

## WRITTEN SUBMISSION FROM TEARFUND

Dear Sir

### **CLIMATE CHANGE (SCOTLAND) BILL**

Tearfund is a Christian relief and development agency building a global network of local churches to help eradicate poverty. Tearfund undertakes operational work on climate change adaptation and disaster risk reduction and campaigns on mitigation and adaptation issues as well as undertaking other relief and development work.

Tearfund Scotland is a national branch of Tearfund and is based in Glasgow with charitable status in Scotland. We submitted a response to the Consultation Document issued by the Government last year and are pleased to have the opportunity to comment further now on the Bill. We are a member of the Stop Climate Chaos Scotland Coalition and endorse the observations which the Coalition is submitting. Any differences in detail between our views and those of the Coalition should not be taken as any disagreement with the overall content of the Coalition's submission.

We believe the proposed legislation to be immensely important. Many of the areas in which Tearfund is working are already experiencing the impact of climate change. A report published by us in 2005 drew together observations from our contacts in 13 countries in Africa, Asia and Latin America. They spoke of the devastating effect on individuals and communities of unpredictable seasonal changes, especially uncertainty about the onset and duration of annual rains. They spoke of widespread flooding and of droughts which had already lasted for several years. In some cases both flooding and drought were experienced in the same country in the same year and were affecting areas that had not previously been prone to them. Conditions have not improved since 2005 and the work which Tearfund undertakes to assist adaptation does not resolve the problem.

The consequences are broadly fourfold: lack of access to water for drinking and for livestock, food insecurity as crops fail to flourish, an increase in water borne and endemic disease, and migration. In 2005 there were estimated to be 25 million environmental refugees. In Mali, as an example, the situation was described as follows:

*Arable lands and pastures are diminished and potential workers are unemployed and hungry. Huge numbers of people move to the towns where other difficult problems await them. They are malnourished and subjected to under-development with its consequent diseases, illiteracy and misery.*

We are pleased therefore that the Scottish Government proposes to take serious steps towards the reduction of emissions internationally by taking a robust approach to the reduction of emissions from Scotland.

**Q1 The Bill creates a statutory framework for greenhouse gas emissions reductions in Scotland by setting a 50% reduction target for 2030 and an 80% reduction target for 2050.**

**What are your views on the 2050 target and a 2030 interim target proposed in the Bill?**

Tearfund Scotland supports the proposal to require emissions of greenhouse gases in 2050 to be at least 80% less than those of the baseline year of 1990. This accords with current scientific advice of what is necessary to prevent global temperature rising more than 2°C above the pre-industrial levels, and represents a fair share of allowable emissions from Scotland to that end.

We feel some concern, however, that the interim target date is more than twenty years away and as such does not adequately reflect the urgency of the need to secure substantial reductions in emissions. We note that the Climate Change Act 2008 for the UK as a whole, in Section 5 relating to carbon budgets, effectively has an interim target for 2020. We would like to see the Bill contain a first interim target date in 2020 while also retaining the later 2030 date.

**Q2 The Bill requires that the Scottish Government sets annual targets, in secondary legislation, for Scottish emissions from 2010 to 2050. It is proposed that these annual targets will be set in batches, the first being for the years 2010 to 2022 inclusive.**

**What are your views on the setting of targets in batches from 2010 to 2022?**

Joint answer with Q3.

**Q3 The Bill provides that from the year 2020, the annual emissions targets must be set so that each is at least 3% lower than the target for the previous year. Prior to 2020, the Scottish Government has indicated that it intends to set annual targets which build towards delivering emissions reductions of at least 3% each year.**

**What are your views on this approach or any possible alternative approaches?**

The interim and 2050 targets are important, but it is essential that emissions should be reduced progressively from the time the legislation comes into force if greenhouse gases are not to continue to accumulate in the meantime. Accordingly we support the intention of setting annual reduction targets; 3% per annum must be regarded as the minimum if the interim and 2050 targets are to be achieved.

