

Independent Evaluation of the Climate Change Advisory Council

*Geraldine Tallon (Chair), Sharon Turner &
Halldór Thorgeirsson*

December 2020

Acknowledgements

The panel would like to thank all those who helped with our reflections over the last 4 months. We have benefitted very much from our consultation meetings with a range of key stakeholders from Government departments and agencies, and other institutions and media, as well as from discussions with the Chairperson, Members and Secretariat of the Climate Change Advisory Council. We appreciate that they all engaged freely and frankly with us, on the basis of a standard questionnaire, and we found both agreement and divergence across their perspectives very helpful to our work. All those whom we consulted or received submissions from are listed in Appendix III.

As outlined in our introduction, we have also drawn significantly on a number of national and international specialists in the field of climate governance, enabling us to reflect on what works well elsewhere and to draw on international experience in developing our own findings and recommendations.

We particularly benefitted from the support and assistance of Seán O'Leary and Claire Camilleri from the Secretariat and thank them warmly for their insights and organisational skills, and for placing at our disposal their complete mastery of all aspects of the Council's functioning and output of the Council of the last 5 years.

Contents

Acknowledgements	1
Overview and Key Recommendations	3
1. Introduction	7
Background to the evaluation	7
Terms of Reference and methodology.....	8
Report structure.....	8
2. The Council's mandate	10
Scope of the Council's mandate	10
Delivery against mandate	11
Constraints on the Council's mandate	13
Scientific foundation.....	13
Exercising the Council's mandate within the wider governance regime	14
Relationships to deliver the mandate	16
Analysis to underpin the mandate	17
3. Structure	20
Composition and appointment of the Council.....	20
Ex officio membership	22
Council committee structures	24
Adaptation Committee	25
Hosting by the EPA	26
The Council Secretariat	27
Council funding.....	28
Council working methodology and output	30
4. A more ambitious and impactful advisory agenda	35
The impact of constraints.....	35
Trust and independence.....	36
Strengthening communications	38
5. Conclusion	39
Appendix I Independent Evaluation Panel Members	42
Appendix II Terms of Reference for the Independent Evaluation of the Climate Change Advisory Council	44
Appendix III Consultations	47
Appendix IV Selective list of references	48

Overview and Key Recommendations

Ireland's Climate Change Advisory Council is nearing the end of its first five-year term. In a positive decision, the Council decided to have an independent evaluation of its performance undertaken. This report presents the outcome of that evaluation and is based on our review of all aspects of the Council's work, our own experience and knowledge, as well as a range of useful discussions with the Chair, a number of Council members, the Council Secretariat and other stakeholders and independent researchers from knowledge institutions and universities.

We are satisfied that the Council has been successful in establishing itself as an authoritative voice in the national climate debate. Its work lays bare the reality that for most of its term, greenhouse gas emissions have shown no significant change. While repeatedly emphasising the need for effective climate policy, and taking a long term and whole economy approach, its frank and rigorously evidence-based annual analysis of Ireland's disturbing record on mitigation has been a defence against even further slippage in the present.

In particular, we credit the Council's advice as providing a reliable basis to justify a substantial and necessary increase in carbon taxation, and as having an important role in informing the ending of government subsidies for peat and coal burning while seeking a just transition. We also credit the Council with stimulating the maturing of the sensitive debate on the role of agriculture and land use in Ireland's mitigation effort, including regarding the treatment of methane and the need to reduce livestock numbers.

Clearly, the Council has a strong track record in making the economic case for climate action and now needs to move beyond that to engage more broadly with the totality of issues involved such as social cohesion, justice, innovation, and public health.

However, when reviewing the context in which the Council operated, we formed the view that its legislative mandate falls considerably short of international best practice. We also concluded that the Council may have been overly sensitive to the constraints imposed by that mandate, at the expense of a more ambitious advisory agenda and one which is appropriate to its status as an independent advisory body.

Accordingly, in arriving at our recommendations, we recognised the Council's achievements but took a forward looking perspective. Our overarching recommendation is that it is now time for the Council to step into a more proactive agenda setting role on the national transition objective.

We are strongly of the view that the Council should give immediate priority to defining its ambition for a new five-year term, not just as a response to a new legislative mandate, but as a re-setting of its independent and authoritative place in Irish climate governance. In doing so, the Council should stand firmly on the foundations of best

available science and the transformative objectives of the Paris Agreement. We believe that this does not involve the Council in straying beyond the letter or spirit of its mandate and is not an interference with democratic control of decision making concerning the policies ultimately adopted, which rightly remains with the Government.

We recommend that the Council's Secretariat should be significantly strengthened in terms of its administrative and expert capacity – it requires greater headcount relating to both dimensions of its functioning. Its current size and resourcing should not be used as a baseline for calculating an incremental increase to take account of the likely expansion of the Council's legislative mandate. We see a clear need for a thorough redesign, which, as a minimum should lead to:

- the appointment of a full-time independent CEO, who can both give greater support to the Chairperson in representing the Council externally and provide appropriate executive leadership and mentoring for staff,
- a shift to formally seconding staff from relevant national and international organisations and universities,
- a professional development model for Secretariat staff.

We consider that this approach would better enable the Council to provide the necessary thought leadership as Ireland transitions towards the emerging net-zero and climate resilient economy. Strengthening the Secretariat would also allow for the building of wider strategic connections with national and international academic and knowledge institutions.

We believe that the Council is substantially under-resourced financially, and therefore that its existing budget should not be used as a benchmark from which to calculate the necessary increase required in order to deliver a potentially expanded mandate. There is also a critical need for greater predictability of financial resourcing for long-term programming. We recommend that the Council's budget should be multi-annual and ring-fenced, and independently managed by the Secretariat on the Council's authority.

There is an urgent need to ensure that the Council has effective access to data held by Government and public bodies. As a minimum, an appropriately comprehensive and clearly defined Memorandum of Understanding (MoU) should be concluded in this regard. We would also support reinforcing the MoU with a legal right to data for the Council, to send the clearest possible signal that data sharing must be the norm in future.

The impact of the high-quality outputs of the Council needs to be enhanced through strategic communications. This calls for dedicated communications expertise and capacity within the Secretariat. The Council's communications strategy needs to be both flexible and active, and designed to ensure that its core messages quickly penetrate national discourse and public consciousness, in timely and targeted ways,

through, for example, greater use of infographics, social media and other communications platforms.

We recognise the value of a hosting arrangement *per se* for the Council, but believe that the Council and its Secretariat also need to gain a more independent corporate identity, capacity and structure. We believe the hosting arrangement with the EPA therefore needs to be reviewed, as a minimum, to clarify and strengthen the processes, powers and responsibilities of the Council concerning its resourcing, corporate identity and staffing.

The Council's output supports our finding that the individual *ex officio* members acted in an independent capacity and brought considerable institutional knowledge to the Council. However, while the Panel acknowledges that *ex officio* membership is a matter of Government choice and decision, it is an unusual feature in comparative international terms. In our view it also affects the expert status of the Council and can be perceived as a compromise to independence. Having carefully considered the pros and cons of *ex officio* membership, the Panel has come to the conclusion that other modalities should be used to achieve the indispensable consultations with the leadership of key institutions and stakeholders.

