



CLIMATE CHANGE STRUCTURES IN OTHER JURISDICTIONS

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The purpose of this note, prepared for the Committee for the Environment, is to outline:

- Structures in place to deal with climate change policy and delivery in England, other devolved administrations, and the Republic of Ireland (RoI).
- How departments responsible for climate change policy relate to, or are linked to, the other departments which share responsibility for delivering climate change obligations.

REST OF THE UK AND THE RoI

ENGLAND

The **Department of Energy and Climate Change**¹ (DECC) was created in October 2008, bringing together energy policy (previously with the Department for Business, Enterprise and Regulatory Reform) with climate change **mitigation** policy (previously with the Department for Environment, Food and Rural Affairs). Its 3 overall objectives are:

- Ensuring our energy is secure, affordable and efficient.
- Bringing about the transition to a low-carbon Britain.
- Achieving an international agreement on climate change at Copenhagen in December 2009.

The **Department for Environment, Food and Rural Affairs**² remains responsible for leading on climate change **adaptation** policy.

The House of Commons **Energy and Climate Change Committee**³ was appointed in January 2009 to examine the expenditure, administration and policy of the **DECC** and associated public bodies. It has not yet published any reports.

The House of Commons **Environmental Audit Committee**⁴ (EAC) was appointed in November 1997 to monitor the contribution made by Government departments and agencies to environmental protection and sustainable development and auditing progress against targets. Note that the **EAC is not the Environmental, Food and**

¹ <http://www.decc.gov.uk/en/content/cms/about/about.aspx>

² <http://www.defra.gov.uk/environment/climatechange/index.htm>

³ http://www.parliament.uk/parliamentary_committees/ecc.cfm

⁴ http://www.parliament.uk/parliamentary_committees/environmental_audit_committee.cfm

Rural Affairs Committee. The EAC has looked at Government's performance in integrating environmental considerations into:

- Systems (**greening government machinery**, budget, comprehensive spending review).
- Individual policies (**climate change**, energy, housing).
- Multilateral negotiations (at the EU, OECD and WTO).

The House of Commons **Environment, Food and Rural Affairs Committee**⁵ examines the expenditure, administration and policy of the Department for Environment, Food and Rural Affairs and its associated public bodies.

WALES

The **Department for Environment, Sustainability and Housing**⁶ has the following objectives for built and natural environments:

- To protect and enhance the quality of the environment.
- To manage the built and natural environments in a sustainable way.
- To reduce waste generation.

The department has, among other things:

- Cross-cutting responsibility for sustainable development.
- Cross-cutting measures of **mitigation and adaptation** of climate change.
- Responsibility for energy policy.
- Responsibility for all aspects of planning policy.

The Welsh Assembly **Sustainability Committee**⁷ consider and report on the relevant duties placed on the Assembly, the First Minister, Welsh Ministers or the Commission which relate to:

- Climate change.
- Energy.
- Rural affairs and agriculture.
- Environment.

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http://www.parliament.uk/parliamentary_committees/environment_food_and_rural_affairs.cfm

⁶ <http://wales.gov.uk/about/departments/desh/?lang=en>

⁷ <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-sc-home.htm>

- Planning.

SCOTLAND

The **Cabinet Secretary for Finance and Sustainable Growth**⁸ has overall responsibility for climate change.

The **Minister for Transport, Infrastructure and Climate Change**⁹ is specifically responsible to the Cabinet Secretary for climate change.

The **Directorate for Climate Change and Water Industry**¹⁰ houses the Climate Change team, which is responsible for advising Scottish Ministers on climate change policy in Scotland, and is committed to:

- Raising public awareness of climate change.
- Mainstreaming climate thinking into key policy areas within the Government.
- Working closely with stakeholders.
- Improving understanding of climate change and its impacts.

The **Transport, Infrastructure and Climate Change Committee**¹¹ consider and report on matters relating to transport, infrastructure and **climate change** falling within the remit of the Cabinet Secretary for Finance and Sustainable Growth.

