



Assembly Briefing No 1

The Climate Change Bill

Key points of this briefing

The UK Government has published its draft Climate Change Bill which creates a legal framework for carbon dioxide emissions cuts until 2050.

The Assembly will decide whether or not Northern Ireland is to be included in the Bill which is to be published in the Autumn of 2007.

Northern Ireland should opt into this legislation because:

- there is a clear moral imperative to do our bit to avoid catastrophic climate change;
- the economic costs of inaction are great while the economic benefits of cutting emissions are many;
- climate change is already impacting on Northern Ireland and it is in our interests to cut emissions together with others.

Friends of the Earth recommends that the Assembly consents to the UK Climate Change Bill on the basis that it will include a legal requirement for Northern Ireland to make its fair share of emissions cuts. The actual targets and carbon budgets should be determined by the independent Climate Change Committee.

This new legal framework will enable the Assembly to move beyond decisions on *whether* to make cuts in emissions and allow it to focus on *how* those cuts can be made most effectively.

Friends of the Earth inspires solutions to environmental problems, which make life better for people.

Friends of the Earth is:

- dedicated to protecting the environment and promoting a sustainable future for Northern Ireland
- the UK and Ireland's most influential environmental campaigning organisation
- the most extensive environmental network in the world, with over 60 national organisations across five continents
- a unique network of campaigning local groups working in over 200 communities throughout the UK and Ireland
- dependent upon individuals for over 90 per cent of its income.

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Background

In March 2007 the UK Government published the Draft Climate Change Bill, which establishes a legal framework for reducing carbon dioxide emissions in order to tackle climate change. The main provisions of the Bill are:

- A legally binding target to reduce CO₂ emissions by 60 per cent on 1990 levels by 2050;
- A series of legally binding 5 year “carbon budgets”;
- The establishment of a Climate Change Committee to provide independent expert advice to Government;
- A requirement for annual progress reports to Parliament.

If the agreed targets are not met the Government would be open to Judicial Review.

The Bill has come about through persistent campaigning by environmental and international development organisations; cross party demands for such a Bill including support from all of Northern Ireland’s MPs; support from the leadership of both the Conservative and Liberal Democrat parties at Westminster; and recognition by Government that its credibility in the global fight to tackle climate change rests on robust domestic action. In the last session of Parliament an Early Day Motion calling for a Climate Change Bill was signed by 412 MPs.

The Climate Change Bill has been drafted as UK-wide legislation but the Government has made it clear that it is up to the newly elected devolved administrations as to how they wish to take the matter forward. This can be done either by consenting to Westminster legislation or by separate legislation through the Assembly.

Summary of proposals:

Friends of the Earth recommends that:

- 1. The Assembly consents to the Climate Change Bill currently drafted as UK legislation;**
- 2. The legislation requires Northern Ireland to produce carbon reduction strategies aimed at delivering specific targets designed to reduce its CO₂ emissions at a similar rate to the UK as a whole;**
- 3. The rate of reduction should be an average of at least 3 per cent per annum and aimed at ensuring that Northern Ireland contributes its fair share of emissions reduction to stabilise the world’s climate at not more than 2 degrees C above pre-industrial levels; and**
- 4. A Northern Ireland sub-committee of the proposed Climate Change Committee is established.**

Friends of the Earth further recommends that the Executive asks the UK Government to amend the Climate Change Bill as follows:

- 5. Revise the headline target from 60 per cent to 80 per cent reduction in CO₂ emissions by 2050;**
- 6. Include emissions from international aviation and shipping in the scope of the Bill;**
- 7. Be clear what is achieved each year and require annual progress reports.**

Why Northern Ireland needs a legal framework for reducing carbon dioxide emissions

Our responsibility

The moral argument for contributing our fair share of cuts of carbon dioxide emissions is a powerful one. We know that climate change is already destroying the lives and livelihoods of many of the poorest and most vulnerable people in the world. As global temperatures rise further this trend is set to continue. Climate change is the biggest single threat to development: it could undo decades of progress in fighting poverty.

People in Northern Ireland donate generously to organisations that support poor people in the developing world but this is undermined by our high-carbon lifestyles. If everyone in the world lived as we do, we would need three planets to support us. While many people seek to cut their personal emissions, the role of Government is vital in enabling our impact to be significantly reduced.

