

Scotland's new Climate Change Bill

Friends of the Earth Scotland submission to
Environment, Climate Change and Land Reform committee
August 2018

Summary of our comments on the Climate Change Bill

- The Bill fails to deliver its objective of raising ambition to deliver the Paris Agreement
- Targets must be strengthened to 77% by 2030 and net-zero emissions by 2040

About Friends of the Earth Scotland

Friends of the Earth Scotland exists to campaign, with partners here and across the globe, for a just transition to a sustainable society. We work in Scotland for socially just solutions to environmental problems and to create a green economy; we campaign to end the degradation of our environment and to create a society which cherishes and protects the natural world on which we depend; we think globally and act locally, enabling people to take individual and collective action. We are part of Friends of the Earth International - the world's largest grassroots environmental network, uniting 75 national member groups, over 2 million members and 5,000 local activist groups around the world. We are an independent Scottish charity with a network of thousands of supporters, and 10 active local groups across Scotland. Friends of the Earth Scotland's vision is of a world where everyone can enjoy a healthy environment without exceeding their fair share of the planet's resources, now and in the future.

Delivering the Paris Agreement

As the Scottish Parliament returns from recess and commences scrutiny on new climate legislation, hundreds of thousands of people remain displaced as a result of this summer's extreme weather. Wildfires raged across Greece, California and the Arctic Circle; Japan and Canada experienced prolonged heatwaves, and devastating floods hit in India and Laos. Climate change is claiming lives every day and affecting livelihoods around the globe.

The Scottish Government committed to bringing in "a new Climate Change Bill to implement the Paris Agreement"¹ but the Bill as introduced fails to deliver on this promise, and fails to deliver climate justice for the thousands of people whose very lives depend on urgent action to limit the most dangerous climate change.

¹ SNP Manifesto 2016, pg 29

[https://d3n8a8pro7vhm.cloudfront.net/thesnp/pages/5540/attachments/original/1485880018/SNP_Manifesto2016-web_\(1\).pdf?1485880018](https://d3n8a8pro7vhm.cloudfront.net/thesnp/pages/5540/attachments/original/1485880018/SNP_Manifesto2016-web_(1).pdf?1485880018)

The Paris Agreement commits nations to holding global warming to ‘well below 2°C’, and ‘pursuing efforts to limit the temperature increase to 1.5°C’². This represents a significant increase in ambition compared to previous global commitments on climate change, so it therefore follows that to enact this legislation would require a significant increase in ambition in Scotland.

However, the targets in the Climate Change Bill require almost no extra effort to 2030, and only modest extra effort thereafter.

Scotland’s current Climate Change Act, passed in 2009, was “based on a global path that keeps central (i.e. 50% likelihood) estimates of global temperature rise close to 2°C”³. At the end of 2009 the Copenhagen climate conference failed to reach a deal which would have set nations on the path to 2°C. Since then, the global average temperature increase has reached 1°C above pre-industrial levels. What was a 50/50 chance of breaching 2°C of warming when it was written 9 years ago, can certainly not be considered to set Scotland on a likely path to limiting warming to 1.5 or well below 2C today.

The Intergovernmental Panel on Climate Change (IPCC) is due to publish its ‘Special Report on Global Warming of 1.5°C’ in October. The report is expected to show there is a very small carbon budget left to limit warming to 1.5°C and to keep ‘well below 2°C’, and that all countries must urgently commit to more rapid and far-reaching action. Scotland is no exception. On the contrary, with access to abundant natural and renewable energy resources, Scotland is particularly well placed to deliver its fair share of global action on climate change.

In order for Scotland to deliver our fair share of the Paris Agreement, the final Climate Change Act must set stronger targets of at least 77% reduction in emissions by 2030, and reach net-zero emissions by 2040 at the latest.

An equitable approach to responding to climate change requires that these domestic emissions reductions efforts are supplemented by the provision of finance and technology transfer to the global south, though that is beyond the scope of the present legislation.

Ambition of Scotland’s Emissions Reduction Targets

The Paris Agreement commits parties to “global peaking of greenhouse gas emissions as soon as possible”, and states that it should be delivered “on the basis of equity”⁴. This means that developed nations like Scotland need to take a significantly more ambitious path to reducing emissions than less developed nations, due to the historical responsibility of industrialised nations for contributing to the climate crisis and our higher capacity to tackle emissions.

