

# Scotland is ditching its flagship 2030 climate goal—why legally binding targets really matter

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The Scottish government has [rescinded its 2030 target](#) of a 75% emissions cut to greenhouse gas emissions, relative to 1990. The target was statutory, meaning it had been set in law in the [Emissions Reduction Targets Act](#) of 2019.

Scotland is still subject to the 2030 carbon target for the UK as a whole. This was set in law by the UK parliament [in 2016](#). Still, Scotland's move raises questions about the credibility of national (or in this case subnational) carbon targets and the usefulness of putting them into law.

Having credible carbon targets, and sticking to them, matters enormously. Globally, [88% of all greenhouse gas emissions](#) are now subject to a net zero emissions target. If these were implemented to the letter, global mean temperatures would [remain below 2°C](#), the upper target of the 2015 Paris agreement.

They won't be, of course. If we judge climate commitments based on the carbon reduction policies that are actually in place, the likely outcome is a global temperature rise of between [2.5 and 2.9°C](#). The consistent implementation of the existing targets, in other words, is the difference between meeting the Paris objectives and condemning the planet to dangerous climate change.

## **Legally (but not literally) binding**

[Climate policy experts](#) have maintained that a crucial way to make net zero targets more credible is to put them into law. A full 75% of global net zero targets are [underpinned by legislation or policy](#).

In 2017, [Sweden](#) was the first major economy to enact a statutory net zero target. [The UK](#) followed suit in 2019.

Its net zero target is complemented by a series of intermediate steps: five-yearly carbon budgets, which are also legally binding. Scotland has its [own carbon legislation](#), with a statutory net zero target for 2045, which remains in place, and the now abandoned 75% target for 2030.

The intermediate targets, like the statutory nature of the net zero commitment, are seen as an essential commitment device, which binds governments over the short term—roughly the duration of a parliament.

[Legal scholars](#) have long known that, even though the targets are legally binding, they would be difficult to enforce against an unwilling government. The relevant [legislation](#) in Scotland and the rest of the UK—the [Climate Change Act 2008](#)—does not usually contain automatic sanctions if a government were to miss its targets.

Instead, climate legislation relies on [public pressure](#), political embarrassment and—most tangibly—the threat of a judicial review. A government that is evidently in breach of its own laws can be taken to court.

## **Governments in the dock**

In the UK, this happened in 2023, when the [High Court ordered](#) the government to strengthen its net zero strategy, that is, its approach to meeting the statutory targets. The plaintiff was the environmental law charity ClientEarth, which remains dissatisfied with the strategy and [returned to court](#) in February 2024. Nobody will be surprised if the Scottish government, too, is now dragged to court.

If successful, such a move would be the latest in a series of court cases in which judges have ordered governments to scale up their climate ambitions. The most prominent are [Neubauer et al \(a group of youth activists\) v Germany](#) in 2020 and [Urgenda \(a Dutch campaign group\) v](#)

[the Netherlands](#) in 2019. The European Court of Human Rights also recently ruled in favor of [KlimaSeniorinnen \(a group of Swiss pensioners\) v Switzerland](#).

In all three cases, the arguments centered around the plaintiffs' human rights which were alleged to be threatened by [government](#) failure to act on climate change, rather than the compliance of those governments with legally binding targets.

Nevertheless, making climate targets legally binding matters. The political embarrassment of missing a statutory target, or being subject to a court case, can focus the mind.

A [review of the UK Climate Change Act](#) found that civil servants were petrified about the threat of a judicial review. In turn, they used the legal provisions to tell reluctant ministers that what they were asked to implement was the law of the land.

Scotland's decision to abandon its 2030 climate ambition is the most brazen violation of a statutory climate target yet. However, it has always been clear that legally binding carbon targets on their own are no guarantee for climate action. They matter, but the key to climate protection is a genuine commitment to implementation.

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