

## Climate Action and Low Carbon Development Bill



### Background

Despite international obligations to limit and reduce greenhouse gas emissions for more than twenty years, Ireland has so far failed to do its fair share to tackle climate change. Ireland has the fourth highest level of greenhouse gas emissions per person in the EU<sup>1</sup> and according to the EPA is off-track to meet its EU 2020 target of reducing greenhouse gas emissions by 20%.<sup>2</sup> Even more worryingly, on current trends, Ireland's emissions would actually rise by 12% in the period up to 2030.<sup>3</sup> Our last National Climate Change Strategy expired at the end of 2012 and has yet to be replaced. We currently have no plan for climate action.

We welcome, therefore, the inclusion of the climate Bill in the Government's A-list in the legislative programme published in September and the commitment in the Government's "Statement of Priorities" that the legislation will be enacted by the end of the year.

In 2012, then Minister for the Environment, Phil Hogan TD, published a work programme for the development of climate policy and legislation. This included a public consultation, Heads of Bill, consideration by the Joint Committee on Environment, Culture and the Gaeltacht and finalising the introduction of climate legislation by the end of 2013. The public consultation received over 600 submissions, the results of which show that 90% of respondents want to see climate targets enshrined in national law and 92% want to see an independent expert body established to advise the government. A draft Heads of Bill was produced in February 2013 and was referred to the Joint Committee. The Joint Committee undertook a consultative process seeking public submissions and holding public hearings and on the basis of these published their report in November 2013. The report, welcomed by all stakeholders, recommended significant amendments to strengthen the Bill, however many of these were overlooked in Minister Hogan's revised Heads of Bill published in April 2014.

The Department of Environment now expects Minister Kelly to bring a full Bill to the Dáil before he travels to the UN climate talks in Peru in early December. This is a crucial opportunity to take on Board a number of the Oireachtas Committee's proposed changes.

### Weaknesses in the revised Heads of Bill

Stop Climate Chaos is disappointed that the revised Heads do not show significant improvements in the areas most needed.

The Bill fails to set a numeric target for emissions reductions for the future. This is a fundamental flaw, as it means there is little concrete direction for the coming years. Civil

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<sup>1</sup> CSO (2014) Environmental Indicators Ireland 2014. Dublin: Stationery Office.

<http://www.cso.ie/en/media/csoie/releasespublications/documents/environment/2014/eii2014.pdf>

<sup>2</sup> EPA (2014) Ireland's Greenhouse Gas Emission Projections 2013-2030.

[http://www.epa.ie/pubs/reports/air/airemissions/GHG\\_Emiss\\_Project\\_publication\\_2014\\_finalv2.pdf](http://www.epa.ie/pubs/reports/air/airemissions/GHG_Emiss_Project_publication_2014_finalv2.pdf)

<sup>3</sup> ibid

society are not alone in calling for clear targets; businesses also point to the need for a target to provide confidence and drive investment.<sup>4</sup> Finland, Denmark and France have recently announced the introduction of climate and energy legislation, each setting clear targets for reducing greenhouse gas emissions. Finland's law sets an 80% target for 2050<sup>5</sup> while the Danish law sets a 40% target for 2020, double the EU 2020 target.<sup>6</sup> France's energy transition bill seeks to reduce greenhouse gas emissions by 40% by 2030 and by 75% by 2050.<sup>7</sup>

In place of a numeric target, an alternative option is to define what is meant by low carbon, which would at least provide some clarity. Minister Hogan set out a definition during his appearance before the Joint Committee in July 2013<sup>8</sup> and the Committee recommended that this be incorporated into the Bill. However the revised heads of bill does not include a definition of low carbon.

The body tasked with giving advice to government on climate change matters is not independent, despite the advice from the Environment Committee that all members should be independent of State or stakeholder interests. Instead the Bill provides for a body of no more than 9 members, 4 of whom represent state bodies in an ex-officio capacity. While the revised Heads allow for the Expert Advisory Body to publish its own reports, which is an improvement on the previous draft, the time period is anything from 30-90 days which is too long a period for the purposes of public debate and transparency.

The Bill does not provide for the inclusion of climate justice. Ireland has a responsibility to the poorest people in developing countries who are already feeling the impacts of climate change – a crisis they played no part in creating. The Climate Bill is about mapping out a strong and sustainable future for Ireland. It is also about ensuring that Ireland lives up to its global responsibilities. As a nation that has benefited from our own development to date, we need to do our fair share. The Tánaiste declared to the UN General Assembly in 2011 that "there is a compelling case for 'climate justice' – bringing developmental fairness to bear on the climate change agenda". Provision for the principle of climate justice provides the opportunity to realise this.

As the Bill progresses through the Houses of the Oireachtas Stop Climate Chaos is calling for significant amendments.

