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CLIMATE CHANGE
LAW FOR THE
NEXT DECADE



INTERNATIONAL LAW

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

- ▶ Aim: stabilize 'greenhouse gas concentrations in the atmosphere at a level which would prevent dangerous anthropogenic interference with the climate system' (Art 2)

KYOTO PROTOCOL

- ▶ Annex I parties (including Ireland) were to introduce policies and measures to reduce emissions, sufficient to reduce their overall emissions by **at least 5% below 1990 levels** in the commitment period **2008 to 2012**
- ▶ ‘Flexible Mechanisms’
 - ▶ emissions trading
 - ▶ Joint Implementation
 - ▶ Clean Development Mechanism

COPENHAGEN ACCORD

- ▶ non-binding agreement
- ▶ requires emission reductions by Annex I countries (including Ireland)

PARIS AGREEMENT

- ▶ aims to limit global warming to ‘well below 2° C and to pursue efforts to limit the temperature increase to 1.5° C above pre-industrial levels’
- ▶ Intended Nationally Determined Contributions (INDCs) on mitigation, adaptation and finance
- ▶ ‘ambitious’, ‘represent a progression over time’ and set ‘with the view to achieving the purpose of this Agreement’
- ▶ 5 year reviews; ‘stocktake’ (2018) and ‘ratchet’ (2023)

EUROPEAN LAW

EMISSIONS TRADING SCHEME

- ▶ Cap-and-trade system, for some industrial activities

'20/20/20' TARGET

- ▶ by 2020,
 - ▶ 20% emissions reduction
 - ▶ 20% use of renewables
- ▶ Effort Sharing Decision (406/2009/EC)
 - ▶ Irish target is a 20% reduction in emissions by 2020

2030 FRAMEWORK

- ▶ a reduction in GHG emissions by 40% on 1990 levels, to be made up by
 - ▶ a 43% reduction in ETS emissions
 - ▶ a 30% reduction elsewhere
 - ▶ 27% renewable energy use
 - ▶ 27% increase in energy efficiency
- ▶ Also roadmap to 2050, which targets an 80% reduction

EFFORT SHARING REGULATION

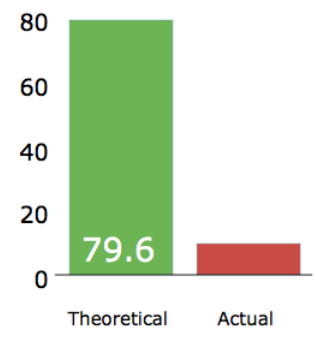
- ▶ Before European Parliament
- ▶ new Irish target of 30% reduction on 2005 emissions by 2030
- ▶ can transfer
 - ▶ 4% of ETS credits to non-ETS sectors
 - ▶ 5.6% of land use credits to overall national targets



