving [urban environments](#) and environmental rights. As promising as urban and environmental laws in Europe may be, they do not yet fully have the adaptive institutional characteristics nor the justice- and capacity-building characteristics that are needed to merge climate adaptation with justice for and among marginalized and oppressed communities."

The study says it is key for cities to be governed in a resilient way, which reflects the fact that the environment, politics, the economy and social conditions are connected.

Instead many laws prioritize the protection of natural resources and the environment and focus on a single goal such as protecting [water quality](#), rather than the functions and viabilities of broader systems, such as ecosystem-society dynamics or the composition of neighborhoods, will be affected by disturbances such as climate change or gentrification.

Professor Arnold said, "While European cities will benefit in their

climate adaptation strategies from EU-level directives, top-down regulations, and coordination among networks of cities, they will also need legal and governance structures that create or maintain authority to act at local, sub-local, private, public-private, and community-commons levels. This will allow innovation and adaptation to local contexts and lessens the risk of policy failures. They have high tolerance for uncertainty, whereas many legal systems demand certainty, which is incompatible with environmental or climate realities."

The study also warns too much flexibility and discretion by decision-makers and policy implementers can lead to abuses of power and violations of rights. An adaptive legal framework must live together with conventional legal frameworks, as part of a whole system.

Dr. de Melo Cartaxo said, "Adaptive law is not the solution; it is one additional and important solution improving how institutions function with complexity, uncertainty, instability, and inequalities.

"The adaptive multi-tool characteristics of [climate-adaptation](#) governance in European cities should be harnessed to address the many vulnerabilities that marginalized communities face and that affect their capacities to adapt to [climate change](#). These include: housing supply, affordability, and quality; food insecurity; energy insecurity and environmental injustices.

"Climate-adaptation laws, plans, and policies should include specific resilience-justice goals and targets, as well as mandatory mechanisms for reporting and monitoring of the many variables and conditions that affect the adaptive capacities of marginalized communities."

Provided by University of Exeter

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