Our economy

There are also powerful economic arguments for ensuring that Northern Ireland cuts its carbon emissions in line with the rest of the UK. International agreements, EU policy and UK policy on climate change mean that successful economies of the future will be the low-carbon ones. Successful businesses within those economies will be the ones that develop highly energy-efficient processes, products and services that minimise the carbon emissions of their activities.

If Northern Ireland fails to create the key policy drivers that are designed to reduce emissions there may be a short term economic advantage but this would come at a high future cost as competitors would have learnt to thrive in an environment dominated by high energy and carbon costs. Recent studies, most notably the Stern review, have made it clear that not only are reductions in emissions of the order needed to stabilise global temperatures at or below the critical 2 degree C level achievable on a UK wide basis but that the cost of such reductions is not excessive – less than 1 per cent of global GDP. The Stern review also made it clear that the costs will increase the longer appropriate action is delayed, to the point where the costs of inaction are potentially catastrophic, at least 5 per cent of global GDP every year, and potentially 20 per cent or more of GDP. Stern shows that the economically smart thing to do is to spend a proportion of GDP on reducing emissions now in order to avoid future costs. This can only happen for Northern Ireland if the Executive takes the lead.

Climate change is affecting us

Related to the economic argument are the social, environmental and economic impacts of climate change. The recent SNIFFER report on the impacts of climate change on Northern Ireland identified a number of direct effects, mostly negative, on human health, the economy, natural habitats and water resources, for example. The extent of flood risk to existing settlements remains unquantified compared with the situation in Great Britain. Many of these impacts are inevitable given the temperature rises that are already assured for the future, but it is clearly in Northern Ireland's self interest to do its utmost, along with others, to minimise temperature rise.

The all-island dimension

Carbon emissions from Northern Ireland and the Republic of Ireland are closely interlinked: through the single electricity and gas markets and the legitimate cross-border trade in road fuel purchasing.

The government in the Republic has set a target of reducing greenhouse gas emissions by 3 per cent per year in its five-year Programme for Government. This represents an opportunity to jointly

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pursue emissions reduction goals, through sharing of knowledge and expertise, enabling the two administrations to work together on joint policy goals.

Friends of the Earth's proposals in detail

Proposal 1: The Assembly should consent to UK legislation

The Government's consultation document on the Draft Climate Change Bill quotes the following examples of where devolved responsibilities will need to be addressed:

- the role of the Devolved Administrations in relation to setting, modification and achievement of the UK targets and the intervening carbon budgets;
- their role in relation to agreeing to and implementing trading schemes;
- their role in relation to the Committee on Climate Change, its reporting requirements and its funding; and
- the ability of the Scottish Parliament, Welsh Assembly and Northern Ireland Assembly to scrutinise matters affecting their devolved responsibilities.

From this flows four possible options open to Northern Ireland. They are that Northern Ireland:

- A. consents to a UK wide Bill that requires a regional target for Northern Ireland.
- B. consents to a UK wide Bill that does not require a regional target.
- C. makes its own legislation.
- D. does not consent to a UK Bill and does not make its own legislation.

Option D should clearly be ruled out on the basis of the moral and economic imperatives described above. Option B would create the illusion of a commitment to cutting emissions while in reality there would be no obligation to make such cuts.

The real choice is between Options A and C – the Assembly consents to UK legislation or makes its own legislation. The Climate Change Coalition strongly recommends Option A - consent to UK legislation including a regional target. This is for four main reasons.

First, the Assembly faces a busy legislative programme and this option would allow legislation to be passed while minimising the burden on the Assembly. It is difficult to see what would be gained by separate Northern Ireland legislation given that this is a situation where consistency of approach across the UK is likely to deliver the best outcomes.

Secondly, such legislation would commit Northern Ireland to making its fair share of emissions cuts in the same timescale as elsewhere in the UK thus meeting the moral and economic imperatives to do so.

Thirdly, not all Northern Ireland's emissions are within the control of the Assembly. Most fiscal measures remain undeveloped, for example. Opting into the UK Bill would provide a mechanism for dealing with these differences.