² Paris Agreement, https://unfccc.int/sites/default/files/english_paris_agreement.pdf

³ UKCCC Advice on the new Scottish Climate Change Bill, March 2017. <https://www.theccc.org.uk/publication/advice-on-the-new-scottish-climate-change-bill/>

⁴ Paris Agreement, Article 4 https://unfccc.int/sites/default/files/english_paris_agreement.pdf

The Scottish Government is often quoted as saying we have a moral obligation to tackle climate change, and the First Minister spoke at the UN climate conference last year saying “our ambitions must live up to the scale of the challenge, and our actions must live up to our ambitions”⁵ But this Bill contains neither the necessary ambition nor the actions needed to tackle the climate crisis.

The decision to delay any significant additional action to cut emissions until after 2030 and refusing to set a net-zero emissions target, while millions of people are already living with dangerous climate change in their day to day lives, is unjustifiable. The Scottish Government claims it will set a net-zero emissions target when it is “credible and responsible to do so”. But there is nothing credible or responsible about delaying action in the face of the climate crisis.

Scotland’s Carbon Budget

A new study from the Tyndall Centre for Climate Change Research at the University of Manchester and Uppsala University, ‘*Quantifying the implications of the Paris Agreement: What role for Scotland?*’ has, for the first time, calculated Scotland’s equitable share of the global carbon budget to meet the Paris ‘well below 2°C’ commitment⁶. The study shows that continuing at the current rate of emissions would see Scotland using up our equitable share of the global budget and exceeding the Paris 2°C commitment in less than 10 years.

The authors considered the global budget for the amount of carbon the world can emit for a good chance of staying below 2°C of average temperature rise and from this global budget calculated Scotland’s equitable share, arriving at a mean future budget of 300 MtCO₂. The report suggests a steep pathway of emissions reductions to 2030, tailing off to net-zero greenhouse gas emissions by 2050.

Friends of the Earth Scotland suggests a comparable, alternative pathway of at least 77% by 2030, reaching net-zero emissions by 2040 at the latest.

Further support comes from the UK Committee on Climate Change (UKCCC)’s report on UK action following the Paris Agreement which shows that global CO₂ emissions would need to fall to zero in the 2040s for the world to stay close to the 1.5°C temperature limit⁷.

⁵ First Minister speech to UN Climate Conference, COP23, Nov 2017

https://www.snp.org/first_minister_nicola_sturgeon_speech_to_the_un_climate_change_conference_in_bonn

⁶ Quantifying the implications of the Paris Agreement: What role for Scotland? <http://bit.ly/SCCS-Tyndall>

⁷ UK Action following the Paris Agreement, UKCCC, October 2016 <https://www.theccc.org.uk/wp-content/uploads/2016/10/UK-climate-action-following-the-Paris-Agreement-Committee-on-Climate-Change-October-2016.pdf>

2030 target

It is our view that the 2030 target is the most important target in this Bill. Setting a strong target for 2030 is key to driving early emissions reductions and setting Scotland on a pathway towards net-zero emissions, while keeping within a fair and safe Scottish emissions budget.

In 2016, annual emissions reductions targets were set for the years 2028-32 under the current (2009) Climate Change Act⁸. The 2032 target was set at 26MtCO_{2e}, a 65.7% reduction on the 1990 baseline. **The new Climate Change Bill sets the 2030 target at only 66%; a negligible increase in effort over the next decade compared to the targets set under the current Act.** This is clearly not an adequate response to the Paris Agreement.

Fair Shares analysis⁹ evaluates individual nations' contributions under the global emissions budget, taking account of historical responsibility for causing climate change and capacity to reduce emissions, towards the 1.5°C temperature limit. This analysis suggests the UK should be aiming for reductions of between 65% and 75% by 2025, and 76% and 86% by 2030, in addition to finance and technology transfer to the global south. **We therefore support a target of at least 77% emissions reductions by 2030.**

When the First Minister addressed the United Nations climate change conference, COP23, in Bonn last year, she spoke of the need for all countries to make their pledges to meet the Paris goals, stating “that doesn't simply require impressive targets for the next two decades – it requires urgent action in the next two years. And it requires all countries – developed countries especially - to contribute fair shares”¹⁰ However, we see no urgent action in this Climate Change Bill, and no commitment to doing our fair share of global emissions cuts.

A stronger 2030 target of 77% is not only necessary for driving down Scotland's cumulative emissions, but it is feasible to deliver with policy action that the Scottish Government has already considered or had previously committed to. The final Climate Change Plan delivered 1MTCO_{2e} less emissions savings than the draft Plan, and scaled back ambition in areas such as agriculture. Delivering on commitments that were included in the draft Climate Change Plan but absent from the final, together with additional policy recommended by the UKCCC, would set Scotland well on a pathway towards 77%.

