

## **Trócaire submission to ‘Discussion Paper - Proposal for Taking Forward NI Climate Legislation’**

**January 2016**

Trócaire welcomes the consultation, ‘Discussion Paper - Proposal for taking forward NI Climate legislation’. Over the past four decades Trócaire has worked in countries across Africa, Asia and Latin America to support and assist poor, vulnerable and marginalised communities. Trócaire’s mandate has involved a commitment to increase awareness of the causes of global poverty and injustice, and to address those causes which originate in both Northern Ireland and the Republic of Ireland. For Trócaire a just response to climate change requires tackling both the causes and the consequences of climate change in an equitable way.

Trócaire’s research with partner organisation in programme countries across the world, combined with overwhelming scientific evidence, has highlighted the profound detrimental effects of increasing emissions for global development and poverty eradication both now and into the future.<sup>1</sup> Most recently Trócaire’s 2014 report ‘Feeling the Heat’ comprised a comprehensive review of observed changes in climate, climate change projections and impacts in five of Trócaire’s programme countries.<sup>2</sup> The report’s case studies provide detailed evidence of the range of adverse effects of climate change, most notably on small scale farming which the majority of poor communities depend on for their livelihoods. These effects have also served to raise income inequality, reduce household wealth, undermine food security and have affected women disproportionately.

Trócaire welcomes the opportunity to respond to the Department’s current thinking on the proposals for a Northern Ireland Climate Bill. As the consultation specifies the response is made against the following key proposals.

### **1. Make provisions for a long term target to reduce greenhouse gas emissions**

Trócaire welcomes the ambition in the discussion paper, for Northern Ireland to position itself as a world leader in carbon reduction. A legally-binding long term target, coupled with an ambitious interim targets and aligned carbon budgets, to reduce greenhouse gas emissions is essential within a Northern Ireland Climate Bill to meet this ambition, to create an effective roadmap for reductions across sectors, as well as the means to measure progress.

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<sup>1</sup> See for example, *Changing Lives: Climate Change in the Developing World*, 2008; *Shaping Strategies: factors and actors in climate change adaptation*, 2012. <http://www.trocaire.org/resources/policyandadvocacy>

<sup>2</sup> Trócaire, *Feeling the Heat: How climate change is driving extreme weather in the developing world*, 2014. <http://www.trocaire.org/sites/trocaire/files/resources/policy/trocaire-climate-change-report-2014.pdf>

In establishing the long term target in the Northern Ireland Climate Bill, it is important that the level of commitment aligns with the degree of mitigation set out in the recent Paris Agreement on global climate action (Dec 2015);

- *'Holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels...'*
- *'...reach global peaking of...emissions as soon as possible...and to undertake rapid reductions thereafter ....so as to achieve a balance between anthropogenic emissions by sources and removals by sinks ... in the second half of this century...''<sup>3</sup>*

Under the Paris Agreement, progress will have to be reviewed every 5 years and ambition raised towards the Paris long-term goal. This will start with a review of collective efforts in 2018 and a submission of updated pledges by 2020. As first step, this entails that the EU's current and proposed climate legislation will have to be updated in light of the Paris temperature and long-term goal. The UK's 5<sup>th</sup> Carbon Budget and long-term target may have to follow suit and the recommendations of the UK Committee on Climate Change on this matter should be taken into account (this is expected in early 2016).<sup>4</sup>

Also taking into account the single electricity market and network functions that have been developed and operate on an all island basis, it is equally important that Northern Ireland's emission commitments in the energy sector align with that in the Republic of Ireland. Trócaire recommends that the NI Climate Bill institutes the same level of planned emission reductions in the energy sector as set out in the recent White Paper on Energy, i.e. a reduction of up to 95%, compared to 1990 levels, by 2050, falling to zero or below by 2100.<sup>5</sup> This is also important in terms of providing the same impetus for renewables development in Northern Ireland.

Although the Northern Ireland Climate Bill could as the proposal sets out enshrine the long term target to reduce greenhouse gas emissions in Northern Ireland by at least 80% lower than the 1990 baseline by 2050, in line with the (UK) Climate Change Act 2008<sup>6</sup> and Climate Change (Scotland) Act 2009<sup>7</sup>. Northern Ireland must align to the legal commitments in the Paris Agreement as noted above and reflect global ambition to mitigate temperate rises above 1.5 °C. Mitigating to a global temperature rise of 2 °C is not sufficient to ensure the livelihoods for some of the poorest and most vulnerable people and communities in the world. For the Least Developed Countries and the Alliance of Small

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<sup>3</sup> UNFCCC, *Adoption of Paris Agreement*, 2015. <http://unfccc.int/resource/docs/2015/cop21/eng/l09.pdf>

<sup>4</sup> UK Committee on Climate Change, *Domestic implications of the "Paris Agreement" to combat climate change*, Dec 2015.