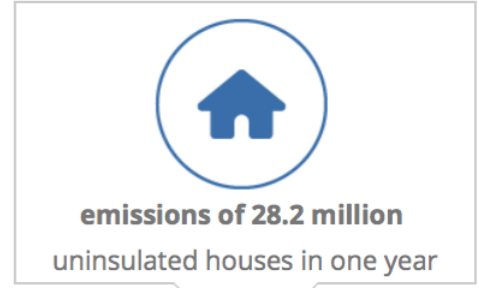
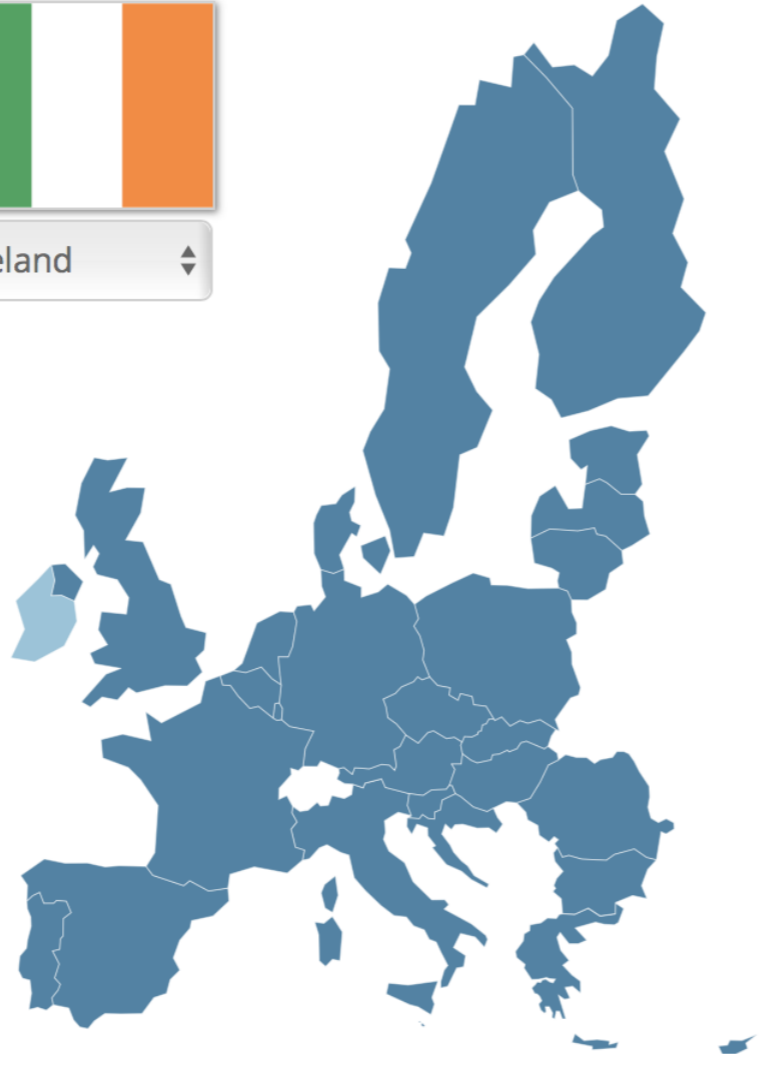
2030 emissions target
(compared to 2005)



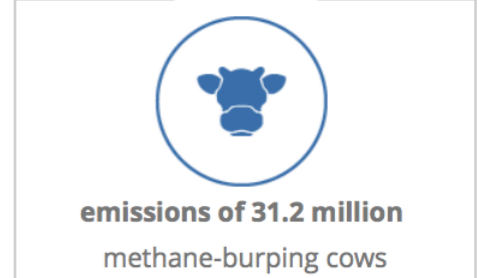
Emission cuts
(MtCO₂ 2021-2030)



Ireland



Total Loopholes = 69.5 MtCO₂



	MtCO ₂
ETS surplus	19.1
LULUCF offsets	26.8
Bonus for lower-income states	0.0
Inflated starting point	23.6
Total Loopholes	69.5

IRISH LAW

CLIMATE ACTION AND LOW-CARBON DEVELOPMENT ACT 2015

- ▶ Aim: to enable ‘the State to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050’
- ▶ 5 year plans:
 - ▶ national mitigation plan
 - ▶ national adaptation framework
 - ▶ sectoral adaptation plans

CLIMATE CHANGE ADVISORY COUNCIL

- ▶ makes recommendations to the Minister or to the Government in relation to plans or frameworks under the Act
- ▶ publishes an annual review ‘of the progress made during the immediately preceding year in achieving greenhouse gas emissions reductions, and furthering transition to a low carbon, climate resilient and environmentally sustainable economy’

OBLIGATIONS ON STATE

- ▶ Minister required to make ‘annual transition statement’ to each House of the Oireachtas:
 - ▶ ‘annual national transition statement’
 - ▶ ‘annual sectoral mitigation transition statement’
 - ▶ ‘annual sectoral adaptation transition statement’.
- ▶ Obligation on public bodies to ‘have regard to’ plans, frameworks, and objectives

OUR
PROGRESS

EPA 2017 EMISSIONS PROJECTIONS REPORT

- ▶ 2020: 4% to 6% below 2005 levels for non-ETS sectors
- ▶ 2030: 1% to 3% reduction in non-ETS emissions
 - ▶ (without additional measures)
- ▶ Particular sectors of concern:
 - ▶ Agriculture: increase of 4% to 5% by 2020
 - ▶ Transport: increase of 10% to 12% on 2015