The value of advisory councils flows from their interdisciplinary nature and from the collective insights that emerge when individual experts in the several disciplines engaged by climate policy making come to a common view. Optimising that value requires that the range of disciplines represented around the table should be enhanced, in particular on the social and climate science dimensions of climate policy. It also requires that members of the Council should be appointed because of their individual expertise and not their institutional affiliation.

We additionally recommend the early formation, and resourcing, of a Climate Science Committee to broaden and deepen the Council's capacity to give considered advice about what IPCC science and the Paris Agreement mean for Ireland and Irish policy making.

The Panel's meetings with stakeholders provided a variety of insights into the practical impacts of the loose consultation arrangements which flow from the 2015 Act. With some exceptions, consultations with Government Departments did not appear to be a particularly satisfactory process from the Council's perspective. Consultation often came late in the policy making process, therefore offering limited opportunity to the Council to offer advice which could influence thinking. It tended to be led by the Council rather than by Departments, and in practice the majority of Departmental officials met the Council very infrequently – at best once annually - for formal consultation purposes. In effect, the Council is understood more as a “watchdog” than as a critical friend or thought partner to Government. The absence of alignment between the requirements for the Council's first Periodic Review in 2017 and the National Mitigation Plan published days later is an example of this.

We would encourage the Council to utilise its statutory power to “give advice and make recommendations” to its fullest extent across its mandate in future, with a greater recognition of the fact that making recommendations for transformational change necessarily involves strategic communication to promote buy-in of those recommendations based on evidence, science, reason and the well-established precautionary principle.

1. Introduction

Background to the evaluation

The Climate Change Advisory Council was set up in 2015, and formally established on 18 January 2016 under section 8 of the Climate Action and Low Carbon Development Act 2015. As its first five-year term comes to completion, the Council decided that it was timely, and in line with best practice, to have an independent evaluation of its performance undertaken. This positive initiative is designed to consider the Council's functioning and effectiveness having regard to its mandate under the 2015 Act, and its performance as an independent advisory body tasked with assessing and advising on Ireland's transition to a low-carbon, climate-resilient and environmentally sustainable economy by 2050.

The design of effective climate governance is still an evolving subject, and it is sensitive to the regional, national or international context involved. That said, there is now a growing body of research on the core design of climate governance frameworks and their impact on outcomes, as well as sufficient experience on the functioning of different governance systems to say that a consensus now exists concerning what works best and why. This consensus recognises the crucial importance of long-term, whole economy and scientifically informed national climate laws and the creation of independent expert advisory bodies mandated to provide government with advice concerning the policy options for delivering scientifically aligned change across the economy. The uptake of these governance conditions pre-dates the Paris Agreement but has accelerated markedly in the wake of its signature as countries seek to bring Paris 'home' and implement its objectives.

Ireland, in a significant and progressive step, joined a then small group of countries in 2015 willing to pioneer the creation of dedicated, long-term, whole economy climate governance framework enshrined in law including the establishment of a dedicated climate advisory body tasked to provide independent advice to the Government. However, the model of climate governance created by the 2015 Act and the arrangements concerning its advisory body differ in important respects from best practice approaches.

This evaluation is not intended to assess the appropriateness of the Irish Council's role as defined by the 2015 Act or indeed the 2015 Act itself. However, it will address the extent to which that role, and the national transition objective against which it is set, enabled the Council to discharge its advisory function with appropriate levels of ambition, precision and thought partnership with Government about climate action in Ireland. Its key objective is to provide the Council with a set of recommendations aimed at improving the Council's effectiveness with respect to its mandate and the development and impact of its advice.

Three independent panel members were requested to undertake the evaluation; our biographies are included in Appendix I.

Terms of Reference and methodology

In addressing the terms of reference for this evaluation as set out in Appendix II, the evaluation panel undertook reviews of all aspects of the Council's work, its access to modelling data and research, its administrative and support systems, and its publications and other published advice. Meetings were held initially with the Chair of the Council, and also with a number of individual Council members and the Council Secretariat. A range of key stakeholders also met with us or provided written submissions, and a full list of stakeholder meetings and submissions is provided at Appendix III.

While bringing external and independent perspectives to the work of the Council, we have grounded our observations in the work and output of the Council itself, noting the learning curve involved for its members, the disciplines they brought to bear in discharging their advisory role, and their interactions with the Oireachtas, Government and other relevant institutions and processes. The Panel recognises that much has changed globally since 2015 in regard to understanding of the governance arrangements needed for advanced economies to lead the process of delivering transformational change on a whole economy and societal level rather than the incremental approach reflected in the pre-Paris period. We have aimed our recommendations both at assisting the Council's own reflections on its achievements during its first term, and supporting its capacity to be successful with a new ambition for the coming five-year period.

The members of the Panel have in their work drawn on their experience and knowledge of national, European and international climate governance, including developments since the adoption of the Paris Agreement. It is beyond the scope of this review to link our findings to the significant body of literature that has emerged recently on the topics addressed here. However, in addition to the outputs of the Council, we would like to acknowledge the work of a range of specialists in this field on whose work we have drawn significantly - in particular: Dr Alina Averchenkova and Dr Sam Fankhauser at the Grantham Research Institute on Climate Change & the Environment, London School of Economics; Matthias Duwe at the Ecologic Institute, Berlin; Andreas Rüttinger, IDDRI, Paris; Dr Lara Lazaro, Elcano Royal Institute, Madrid; Dr Thomas Muinzer at the University of Aberdeen, Dr Andrew Jackson at University College Dublin and Dr Diarmuid Torney at Dublin City University.

Report structure

In addressing the areas of context, inputs, outputs and impact that are set out in our terms of reference, the Panel found that a number of key considerations quickly began to emerge as significant across all aspects of the Council's performance. These derived from:

1. the legislative mandate of the 2015 Act, the Council's interpretation of that mandate and its delivery against it,
2. the structural choices associated with the Council's establishment and functioning, and
3. the manner in which the concrete areas of mandate and structure interacted with, and influenced, the more qualitative issues of vision and ambition as reflected in the Council's output and outcomes.

Accordingly, we decided to structure our report broadly around the areas of the Council's mandate, structure and output/outcome all of which are grounded in our assessments of context, input, output and impact. In addition to findings and recommendations in these areas, we consider it especially important to address the critical issues of vision and ambition, both to reflect the direction of international thinking and action, and to assist the Council in future in broadening and deepening the achievements of its first term.

2. The Council's mandate

Scope of the Council's mandate

The panel was tasked to assess the performance of the Climate Change Advisory Council with respect to its mandate and functions as set out in the Climate Action and Low Carbon Development Act 2015. To do this, the Panel first examined the scope of the Council's mandate and its role in the climate action governance structure in Ireland.

The Climate Action and Low Carbon Development Act 2015 commits the Government to “pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050”, referred to in the Act as the “national transition objective” (NTO). The NTO is also elaborated in the National Policy Position (NPP). For this purpose national mitigation plans and national adaptation frameworks are to be approved by Government, so that Ireland can try to achieve the NTO by cost effective measures. These measures would also have regard to the UN Framework Convention on Climate Change, Government policy on climate change, Ireland's existing EU or international obligations in this area, climate justice, and the most recent greenhouse gas emissions inventories and projections prepared by the Environmental Protection Agency (EPA).