The **Rural Affairs and Environment Committee**¹² consider and report on agriculture, fisheries and rural development and other matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and the Environment. Note that this includes **sustainable development**, but **does not include climate change**.

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The **Department for Environment, Heritage and Local Government**¹³ has a mission to pursue sustainable development by, among other things:

- Achieving a high quality environment with effective environmental protection.
- Addressing climate change.
- Achieving effective conservation of built and natural heritages, and biodiversity.
- Ensuring that regions and communities are planned and built to respect sustainable and balanced regional development.

⁸ <http://www.scotland.gov.uk/About/14944/Scottish-Cabinet>

⁹ <http://www.scotland.gov.uk/About/14944/Scottish-Cabinet>

¹⁰ <http://www.scotland.gov.uk/About/Directorates/Greener/Water-Industry/Q/editmode/on/forceupdate/on>

¹¹ <http://www.scottish.parliament.uk/s3/committees/ticc/index.htm>

¹² <http://www.scottish.parliament.uk/s3/committees/rae/index.htm>

¹³ <http://www.environ.ie/en/AboutUs/>

The **Select Committee on the Environment, Heritage and Local Government**¹⁴ scrutinises the work of the department.

Note, however, that the **Joint Committee on Climate Change and Energy Security**¹⁵ was established in November 2007 to consider, among other things:

- Medium and long-term climate change targets, and key measures to meet them.
- The role of agriculture in providing bio-fuel and biomass crops and consequential implications.
- The levels of power supply which can be generated from renewable energy or other new power supplies.
- The projected energy demand from transport and the implications for energy security and emissions targets.

CROSS-DEPARTMENTAL WORKING IN ENGLAND

The House of Commons **Environmental Audit Committee** made the following points in its 2007 report on the structure of Government and the challenge of climate change¹⁶:

- Government has **failed fully to rise to the domestic challenge of climate change**, and has not displayed the same level of ambition in willing the means as it did when first it willed the ends.
- The organic process by which leadership and responsibility have evolved appears to have **created a confusing framework** that cannot be said to promote effective action on climate change.
- Extensive rationalisation of climate change bodies might prove counter-productive, but there is **clear need for strategic review** of Government bodies with major stakes in climate change, to ensure clear leadership and responsibility for delivery of climate change mitigation and adaptation policies.
- There appears to have been a **failure to ensure that cross-departmental structures can co-ordinate** cross-government policies and their implementation.
- Changes to governance arrangements will only lead to more consistent policy where there is **political will** for more consistent policy.
- The Cabinet Office, due to its **power and central coordinating function**, should have a far greater role to play in ensuring all departments pull together to ensure climate policy is coherent.

¹⁴ <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees30thDail/J-EnvHerLocGov/Homepage.htm>

¹⁵ http://www.oireachtas.ie/viewdoc.asp?fn=/documents/Committees30thDail/J-ClimateChange/Orders_of_Reference/document1.htm