⁸ Climate Change (Annual Targets) (Scotland) Order 2016
http://www.legislation.gov.uk/ssi/2016/328/pdfs/ssi_20160328_en.pdf

⁹ <http://www.climatefairshares.org> and <https://www.foe.co.uk/sites/default/files/downloads/uks-fair-share-emissions-cuts-76425.pdf>.

¹⁰ First Minister speech to UN Climate Conference, COP23, Nov 2017
https://www.snp.org/first_minister_nicola_sturgeon_speech_to_the_un_climate_change_conference_in_bonn

The net-zero emissions target

The Scottish Government's decision not to set a net-zero emissions target now but to delay until a later date, while millions of people are already living with dangerous climate change, is unjustifiable. **In order to deliver a fair contribution to the Paris Agreement, Scotland should achieve net-zero greenhouse gas emissions by 2040 at the latest.**

Net-zero greenhouse gas emissions by 2040 is consistent with the Fair Shares¹¹ approach described above, which suggests that the UK should reduce emissions between 76% and 86% by 2030. Extrapolating these figures for Scotland reaches 100% emissions reduction between approximately 2036 and 2041.

Failure to set a net-zero emissions target from the outset risks Scotland becoming locked in to a higher emissions pathway and unable to change trajectory at a later date.

However, the UKCCC advises the Government not to set a domestic net-zero emissions target at the present time because they can't map out exactly how to do it within the known options to reduce emissions today. The ambition of our climate targets should be shaped by what climate science and climate justice demands in terms of a fair, equitable contribution to international targets, not restricted by the limited vision of current technology.

The Government has stated that a net-zero target will be set "when evidence becomes available" and when it is "credible" and "reasonable" to do so. There is abundant, irrefutable evidence on the impacts of climate change that millions of people are facing today; on the dangerous results for people, species and systems if we continue 'business as usual' for the next decade and breach 1.5°C and the catastrophic consequences of breaching 2°C of warming. Science is clear that there is no time for delay and that we must take action now. It is not clear what further evidence the Scottish Government requires to understand the gravity of the climate crisis and respond accordingly.

In 2009, the targets in the Climate Act were set on the basis of what climate science showed was necessary to meet a 2°C goal. At the time those targets were set there was no defined pathway to deliver them and even the first Report on Policies and Proposals, published in 2011, failed to show a convincing pathway to the 2020 target, yet we have now comfortably surpassed that target ahead of time. The First Minister has said that "at that time a 42% reduction by 2020 was the most ambitious legal target anywhere in the world. Scotland deliberately set a goal that we thought would be difficult"¹². Parliament must be prepared to take the same ambitious approach now.

The real question is not whether a net-zero target is technically achievable, but whether there is the political will to deliver it.

¹¹ Climate Fair Shares <http://www.climatefairshares.org> and <https://www.foe.co.uk/sites/default/files/downloads/uks-fair-share-emissions-cuts-76425.pdf>.

¹² First Minister's speech to Arctic Assembly, Reykjavik, October 2106. <https://news.gov.scot/speeches-and-briefings/arctic-circle-assembly>

The new 'net-zero emissions target' section

The Policy Memorandum states that the new 'net-zero emissions target' section (A1) "allows for a net-zero target to be set in future" and "provides for a regulation-making power to set a net-zero emissions target"¹³. However, this new section does not actually grant new or additional powers. Under the 2009 Act, the Government already has the power, under the interim or annual targets, to set a net-zero, or 100% target. Rather than demonstrating a strong commitment to setting a 100% target, including this new section without setting a target date is disingenuous.

Target setting criteria

We are pleased to note that, following our discussions at the Scottish Government's Technical Discussion Group, the criterion (a) "objective of not exceeding a fair and safe Scottish emissions budget" has been retained and criterion (b) amended to make explicit reference to the UN Framework Convention on Climate Change (UNFCCC) and its protocols, which includes the Paris Agreement.

We suggest strengthening these further by amending the definition of a fair and safe budget to include the UNFCCC principles of equity, common but differentiated responsibility and respective capabilities. Furthermore, when seeking advice from the UKCCC on target levels, there should be a requirement for the CCC to calculate Scotland's fair share of a safe global emissions budget and to consider this objective in their advice.

We are concerned that the Bill subjects the net-zero emissions target to an additional criterion of 'achievability' which is not applicable to the other interim or annual targets, and is clearly highly subjective.