The Act also provided for the establishment of the Climate Change Advisory Council to:

- a) Advise and make recommendations to the responsible Minister, and/or Government, as appropriate, on national mitigation plans, a national adaptation framework, compliance with existing international obligations, sectoral measures and adaptation plans, and any policy of the Government or any policy relating to reduction of greenhouse gas emissions or adaptation to climate change;
- b) Conduct an annual review of progress in achieving greenhouse gas emissions reductions and furthering transition to a low carbon, climate resilient and environmentally sustainable economy, summarising inventories and projections, and offering recommendations in relation to
 - a. the most cost-effective manner of achieving reductions in greenhouse gas emissions to enable the achievement of the NTO
 - b. compliance with existing EU/international obligationsas well as such other recommendations or advice as it considers necessary or appropriate to enable achievement of the NTO;
- c) Conduct a periodic review:
 - a. not more than 18 months after establishment, on progress in meeting Ireland's obligation under the EU effort-sharing agreement to 2020, and furthering the achievement of the NTO

- b. at any time in light of significant developments relating to scientific knowledge in relation to climate change, relevant EU or international law, or need to maintain progress to enable achievement of the NTO, on progress towards the NTO, or on the most recently approved mitigation plan and adaptation framework/plans
- c. in response to a request from the Minister, unless it provides a reasoned opinion to the Minister that such a review is not necessary.

The statutory provisions in respect of Periodic Review in effect broadened the Council's mandate in that they enabled it to provide advice or recommendations for purposes of the development and implementation of the national policy regarding climate change, taking account of existing and likely future obligations of the State under EU law or an international agreement and evolving understanding of the latest climate science.

Annual Reviews are to be published by the Council not more than 30 days following submission to the Minister. However, the Minister is required to submit a Periodic Review report by the Council to Government as soon as may be after receiving it.

At one level the Council's advisory mandate is strong in that it is grounded in law and provides to the Council a broadly defined locus to give advice and make recommendations. In effect, it is mandated to act both as adviser to Government on the policy development process, and as "watchdog" or guardian of progress towards decarbonisation and resilience objectives. Importantly also, its governing legislation also requires the Council to perform its functions in an independent manner.

However, in the Panel's view, the Council's overall mandate as defined in the legislation falls considerably short of best practice, when compared with international examples, and largely requires the Council to deliver its advisory role in a reactive rather than a pace-setting manner. Its ability to gain traction on the process of policy development is limited, and the obligations on Ministers and Government to consult with the Council, and take account of its advice and recommendations are not matched by obligations to consult in a meaningful way or explain departures from such advice and recommendations. Also, while the Council is required to operate in an independent manner, its independence is not in fact appropriately supported by its governing legislation or the wider arrangements put in place to support its functioning.

Delivery against mandate

The Panel is satisfied that, notwithstanding the above legislative limitations, the Council has been successful in establishing itself as an authoritative voice in the national climate debate. Its advisory output is an important source of advice to Government and a clear mapping of the policy challenges facing Ireland. Given the scale of the complexity arising in a climate change context, and the short lifetime of the Council, this is no small achievement.

We see the Council's single greatest contribution as its willingness to use its advisory mandate to sound the national alarm on Ireland's failure to engage in a realistic way with the process of reducing greenhouse gas emissions either before or after the 2015 Act was adopted. Its analysis makes Ireland's "disturbing" record on mitigation clear. Despite having one of the highest per capita carbon footprints in Europe, Ireland is "completely off track" to deliver the national transition objective, and to comply with EU climate and energy obligations and international climate obligations, and its moral obligations as a rich country within the global community.

The Council's work lays bare the reality that for most of its term, greenhouse gas emissions have not significantly reduced. Its commentary on the significance of the data contained in the EPA's greenhouse gas inventory and projections has added important value, providing an authoritative narrative about the implications of the data and the extent to which it evidences policy and governance failures. We commend the Council for its tenacity in continuously repeating its key messages, and its refusal to allow policy inertia or lack of Government response to deflect it from its work.

Effectively, the Council has shown its willingness to be highly and consistently critical of inaction, as its annual reporting provided clear and authoritative confirmation of the reality that, despite the 2015 legislation, climate mitigation has been postponed for several years, and adaptation preparedness is at best nascent in important respects. While its outputs have reflected a focus on the need for Government to put the fundamentals of an effective climate policy in place for the future, in particular taking a long term and whole economy approach, its frankness has also been a defence against even further slippage in the present. This "defensive" role has been a worthwhile aspect of its activity during its first term. A more "offensive" approach on the part of the Council in the future will better align its advice with the level of ambition essential to drive transformational change across society.

The Council's work has enabled it to build a distinct voice in significant national fora such as the Citizens' Assembly and the National Dialogue on Climate Action. Importantly, too, it has empowered others to hold the Government to account – specifically in civil society and through the courts. In particular, its analysis on the National Mitigation Plan was relied on in the evidence base used by the Supreme Court to support its decision ruling the Plan as unlawful.

The Annual Reviews have provided a yearly platform for promoting media interest in, and public debate about, progress with the national transition objective. The limits of this external evaluation did not enable a detailed consideration of the scale of that debate, or parliamentary engagement with the Council's reports, but our meetings indicated that the Annual Reviews are seen by the media and NGOs as an important moment in the national policy calendar, helping to keep climate action to the fore in national debates. A short review of media coverage over the Council's term indicates that all Annual Reviews were covered by broadcast, print and web media with expanding and more in-depth consideration of the more recent Reviews.

In particular, we credit the Council's advice as providing a reliable basis to justify a substantial increase in carbon taxation, and as having an important role in informing the ending of government support for oil exploration and of subsidies for peat and coal burning. We also credit the Council with stimulating a maturing of the sensitive debate on the role of agriculture and land use in mitigation effort due to its willingness to recommend the need for reduction in the national herd.

Constraints on the Council's mandate

We recognise the significant achievements of the Council's first term. However, we also consider that several important features of the Act, or omissions from it, constrained the Council's practical capacity to function in a comparable manner to many other such climate advisory councils. These features, in addition, would appear to have impacted on its own conception of its advisory mission and its licence to operate.

Scientific foundation

Studies make clear that the primary purpose of climate advisory bodies is to ensure that national climate policy is consistent with the latest climate science, and to give independent scientific advice on the options for climate change targets (mitigation and adaptation) and policies. The Panel notes that climate science is not a foundation stone of the Council's legislative mandate, and is not represented in the expertise of its membership.