We have indicated earlier in our letter that, from our experience, the impact of climate change is already being felt in many other parts of the world and is having an especially serious impact on communities that are already living in marginal and disadvantaged circumstances. We consider the problem to be urgent and that reductions of at least 3% per annum should be made statutory well before 2020. We recognise that there may need to be some lead-in time, but consider that it would not be unreasonable for 3% targets to become mandatory from 2012, ie three years after the likely enactment date, which would phase with the next set of Kyoto targets from 2012

The Bill provides for annual targets to be set up to sixteen years in advance, or even longer if they are set before the statutory latest dates proposed in Section 4(2). We do wonder whether there will be sufficient flexibility in setting targets so far in advance to allow for the extent to which targets were met in previous years or for changes in scientific knowledge or advice. We note that Section 6 would allow Ministers to modify annual targets after they have been set, but this would seem to detract from the certainty which setting targets in advance might be deemed to provide.

**Q.4 The Bill introduces the concept of a “net Scottish emissions account” as a point of reference against which the target for reducing greenhouse gases can be measured. It is defined as the net Scottish emissions plus or minus any carbon units credited to or debited from the account. Any units purchased may be used to offset Scottish emissions. Any carbon units generated in Scotland and sold to customers outside Scotland, count as emissions made in Scotland.**

**What are your views on the proposals in the Bill relating to the net Scottish emissions account, and should there be a limit on the number of carbon units which Scotland can purchase?**

A fundamental point must be that the majority of effort towards meeting targets set by the legislation should be made within Scotland. It would be undesirable if future Scottish administrations were able to claim to be meeting their statutory obligations because substantial purchases of international credits had been made. At worst, it would be possible for a Scottish Government to take no action in reality to reduce emissions but to claim success by a massive purchase of credits.

Tearfund Scotland believes that the Scottish Climate Change Bill should:

limit the proportion of emission reductions that can be achieved outwith Scotland (ie through trading) to levels and standards to be advised the advisory body of Section 19 (our preference would be that the limit should be less than 30 per cent);

require that annual reports on progress show actual gross reductions achieved in Scotland as well as net reductions which take into account any credit trading.

**Q5 The Bill defines “Scottish emissions”, in relation to a greenhouse gas, as being emissions of that gas which are attributable to Scotland. The policy memorandum states that “Scottish emissions” are defined as being those greenhouse gases which are emitted in Scotland or which represent the Scottish share of emissions of gases from international aviation and international shipping.**

**What are your views on this definition of Scottish emissions?**

We are disappointed that the Bill proposes to give Ministers only the power and not a duty to include emissions from international aviation and shipping within the Scottish emissions account.

Data in the AEA Energy and Environment report on greenhouse gas emissions for the period 1990-2006 show that emissions of carbon dioxide attributable to Scotland from navigation and civil aviation in 2006 accounted for 3.2% of emissions from all uses of energy. They had increased by 28% since 1990 at a time when emissions from all energy use sources had fallen by 2%. Emissions from civil aviation alone increased over that period by 115% and accounted for 1.3% of all energy use emissions in 2006 compared with 0.6% in 1990.

While emissions from navigation and aviation at present represent a relatively small proportion of total energy use emissions the rapid rate of growth which has occurred, especially in emissions from aviation, convince us that must be included in the Scottish Emissions Account from the outset.

**Q6 The Scottish Government has indicated that initially it intends to seek independent, expert advice on climate change from the UK Committee on Climate Change. The Scottish Government states in the policy memorandum that if it determines that the UK Committee on Climate Change does not meet all the advice needed for Scotland, the Bill contains provisions which will allow the Scottish Government to establish a Scottish Committee on Climate Change or to designate an existing body to exercise these advisory functions.**

**What are your views on the Scottish Government’s approach to obtaining independent, expert advice on climate change?**

No submission.

**Q7 The Bill places duties on the Scottish Government requiring that it reports regularly to the Scottish Parliament on Scotland's emissions and on the progress being made towards the emissions reduction targets set in the Bill. The Bill sets out details of these reporting requirements.**

**What are your views on these proposed reporting arrangements?**

No submission.