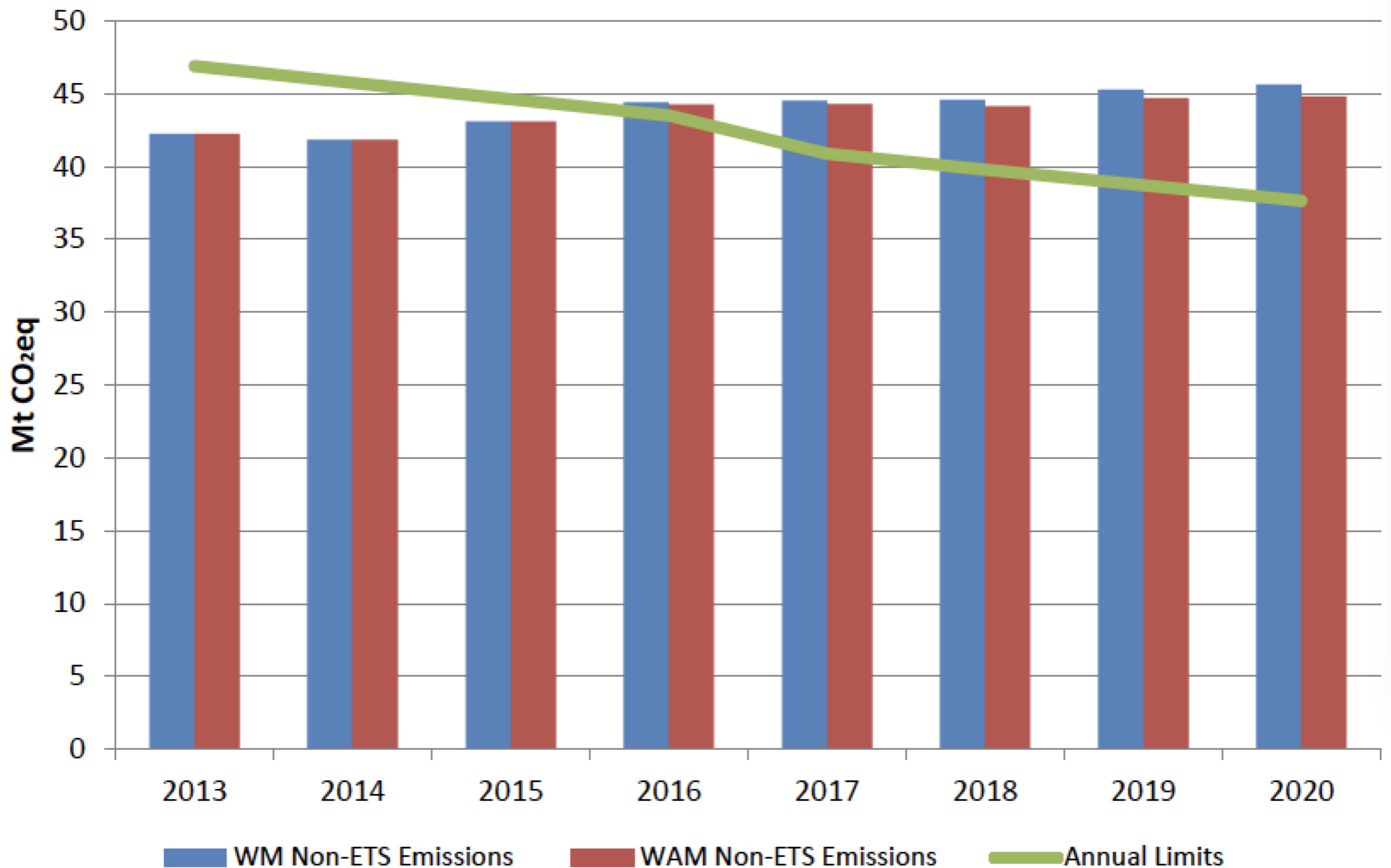


Figure 1. *With Existing Measures* and *With Additional Measures* greenhouse gas emissions projections and comparison with the reduction pathway required between 2013 and 2020

EPA GREENHOUSE GAS EMISSIONS INVENTORY 2016

- ▶ overall increases of 3.6% in GHG emissions
 - ▶ agriculture: 2.7%
 - ▶ transport: 3.7%
 - ▶ energy industry: 6.1%