Rather than prioritising the provision of advice aligned to climate science, the mandate is strongly linked to providing advice about the achievement of the existing NTO and EU climate and energy targets. The NTO was vague in important respects and non-committal as to the scale of economic decarbonisation or climate resilience to be achieved. To the extent to which commitment to achieve a "low carbon" economy was clarified in the NPP, it committed Ireland to a less stringent whole economy target than was adopted at EU level. The NPP did not reflect a whole economy commitment to achieve an 80% reduction in greenhouse gas emissions from 1990 by 2050, and signalled an intention to treat the major source of its national emissions differently, and potentially to significantly shield it from the need for mitigation efforts. Although Ireland's 2020 and 2030 emissions reduction targets reflected its share of the EU's existing 2050 objective, these are not aligned to the Paris objective because EU ambition itself was not then aligned to the Paris Agreement. This problem is now being resolved through the negotiation of an EU climate law committing the EU, and potentially each Member State, to achieve climate neutrality by 2050 at the latest; this will require a substantial recalibration of the EU's near term greenhouse gas reduction targets, and thus the targets of all Member States.

Although the 2015 Act empowered the Council to provide advice concerning developments in climate science and EU/international climate law, it did not create a specific mechanism to trigger or control the amendment of the NTO. There were no incentives for the Council to invest in climate science-based advice because there was

no duty of reply by Government or explicit avenue for scrutiny of the Government's response to potential Council advice on this issue by the Oireachtas, and in any event the Act did not strengthen and possibly weakened the status of independent climate science in strategic policy making. It did not have priority focus during the 5-yearly preparation and adoption of national mitigation plans and national adaptation frameworks. Ministers and Government are required to have regard to 'relevant scientific or technical advice', but the Panel notes that, while this would include IPCC or other sources of independent science, its effect is to place independent climate science on an equal footing with scientific and technical advice produced by stakeholders or others with vested interests.

As the 2015 Act in effect appeared to signal to the Council that ensuring action aligned to the latest climate science was not its primary purpose, and should not be the primary focus of its advice, the Panel finds that advice about the most cost-effective manner of achieving reductions in greenhouse gas emissions to enable the achievement of the NTO became the dominant focus of the Council, and this marginalised thinking about the economic and societal value of early and more ambitious action to achieve economic climate neutrality and resilience by 2050 at the latest.

Exercising the Council's mandate within the wider governance regime

The Council's mandate to undertake annual monitoring and reporting on progress in greenhouse gas emissions reductions and progress towards the NTO is consistent with best practice. The Panel recognises, however, that a rigorous focus on policy back casting from a clearly defined, whole economy and scientifically credible long-term objective is the foundation stone of effective climate governance. It is also essential to meaningful scrutiny of progress. Several gaps within the wider governance regime undermined the Council's ability to apply the discipline of policy back casting to its monitoring of progress, including the absence of a:

- clearly defined, long term objective for the whole economy,
- scientifically credible long term national target for economic decarbonisation,
- more clearly defined process for determining and ensuring that successive cycles of near term policy making would ensure reliable progress towards the NTO,
- defined milestone targets beyond 2030 and indicators against which to monitor progress towards 2050,
- long term strategy setting out the pathways for achieving the long term NTO.

As already noted, the NTO was vague in important respects, and it was non-binding. The national policy position contains sectoral targets for carbon dioxide emissions reductions from three major emitting sectors. It also signals an intention to treat agriculture and land use differently but does not define how. There is no explicit mandate for the Council to propose or be consulted about the setting of the NTO or its amendment, or to propose the trajectory or carbon budgets to define the mitigation boundaries for cycles of near term policy making to ensure a stable progression

towards the NTO. Nor had the Government adopted a long term strategy setting out the pathways for achieving the NTO.

By the same token, the Act did not prevent the Council from playing a more proactive and appropriate role by laying the foundations for greater specificity in the elaboration of the NTO, and proposing milestones on the path to climate neutrality consistent with the best available science and the long-term interests of Ireland.

The basis for monitoring the consistency of near term policy with a long term objective is critically weakened if there is a lack of clarity on the long term whole economy objective. The Council has itself recognised this weakness and (alongside repeated warnings that Ireland would seriously overshoot its near term binding targets for 2020 and 2030) has repeatedly called on Government to produce a long-term strategy for achieving the NTO. Its first Annual Review, published in 2017, states its concern in careful language:

Measuring progress in transition represents a movement away from historical comparisons of emissions against previous performance. Incremental improvements may no longer be enough. Instead, assessing progress in transition means comparing where we are with where we need to be. Unfortunately, our desired endpoint is not always clear. (Annual Review 2017, pg 25)

This repeated concern is more explicitly stated by 2019 when the Council welcomed the publication of the Climate Action Plan 2019 but pointed out that:

The continued failure to set out detailed pathways on the cost-effective route to decarbonising the Irish economy by 2050 is a major obstacle to progressing policy on climate change. (Annual Review 2019, pg ii)

Within the positive context of recognition by a new Programme for Government of the need for a more defined, whole economy and Paris aligned long-term national climate target, amendment of the national climate law to strengthen climate governance (similarly aligned proposed legislative developments at EU level), and EU commitments to a Green Deal and prioritisation of a green Covid-19 recovery, the Council still points in its Annual Review 2020 to all of the difficulties associated with the absence of a clear, long term strategy.

The challenges of monitoring and ensuring accountability for progress have also been made more difficult by the absence of a clearly defined process for determining the successive contributions that each cycle of near-term policy making should make to the achievement of the long term objective. The National Mitigation Plan was required to 'specify' the manner in which it is proposed to achieve the NTO, but this term is not defined or quantified. Similarly, while the Council is required to monitor annual progress in 'furthering' the achievement of the NTO, this concept is also undefined. The Council has been strong in making clear its serious concerns about the National

Mitigation Plan which resulted from a loose framework for climate policy making, and in practice allowed emissions to continue to rise. However, because the Council lacked access to, or the resources to undertake, long term whole economy modelling of the policy options available to achieve the NTO, it was unable to produce a more precisely backcasted analysis of the specific cost increases caused by delayed action, and the value of the lost economic and societal opportunities.

In the Panel's view, the absence of a NTO aligned to climate science, the lack of a clearly defined process for establishing the trajectory or carbon budgets that define and connect the ambition of near term policies to the achievement of the long-term objective, and the lack of an appropriately articulated national long-term strategy for achieving the 2050 objective, serve to compound the accountability challenge. Progress monitoring in a wider policy vacuum does not surface the true scale of the policy challenge facing Ireland, and the scale of the lost opportunities for present and future generations. We will return to this theme towards the end of this report.

Relationships to deliver the mandate

One of the Council's key functions is to provide advice to Ministers and Government in the preparation and adoption of national mitigation plans, the national adaptation framework and sectoral adaptation plans. Even where consultation is mandatory, there are no procedural safeguards to control the nature, timing, sequencing or outcome of the consultation process to ensure that it is meaningful. We consider that early engagement with the Council is an essential route to ensuring that it has a meaningful opportunity to influence the full range of policy scenarios being considered by Government Departments. We also recognise that relationships must expand and mature to support the Council in undertaking a new carbon budgeting role under the proposed amending legislation.

Publication of the Council's first Periodic Review was required within eighteen months of its establishment. It was submitted on 12 July 2017 and published on 26 July 2017. The Government published Ireland's first National Mitigation Plan on 19 July 2017, underlining the absence of thought partnership, or meaningful policy dialogue, between the Council and Government. Although the Council was consulted on the preparation of the Plan, its Periodic Report could not, and did not, provide a detailed and timely response to this major first policy step in the implementation of the 2015 Act. Equally, the required submission of the Periodic Review report to Government could not be expected to have had any influential impact given that the Plan was now published and would remain in place for five years.