**Q8 The Bill contains powers to allow the Scottish Government, by regulations, to impose duties on public bodies in relation to climate change, to issue guidance to those bodies relating to their climate change duties and to require that they report upon the discharge of those duties.**

**What are your views on this proposal?**

The targets for emissions reduction are ambitious and it will not necessarily be easy for the Scottish Government to achieve them. We agree with the statement in the Policy Memorandum that the public sector will have a pivotal role to play. Local authorities in particular are likely to have a significant role to play in their property management, traffic management, land use planning and waste disposal functions. We note that the Scottish Government is committed to working in partnership with the public sector, but we consider that the Bill should require statutory emissions reductions targets to be imposed on all public bodies at an early date, say within five years. The Memorandum suggests (para. 39) that statutory duties may only be imposed as in due course emissions reductions become harder and more expensive to deliver. This is a clear invitation to public sector bodies not to implement those easier, less expensive measures to reduce emissions now, but to retain them as available options to ensure that eventual statutory targets can be met.

The imposition of duties should be accompanied by a duty on the Government to issue guidance and a requirement on public bodies affected to report on compliance.

**Q9 The Bill places a duty on the Scottish Government to produce a report for Scotland, setting out its objectives in relation to adaptation to climate change, proposals and policies for meeting them and the timescales within which they will be introduced.**

**What are your views on this proposal?**

No submission.

**Q10 Muirburn is the act of controlled burning of vegetation on open semi-natural habitats such as muir (Scottish word for moor) or moorland, and includes the burning of plants such as gorse, heather and grass. The Bill contains an enabling power to allow the Scottish Government to vary the permitted times during which muirburn may be made where they consider it necessary or expedient to do so in relation to climate change.**

**What are your views on this proposal?**

No submission.

**Q11** The Bill will allow modification by order of the functions of the Forestry Commissioners to enable the Forestry Commission in Scotland to play a greater role in tackling climate change. The immediate intent of the Scottish Government is to take forward proposals relating to renewable energy development on the National Forest Estate and the release of capital from the National Forest Estate for woodland creation.

**What are your views on this proposal?**

No submission.

**Q12** The Bill requires the Scottish Government to produce an action plan setting out current and proposed measures to improve the energy efficiency of buildings in Scotland, as well as measures to encourage behavioural change.

**What are your views on this proposal?**

No submission.

**Q13** The Bill confers powers on the Scottish Ministers to make regulations providing for the assessment of (a) the energy performance of non-domestic buildings; and (b) emissions of greenhouse gases produced or associated with such buildings. The provisions are enabling in nature and the Policy Memorandum provides further information on the Scottish Government's thinking in this area.

**What are your views on this approach?**

No submission.

**Q14** The Bill places a duty on the Scottish Government to take such steps as it consider appropriate to promote the use of heat from renewable sources. The Scottish Government has indicated this provision will enable it to introduce measures it deems appropriate to incentivise the production of heat from renewable sources.

**What are your views on this proposal?**

No submission.

**Q15** The Bill sets out measures aimed at improving waste and recycling. The Bill gives powers to the Scottish Government to make regulations in the following areas:  
Waste prevention and management plans;

Waste data;

Deposit of recyclable waste;

Procurement of recycle;

Reduction of packaging;

Deposit and return schemes;

Charges for carrier bags.

**What are your views on these proposals?**

**Q16** What are your views on the adequacy of the Scottish Government's consultation in advance of publishing the Bill?

No submission.

**Q17 Do you have any views on the Strategic Environmental Assessment which was carried out by the Scottish Government out on the consultation proposals?**

No submission.

**Q18 Does the Bill raise any equalities issues you would wish to highlight?**

No submission.

**Q19 Do you have any comments on the impact of the Bill on sustainable development?**

In our response to the Consultation Document we said the following:

*It would appear (in the fourth paragraph of the foreword to the Consultation Document (p.2)) that the Scottish Government's only clear purpose is to make Scotland a 'more successful country'. We would have thought in view of the admirable aspirations expressed in the previous paragraphs, and given the potential seriousness of the impact of climate change for humanity as a whole, that at least one other purpose, with high priority, would be to work individually as a Government and with the international community to adopt measures to minimise further climate change. This would provide an appropriate rationale for the Discussion Document.*

*Instead, it would seem that the theme of 'sustainable economic growth' is to be taken as the foundation for much that follows in the Discussion Document. 'Sustainable' economic growth is too close in general understanding to 'sustained' economic growth and does not allow for the possibility that continued economic growth may not be possible, particularly in the more developed countries, if emissions are to be reduced to the extent that is required.*

