

Submission to Public Consultation on the Draft Territorial Just Transition Plan

Community Law and Mediation's Centre for Environmental Justice

Community Law and Mediation (CLM, formerly Coolock/Northside Community Law Centre) was established in 1975 in direct response to the need in the community for free legal information services and has been a pioneering organisation in the provision of community based legal and mediation services. With the establishment of a second law centre in Limerick in 2012, the community CLM serves has grown to include anyone across Ireland who, because of economic, social, or other disadvantage, is unable to access the services CLM provides.

In our community law centres in Dublin and Limerick, we observed how climate change interacts with the issues experienced by the communities we work with, including energy poverty, housing, employment, and health. In response to this, CLM's Centre for Environmental Justice was opened in February 2021. We work with communities experiencing disadvantage or discrimination, who are likely to be negatively impacted by climate change, who are least able to cope with these impacts, and who have contributed the least to climate change.

Context

The EU Just Transition Fund (JTF) is a newly established fund designed to assist communities across the European Union to meet the challenges of the green transition in line with the objective of achieving EU climate neutrality by 2050 in an effective and fair manner ensuring that nobody is left behind. The JTF is one of three pillars of the Just Transition Mechanism which was proposed as part of the European Green Deal.

The implementation of the JTF is centred on Territorial Just Transition Plans which identify EU territories and workers which are expected to be the most adversely affected by the climate transition. These plans set out proposals to alleviate the socio-economic impacts of this transition by, for example, supporting the re-skilling of workers in the fossil fuel sectors. The Midlands region, comprising of counties Offaly, Longford, Westmeath, Roscommon, Laois, East Galway, West Kildare and North Tipperary, has been identified as an affected region for the purposes of the JTF.

Traditionally, the region's economy has been reliant upon the extraction and combustion of peat for the purpose of electricity generation. However, much of this activity has ceased in recent years, particularly with the recent closure of two ESB peat generation facilities in the Midlands. The closure of Edenderry Power Station is expected in 2023, with significant job losses (direct and indirect) and lasting socio-economic impacts to be experienced across the region. Ireland's National Energy and Climate Plan 2021-2030 identified measures which collectively deliver a 30% reduction in CO₂ emissions by 2030 from sectors not covered by the EU's Emissions Trading Scheme. These measures include a commitment for Ireland to phase out peat for power generation by 2028.

CLM's View of the Draft Territorial Just Transition Plan

The publication of the draft Territorial Just Transition Plan ('the Plan') for the Midlands region is broadly welcomed by CLM. The Plan acknowledges the adverse socio-economic impacts of the transition from fossil fuel extraction and combustion in the region, whilst highlighting the urgency of Ireland meeting its climate change obligations under, for example, the Climate Act, 2021. Indeed, an important element of Ireland's response to both the climate and biodiversity crises lies in our management of peatlands which should, to the greatest extent possible, be rewetted and restored.

The Plan, with its list of recommended interventions and actions, also serves as an acknowledgement of the potential opportunity presented by the climate transition in supporting the creation of more sustainable, resilient and equitable communities.

- 1) It is CLM's contention that the State must apply a human rights-based approach when acting to address climate change, particularly in the shift towards a decarbonised economy and society. Climate justice considerations must be placed at the heart of any policies and plans being implemented by the State in this context. CLM recommends that the Plan adopt the definition of climate justice which is set out at section 35(23) of the Climate Change (Scotland) Act 2009 ('the Scottish Climate Act'):

"In subsection (22)(b), the "climate justice principle" is the importance of taking action to reduce global emissions of greenhouse gases and to adapt to the effects of climate change in ways which—

(a) support the people who are most affected by climate change but who have done the least to cause it and are the least equipped to adapt to its effects, and

(b) help to address inequality."

- 2) CLM believes that the Plan should be redrafted in order to adequately address the needs and vulnerabilities of certain marginalised groups, such as women. Such groups are expected to be disproportionately impacted by the shift away from a peat-based economy in the Midlands, an outcome which is contrary to the notion of climate justice. CLM also recommends that the redrafted Plan should set out in further detail how the envisaged reskilling and education initiatives can mitigate the impacts of the transition upon the most vulnerable e.g. by means of improved availability and accessibility of child and elderly care facilities and public transport.

- 3) The Plan should adopt internationally-recognised best practice just transition principles, for example, which are defined at section 35C of the Scottish Climate Act as:

"the importance of taking action to reduce net Scottish emissions of greenhouse gases in a way which—

(a) supports environmentally and socially sustainable jobs,

(b) supports low-carbon investment and infrastructure,

(c) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as the Scottish Ministers consider appropriate,

(d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy,

(e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty."

- 4) CLM notes an apparent lack of prior consultation with affected workers and communities in the Midlands' peat extraction and electricity generation sectors in the drafting of the Plan. In the Governance section of the draft plan there are no direct references to affected workers nor are there any references to the role of trade unions in the document as a whole. Furthermore, it is unclear whether workers' participation in this public consultation constitutes adequate engagement which is in line with best-practice just transition

principles. For example, the Scottish Climate Act (above) refers to the imperative of developing and maintaining “social consensus through engagement with workers, trade unions, communities [...]”.

- 5) CLM welcomes the fact that the Plan (correctly) recognises that Ireland’s peatlands are vital reservoirs of biodiversity and carbon sinks and secondly, that restored peatlands and wildlife reserves can bring important benefits to local tourism, as well as improving the quality of life for the residents of the region. However there is an apparent lack of detail regarding the extent of peatland rewetting/rewilding: see, for example, Action 10 of Development Need 3, at page 31 of the Plan.

CLM also notes the following statement at page 23 of the Plan:

“there is alignment between the aims and objectives of the EU Just Transition Fund and the National Peatlands Strategy regarding the future uses of peatlands including alternative energy, agriculture and horticulture, forestry, biodiversity and ecosystem services, amenity, and tourism”.

CLM wishes to express its concerns that the objectives of promoting agriculture and forestry may be inconsistent with the objectives of restoring and rewetting peatlands in the Midlands region.

- 6) CLM believes that the broadest possible definition of “the most negatively affected territory” should be adopted for the purpose of the JTF and therefore it advocates for the inclusion of County Clare in the Plan, due to the expected closure of the coal-fired power station at Moneypoint. This in line with the analysis conducted by consultants for the European Commission’s Structural Reform Support Programme, as noted at pages 10-11 of the Plan.