We note that the Council has not undertaken any further Periodic Reviews, notwithstanding the publication of the IPCC's Special Report in 2018 on the impacts of global warming of 1.5 degrees above pre-industrial levels, the submission to the Paris Agreement earlier this year of the long-term low greenhouse gas emission development strategy of the European Union and its Member States, or the European Commission's announcement of its intention to propose the adoption of an EU Climate

Law that could be expected substantially to increase the pressure for national climate ambition for 2030, 2040 and 2050.

The Panel's meetings with stakeholders provided a variety of insights into the practical impacts of the loose consultation arrangements which flow from the 2015 Act. With some exceptions, consultations with Government Departments did not appear to be a particularly satisfactory process from the Council's perspective. Consultation often came late in the policy making process, therefore offering limited opportunity to the Council to offer advice which could influence thinking. It tended to be led by the Council rather than by Departments, and in practice the majority of Departmental officials met the Council very infrequently - at best once annually - for formal consultation purposes. Our meetings led us to conclude that while the Council had not sought to establish unduly close relationships to gain access, the dynamic between the Council and Departments has been tentative and quite superficial. In effect, the Council is understood more as a "watchdog" than as a critical friend or thought partner to Government.

Despite the Council's substantial mandate to conduct annual progress reviews, there is no duty on Ministers, Government or Government Departments to respond and they have acted accordingly. Council records indicate that over fifty letters across the Council's term were issued by the Chairperson or Managing Administrator to Ministers and Departments with hard and electronic copies of Annual Reviews and the 2017 Periodic Review. All either received no response at all or at most generated a standard acknowledgement.

There is no requirement on the Climate Minister, the Government, or indeed the Council itself, to lay the Council's Annual Reviews before the Houses of the Oireachtas, thereby dissociating its work from the processes of democratic debate and scrutiny. It is not evident to the Panel, either, that the statutory Annual Transition Statement to the Oireachtas routinely incorporated a response to the advice of the Council despite its status as a statutory consultee to the plan and policy making process, or its mandate to monitor progress on the implementation of those plans.

Our meetings reflected the view both within and outside the Council, and shared by us, that it had produced a substantial analytical output. Within its interpretation of its mandate, its advice was well considered, thorough and rigorously evidence based. It was clearly influential and acted upon in specific circumstances, notably in relation to carbon taxation. However, our meetings also reflected frustration and disappointment with the level of official responses to Annual Reviews, and comments that working on the Council often felt like "speaking into the wind". We will return to the issues of influence and impact later in this report.

Analysis to underpin the mandate

Appropriate access to technical data is critical to the functioning of an expert body such as the Climate Change Advisory Council. Under the 2015 Act, the Council is

empowered “to gather any information it deems necessary and appropriate” for the performance of its advisory work. When it was established, a decision was made not to replicate the research and modelling capacity already available in the main Government Departments, and in universities and public sector bodies relevant to the Council’s work. It was anticipated that access would be provided to the data generated by these bodies so that the Council could properly perform its functions. In practice this access has not materialised. Although the statutory provision could arguably be interpreted as extending to a right of access to data, in practice it has not been asserted by the Council as such, nor has it been interpreted by Government or public bodies as entitling the Council to data requested.

A consistent message emerging from our meetings with stakeholders is that the Council has not been afforded the necessary and timely access to data. In addition, it would appear to us that the Council is not consulted when major modelling work is being commissioned or developed, so it is not in a position to influence the inputs to the modelling process. We were assured by Departmental and public sector representatives that they publish all of their data and have openly shared their research with the Council, but nevertheless our meetings and our reading of the Annual Reviews made clear to us that lack of access to data remained a serious and persistent problem for the Council. In summary, the Council is very largely a consumer of data published by others, and has to grapple with both the gaps and shortcomings in such data. In some respects, it is doubly removed from the raw data, as in summarising EPA projections as required for purposes of its Annual Reviews, the Council is summarising the product of the EPA, which itself does not have the role or capacity to produce the essential core inputs.

The scale of the Council’s lack of access to data has significant impacts on its ability to provide advice and recommendations. This was as notable for the Council itself in its focus on the cost-effectiveness of transition as in its concern about informing the public discourse more broadly on taking forward the low-carbon, climate-resilient transition to 2050. (See Annual Review 2018 pg 42-3) In effect, we have found that the Council:

- lacks the resources to commission or undertake substantial technical projects,
- in many instances has limited resources or capacity in technical expertise to properly interrogate the data published by others,
- is substantially denied access to the raw data and inputs that inform modelling work undertaken by or commissioned by Departments or public bodies, and so is compromised in its ability to interrogate the published conclusions arising from that modelling,
- is unable to influence scenarios considered by modelling because it is not consulted when modelling projects are being commissioned,
- can face considerable difficulty in building the evidential basis for its own recommendations from relevant Irish data.

The Council has for some time sought a Memorandum of Understanding (MoU) as a means of establishing its rights of access to data for its work. This has not yet been put in place although the Panel understands that it is imminent, and will be a key requirement to enable the Council to take on an expanded role under new legislation. The Panel would like to see the MoU backed by the creation of a legal right of access for the Council. An MoU cannot be enforced, whereas legal rights of access to data will send the clearest possible signal to all parties that data sharing must be the norm.

Critically, we also emphasise that a suitable MoU must be accompanied by sufficient internal capacity to enable the Council adequately to engage with the data shared. In this regard, particular care must be taken to provide the right resources, on an expert, independent and sufficiently sustained basis to support the Council in effectively interrogating data shared by other parties, developing its own independent analysis where needed, and participating in discussions concerning the commissioning of ongoing modelling and research by key partners in particular Government Departments, the EPA, Teagasc and Met Éireann. These resources are essential for the Council's existing mandate and it goes without saying the scope of these rights and resources will be essential to enable the Council to undertake a future carbon budgeting role.

3. Structure

The Council's structure, including composition and support systems, was in a number of respects defined by the 2015 Act. This chapter of our report addresses how both the given elements of structure, and the structural development choices made by the Council, along with its working methodologies over its 5-year term, impacted on its functioning and performance.

Composition and appointment of the Council

The Act provides for a possible eleven seats on the Council, and in accordance with its provisions, the Council membership comprises a Chairperson and not more than 10 ordinary members. Four of the ordinary members must be appointed on an *ex officio* basis, namely the Director General of the EPA, the Chief Executive of Sustainable Energy Ireland (SEAI), the Director of Teagasc, and the Director of the Economic and Social Research Institute (ESRI).

In nominating and appointing ordinary members other than *ex officio* members, the relevant Minister and the Government, respectively, are required to have regard to "the range of qualifications, expertise and experience necessary for the proper and effective performance" of Council functions. All appointments are for a 5-year period, and the Chairperson or an ordinary member (other than an *ex officio* member) may be appointed for no more than two terms. We consider that the Council is the 'right size' to create sufficient breadth of capacity and cohesiveness for optimal functioning. We recognise that the limit of two terms will promote diversity, skill mix, new perspectives and broadening of expertise, but we recommend that terms should be staggered in a manner which would balance stability and continuity of knowledge with the opportunities for renewal which new membership and greater rotation of membership would present.

