



Environmental Pillar Submission on Outline Heads of the Climate Action and Low-Carbon Development Bill



Introduction

Climate change legislation will put in place the architecture that Ireland needs to transition to a low-carbon economy. A strong and effective climate law will ensure a whole-of-government approach to climate change mitigation that moves away from a silo mentality within departments. The three main planks of climate legislation are targets, carbon budgets and an expert committee on climate change.

The UK government passed a climate change act into law in autumn 2008. An even stronger bill was passed in Scotland in 2009. In a framework document published in late 2009 the government indicated that our own Act will draw strongly on the UK and Scottish models. We wish to see Irish legislation achieve at least the same level of robustness and innovation as reached by our neighbours in their climate legislation.

The legislation should aim to harness Ireland's vast store of potentially available renewable energy resources to available technologies and human capital, thus simultaneously creating enterprise and employment along with the emissions reductions. Climate legislation is a basic building block in empowering these actions.

Targets

The Fourth Assessment Report of the Intergovernmental Panel on Climate Change¹ shows that only a narrow window of opportunity exists to address the serious negative effects of climate change. Ireland and other high-income OECD countries must take responsibility for deep emissions cuts by 2020 and aim for a carbon neutral economy by 2050 (net zero emissions). The Pillar believes that legislation must specify an annual decarbonisation rate from the year of entry into force on a trajectory to carbon neutrality in 2050.

The reasons targets must be in legislation rather than adopted as policy are two-fold.

Firstly they are required in order to motivate change within Irish governance structures. Bringing about a major transition such as that to a low-carbon, climate resilient and environmentally sustainable economy requires will. To date that will has not always been present. Instead we have had a tendency for sectors of the economy and Departments/Agencies to seek to avoid sharing in responsibility for the actions required.

This is exemplified by our current situation in relation to both our Kyoto Protocol targets and our 2013 to 2020 obligations under the Effort-Sharing Decision. The EPA's latest report *Ireland's Greenhouse Gas Emission Projections 2012-2020*² published last week demonstrates clearly that our achievement of our Kyoto Protocol target is a result of economic circumstances rather than successful policy:

“Whilst the reduction in the distance to target for the Kyoto Protocol period is a positive outcome in terms of compliance, its occurrence is, primarily, a direct result of the current economic recession and economic outlook for

1 http://www.ipcc.ch/publications_and_data/publications_and_data_reports.shtml#UX-kY0r4aZQ

2

<http://www.epa.ie/pubs/reports/air/airemissions/irelandsgreenhousegasemissionsprojections2012-2030.html>

the future. In order to meet future targets, Ireland cannot rely on a recession and needs to develop as a low carbon economy going forward.”

The report predicts in relation to our 2013 to 2020 targets that we are headed for non-compliance from 2016 onwards, with emissions over target of between 5 and 8 Mt CO₂eq per year in 2020. The report demonstrates that this is due to lack of reductions in two policy areas in particular - transport and agriculture. While other emission sectors will decline, these sectors will grow, such that by 2020 they will make up 78% of non-traded emissions, up from 50% during the Kyoto period.

In essence no significant mitigation progress is expected from these sectors. We are failing to integrate climate policy with agricultural and transport policies. Targets are required to give the necessary legal impetus to drive change.

The second reason is the need to give certainty for investment decisions. Long-term investments in renewable energy and energy efficiency are at the core of the transition to a low-carbon climate resilient environmentally sustainable economy. In order to make those investment decisions, whether private or public, confidence as to the long-term policy direction is vital. Vague phrases are not sufficient. Targets must be enshrined in legislation. We must set out targets for 2030, 2040 and 2050.

Carbon Budgets

The legislation must establish legally binding multi-annual carbon budgets that lead convincingly to a 2050 decarbonisation. Such budgets provide certainty to businesses, households and politicians about where emissions levels will be by a given date. In a world where politics is dominated by the 24/7 news cycle and the 5-year electoral cycle a legally binding target must be constantly in sight for policy makers. Good climate legislation is about hardwiring accountability on climate change into the political system. The proposed Bill should provide for the setting of 5-year targets by Government.

Governance

Effective governance structures are a vital element to the integration of climate policy in other government policy areas.

In that regard we are very surprised at the published Heads of Bill. The Minister delayed the Heads of the Bill until the NESC Secretariat report was published in order to base it on their research and advice.

We have criticised the NESC Secretariat report for its lack of attention to the problem of willingness to make the transition, (for which as discussed above, we believe the mandate given by targets is essential.) However, their analysis of how

change happens has a lot to contribute to the framing of the legislation. NESC Secretariat's analysis makes a cogent case for an iterative agency-led approach to achieving transition to a low-carbon economy³.

However, NESC Secretariat's advice seems to have been cast aside. While the publication of the Heads was delayed in order for NESC Secretariat to report, its vision for an agency-led approach is not reflected in the Bill. The governance proposals in this Bill, including the Expert Advisory Body, are effectively unchanged from the previous Climate Change Response Bill 2010. We believe NESC's approach should be advanced in tandem with an independent Climate Change Committee.

Climate Change Committee (or Expert Advisory Body)

The Environmental Pillar supports the model of a national, independent climate change committee to provide expert counsel and advice to the government on the design and implementation of national plans for cutting emissions and adapting to climate change.

The expert body should also act as the eyes and ears of the public in ensuring that Ireland plays its full part in the global effort against climate change.

The committee should be composed of at least 9 independent experts in their field, covering the areas of climate science, forward-looking economics and mitigation policy.

The committee needs to be independent and transparent in all its dealings.

The composition and work of the Committee should be public-oriented, and its proceedings, hearings, and advice easily accessible to the public. Public scrutiny will ensure accountability and credibility and should improve compliance.

Black Carbon⁴

The Energy Security and Climate Change Bill 2012, debated in the Dáil in February, provided that the scope of climate policy could be widened to include other forcing agents, with a particular eye on black carbon⁵. We are disappointed

3 ³ <http://www.nesc.ie/en/nesc-work-programme/irish-climate-policy/project-overview/>

4 Background information on black carbon, a form of pollution with severe health impacts as well as a cause of climate change: <http://www.epa.gov/blackcarbon/>

5 <http://www.oireachtas.ie/documents/bills28/bills/2012/4512/b4512d.pdf>

that the Heads of this Bill does not allow for such inclusion. Indeed we are surprised given the EU's focus on black carbon as an issue at the UNFCCC in Doha in December and Minister Hogan's welcome commitment to act, given in Brussels in January⁶. We call for the relevant provisions of the 2012 Bill to be incorporated in this new Bill.

6 [®] <http://www.eu2013.ie/news/news-items/20130108transcriptministerhoganeebconference/>

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Whilst this document was developed through the processes of the Environmental Pillar it does not necessarily represent the policies of all its members.