Changes to target setting provisions

The Bill makes a number of technical changes to the way that future targets will be set, expressed and reported upon. Overall, we support the proposals to have an 'inventory freeze' for a period of up to 5 years, allowing annual target results during that period to be assessed against domestic progress rather than changes in the inventory and accounting system. We would however propose a number of safeguards, including that any large inventory change should be addressed immediately rather than wait 5 years.

We support the move to express all targets as percentages. In order to track absolute progress and to allow for comparison with previous results, the absolute figures should also be included in annual reporting.

¹³ Policy Memorandum to Climate Change (Emissions Reductions Targets) (Scotland) Bill
[http://www.parliament.scot/Climate%20Change%20\(Emissions%20Reduction%20Targets\)%20\(Scotland\)%20Bill/SPBill30PMS052018.pdf](http://www.parliament.scot/Climate%20Change%20(Emissions%20Reduction%20Targets)%20(Scotland)%20Bill/SPBill30PMS052018.pdf)

Regarding the proposal to set interim targets on the basis of decadal targets, we do not object to the principle however to ensure early action this should not be a linear pathway as has been proposed, but a percentage decrease year on year resulting in a curved trajectory over time.

We have no objection to the provisions allowing interim and annual targets to be modified, providing such modifications is subject to advice from the relevant body, formal consultation and a period of full Parliamentary scrutiny.

Climate Change Plans and Reporting Duties

To ensure there is no delay in implementing the new Act, the first Climate Change Plan should be published within a year of Royal Assent. The Bill currently allows for the first CCP to be published up to 5 years after commencement, which would be too late to affect any meaningful change towards the 2030 target.

The Bill repeals Section 36 of the 2009 Act which, in the event of a missed annual target, required Ministers to lay a report in Parliament outlining new proposals and policies to compensate for the excess emissions. This is a dangerous proposal which removes accountability for missed targets, and could allow excess emissions to accumulate and remain unaddressed for 5 years.

Some flexibility is introduced to the period covered by Climate Change Plans, allowing for a plan to cover a period from 10 to 15 years. We believe that 10 years is too short, and that CCPs should cover 15 years as a minimum.

We welcome the extension of the period given for Parliamentary scrutiny of draft Climate Change Plans, and the new provision to deliver an annual progress report to Parliament on policies in the CCP.

Advice of the Committee on Climate Change

We were deeply disappointed with the lack of ambition and urgency in the CCC's advice to the Scottish Government in March 2017. Scottish Ministers sought advice on what Scotland should do to update our climate targets in light of the Paris Agreement, whereas the CCC appear to have responded in terms of what they considered to be the limits of "known options to reduce emissions", rather than what Scotland needs to do to play our part in limiting global temperature rise to 1.5°C or well below 2°C.

We understand that their 'High Ambition Scenario' still assumes fossil fuel electricity generation in Scotland in 2050, some petrol and diesel cars on the road and no behaviour change in diet. In light of this it is difficult to accept the conclusion that their recommended pathway is at the 'limits of feasibility'. Furthermore, in the body of their report the CCC show that Scotland would need to reduce emissions by 89-97% by 2050 in order to contribute to

a 'return to 1.5°C' scenario, but have chosen to recommend setting a target at the very lowest end of that range.

Finally, it is not clear what risk of missing the Paris goals are embedded in the CCC advice, i.e. a likely chance of exceeding 2°C, or a likely chance of *not* exceeding 2°C. The report '*Quantifying the implications of the Paris Agreement: What role for Scotland?*' suggests that the CCC have not updated their models to reflect the latest IPCC calculation of the remaining global budget, and therefore overestimates the UK and Scottish carbon budgets.

We would expect this to be significantly revised when the CCC are asked to provide updated advice to both the UK and the Scottish governments following the publication of the IPCC Special Report on 1.5°C later this year. We hope that the ECCLR committee will have sufficient time to consider that new advice during the passage of this Bill.

Climate Change Bill Implementation

Scotland should aim to achieve net-zero emissions through directly reducing our domestic emissions together with activities to enhance natural sequestration, such as reforestation and peatland restoration, rather than relying on carbon credits or unproven and risky negative emissions technologies. While there may be a small role for carbon capture and storage (CCS) in industry, we should not expect to rely on CCS in the energy sector given ongoing uncertainties around feasibility at scale. With abundant capacity for renewable energy in Scotland, we should also not look to imported biofuels for BECCS, because of the significant questions about feasibility and knock on impacts including land-grabbing, increased hunger, and environmental damage.

