

Opening Statement, Dr Thomas L Muinzer, 27.10.20

I am Dr Thomas L Muinzer, Senior Lecturer at the University of Aberdeen and Co-Director of the Aberdeen University Centre for Energy Law.

I am a lawyer with specialist research interests in climate law. My book entitled *Climate and Energy Governance for the UK Low Carbon Transition: The Climate Change Act 2008* published last year by Palgrave and with a Foreword by Lord Deben, Chairman of the UK's Committee on Climate Change, provides the first in-depth book-length examination of the UK's Climate Change Act 2008.

The UK's Climate Change Act 2008 was the first example of a State passing national framework climate legislation, and it is widely held in research and practice to constitute the most developed, robust and successful climate change regime created to date.

My most recent book, *National Climate Change Acts: The Emergence, Form and Nature of National Framework Climate Legislation* will be published in November by Hart. This book is the first major study of national Climate Change Acts from around the world. As well as containing internationalist chapters, deep-dive case study chapters are included that hone in on individual case study countries - Ireland's Climate Change Act provides the basis for one of the case study chapters. The final chapter to the book ties the foregoing work together to deduce generalisable conceptual insights pertaining to Climate Change Acts based on current knowledge and experience, and suggests the key features of successful climate legislation.

In an article for the Irish press in early 2019 entitled *Reflections on Ireland's Response to Potentially Irreversible Climate Change*, I began by pointing out that "Ireland stands at an important historical moment" as it endeavours to get to grips with "one of the greatest problems facing humanity", namely anthropogenic or human-driven climate change.

I noted that Ireland's performance at that time was insufficient, and that things do not have to be like this: "Ireland has the capacity to make a world-leading contribution towards overcoming this challenge." Indeed, I pointed out, with reference to Victorian scientist John Tyndall, from County Carlow, that Ireland has a proud heritage of making significant contributions to managing the climate change challenge, due to the fact that his work helped us to understand the greenhouse effect.

The creation of the Climate Action and Low Carbon Development Act 2015, hereafter referred to as the "2015 Act", was a positive step in that it indicated a broad legislative intention to engage with climate change; however, it did not live up to the proud Irish legacy one associates with Tyndall's achievements, due to its inability to *drive* adequate emissions reductions and adaptation processes in practice, and due to the light-touch doctrinal substance of the legislative regime itself.

I mentioned that Ireland forms the basis of a case study in my *National Climate Change Acts* book. The chapter is provided by Andrew Jackson. The research in that chapter, and my own analysis in the tenth chapter to the forthcoming book, clearly exposes the weak legislative character of the initial 2015 Act.

The question before us today, in essence, concerns the extent to which the Climate Action and Low Carbon Development (Amendment) Bill 2020 – which I will refer to hereafter as the “Amendment Bill” – improves on the insufficiency of Ireland’s performance to date.

Part of the solution in the current context may be to endeavour to bring the Irish regime more into line with the UK regime in operation next door to Ireland, insofar as that regime has been performing effectively in practice and is widely considered to be the world-leading example of national framework climate legislation. The UK Parliament passed the Climate Change Act 2008 twelve years ago, absorbing key elements of the EU’s 2020 requirements for the UK and exceeding them in many areas: the UK originally set in law for itself a stringent 34% greenhouse gas emissions reduction target for 2020, and locked in a robust 80% emissions reduction target for 2050. The UK met its 2020 target two years ago and has since set its 2050 target to Net Zero.

Although the Amendment Bill amounts to progress of a kind, it does not develop the original Act in a substantial enough manner to neutralise the weaker and more ineffectual aspects of its legislative character. The manner in which the National 2050 Climate Objective displaces the National Transition Objective, and in which Carbon Budgets and a Decarbonisation Target Range are added could be useful, but the relatively soft language of the 2050 “Objective” would be required to be replaced by a 2050 “target” – per the UK Climate Change Act – if the legislation is to drive a meaningful emissions reductions trajectory. The Carbon Budget levels would need to be fairly stringent, and subject to a less flexible and fluid design than is currently applied; and these budget levels in turn should be ideally pegged to interim targets that drive an emissions reduction trajectory towards the 2050 target. Other desirable components underpinning climate legislation including sanctioning mechanisms and enhanced public participation and engagement could also be incorporated.