¹⁶ <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmenvaud/740/740.pdf>

- A new Climate Change and Energy Secretariat, headed by a senior civil servant with sufficient authority, should be established within the Cabinet Office to **oversee management of climate change policy**, and focus on the implementation and delivery of policy within departments.
- Individual departments will not be fully accountable for climate change, nor give it the priority it needs, unless the Prime Minister takes a **strong lead in Cabinet** by establishing climate change as 1 of his priorities.
- Focus could be maintained by creating a **climate change Ministerial post**, with automatic right to attend full Cabinet meetings, a cross-Government management function, and the duty to provide clear political leadership on climate change.
- Cabinet Committee arrangements, although important, **matter less than political leadership**.
- PSAs on sustainable development and climate change have been less than effective due to **absence of strong consensus within Government**.
- **Changes to the PSA framework are likely only to improve effectiveness** of delivery of cross-Government sustainable development and climate change objectives **where there is clear political will**.
- It is **paramount that roles and duties are effectively defined**, due to the large number of organisations involved in climate change policy.
- Failure to ensure that the Committee on Climate Change has clarity of purpose, and that it will function within a coherent institutional framework, will undermine its ability to function effectively.
- Bringing together climate change and energy into a **single department would have helped to minimise the risk of inter-departmental conflict** in these intricately linked policy areas and could have enabled more coherent policy in both these areas.
- The movement of energy into DBERR, rather than DEFRA, constitutes a missed opportunity to mould governance structures into a shape more predisposed to coherent management of this complex policy area.
- Publication of the draft **Climate Change Bill would seem to signify Government's desire to address past failures**.
- Political risk generated by **failing to reach statutory targets should help focus** the minds of Ministers and officials on the need to reduce emissions.
- There is **clear need for a long-term policy framework** to identify roles for everyone in Government, from individual policy makers to Permanent Secretaries and Ministers.
- A start point should be an assessment of the likely structure of the UK economy in 2050.

- Government must, alongside a long-term policy framework, **create a long-term climate change impact policy framework**.
- There is an **important role for senior civil servants** to play in ensuring that climate change is addressed by Whitehall, especially in those policy areas which might fall between departments.
- Government should explore the potential for aligning **performance management of appropriate civil servants** with climate change objectives.
- Failure to address **general skill shortages in the Civil Service** will undermine attempts to move the UK to a low-carbon economy.
- External appointments have an important role to play in **equipping the Civil Service with the skills required** to tackle climate change.
- Policy makers are more likely to develop more effective policy for climate change where they **act more like coordinators**, bringing together experts from all sectors, including the private sector, third sector and academia.
- Government should undertake a study to **identify climate change skill and knowledge gaps in Government** for important sectors, and fill identified gaps with the best qualified individuals, whether internal or external.

THE 2008 CLIMATE CHANGE ACT CONCORDAT

The Concordat¹⁷, signed by the Minister for the Environment in December 2008, sets out the **agreed framework for administrative co-operation** for implementation of the regulatory framework established by the Climate Change Act 2008, between the SoS (DECC), the DoE in NI, the Welsh Ministers, and the Scottish Ministers.

The Concordat is **not legally binding**; it is a statement of the principles that guide relations between the 4 parties to ensure, as far as possible, agreement on common positions.

The Concordat is to ensure that roles and responsibilities of the 4 parties are effectively translated into **practical working arrangements** between them.

The aims are to:

- Promote close and harmonious working relationships and good communications at all levels between the 4 parties.
- Foster constructive co-operation, and, where possible, agreement in delivering a coherent and cost-effective climate change policy framework.
- Respect the letter and spirit of the devolution settlements.

The 4 parties to the Concordat jointly established a **Liaison Group (LG)** of senior officials representing the 4 parties by providing:

- **Communication**, at high level.

¹⁷ <http://www.defra.gov.uk/environment/climatechange/uk/legislation/pdf/ccc-concordat.pdf>

- **Co-ordination**, as the conduit to discuss and agree common positions.
- **Consultation**, for proper consideration of other parties' views.

The LG meets mainly by correspondence, or at the request of one of the 4 parties.

Consultation between the 4 parties shall be guided by the following principles:

- Ensure that parties' views **inform** the decision-making process.
- Be **inclusive** and **participatory**, so all interested parties are consulted.
- Be an **ongoing** activity.
- Allow reasonable **time** to enable a considered response.
- Provide adequate forewarning, fostering constructive and harmonious working based on '**no surprises**'.

The 4 parties will endeavour, wherever possible, to agree a common position through the LG. Where necessary, the 4 parties will invoke:

- Discussion at Ministerial level.
- Involvement of the relevant territorial Secretary of State.
- Involvement of the Joint Ministerial Committee.

Each of the 4 parties will appoint at least 1 official to the LG as liaison to ensure smooth running, including adherence by the 4 parties to its guiding principles.