



Response to AERA Committee's call for evidence on The Climate Change (No. 2) Bill

Introduction

Climate change is the most important issue facing this, or any other, generation. The recent IPCC report is more clear and confident than ever before about the downsides to global warming. However, scientists are hopeful that if we can cut global emissions in half by 2030 and reach net zero by the middle of this century, we can halt and possibly reverse the rise in temperatures.

It is imperative that politicians show strong leadership in this time of crisis. The arguments in favour of a Northern Ireland Climate Change Bill are supported by the most up-to-date science, economics, and ethics. Strong climate legislation is good for people, good for the economy, and good for the planet. It is essential if Northern Ireland is to take advantage of the inevitable move to a low-carbon global economy.

1. The Bill Objectives

In order to have a good chance of staying below a 2°C temperature rise, the planet as a whole is limited to around 800 billion tonnes of CO₂ equivalent (GtCO₂e). If we are to stay below 1.5°C, the preferred target in the Paris Agreement, we cannot emit more than about 400GtCO₂e. Northern Ireland's fair share of this limit is around 92million tonnes of CO₂ equivalent (MtCO₂e). According to the most recent greenhouse gas statistics (1990 – 2019) Northern Ireland is emitting over 21MtCO₂e per year. At the current rate of emissions reduces Northern Ireland would exceed its fair share of emissions before the end of this decade.

Northern Ireland's per capita emissions are higher than the UK average, accounting for 4% of the UK's total emissions. In addition, Northern Ireland's emissions are falling significantly lower than the UK average, achieving just 18% reduction compared to the UK's 44%. If Northern Ireland is to do its fair share in tackling climate change, there is simply no room in the carbon budget for new fossil fuel infrastructure or exploitation, and we must make a rapid transition to a zero-carbon, or near zero-carbon, society as soon as possible.

It is important to get the trajectory of emissions reductions right. That means making rapid and steep cuts early. Ambitious emissions reductions legislation is needed in order to set the framework within which policies and plans can be written to ensure the required emissions reductions trajectory is achieved. The inclusion in the Bill of a series of emissions reductions targets, 2030, 2040, and 2050, is a useful mechanism for ensuring a planned, phased reduction in emissions. However, the specific targets included in the Bill are inadequate.

Northern Ireland remains the only part of the UK or Ireland with no binding greenhouse gas reductions targets. Scotland, Wales and the Republic of Ireland have not only had climate legislation in place for a number of years, but they also have all recently amended that legislation to show more ambition in reflecting the urgency of the climate crisis and the need

to do more. Northern Ireland cannot be the only part of the UK without its own net-zero target.

Based on the most up to date science, the UK Government's target of net zero by 2050 is unambitious and basing a Northern Ireland target on a contribution to this target demonstrates an even lower level of ambition. Northern Ireland must have its own net zero target and because of its failure to bring forward climate legislation years ago, it must bridge the gap in emissions reductions and make up for lost time. Net zero by 2045 is achievable, and with more ambitious measures, net zero earlier than 2045 is possible. Research from the Tyndall Centre for Climate Change Research demonstrates Northern Ireland could have a zero-carbon energy system by 2042.

The IPCC's 6th Assessment Report IPCC report has made it clear that the highest possible ambition must be implemented by everyone to avoid catastrophic climate breakdown. Northern Ireland must recognise its role as a key emitter and adopt the same level of climate ambition required by the most up-to-date science, as laid out in the most recent IPCC report. This is a net zero target consistent with the best science. Anything less than this standard will not suffice.

Carbon budgets are a key indicator of the extent to which we are meeting targets however there are other indicators which should be included in similar budgeting mechanisms. For instance, Nitrogen budgets should be included.

In addition, biodiversity decline is a key indicator of climate change. Any resulting climate change legislation for the Northern Ireland should reflect the importance of biodiversity as a key performance indicator in the battle against climate change and reflect this in the legislation.

This provision places too much reliance on the CCC. While CCC advice is welcome, it cannot be the only determining advisory body that advice is taken from in relation to what poses as a complex, local and global problem. The CCC has its limitations and blind spots and is limited to considering Northern Ireland's contribution to UK targets only. As such Northern Ireland needs a truly independent oversight body capable of auditing its compliance with any overriding climate legislation and in doing so assimilating a wide variety of bona fide climate advices into one bespoke piece of guidance for Northern Ireland and its unique circumstances relative to the island of Ireland, Europe, and the UK.