<https://www.theccc.org.uk/2015/12/14/domestic-implications-of-the-paris-agreement-to-combat-climate-change/>

<sup>5</sup> Trócaire supports the maximum 95% reduction in this case also taking into account the commitments of the Paris Agreement detailed above. <http://www.dcenr.gov.ie/energy/en-ie/Energy-Initiatives/Pages/White-Paper-on-Energy-Policy-in-Ireland.aspx>

<sup>6</sup> (UK) *Climate Change Act*, 2008. <http://www.legislation.gov.uk/ukpga/2008/27/contents>

<sup>7</sup> *Climate Change (Scotland) Act*, 2009. <http://www.gov.scot/Topics/Environment/climatechange/scotlands-action/climatechangeact>

Island States, where climate impacts are already felt most severely, ensuring the 1.5 °C target is a matter of survival.<sup>8</sup>

***Trócaire recommends a legally-binding long term target to reduce greenhouse gas emissions in a Northern Climate Bill, set at mitigating 95% from 1990 levels by 2050, to reflect the global ambition and latest scientific evidence to limit global temperature increases to 1.5 °C above pre-industrial levels.***

## **2. Make provision for interim targets to reduce greenhouse gases**

Trócaire supports the provision for legally-binding interim emission targets in the Bill that are consistent with achieving the 2050 target. Trócaire proposes strong interim targets to facilitate the scale of transition required and to support the necessary investment needed to meet the long term target in 2050. These interim targets should align with the 5 yearly carbon budgets (see below). The nature of the climate problem, and the fact that the timescales are not immediate, makes it all the more essential to include interim targets.

## **3. Place a duty to set limits in carbon budgets on the total amount of greenhouse gas emissions that can be emitted in Northern Ireland**

Trócaire welcomes the proposal to set carbon budgets as part of a future Northern Ireland Climate Change Bill, with review every five years. This will assist in measuring progress towards the long-term greenhouse gas emissions target. It is also important that the 5-yearly carbon budgets are twinned with an appropriate long-term emissions reduction commitment. These carbon budgets should align with recommendations from the Committee on Climate Change.

It is estimated that all global greenhouse gas emissions must peak in 2020 and be phased out to zero between 2060 and 2080, becoming net negative thereafter.<sup>9</sup> The longer global decarbonisation is delayed, the higher the risk of overshooting 1.5°C or even 2°C. This means deep and short-term action to reduce emissions is essential.

The legally-binding long term and interim targets noted above, matched with 5-yearly carbon budgets is essential to create the necessary environment for investment in and transition to renewable energy

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<sup>8</sup> CIDSE, *Paris, for the People and the Planet*, 2015. [http://www.cidse.org/publications/climate-justice/cop21-paris/download/1069\\_96e6dc0c8b36c8c67d581dfc82537a7f.html](http://www.cidse.org/publications/climate-justice/cop21-paris/download/1069_96e6dc0c8b36c8c67d581dfc82537a7f.html)

<sup>9</sup> Climate Action Network, *Non-Paper: Options for a Long-Term Mitigation Goal in the Paris Accord*, August 2015. [http://www.climatenetwork.org/sites/default/files/can\\_non-paper\\_long-term\\_mitigation\\_goal\\_in\\_the\\_paris\\_accord\\_august\\_2015.docx.pdf#](http://www.climatenetwork.org/sites/default/files/can_non-paper_long-term_mitigation_goal_in_the_paris_accord_august_2015.docx.pdf#)

at national and community level. There needs to be strong policy coherence across all Government Departments in meeting Northern Ireland's carbon budgets, to achieve the legally-binding interim and long-term emissions reductions targets.

**4. Provide powers to request specified public bodies to report on their transition towards a low carbon economy and their plans adapt to the effects of climate change.**

Trócaire agrees for the Bill to provide powers to request specified public bodies to report on their transition towards a low carbon economy and their plans to adapt to the effects of climate change. This is essential to ensure interim and long term reduction targets are met in Northern Ireland. An equitable implementation framework based on clear measurement, accountability, reporting and compliance procedures for planned emissions reductions is necessary to ensure all relevant sectors are doing their fair share.

**5. Contain provisions to establish a Northern Ireland Committee on Climate Change or to designate an existing body to exercise advisory function should it be decided that this is appropriate.**

Trócaire supports the proposal to establish a Northern Ireland Committee on Climate Change. It is imperative that this group is independent, and its makeup and functions based on the existing UK Committee. A local independent committee would be beneficial in monitoring and reporting on progress against emission reduction targets and must support cross-departmental action and advise the Assembly to support them in an impartial manner.