*'Sustainable economic growth' is not the same as 'sustainable development'. The clear implication of that concept, as it emerged at Rio de Janeiro in 1992, is that development can only be considered sustainable if it accommodates social and environmental objectives as well as economic ones. The outcome of the Rio conference reflected concerns of many of the poorer countries of the world, and it is these countries that are now beginning to experience, and increasingly will experience, the worst impacts of climate change. The potential impact of unrestricted climate change on society and the environment in these countries will be immense.*

We continue to be concerned that the Scottish Government may believe that the Scottish targets will be achieved primarily through economic growth. While there undoubtedly will be commercial opportunities for renewable energy technologies, we do not envisage that technology alone will secure the reductions that are required. The Consultation Document noted that it is our consumption patterns which are unsustainable (para. 2.6). Changes of lifestyle are likely to be necessary to achieve the emission reduction targets and this may, in more developed countries, involve a diminution of economic growth. Further, an emphasis on growth may mean that economic priorities in times of recession become a justification for failing to meet emissions targets. We consider it important that the Bill should make clear that it is underpinned by the concept of sustainable development.

The current preamble to the Bill is no more than a summary of the Bill's contents. We would like it to contain a clear statement that the purpose of the Bill is to ensure that Scotland, as a member of the international community, makes a fair contribution towards minimising further climate change. We would also like the Bill itself to require Ministers, as they exercise the powers and duties given them by the Bill, to do so with the objective of contributing to sustainable development. This would accord with other legislation such as the Town and Country Planning (Scotland) Act 1997 as recently amended by the Planning etc (Scotland) Act 2006, Section 1.

**Q20 Do you have any other comments on the Bill?**

Section 4(4) requires Ministers to have regard to various criteria when setting annual targets. These include consideration of the impact of the *target* on those living (presumably in Scotland) in poverty (subsection (4) (e)) and those living (again presumably in Scotland) in remote and rural communities (subsection (4) (f)). As we have noted earlier it is those who are living in poverty and those who are living in remote communities in the developing world who are especially vulnerable to the impact of climate change. We would therefore like to see subsection (4) require Ministers, having taken appropriate advice, also to have regard to the impact of *climate change* (as opposed to the target) on those who are living in poverty around the world or who are brought into poverty as a consequence of climate change. The requirement to have regard to international policy relating to climate change (subsection (4)(h)) does not adequately address this point.

We are grateful for the opportunity to comment on the Climate Change (Scotland) Bill. We have not sought to comment on all Sections but trust that the observations we have made will be of assistance to the Committee in their deliberations. We would particularly urge them to consider making amendments to the Bill to incorporate those points which we suggest would strengthen the Bill.

**Stop Climate Chaos Scotland** is a coalition of more than 30 organisations campaigning together to tackle climate change. The coalition members include environment and development NGOs, faith groups, trade unions, community councils, student societies, women's organisations, a mental health charity, and many others. In Scotland, the members have a combined supporter base of over 1.5 million people.

The Stop Climate Chaos Coalition Scotland priorities for the Climate Change (Scotland) Bill are that it must:

Set out a framework that will achieve *at least* an 80% reduction in greenhouse gas emissions by 2050.

Establish in statute annual emission reductions of *at least* 3% year-on-year from the start, not just from 2020, compatible with a fair and safe cumulative budget identified by the advisory body (see 4).

Include emissions from all sectors in the framework and targets set out in the Bill, including those from international aviation and shipping, from the very start.

Establish a Scottish advisory body, a Scottish Climate Change Commission, in the primary legislation to support delivery of the Bill when it is enacted.

Ensure that at least 80% of the effort to cut emissions takes place in Scotland.

Establish duties on all public bodies to reduce greenhouse gas emissions in line with the national target.

Set in place robust, transparent reporting measures so the Scottish Parliament is well informed on progress in meeting targets and Government is held to account on mitigation and adaptation.

Ensure that strong enforcement measures are set in place in statute.

Ensure Scotland counts all its emissions and reports on those produced by products and services we consume as well as emissions produced domestically.

Be explicit that sustainable development is core to the purpose and delivery of the statute in relation to mitigation and adaptation.