Northern Ireland's contribution to global emissions, both current and historical, not just the current contribution to the UK total, must form part of any assessment on its compliance with climate legislation and only a completely separate NI based institution can do this.

Northern Ireland is a small country, with a small population. It should be possible to be flexible, agile, and ambitious.

2. Emissions targets

The Bill sets greenhouse gas emissions reduction targets for 2030, 2040, and 2050. This is a useful mechanism for ensuring there is a planned and phased reduction in emissions. The specified emissions reductions targets, however, do not reflect Northern Ireland's historic or current contribution to global greenhouse gas concentrations.

The caveat "at least" may be a convenient loophole for going beyond the specified targets, but it does not represent the strongest possible ambition that is demonstrated in comparative jurisdictions globally, in the rest of the UK devolved governments and in the Republic of Ireland. Net Zero based on the most up-to-date science is the only standard that is acceptable, and it follows that if a devolved government has the competency to set a Net Zero target, then it should.

Scientifically, the greenhouse gas emissions reduction trajectory is the most important element of any emissions reductions plan. A net zero target, however, will provide the policy impetus for the policies and plans that will stem from legislation. Politically, a net-zero target based on the best science is important.

It is unlikely that a weak, caveated target of "at least 82%" will encourage the adoption of the technologies, policies, and behaviours that are necessary to ensure that there is a just transition to a climate proofed society. Northern Ireland has been without climate legislation for many years with other countries now increasing their climate ambition based on the success of their climate policies. If we do not set the same pace, we will be left behind and will suffer as a result. This "at least" terminology does not set ambition and it will therefore not drive ambition.

As previously mentioned, research from the Tyndall Centre on Climate Change Research demonstrates that it is possible for Northern Ireland to achieve net-zero emissions by around 2042.

Much of Northern Ireland's economic policies are based on exploiting global markets, an exports focus and attracting international tourism, for example. Northern Ireland has historical and current responsibility for global greenhouse gas concentrations. If Northern Ireland is serious about being a global player, then it must consider its global impact. Basing carbon reduction targets on the contribution to UK emissions alone while simultaneously positioning as a global economy is contradictory. Either Northern Ireland is a small subset of the UK or it is a global economy. If Northern Ireland is a global economy then emissions reductions must be based on a global fair share contribution.

3. Power to Amend Targets

Adaptation and mitigation for climate change is everyone's responsibility. As such, every climate change related decision must be as accountable as possible. This ability to amend legislative ambition depends too much on "affirmative resolution". Only the department may propose a change and this may only be ratified by the assembly. Under this regime, the assembly does not get any wider forms of scrutiny to propose its own changes - it can only ratify what is put before it. This flies in the face of democratic accountability which underpins any climate legislation.

4. Carbon Budgets

The proposed Carbon Budgets are a key element of the Bill. The targets establish the direction of travel, but the Carbon Budgets will set out the route. If we are to keep global temperatures below dangerous levels we must make rapid cuts in emissions based on strict carbon budgets. However, Carbon Budgets alone don't provide enough detail. Climate Action Plans would provide the details necessary to set sectoral emissions targets. Without the guidance set by the Climate Action Plans there is a real risk Northern Ireland's response to the climate emergency will remain unfocused and inadequate.

As previously mentioned, Carbon Budgets are just one mechanism for ensuring a just transition.

5. Progress Reporting

While regular reporting is crucial, debunking such reports is a very complex process. In order to have accurate scrutiny of any progress report, Northern Ireland needs a comparative independent watchdog report running parallel with this, commenting on the validity of any executive report and its compliance with any overarching climate objectives to allow

independent assessment of its merits to take place. Climate change is a problem defined and quantified by science. It is crucial that science provides constant oversight

6. Independent Oversight

The Bill proposes that independent oversight can be achieved through the Climate Change Committee (CCC). The CCC is undoubtedly an internationally respected expert body. There are, however, a number of problems with relying on advice from the Climate Change Committee alone.

I. The question asked

The Climate Change Committee responds to the question asked of it. For example, most recently the Committee was asked by the Minister for advice on how Northern Ireland could make an equitable contribution to the UK's net-zero target. The Committee was not asked to layout a pathway to net-zero for Northern Ireland, nor asked how quickly Northern Ireland could reach net-zero. There is a built-in assumption in the question that Northern Ireland can only, or will only, contribute to the UK's target. This isn't the case though. As both Scotland and Wales have demonstrated, Northern Ireland can choose to set its own target. Responsibility for all the policy areas central to climate action are devolved. Northern Ireland does not have to simply tag along behind UK Government policy.