It should be noted that the recent establishment of a similar committee in the Republic of Ireland has been strongly criticised due to the designation of members from public bodies. Analysis carried out by the renowned environmental law organisation, Client Earth rejected the approach taken by the Irish government noting that *'Ireland's Expert Advisory Council is to be truly effective, it must be truly independent. Effective climate law requires that short-term political pressures are resisted, which in turn demands a body which operates at arm's length from Government.'*<sup>10</sup> It contrasted this approach with the existing UK Committee: *'The UK experience has shown the significant value of an independent Committee on Climate Change. The Committee's impact has been positive, and its authority has been enhanced as a result. Other European countries, in drafting and implementing their national climate laws, also place emphasis on the independence of advisory bodies.'*<sup>11</sup>

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<sup>10</sup> Client Earth, *European Lessons for Ireland's Climate Law: Critical weaknesses of the Climate Action and Low Carbon Development Bill*, May 2015. [http://www.foe.ie/download/pdf/clientearth\\_critical\\_weaknesses\\_of\\_irish\\_climate\\_bill.pdf](http://www.foe.ie/download/pdf/clientearth_critical_weaknesses_of_irish_climate_bill.pdf)

<sup>11</sup> Ibid.

It is also necessary that this independent Northern Ireland Committee on Climate Change work closely with the UK Committee, as well as colleagues and experts in Scotland, Wales and the Republic of Ireland to share expertise.

**6. Contain a requirement for Northern Ireland to obtain an independent assessment for progress towards implementing the objectives, proposals and policies set out in the Northern Ireland Climate Change Adaptation Programme**

In line with the above comments, Trócaire supports the proposal for the Bill to contain a requirement for Northern Ireland to obtain an independent assessment.

Furthermore, the current Northern Ireland Climate Change Adaptation Programme only specifies actions for Government, whereas the National Adaptation Programme for England<sup>12</sup> includes actions for other bodies. Trócaire would welcome an extension in the scope of the independent research to cover local authorities, public bodies etc in line with the National Adaptation Programme for England.

**7. Provide any other comments you may have in respect of the above proposal or on any other important issues you feel may have not been adequately covered in this paper.**

**i. Climate Justice approach enshrined in the future Northern Ireland Climate Act**

The Republic of Ireland's Climate Action and Low Carbon Development Act includes a requirement that climate justice must be taken into account in the preparation of mitigation plans.<sup>13</sup> The Scottish Government have also integrated a climate justice approach through the Scottish National Action Plan on Human Rights<sup>14</sup>. Trócaire recommends that this approach is similarly enshrined, as part of obligations under a future Northern Ireland Climate Change Act.

Justice must underpin Northern Ireland's approach to climate legislation and subsequent policy-making. This means that action on climate change will be directed at ensuring Northern Ireland does its fair share, based on national responsibility and capacity, of the global effort to reduce emissions and support adaptation and low carbon development in developing countries. Climate justice

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<sup>12</sup> Sam Fankhauser, Nicola Ranger, Jonathan Colmer, Susannah Fisher, Swenja Surminski, David Stainforth and Andrew Williamson, *An Independent National Adaptation Programme for England*, 2013.

<http://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/2014/02/PB-independent-national-adaptation-programme-for-england.pdf>

<sup>13</sup> Climate Action and Low Carbon Development Act, 2015.

<http://www.irishstatutebook.ie/eli/2015/act/46/enacted/en/html>

<sup>14</sup> Scottish Human Rights Commission, *Scotland's National Action Plan for Human Rights 2013 – 2017*, 2013.

<http://www.scottishhumanrights.com/application/resources/documents/SNAP/SNAPpdfWeb.pdf>

ensures clarity of responsibility and must be a central focus in assessing and in developing policy responses.

A climate justice approach entails placing human rights at the centre of policy development and implementation, in developed and developing countries alike, people living in poverty, who are already vulnerable, will be those most impacted both by climate change and, potentially, by the responses to it.

In short, Trócaire supports a climate justice approach as it will constitute a safeguard to ensure that:

- A range of integrated actions are implemented as a matter of urgency based on immediate and transparent domestic emission reductions, in line with established international commitments and scientific evidence.
- The most vulnerable people, domestically as well as internationally, are not disproportionately burdened in the response.
- Those impacted by a problem they did not contribute to, are adequately and reliably supported to cope with the impacts and are given an equitable share of the opportunities that climate action and sustainable development presents.

**ii. Climate Justice Fund**

Trócaire would support the establishment of a Climate Justice Fund by the Northern Ireland Assembly, as per the Climate Justice Fund established by the Scottish Assembly. The impacts of climate change will be felt most by developing Countries, in the coming decades, even with immediate action to reduce emissions.<sup>15</sup> It is therefore essential that the most vulnerable people and communities around the world are assisted so that they can adapt to these impacts.

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<sup>15</sup> As detailed in case studies in Trócaire's 2014 *Feeling the Heat* report.