Fourthly, a UK Bill would reflect the fact that international obligations such as the Kyoto Agreement apply to the United Kingdom as a whole and not separately to the devolved administrations.

Proposal 2: The legislation should require Northern Ireland to produce carbon reduction strategies aimed at delivering specific targets designed to reduce its CO₂ emissions at a similar rate to the UK as a whole.

Legally binding carbon reduction strategies and targets at devolved level should include the specification of emissions reductions sector by sector, and the instruments by which government will ensure that each sector will stay within its carbon budget. This would:

- translate the commitment to make a fair share reduction into policy;

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- curtail debates as to *whether* to cut emissions and enable the focus to be on *how* they should be cut, thus making the task more politically straightforward;
- ensure that Northern Ireland benefits from the social, economic and environmental gains to be derived from cutting carbon emissions.

While many of the powers needed to reduce Northern Ireland's CO₂ emissions are devolved, a number are not. This is even the case with a single sector of carbon – like cars for example. The fuel efficiency of cars may be predominantly affected by Westminster policies on Vehicle Excise Duty (and EU mandatory car standards) whereas use of cars rather than public transport, cycling and walking is predominantly affected by transport policy which is fully devolved.

A memorandum of understanding should therefore be drawn up between the Executive and the UK Government identifying what proportion of the targets and budgets will be met by devolved measures and what by central measures, as advised upon by the Climate Change Committee. The obligation to meet these targets and budgets should apply to Northern Ireland Ministers in the same way as it applies to Ministers at Westminster under the Bill.

Proposal 3: The rate of reduction should be an average of at least 3 per cent per annum and aimed at ensuring that Northern Ireland contributes its fair share of emissions reduction to stabilise the world's climate at not more than 2 degrees C above pre-industrial levels.

Our scientific understanding of climate change is evolving but it is UK and EU policy that in order to prevent the most dangerous effects of climate change global temperatures should be stabilised at no more than 2 degrees C above pre-industrial levels. This is the imperative that informs all target setting and is determined by the concentration of carbon dioxide in the atmosphere.

The Government's climate policy "Climate Change – The UK's programme 2006" stated: *"in the mid-1990s the EU proposed that the aim should be to limit global temperature rise to no more than 2°C to avoid dangerous climate change ... At that time, it was thought that this equated to atmospheric carbon dioxide levels below approximately 550 ppm. The more recent work of the IPCC suggests that a limit closer to 450 ppm or even lower, might be more appropriate to meet a 2°C stabilisation limit."*

It should be remembered that for many people, particularly in developing countries the effects of climate change are already catastrophic and are likely to become progressively worse. Global temperatures have already risen by 0.7 degrees C above pre-industrial levels and with the time lag between the emission of greenhouse gases and rises in temperature, it is predicted that even if we stopped all greenhouse gas emissions immediately, we are committed to another 0.6° - 0.7°C temperature rise. This gives an even greater degree of urgency to our action to reduce our emissions as quickly as possible and to as great an extent as possible.

Calculating the correct target for the Bill is complex. Scientists are not able to say precisely what concentration of carbon dioxide in the atmosphere is "safe" or "unsafe" – rather their work leads to a series of probabilities that global temperature rise will exceed 2 degrees C. Arriving at the "right" target first requires a judgement as to how much of a risk of exceeding that level is acceptable.

The target for the UK further depends on how global emissions are distributed between countries. Finally, because carbon dioxide persists in the atmosphere for many years, the real determinant of the severity of climate change is not emissions *in* 2050, but total cumulative emissions *by* 2050.

The Tyndall Centre for Climate Change at the University of Manchester has calculated that the UK's fair share of emissions between 2000 and 2050 is in the region of 5 Billion tonnes of carbon in order to limit CO₂ concentrations to 450ppm (based on how the UK Government apportioned emissions to the UK in order to calculate the '60 per cent by 2050' target). UK emissions could be limited to this level if they were reduced by at least 3 per cent per annum starting immediately. The longer we leave it, the greater the annual reduction will have to be.