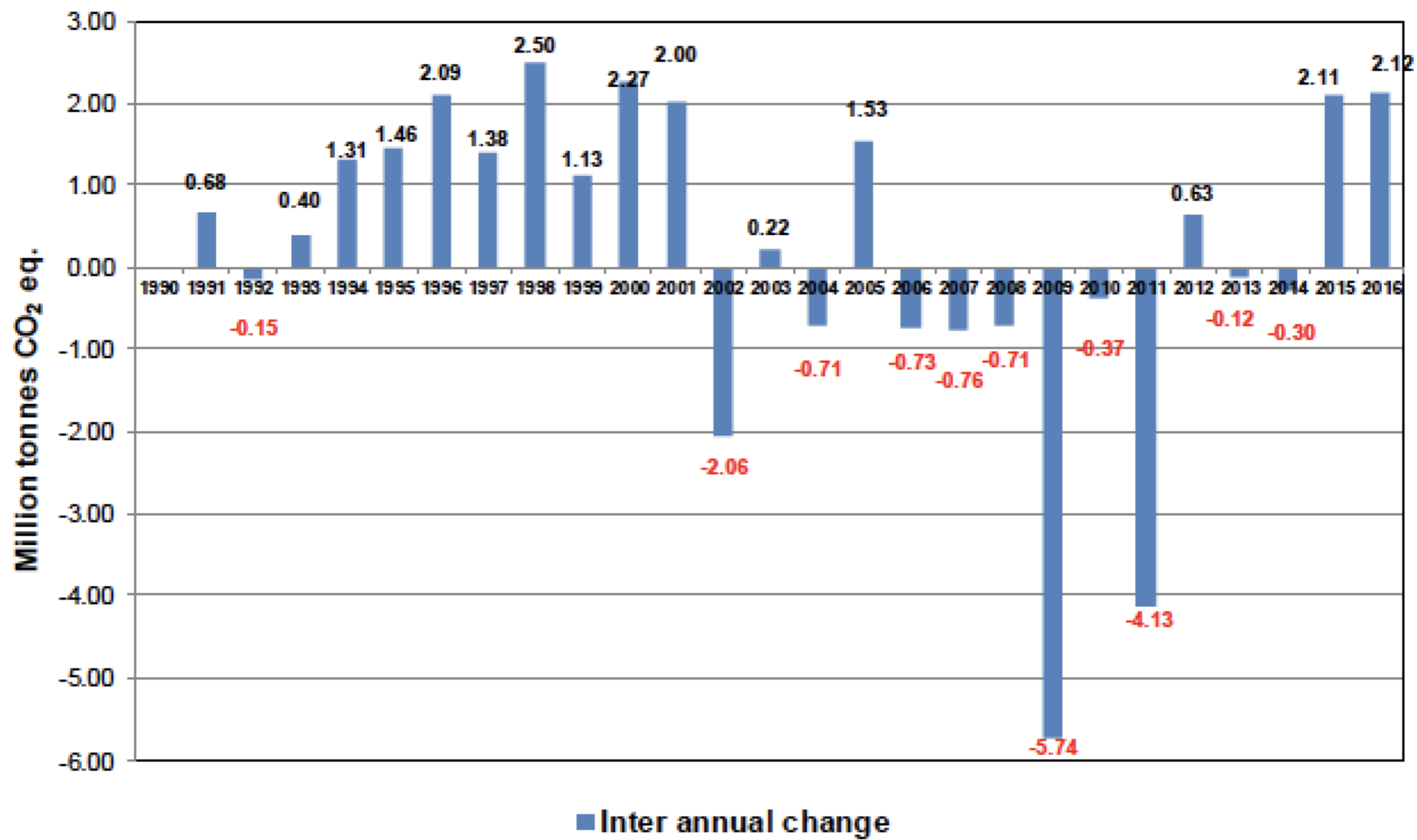


Figure 1. Inter annual changes in GHG emissions 1990-2016

NEW
IDEAS

Image by Janet Ramsden

<https://www.flickr.com/photos/ramsd/>