The Panel notes that there is no definition of the qualifications, expertise and experience necessary for Council membership, and this has problematic consequences. Expertise plays a crucial role in determining not only the nature and quality of advice provided, but in reinforcing perceived and real independence, and therefore underpinning trust in the Council's work and ultimately its ability to influence and build political and stakeholder buy-in to its advice.

A best practice model will protect the expert status and capacity of a climate advisory body by prescribing the disciplinary expertise that should be represented in its membership. Some national climate laws are more explicit in this regard to prevent imbalance and omission of expertise. In the panel's view, the range of expertise should include, for example, climate policy at national and international level and the social impacts of such policy, climate and environmental science, relevant branches of the social sciences, business competitiveness, economic analysis and forecasting, financial investment and technological development and diffusion. The Council has one international member, and the Panel sees much value in broadening the

framework of reference within Ireland's small policy and advisory community, through greater access to international perspectives and disciplinary mix in the Council's membership that reflects a full range of expert fields engaged in advising on climate policy development.

We have observed that the current membership is strongly weighted towards economics expertise. This may in part reflect a position on the part of Government that the Council's dominant focus should be on least-cost transition although the Panel would not view the Act as limiting the Council's advice and recommendations in this manner. We see several issues flowing from the economics disciplinary concentration within the Council membership, which narrowed its potential to be a thought leader in policy advice on how to drive and manage transformational change.

- While we acknowledge the breadth of the Council's analysis in successive Annual Reviews, we nevertheless note a heavy focus on the economics of transition. The Council's work on carbon pricing and taxation as a priority intervention demonstrated leadership and ensured vital public and political acceptability for this essential tool in a contested space. It may have been a pragmatic starting point for the Council's work, but will require balancing with more holistic and multi-disciplinary advice that is crucial to tackling the complexity of delivering societal transformation in the timescales required by the Paris Agreement.
- The absence of embedded climate and environmental scientists at a Council level lessened the Council's focus on policy advice rooted in climate science. It is not appropriate to rely on either scientific capacity in the Secretariat, external experts or the IPCC's global consensus on climate science as the sources of scientific expertise for the Council. Though the Secretariat should and does include scientific expertise, they do not play the same role as the Council members in developing its advice and recommendations. External experts consulted by the Council are not a permanent, embedded voice in the room consistently contributing to Council deliberations. The IPCC does not advise on the implications of their reports for individual national geographies. The absence of embedded climate scientific expertise in the Council's membership may have inhibited the Council's capacity to assimilate the implications of the IPCC's scientific analysis for Ireland or to ensure that its economic analysis is informed by and aligned to the transformational change required to respond to climate science.
- A greater breadth and depth of social science specialists is essential, because it would allow an increased focus on systemic issues concerning the management of the transition. Social scientists enhance the Council's capacity to address crucial issues of ethics and justice, models for ensuring effective and sustained public participation in transition choices, behavioural and social psychology, horizon scanning on the implications of Ireland's legal EU/international obligations and innovation in climate law and governance. We

appreciate that some of these issues are now being addressed by the Council but arguably too slowly to reflect the scale and urgency of the challenges faced.

We would strongly advocate greater clarity around the essential fields of expertise, and greater disciplinary diversity within the Council's membership to support and deepen its capacity to function as an expert body. We would also advocate that Council members should be appointed on the basis of their individual expertise in relevant disciplines and not on the basis of their institutional affiliation. A best practice model would also involve the appointment, by Government, of experts following an open call and a competitive recruitment process ideally handled independently by the Public Appointments Service.

We would anticipate that substantial additional expertise could be applied across the Council's work through the building of wider strategic connections with national and international academic and knowledge institutions. It is not a necessary precondition that such institutions should be represented in the membership of the Council.

Ex officio membership

The Panel acknowledges that *ex officio* membership of the Council, an unusual feature in comparative international terms, is a matter of Government choice and decision. In our view, this affects the expert status of the Council and can be perceived as a compromise to independence. Studies of climate advisory councils show that best practice involves the appointment of members based exclusively on their individual expertise and not their affiliation to particular institutions or stakeholders. Experts and stakeholders (institutional or sectoral) each play essential but different roles in the policy development process. Merging experts and stakeholders in advisory body membership muddles these roles and involves a real risk of sub-optimal outcomes. Expert capacity is limited; there is far greater divergence in perspectives which undermines capacity to make recommendations for transformational rather than incremental change, and there may be a negotiation of the advice between the members rather than an exclusive focus on expert analysis.

Ex officio membership by the Director General of the EPA, the Directors of Teagasc and the ESRI, and the CEO of SEAI, brings four key institutional stakeholders in the policy development process - four key public servants - to the Council table. Teagasc is additionally regarded by us as representing a sectoral interest in the transition. We recognise, however, that the *ex officio* members are bound by the Code of Practice on the Governance of State Bodies and therefore must exercise an independent judgment and avoid any conflict between their duties in their Council role and any other interests. The Council's output, clearly informed by credible evidence, supports our finding that the individual *ex officio* members acted in an independent capacity, and brought considerable institutional knowledge to the Council.

That said, the Panel considers that the risks associated with *ex officio* membership outweigh the practical value that may be attributed to such positions, and that such

value (for example in building relationships with Government and avoiding Council isolation) is likely to have been of most relevance as part of the learning curve of the Council's initial term. Other modalities are available to achieve these ends as elaborated below. While we address the issue of independence more generally later in this report, we make the following observations here to explain our concerns.

- The *ex officio* members hold their positions irrespective of their individual climate expertise: a practical effect of this has been a further narrowing of the fields of expertise in the membership as seven of the eleven positions are currently held by economists who do not reflect an appropriately full disciplinary range of economics in a balanced manner.
- Protection from the risks inherent in compromised independence depends on good chairing, individual personalities and good relations between Council members rather than structural safeguards. We understand that all of these positive features have been the norm in the Council's first term. However, the proper functioning of the Council should not be dependent on individual personalities and should instead be protected by deliberate design.
- We have not seen significant evidence that the institutions represented in *ex officio* membership formally shared their data with the Council and no MoUs were put in place to ensure such an outcome.
- In our consultations, we heard differing views about the extent to which *ex officio* members were able to represent the Council's advice in public because of potential conflict of interest with their core roles; irrespective of the balance of such views, the underlying concern is that the Council's ability to build a confident and collective advisory identity is weakened.
- In our meetings we also heard consistent emphasis amongst Council members and their stakeholders of the perceived value of 'tying in' the institutions represented by the *ex officios* to the Council's advice, confirming our concern that rather than an exclusive focus on neutral expert analysis the Council's composition potentially moved it towards undertaking the stakeholder brokering process that is more appropriately undertaken by Government and which could dilute the Council's core function.
- Notwithstanding our view that the Council has been successful in establishing itself as a trusted and independent voice, we cannot ignore the persistent NGO unease about the impact of *ex officio* membership or the impact of perception as to compromised independence and public trust.

