

**Northern Ireland Assembly  
Committee for Agriculture, Environment and Rural Affairs  
Scrutiny of the Climate Change (No. 2) Bill**

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**Opening statement of  
Environmental Justice Network Ireland**

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**Introductory comments**

The [Environmental Justice Network Ireland](#) would like to thank the Committee for Agriculture, Environment and Rural Affairs for the opportunity to present evidence on the Northern Ireland Climate Change (No. 2) Bill. While this framework bill includes many helpful features, its components do not go far enough in crucial areas. The negative trend present throughout the bill undermines the framework as a whole and renders the proposed legislation unfit for purpose. There are also important components missing completely from the proposed legislation. This creates a weakened framework in a context where Northern Ireland's relatively high emissions levels, the urgency of the need to act on climate and problematic environmental governance experience to date mean a sophisticated bill is required. This short paper will firstly highlight crucial components which are missing altogether and will then set out areas where the Climate Change (No. 2) Bill does not go far enough.

**1. The bill is missing fundamental components**

**a. Accountability mechanisms**

The inclusion of a Northern Ireland Climate Commissioner or equivalent actor/office with a Northern Ireland-specific remit including review, reporting and accountability functions would be necessary to ensure the credibility of framework. This enhanced accountability is important in Northern Ireland where public trust in the delivery of environmental regulation has been eroded by [decades of weak governance and regulation](#). It is especially important given the current structures of governmental departments in Northern Ireland, where a single Minister and Department are responsible for both agriculture and the environment via DAERA. While this set up includes benefits associated with the key role that the farming community will play in

delivering climate action, it creates a fundamental conflict of interest which requires a higher level of accountability not currently present in Bill No.2.

**b. Just Transition principles**

Inclusion of overt just transition principles and/or a just transition perspective would benefit the framework. Enshrining these principles in primary legislation will provide unequivocal protection to those most gravely impacted by climate change but also to those impacted by the necessary process of moving to a low carbon economy, such as the agricultural community. This essential component should not be relegated to strategy or secondary legislation but should be front and centre within any climate legislation developed for this, or any jurisdiction.

**c. Transboundary considerations**

The absence of transboundary considerations given the shared nature of environmental challenges (including those related to the climate crisis) is a serious omission. The current governance arrangements for all-island cooperation on the environment are inadequate to ensure shared action can withstand political crises. Enshrining the need for consideration of transboundary issues in primary legislation would insulate action on climate from political developments. In addition, inclusion of a prerogative to consider developments beyond the UK would contextualise Northern Ireland's role within the global community's action on climate. Conversely, setting unambitious targets which diverge from those in place south of the border, within the UK and those created within the EU and global community will leave Northern Ireland behind - this carries a far greater risk than taking meaningful action on climate now.

**2. Areas where the bill does not go far enough**

**a. Outdated and unambitious targets**

The 2030, 2040, and 2050 emissions targets are useful components of the Act, because they set out a clear trajectory over time that gives policy makers a temporal indication of where the jurisdiction needs to be (at minimum) at the turn of each decade. These features are undermined, however, by the negative trend (noted above in our introductory comments) above; namely, they "do not go far enough". This is evident where one considers the levels that the targets are set at. These levels do not work towards a net zero emissions reduction target, neither prior to 2050 nor by the time of

2050. This is a departure from prevailing global scientific and political opinion about how quickly jurisdictions must act to avoid catastrophic climate change. The weak level of ambition renders each of the targets, and the general reductions trajectory that they sketch out, as generally unsuitable, - especially given the widely accepted premise that the cost of inaction or delayed action will far surpass that of mitigation and making a swift and just transition to a low carbon economy now (see, e.g. [OECD](#)).

**b. Weak carbon budget pathway**

The carbon budgets proposed under the Act are useful and largely follow standard practice found in certain other Climate Change Acts. However, the negative trend described above again exerts an undermining impact on this feature; the weak trajectory for emissions reductions employed by the framework (highlighted at point 2 (a)) above drives a carbon budget pathway that is too weak for suitable purpose and is outdated compared to prevailing views on how quickly jurisdictions should be acting.

**c. Inconsistency regarding the role of the UK Committee on Climate Change**

DAERA apply different and inconsistent interpretations of the degree to which the NI Assembly can dictate the role of the UK Committee on Climate Change in Climate Change (No. 2 Bill) and in their critique of Climate Change (No. 1) Bill. Part 4 of the Bill No.2 endeavours to compel the Committee on Climate Change to do a range of things, in quite strident language (e.g., “Before the end of 2027, the Committee on Climate Change *must* send a report to the Department” etc.; s.22(1), emphasis added). It may be possible that the Northern Ireland Assembly does have the authority to insist that the Committee carries out this sort of action, but it makes for slightly curious reading given that DAERA’s document entitled *DAERA response to AERA Committee Call for Evidence/Views on the non-Executive Climate Change Bill* makes the following sorts of emphatic points in relation to Climate Change Bill No.1’s proposed Net Zero target for 2045:

as the CCC advice has been ignored in the setting of the headline target within [this] Bill, there is an issue and difficulty in expecting the CCC to provide advice on progress with action plans to deliver a target which they do not consider to be credible.<sup>1</sup>

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<sup>1</sup> DAERA response to AERA Committee Call for Evidence/Views on the non-Executive Climate Change Bill, para [62].

It is difficult to see how the DAERA Bill can use strident language to compel the CCC to undertake certain tasks when DAERA has suggested already (incorrectly, in our view) that the Committee on Climate Change appears to enjoy a substantial degree of autonomy that permits it to choose whether or not it will engage with such obligations set down in a Northern Irish Climate Bill (per the quotation above), regardless of the level of ambition of its targets.

**d. Responsibilities for key duties are unclear**

Section 29 inadequately socialises key duties under the terms of the Bill across the Northern Ireland departments in a nebulous manner. The duty to secure a primary target such as the 2050 target, for instance, should be placed on an identifiable and responsible actor, e.g., the Minister who holds the primary portfolio (the Minister for DAERA). Another credible option might be the Executive Office.

**e. Weak overarching message**

The overall trend created by the omissions and weakened components of Bill No.2 creates a negative trend, and a negative impression which will do little to signal to society the scale of the changes necessary to ensure a just transition to a low carbon economy. This more general function of climate legislation should not be undervalued and is a consideration which Bill No.2 does not currently achieve.

## **Environmental Justice Network Ireland**

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The Environmental Justice Network Ireland was established in June 2019. EJNI is an all-island network which seeks to build collaboration between groups and individuals involved in the delivery or pursuit of environmental justice. Its goal is to connect academics, lawyers, NGOs, decisionmakers and community activists and in doing so help equip people with the knowledge and tools they need to enhance the quality of environmental justice on the island of Ireland.



For more information, visit our website: [www.ejni.net](http://www.ejni.net) or email [admin@ejni.net](mailto:admin@ejni.net)



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