POLICY IDEAS

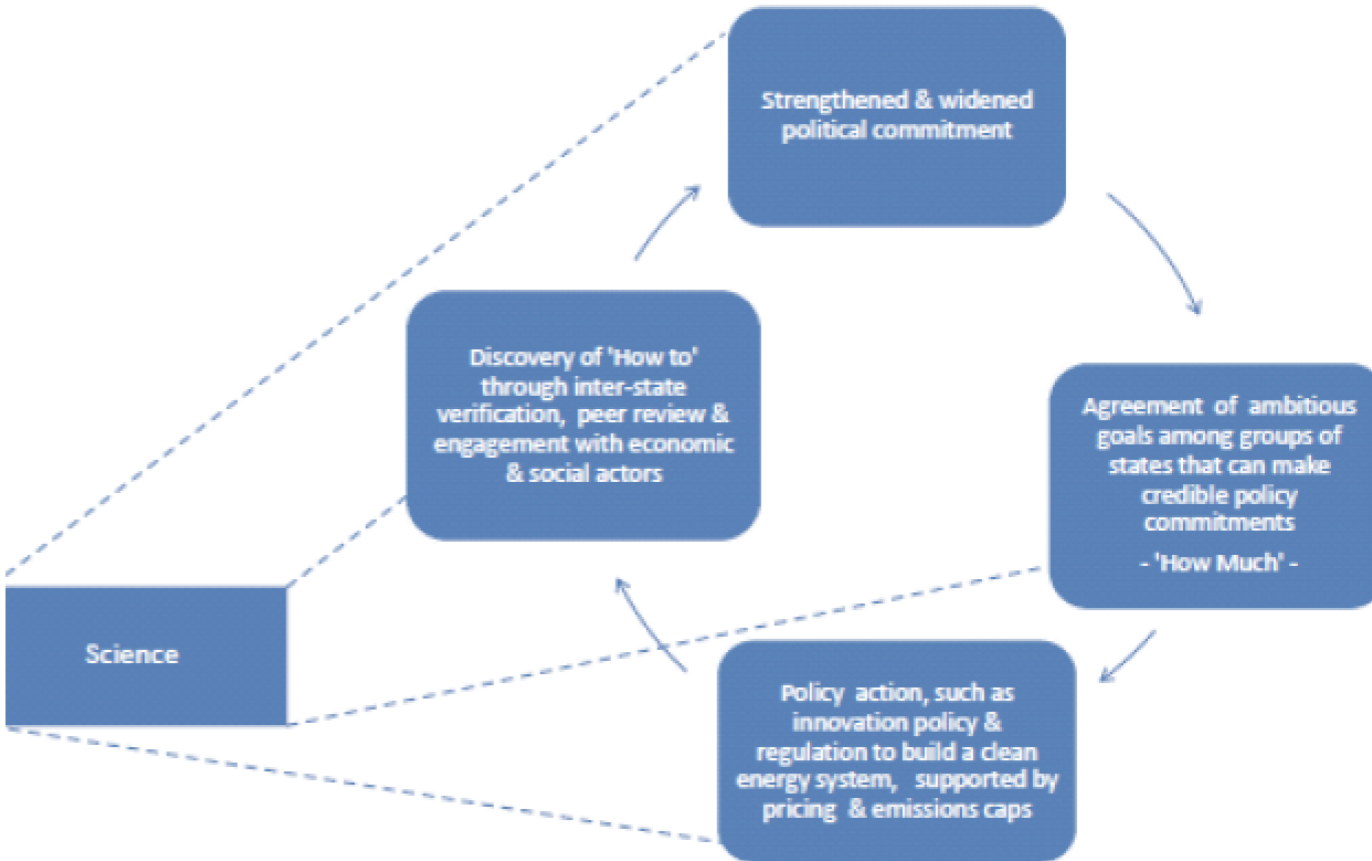
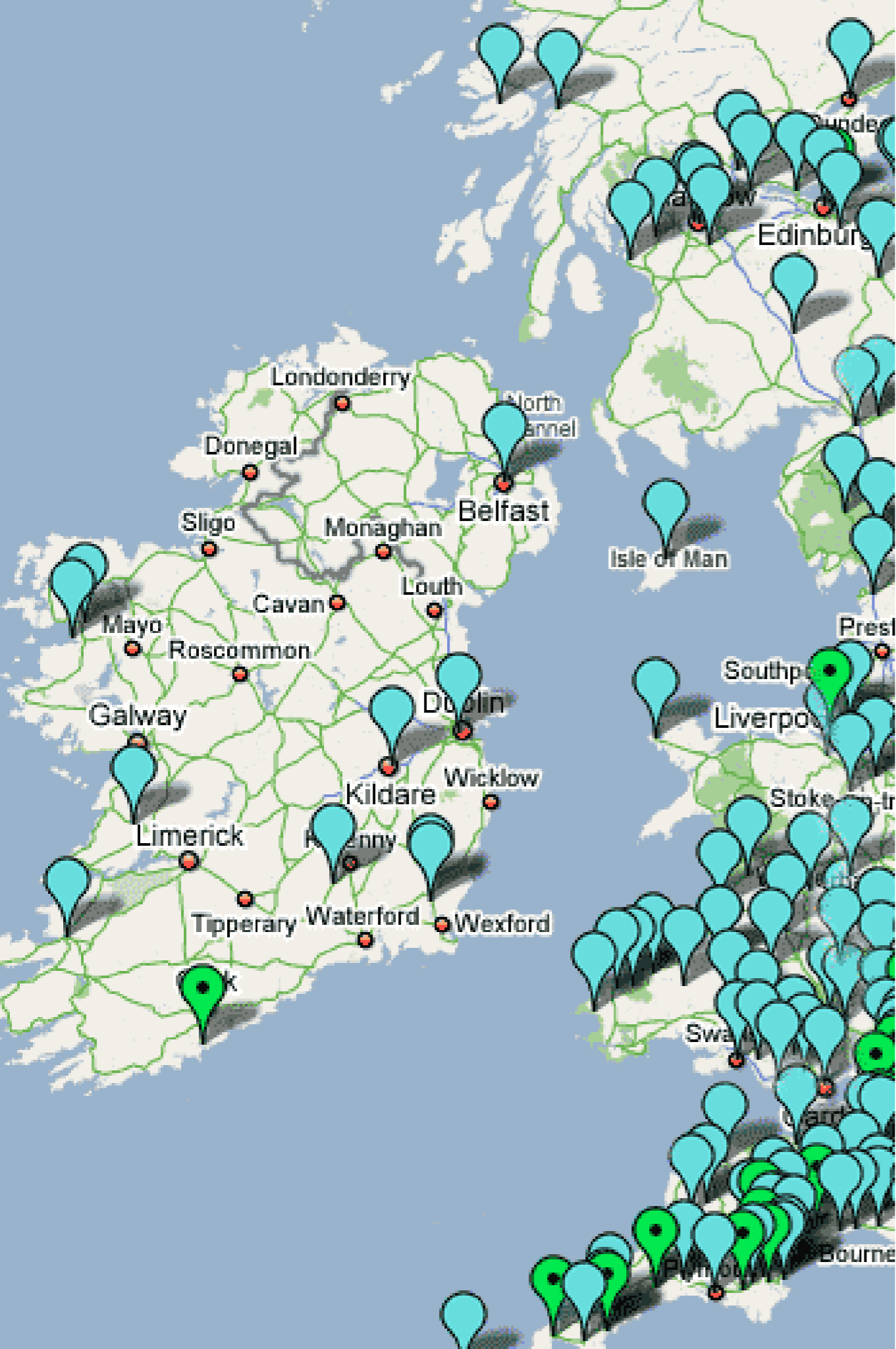
- ▶ Cap-and-Trade not delivering
- ▶ Carbon Tax insufficient
- ▶ Need for *Innovation and Technology Transfer*
 - ▶ Prizes
 - ▶ Research grants
 - ▶ Tax credits
 - ▶ e.g. LIFE-Environment Initiative; Environmental Technologies Action Plan