On balance, we recognise that *ex officio* membership has had some value in the Council's first term, by creating proximity to public service institutions, and helping the Council in its understanding of thinking within Government. Now that the Council is well established, we do not see good reasons to maintain *ex officio* membership.

Issues of access and proximity can be better resolved through improved design of the governance relationship between the Council and Government through (as discussed

above) legal rights to data access for the Council, Government duties to respond to the Council's advice, stronger procedural safeguards to ensure timely and meaningful consultation of the Council in policy development and potentially through broadening the Council's mandate to advise on the trajectory or carbon budgeting process. We consider that changes on these lines would enable the Council to engage more effectively with Government Departments and become a critical friend and thought partner to Government but without compromising either the Council's perceived and real independence or democratic control of climate policy making.

We are concerned, in addition, that *ex officio* membership, blurring the lines between independent expert and stakeholder, and between Government and independent expert, could have more negative impacts in the future, in particular in relation to mission definition more aligned to the Paris Agreement. Accordingly, the Panel would recommend that effective alternatives, including the kind of strategic connections we recommend in respect of academic and knowledge institutions, should be deployed to capture any perceived benefits while further reinforcing the Council's independence and capacity for the future.

Council committee structures

The 2015 Act enables the Council to establish committees consisting, in whole or in part, of persons who are members of the Council to assist and advise it in relation to the performance of any or all of its functions. Functions may be delegated to a committee with Ministerial consent. Any committee must be chaired by a member of the Council, other than an *ex officio* member. These provisions create an opportunity for the Council to access and harness wider expertise for purposes of delivering on its mandate. They create freedom for the Council to enrich its disciplinary capacity, and give it control over any such appointments.

Early on in its operation, at a meeting in April 2016, the Council made a decision to establish a committee on climate change adaptation. No other committees were formed during the lifespan of the Council, and thus no steps were taken to utilise this opportunity as a means of balancing the disciplinary concentration of the appointed membership in so far as advice on mitigation was concerned, and of enriching its capacity to offer effective advice. This limited approach to the formation of committees may have roots in the learning curve involved generally for members, and in concerns regarding the scope to commit administrative and financial resources to their support, as well as the risk of diluting the focus on priorities for advice and reporting within the resources available. The Panel also suggests that the Council either considered its mandate to be oriented towards producing economic advice about the transition, or that it did not believe itself to have a licence to integrate missing expertise into its membership.

In any event, the absence of climate science expertise from the membership of the Council, and the reality that addressing this gap was not prioritised through the available channel of committee formation, meant that the Council's focus on policy

advice rooted in climate science was very limited. For the reasons set out earlier, the Panel does not regard consultation with external experts or scientific expertise within the Secretariat as an adequate substitute for dedicated embedded individual expertise within the Council. Emphasis rooted in science on the need for urgent and sufficiently radical action and a longer term approach was also missing, and the Council was not alert to the parallel implications of the collapse in biodiversity, and the co-benefits of strongly aligned policy development on climate and ecosystem management both for mitigation and resilience policies. Irrespective of the overall balance of expertise on the Council, the Panel recommends the early formation, and resourcing, of a Climate Science Committee to broaden and deepen its capacity to give considered advice about what IPCC science and the Paris Agreement mean for Ireland and Irish policy making.

Adaptation Committee

The formation of an Adaptation Committee, for consideration of matters relevant to adaptation to climate change, was an understandable early step by the Council to deal with the deficit it saw in its capacity to address adaptation issues effectively in accordance with its mandate. The committee's brief includes:

- National policy related to climate change adaptation, in particular the National Adaptation Framework, sectoral and local adaptation plans,
- Contributions on climate change adaptation for Council reports,
- Council statements related to climate impacts, risks and vulnerabilities,
- Any other issues delegated to the Committee by the Council.

The Committee may also independently identify relevant issues for consideration by the Council. The Panel notes that the Committee is chaired by the Council's Chairperson, 3 of the Council's *ex officio* members are also members (though all Council members may attend) and 7 non-Council members were also appointed, significantly broadening its disciplinary range and capacity compared to the Council itself. It is an expert rather than a stakeholder forum, with balance and understanding around adaptation issues, and sufficient breadth of expertise to support and add value to the Council's work in this area. As noted above, any Council member other than an *ex officio* member may chair a committee, and given the workload and potential for a number of committees in the future, the Panel recommends that this role should be undertaken by a qualifying member other than the Chair of the Council. We also recommend that there are clear mechanisms for dialogue between Committees and the Council.

While mitigation has inevitably absorbed much of the Council's advisory focus (in common with other councils), the Panel recognises that the Adaptation Committee, although supported by only one Scientific Officer within the Secretariat, has created a significant and dedicated body of output across some eighteen meetings, including advice and advisory letters during the preparation of the National Adaptation Framework and sectoral Adaptation Plans. It has also extended its reach towards local

authorities by virtue of Committee membership on behalf of the County and City Management Association, and linkage with local government's Climate Action Regional Offices (CAROs). In a welcome and important rebalancing, the Committee's adaptation advice is increasingly comprehensively reflected in the Council's Annual Reviews, 2018-20, and in a separate composite review report on Sectoral Adaptation Plan making, published in December 2019. It is desirable that there are robust and transparent processes for ensuring that the recommendations of the Adaptation Committee are effectively integrated into the deliberations of the Council.

The Panel acknowledges the work of the Committee and Council in promoting and advising on adaptation policy to date, but considers it essential that the Council, and its Adaptation Committee, more deeply articulate its vision of Ireland's transition to climate resilience and the implications of the global goal on adaptation in its work, along with further consideration of its relationship with mitigation.

Hosting by the EPA

Under the 2015 Act, the EPA is required to provide the necessary secretarial and administrative services for the performance of the Council's functions, and to permit the Council to avail of the use of EPA premises. This practical back-office arrangement is similar to the institutional arrangements which support, for example, the Irish Fiscal Advisory Council, which has a service level agreement with the ESRI, or the Standards in Public Office Commission, Referendum Commission and Office of the Information Commissioner which all share a back-office with the Office of the Ombudsman.

There is an annual contribution of some €68,000 from the Council's overall budget to the core costs of the EPA mainly to cover overheads, but the Council is relieved of the disproportionate burden associated with operating an independent administration, including managing separate premises and a range of corporate, HR, accounting and other administrative functions. The small Secretariat is provided by the EPA, and the part-time Chairperson and Council are thereby facilitated to concentrate on the core statutory remit of analysing the evidence, developing policy advice and monitoring progress towards the national transition objective. We understand the concern that the transaction costs of independent establishment could have significantly compromised the Council's productivity for its early years.

The Panel has been assured by the Chairperson and others that, notwithstanding its dependence on the EPA for access to resources and data, its association with the EPA in no way affects its independence in the performance of its functions. While we accept this, we consider that the Council could benefit from developing greater capacity and structures of its own which would reinforce its independence through appropriate leverage on ring-fenced/multi-annual and independently managed resources, the ability to interrogate data sources, access to research and transparent protocols around use of EPA services generally.