As stated above, successful implementation will be dependent upon a new Climate Change Plan being delivered within a year of the Act coming into force. New policies will be required to drive emissions reductions across all sectors, and we support the policy asks set out in the Stop Climate Chaos Scotland submission. In particular, we would welcome policies which create improvements in the energy efficiency of homes by setting goals to ensure every home has an EPC rating of 'C' by 2025, more efficient use of nitrogen and cut surplus nitrogen, and greater alignment of Scotland's financial and climate change plans.

Just Transition

We welcome the Scottish Government's commitment to establish a Just Transition Commission. Just Transition must not be seen as an 'add on' to climate legislation, but as the central approach to delivering our climate change targets in a way in which creates quality jobs, protects the rights of the workforce and affected communities, and enhances social justice; while sharing the costs and rewards fairly; and engaging workers and employers with the plans needed for a rapid and fair transformation.

The Commission should be set on a statutory basis to advise Government on making the transition to a prosperous low-carbon economy. The final Act should also enshrine a Just

Transition approach to the delivery of climate change targets, and require future Climate Change Plans to report on employment and Just Transition measures. We note that as a member of the Just Transition Partnership we support its evidence as submitted separately to the Committee.

Amendments to the current Act

While the Bill makes some welcome changes to reporting and accounting, there are further areas we would like to see amended from the 2009 Act.

Consumption emissions (Section 37)

Scotland's Carbon Footprint Report¹⁴, which has been produced annually for the last 3 years, notes the trends in emissions attributable to Scottish consumption of goods and services. Between 1998 and 2014, Scotland's carbon footprint has reduced by only 8.5%, with only a 0.6% fall between 2013 and 2014 (the most recent year for which figures are available). However, the report does not detail the most significant goods and services driving these trends.

As the world moves towards meeting the Paris Agreement goal of globally 'balancing anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century'¹⁵, it is important that we take action to understand and reduce Scotland's consumption emissions.

In order to better understand what is driving Scotland's consumption emissions and how to tackle them, the Bill should require the report to list the most significant goods and services contributing to Scotland's consumption emissions, align policy with practice and require the report to be laid annually and require Ministers to lay a statement in Parliament alongside the report, detailing actions taken to reduce consumption emissions.

Aviation Multiplier (Section 16.3)

Since being established under the 2009 Act, the aviation multiplier – which should account for the additional impact of emissions at high altitudes – has not been used. The final Act should set a requirement for Ministers to seek advice from the relevant body at least every five years on the level of the aviation multiplier.

Impact of budget proposals on emissions (Section 94)

In order to better account for the additional emissions produced as a consequence of a particular budget decision, add a clause to this section that requires consideration of emissions over the lifetime of a particular budget decision, i.e. emissions from the consequent changes in society.

¹⁴ Scotland's Carbon Footprint 1998-2014 <https://www.gov.scot/Resource/0052/00529095.pdf>

¹⁵ Paris Agreement, see Article 4.1 https://unfccc.int/sites/default/files/english_paris_agreement.pdf

Scottish Government consultation

The consultation paper was a 30-page technical document which, while very welcome for those of us who wish to understand the complexities of this legislation, was much too long and technical to enable the majority of Scottish citizens who are concerned about climate change to read and respond to. It would have benefited from a public summary document. The citizen space consultation hub was not particularly user-friendly either as it filters respondents through all of the technical questions.

FoES, SCCS and 38 degrees helped concerned supporters to respond via online e-actions and postcards. A total of 19,365 responses were submitted to the consultation, of which 19,092 were campaign responses. However, the views of those 19,092 citizens were not analysed and presented in the Consultation Summary Report¹⁶.

Internal analysis suggests that 99% of total respondents, including the campaign responses, urged the Scottish Government to set a stronger 2030 target and reach net-zero greenhouse gas emissions by 2050 at the latest. Just under a quarter of all respondents called for a target of net-zero emissions by 2040. It is profoundly concerning that these views were not considered.

Furthermore, some of the consultation questions were ambiguous e.g. “Do you agree that the 2050 target should be made more ambitious by increasing it to 90%”, with a yes/ no tick box. Clearly a respondent might agree with the first part of the statement, but not the latter. Analysis of these particular questions is therefore unreliable.

We welcomed the opportunity to sit on the Scottish Government’s Technical Discussion Group to discuss some of the more detailed aspects of the Bill, however there was little to no stakeholder consultation on targets and overall ambition.

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¹⁶ Climate Change Bill: Consultation summary report <https://www.gov.scot/Resource/0052/00529342.pdf>