II. Assumptions underpinning the UK target

There are several assumptions underpinning the rationale for the UK net-zero target that need to be challenged. Analysis by Friends of the Earth of the Climate Change Committee's recommendations to the UK Government show that net-zero by 2045 is achievable, even given the underpinning assumptions. Furthermore, those assumptions are challengeable, and a more ambitious target is possible. For example, there is no technical reason why Northern Ireland couldn't invest in the electric grid to facilitate a rapid, wholesale shift to electric heat. There is no technical reason why a programme of public works to increase energy efficiency in homes and public buildings can't quickly be implemented. Indeed, the Assembly already endorsed such a programme in the Green New Deal. It was never implemented though, and the funds were used for a boiler replacement scheme instead.

A report from the Tyndall Centre for Climate Change Research presents an argument that Northern Ireland's fair contribution to the UK's commitments under the Paris Agreement is net-zero by 2042. The report further lays out a trajectory to zero-carbon for all energy use within devolved responsibility. All energy use (electricity generation, heating, cooking, industry, and transport) accounts for the vast majority of Northern Ireland's CO₂ emissions. If this ambitious carbon budget was adopted a target of net-zero by 2045 would become more achievable.

III. Fair share

Both the target recommended by the Climate Change Committee and the target recommended by the Tyndall Centre are based on a fair share principle. However, the Committee's recommendation is based on a fair share of an inadequate target, while the Tyndall Centre's target is based on a fair of what the science says we must achieve. Furthermore, Northern Ireland has the joint highest emissions per capita in the UK at 13 tCO₂e/person, equal with Wales. The Tyndall report points out that at current emissions rates Northern Ireland will expend its entire fair share budget before 2030. It hardly seems fair, therefore, to allow Northern Ireland to reduce its emissions at a slower rate to the rest of the UK.

Through the proposed use of Negative Emissions Technologies and carbon offsets, the Committee effectively inflates the size of the UK carbon budget, thereby unfairly giving the UK more leeway but increasing the risk of missing the Paris Agreement target. By basing the Northern Ireland target on an inflated target, but without using the technologies and offsets that enabled the inflation to take place, the recommended target for Northern Ireland is significantly less equitable than the Tyndall Centre target.

IV. Other scenarios

Although the Committee recommends an 82% reduction in greenhouse gas emissions by 2050, the report for the 6th Carbon Budget does include a range of scenarios. The Widespread Engagement, Widespread Innovation, and Tailwinds scenarios achieve better emissions reductions than the recommended scenario, with the Tailwinds achieving a 94% reduction by 2050. These scenarios also suffer from the same fundamental flaws as the recommended scenario, as explained above.

Rather than relying on advice from the CCC alone, an independent Climate Commissioner should be established. The Climate Commissioner would ensure Ministers and departments introduce policies and plans to reduce emissions and would provide regular, independent watchdog reports on Northern Ireland's compliance with the level of ambition required within the climate legislation. It would essentially keep us on track to do the most we can, in the quickest time, that is fair to all. Without the scrutiny of the Commissioner, it is likely Northern Ireland will continue to lag behind.

It is important that the Climate Commissioner is independent of Government and free to be critical of departmental plans and policies. The Commission must be able to speak freely without fear of funding cuts, Ministerial gags, or political interference.

7. Responsibility on Government Departments and Public Bodies

Public bodies must play a key leading role to ensure the required greenhouse gas emissions reductions are achieved. Public bodies often have large estates that could be used for the benefit of the public, such as renewable energy generation, allotments, community tree nurseries, or hubs for community transport schemes. Public bodies also have large budgets and significant positive procurement potential that could be used to stimulate the market in low-carbon technologies, or directly fund low-carbon projects.

Climate change is an overarching issue that affects all Government departments. Responsibility doesn't lie with a single department. To reflect this, we would like to see the creation of a dedicated Department for Climate Change, with all climate related responsibilities focused on in this portfolio. Failing this, climate responsibility should lie with the Executive. It is best placed to ensure a co-ordinated response to the climate emergency.

We need a clear mechanism of enforcement that allows for straight forward action to be taken when a government department does not meet its obligations. The provisions as drafted raise issues around identifying causality and which department is at fault. The absence of independent watchdog reports assessing compliance with climate legislation make taking legal proceedings against a particular department a lengthy and complicated process since proof of a breach of responsibilities must be ascertained first. Given that time is not on our side, this pursuit of legal remedy takes too long without an independent report from an expert. Therefore, an efficient mechanism to enforce against a department failing to meet its responsibilities must be put in place.