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While a focus should be maintained on CO₂ for the time being, since this makes up the bulk of greenhouse gas emissions from the UK and is currently the most difficult to control, in the medium term we should move towards a total greenhouse gas target for the UK and, in turn, Northern Ireland. This is in line with international processes and this reflects more accurately and holistically the quantity and kind of gases influencing the global climate.

Proposal 4: A Northern Ireland sub-committee of the proposed Climate Change Committee is established.

A Northern Ireland sub-committee of the proposed Committee on Climate Change would:

- ensure the same level of advice to the Executive as will be available to Government elsewhere in the UK;
- report annually on progress to the Assembly and enable it to scrutinise the Executive's progress;
- liaise with the putative similar body in the Republic of Ireland (see 'The all-island dimension' above).

We envisage a sub-Committee of two members who work solely on Northern Ireland's progress and policies, and two members who also sit on the main Committee. This balances scrutiny of our progress with the broader picture of UK emissions.

The primary consideration of the Committee must be to recommend an emissions reduction pathway which will enable emissions to stay within the limits required, to make a globally equitable contribution to avoiding dangerous climate change. In doing so, however, the Committee should have a clear duty to identify and recommend the most environmentally and socially sensitive pathway towards achieving this goal. This is necessary to avoid further damage to UK biodiversity; to the world's fragile ecosystems; and to vulnerable peoples in developing countries, all of whom will already be threatened by climate change. These threats could be significantly exacerbated by unnecessary reliance on damaging or dangerous technologies.

Proposals 5, 6 and 7

The Climate Change Bill as currently drafted is weak in a number of areas. It is recommended that the Executive asks the UK Government to amend the Climate Change Bill as follows:

5 *Revise the headline target from 60 per cent to 80 per cent reduction in CO₂ emissions by 2050;*

The key determinant of what the targets should be is the UK's (and Northern Ireland's) fair share of global emissions in order to stabilise global temperatures at or below 2 degrees C. A steady reduction to 80 per cent will be necessary and as it is the cumulative emissions that count rather than the final percentage cut, a smooth trajectory will be critical. This suggests a 2020 target of 40 per cent rather than the 26 per cent-32 per cent reduction proposed in the Bill. We propose that the medium term targets in the Bill are either revised to reflect a smooth trajectory to 80 per cent cuts by 2050; or a clause is introduced requiring the Committee for Climate Change to advise on the 2020 target immediately following the passage of the Bill, and amend this accordingly. The range proposed does not seem to us compatible with the Government's own objective of playing its part in helping to avoid dangerous climate change. The implications for Northern Ireland target setting are clear.

6 *Include emissions from international aviation and shipping in the scope of the Bill;*

The Bill should not begin by excluding the UK's share of emissions from international aviation and shipping. We recognise the Bill contains powers for these emissions to be included in the budgets in the future, but the lack of any timescale on such inclusion is unacceptable. It plainly makes no difference to the climate where the emissions come from – simply that they are

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emitted. There is therefore no sense in excluding these sectors from the targets and budgets planned – particularly as they are already growing more rapidly than in any other sector. Leaving them outside the Bill could lead to infrastructure development that makes it much harder to reach the required targets.

7 *Be clear what is achieved each year and require annual progress reports.*

Combining indicative annual milestones with the legal framework of the proposed five-year budget periods would offer flexibility and a firm steer. Every Government responsible for a part of a budget period can best be held to account if they have stated clearly what they intend emissions to be in each year. The Climate Change Committee can then judge progress against what was planned. The Committee can, if appropriate, take account of inclement weather, or price shocks, in reaching its assessment. But the basis of the assessment should be whether it matches up to what Ministers were trying to achieve.

Conclusion

It may be argued that reductions in carbon emissions can be achieved without legislation. This may be theoretically true but it is because the UK Government has recognised the urgent need and the challenges involved in cutting emissions that it has decided that a legal framework is necessary.

Without such a legal framework for Northern Ireland to ensure carbon dioxide emissions reductions at similar rate to the rest of the UK, we would be failing in our moral obligations to current and future generations and compromising the ability of our economy to perform in the low-carbon environment of the future.

Friends of the Earth therefore believes it to be imperative that the Executive seeks the Assembly's consent to the UK Climate Change Bill and that the Bill requires a regional reduction target and budgets for Northern Ireland.