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<sup>4</sup><http://www.corporateleaders.ie/sites/default/files/Corporate%20Leaders'%20submission%20to%20the%20public%20consultation%20on%20climate%20policy%20and%20legislation,%20April%202012.pdf>

<sup>5</sup> For more information see <http://www.ym.fi/en->

[US/Latest\\_news/Press\\_releases/Government\\_approves\\_proposal\\_for\\_a\\_clima%2829845%29](http://www.rtcc.org/2014/06/06/finland-reveals-new-climate-change-laws/). Also

<http://www.rtcc.org/2014/06/06/finland-reveals-new-climate-change-laws/>

<sup>6</sup> For more information see <http://www.kebmin.dk/en/news/helveg-denmark-is-taking-responsibility-the-climate>. Also

<http://www.rtcc.org/2014/06/10/denmark-set-to-approve-new-climate-change-law/>

<sup>7</sup> <http://www.euractiv.com/sections/energy/french-energy-transition-debate-heats-308920>

<sup>8</sup><http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/ENJ2013071000003?opendocument#B00100>

## **Proposed Amendments to the Climate Action Bill 2014**

### **Include a definition of low carbon in the Bill**

The Oireachtas Committee recommended that the Government's definition of "low-carbon" should be included in the Bill for clarity. That definition is laid out as a national objective in the National Policy Position on Climate Action adopted by Government and published in April 2014. It amounts to an 80% reduction in emissions from electricity, buildings and transport and carbon neutrality in agriculture and land use. The Government's definition should be included in the Bill in the way proposed by the Oireachtas Committee, as follows:

- Head 4.1 should include the following sentence: 'In pursuit of a low-carbon Ireland by 2050 the government shall endeavour to secure an aggregate reduction in carbon dioxide (CO<sub>2</sub>) emissions of at least 80% (compared to 1990 levels) by 2050 across the electricity generation, built environment and transport sectors; and in parallel, an approach to carbon neutrality in the agriculture and land-use sector, including forestry, which does not compromise capacity for sustainable food production'
- Head 2 should also include this elaboration of low carbon as a definition/interpretation, just as other concepts such as 'adaptation' and 'sustainable development' have been defined under this head.

### **Ensure the advisory body is independent**

The Oireachtas Committee recommended that the expert advisory body should be modelled on the Irish Fiscal Advisory Council. Specifically they proposed that the body should be composed exclusively of independent members. They would be supported by a technical secretariat composed of ex-officio representatives from ESRI, EPA, SEAI and Teagasc, who would not sit on the Council itself. To move the expert body closer to the Fiscal Council model the following amendments are required:

- Head 7.3 should be amended to state that the four ex-officio members are part of a Technical Secretariat which supports the Expert Advisory Body, and are not ordinary members of the Expert Advisory Body.
- Head 7 should include a new subhead which establishes the independence of the advisory body on a statutory basis, as is the case for the Fiscal Advisory Council. The wording can be modelled on Section 8.1 of the Fiscal Responsibility Act 2012 to state: 'The Climate Change Advisory Council shall be independent in the performance of its functions'.
- Head 7.1. The National Expert Advisory Body on Climate Change should be renamed the 'Climate Change Advisory Council' in order to be clear and understandable.

## **Ensure timely publication of the advisory body's reports**

In order to facilitate public debate and for the purposes of transparency, there should be no lengthy delays in the publication of the advisory body's reports. Within 30 or 90 days is too long. There is no need for the delay to be longer than the 10 days allowed for the Fiscal Council in the Fiscal Responsibility Act.

- Head 9.3 should be amended to ensure the annual report is made available not more than *10 days* after it has been submitted to the Minister
- Head 10.7 should be amended to ensure periodic reviews are made available not more than *10 days* after they have been submitted to the Minister

## **Include the principle of climate justice**

The Oireachtas Committee recommended the legislation should incorporate the principle of climate justice. The Government has voiced support for the concept of climate justice at the UN and co-hosted a conference on the issue with Mary Robinson as part of Ireland's EU presidency. There is no reason not to include it in the Bill as follows:

- Head 4.3 should include a new subhead (d) stating 'the principle of climate justice'. This will ensure climate justice is a principle that Ministers must have regard to when designing roadmaps.

## **Provide for the adoption of National Roadmaps**

Each five-year "National Roadmap" (better called the National Climate Action Plan), including an indicative total for national emissions in the period, should be adopted by way of a vote in both houses of the Oireachtas.

- Head 5.10 should provide for the national roadmap to be approved by a resolution in both houses of the Oireachtas rather than simply laid before the Dáil as is currently proposed in Head 5.10.

***Stop Climate Chaos is a coalition of civil society organizations campaigning to ensure Ireland plays its part in preventing runaway climate change. It was launched in 2007 and is the largest network of organisations campaigning for action on climate change in Ireland.***

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The members of Stop Climate Chaos are: Afri, BirdWatch Ireland, Christian Aid Ireland, Comhlámh, Community Workers' Cooperative, Concern, Cultivate, Dublin Friends of the Earth, Eco Congregation Ireland, ECO UNESCO, Feasta, Friends of the Earth, Gorta, Just Forests, Kimmage Development Studies Centre, Latin America Solidarity Centre (LASC), Liberia Solidarity Group, Methodist Church of Ireland – Council of Social Responsibility, Mountmellick Environmental Group (MEG), National Youth Council of Ireland, Oxfam Ireland, Presentation Ireland, Progressio Ireland, Sustain West Cork, Trócaire, An Taisce, VITA and V.O.I.C.E.