8. Resource implications

Any legislation and government policy will have resource implications. Given the severe implications of business as usual such as flooding, drought, displacement of people, ill-health, and negative impacts on well-being, doing nothing is not an option. The shift to a low-carbon society has multiple positive implications such as job creation, reductions in fuel poverty, improved standards of living, better quality of life, and environmental regeneration.

9. Access to specialist advice

The Climate Change Committee is a recognised expert body and its advice should be sought and taken into account. The advice and recommendations from the Committee may be limited by UK Government policy, however, so consideration should also be given to scientific research, technical and technological developments, and policies of other countries, particularly Ireland, Scotland, and Wales. Northern Ireland is a devolved nation with responsibility for climate change policy and action. We should not be fettered by the changing, and possibly conflicting, policies of whichever Governments happen to be in power in Westminster over the next few decades. Northern Ireland should be in a position to rely on advices not only from the CCC, but also from the Intergovernmental Panel on Climate Change, and the Republic's Climate Advisory Council. It should also be in a position to consult advisory bodies other than these as the science develops. It's important that this advice is assimilated into a bespoke Northern Ireland centric set of advices which ensure compliance with any Northern Ireland climate change legislation. In this sense, a newly created climate office for Northern Ireland should be established to do this.

10. Transboundary considerations

Climate change and environmental damage don't respect borders. Northern Ireland shares an island with the Republic of Ireland. Transboundary impacts must be included if our move to a low-carbon society is to be fair.

The Bill does not address transboundary issues sufficiently. Its oversight mechanism is overly reliant on the CCC which has confirmed that it does not concern itself with the Republic of Ireland's efforts. This is entirely justified given that it is an institution set up under a UK act. However, this blind spot, however justified, cannot be ignored since it does not serve Northern Ireland's best interest to do so. The efforts of the ROI and the wider EU are crucial to understanding what will work and what will not work in the future. Northern Ireland must do its part in the global battle against climate change and to look inwardly and be isolationist will not work in these circumstances.

11. Additional information

A Northern Ireland Climate Change Bill has widespread support among the NGO sector, the business community, and the Northern Ireland Assembly. Northern Ireland must have a just transition to a low-carbon future. We have an imperative to make swift and dramatic greenhouse gas emissions cuts due both to our current emissions and the legacy of our historic emissions. We can no longer prevaricate. Introducing a Northern Ireland Climate Change Bill, with strong greenhouse gas reduction targets based on the most up-to-date science, is the right thing to do.

Further call introduce a moratorium on large scale waste incineration as with our neighbours within United Kingdom in Wales as we all transition to a programme of Climate Change reduction. This will further include adoption of similar beyond recycling strategy to a true Circular economy, reduction in waste through clear reduce, reuse and recycle programmes implemented from central government with clear targets and incentives.

The proposed Number 2 Bill falls short in some crucial areas:

- I. It is not underpinned by a principle of a just transition. A just transition principle enables an efficient and co-ordinated change process. This would help to reduce the human and economic costs of climate disruption. It can also generate new jobs and a sustainable, inclusive economy now and into the future. However, these benefits will not happen automatically, especially if decision-makers fail to adequately tackle questions of fairness and equity in the transition. The concept of a just transition has understandably dominated the adaptation and mitigation of climate change in comparative jurisdictions. Scotland has established its own Just Transition mechanism as has the European Union, and Wales passed a Well-being of Future Generations Act. Such recognition of this concept is crucial to address the climate crisis and any legislation which is devoid of reference to a just transition will be outdated before it is even passed.
- II. It does not include a science-based net-zero target. A net-zero target has significant political power. It would establish a clear, unambiguous intent to transition to a climate compatible society.
- III. The Bill does not include Climate Action Plans. While a net-zero target would set the necessary direction of travel, the CAPs would establish how we get there. Without CAPs there is a danger climate policy will be unfocused, contradictory, and ineffective. Care should be taken, however, to avoid some sectors being given a de facto immunity from greenhouse gas reduction requirements, while others are forced to carry an unreasonably disproportionate burden. Policies and plans may offer transitional support to some sectors less able to make early cuts, but it would be wholly unjust to allow some sectors to continue to grow and produce increasing emissions while others have to make dramatic cuts.
- IV. There is too much reliance on the Climate Change Committee as the sole advisory body. Advice should be sought from multiple sources to ensure the fullest possible information is drawn upon when devising policy, amending targets, and assessing overall compliance with the legislation.

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