Image by Vincent Angler

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Figure 2: Climate-Change Policy as a Recursive Loop



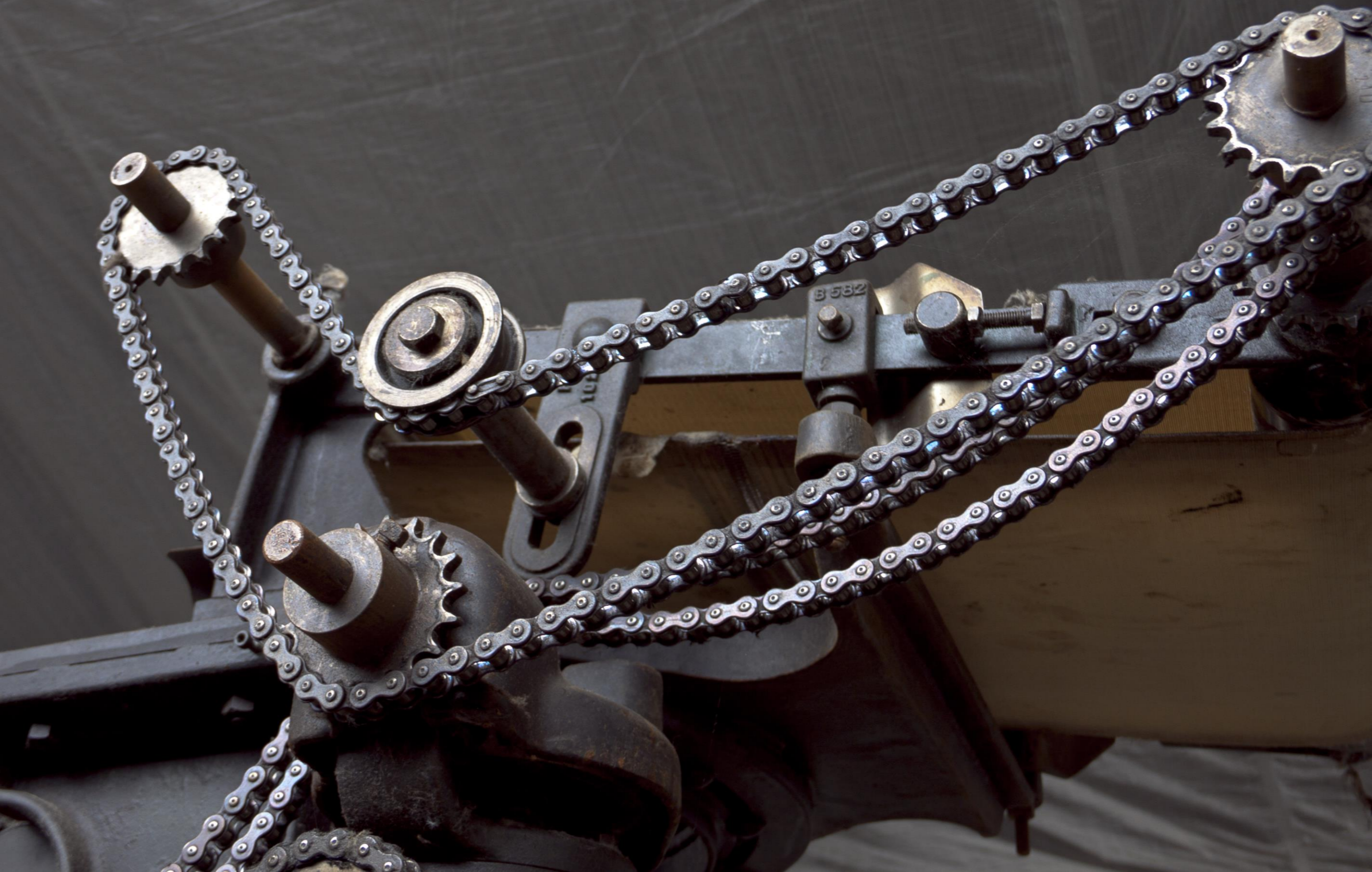
RE-INVENTING ENVIRONMENTAL LAW

- ▶ New institutional frameworks
- ▶ Re-thinking Environmental Law
- ▶ Looking beyond Environmental Law

WAYS
FORWARD?

Image by glasseyes view

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An Tionól
Saoránach



The Citizens'
Assembly

CITIZENS' ASSEMBLY RECOMMENDATIONS

- ▶ dedicated climate change body
- ▶ higher taxes on carbon intensive activities
- ▶ permitting electricity micro-generation to feed in to the national grid
- ▶ ending subsidies for peat extraction
- ▶ shifting transport policy to buses, bicycles, and electric vehicles
- ▶ taxing agricultural emissions

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QUESTIONS?