We are conscious that there are potentially unintended consequences to a close relationship between the EPA and the Council for both parties. In practice, there may be circumstances in the future where they are competitors for influence in the climate area and, in a healthy system, could be expected not always to agree on priorities or specific approaches regarding the pathways to achieving climate neutrality or resilience. Council recommendations may in some circumstances be highly challenging for sectors regulated by the EPA, or, taking a long view, run counter to regulatory decisions, placing the Agency in a somewhat invidious position in regard to its own stakeholders.

We recommend, as a minimum, that the Council's current MoU with the EPA, which addresses arrangements in respect of FOI/AIE, should be considerably broadened to encompass all aspects of the administrative arrangements and relationships involved in hosting the Council. While appreciating that, as a small country, Ireland has a small and flexible public administrative system which seeks to optimise appropriate synergies, overall we consider that ideally the Council should have the status of an independent institution within a hosting administration not represented in the Council's membership.

The Council Secretariat

A key part of the EPA hosting arrangement has been the provision of the Council Secretariat, and from its establishment we understand that the Secretariat role has not been exclusively that of servicing the Council, but it also supports the EPA in its activities as they arise and time permits. Initial recruitment for the Secretariat was undertaken by the EPA in late 2015, and its posts and structure have remained the same since its establishment, except that a Manager is now in place who has a 50/50 time split between the Council and the National Dialogue on Climate Action. Reporting to the Manager are three Scientific Officers, with responsibilities in the areas of socio-economics, mitigation and adaptation, and one Managing Administrator. The Secretariat has benefited from re-organisation within the EPA, moving most recently from the Office of Evidence and Assessment to the Office of Environmental Sustainability. Secretariat costs are met from the EPA's budget. However, it lacks a full-time executive leader currently.

The Panel has seen, at first hand, the dedication, commitment and expertise of the Secretariat in the range of supports it provides to the Council. We have also noted that the Secretariat is a small and over-stretched resource which has not been expanded since the Council began its work. It is clear to us that its current size and resourcing should not be used as a basis for calculating an incremental increase to take account of the likely expansion in the Council's mandate. We are concerned that even two additional staff, requested to assist with new work under the Climate Action Plan 2019, have not to date been approved by the relevant Departments. There is no credible explanation for the delay in this regard. For a variety of reasons related to differing mandates, size, institutional and budgeting arrangements, and rates of transition, as

well as availability of data, it is difficult to compare Climate Council support structures internationally, and a number of them are also at relatively early stages of operation.

The Panel has also observed that, over the past five years, the Secretariat's work has been assisted by Masters level internships for up to six months, student summer placements, and where necessary special purpose contracts to maintain technical capacity. These temporary, additional resources added skill and capacity at critical junctures but with limited scope for cross-fertilisation with, or expansion of, the skills already within the Secretariat. We understand the need for flexibility in staffing, but have formed the view that an ad hoc approach, combined with some additional duties within the EPA, is not a sound basis for committing to the support needs of the existing Council mandate, much less creating a sound resource base for an expanded mandate. Continued functioning on this basis poses a tangible risk to the Council's ability to provide robust and credible advice. The lack of dedicated communication capacity available to the Council should also be addressed.

We recommend that the Council's support model be thoroughly redesigned, with a view to determining, based on experience to date and anticipated future work, the capacity and skills necessary to do the job properly, and the continuous professional development requirements which should be met to maintain the necessary levels of expertise within the Secretariat. As a minimum, we consider that the Council requires

- the appointment of a full-time independent CEO, who can both give greater support to the Chairperson in representing the Council externally and provide appropriate executive leadership and mentoring for the staff,
- a broader approach to formal secondment from relevant national and international organisations and universities to both expand and deepen the expertise available, and
- a professional development model for its staff, to enhance the knowledge base of the Secretariat, for example, through postgraduate research, short-term placements in comparable national advisory bodies, or visiting fellowships in relevant national and international institutions.

We consider that this approach would better enable the Council to provide the necessary thought leadership as Ireland transitions towards the emerging net-zero and climate resilient economy. Strengthening the Secretariat would also allow for the building of wider strategic connections with national and international academic and knowledge institutions.

Council funding

Unlike the Irish Fiscal Advisory Council, the Council is not provided with independent and guaranteed annual funding. In fact, the 2015 Act is silent on this question, only including a passing reference to the expenses of members. The Panel understands that annual budget proposals are prepared by the Secretariat, as a subset of the overall financial estimates of the EPA but are not adjusted or amended by the EPA.

While the relevant parent Government Department acknowledges the independence and consequent resource requirements of the Council, essentially the funding resource considerations are addressed “in the round” as part of the EPA funding allocation process. Notwithstanding the Chairperson’s direct access to the Department, it would seem that the Council “falls between two stools” in annual funding negotiations with the Department.

The Panel has not identified any evidence of tension between the EPA and the Council on funding resources, even though they could be viewed as unequal competitors. The EPA is understood to be agnostic as to the size of the Council’s annual request for funding.

The annual budget and spending of the Council is set out in the table below.

Year	Budget	Actual Spend
2016	€95,805	€101,968
2017	€296,000	€296,000
2018	€273,000	€227,342
2019	€273,000	€269,500
2020	€703,000	NA

The above figures include fees paid to Council members (or to their employers in the case of members of the Public Service except for *ex officios*) for their time commitment to the Council, the annual contribution to the core costs of the EPA to cover administrative overheads, and payments for small-scale and other research projects on behalf of the Council. As previously noted, Secretariat costs (other than travel and subsistence) are met within the EPA budget, but the expenditure figures for 2016 and 2017 also include some EPA rather than Council climate service costs, with the agreement of the Chair, due to underspend by the Council. The Council’s funding request for 2020 was in line with the 2017 and 2018 budgets, but an additional €403,000 was sought for carbon budgeting and an increased work programme by the Council. With some savings due to the Covid-19 pandemic, the expected spend in 2020 will be approximately €595,000. It is, therefore, apparent from the annual figures, and the inclusion of some EPA costs in the first two years, that the Council has not fully utilised its modest budget in any year of its term. We consider that this is due primarily to structural issues.

Council minutes provide limited evidence of the members’ engagement with budgetary discussion or negotiation: the 2016 budget was presented in April 2016, and was adopted with some discussion on how best to utilise it. While work programmes and associated costs were presented in 2017-2019, no significant discussions around budget demands were noted. In November 2019 the Council received a work programme and budget proposal for consideration and noted that an additional funding allocation was not provided to facilitate the increased work programme. This evidently materialised in 2020, as noted above, in respect of carbon budgeting.

There are a range of consequences to the lack of clarity and certainty around budgetary processes.

- There appears to have been a tacit acceptance of the available levels of funding, and there may have been a greater effort by the Council to live within its means rather than advocate strongly for additional and ring-fenced funding.
- It is hard to determine how the given resources are in practice aligned to the requirements arising from the Council's statutory functions.
- It is understandably hard to plan multi-annual programmes with annual funding allocations, and hard to determine annual spend if the budget is not routinely presented and clear before the start of the year.
- Resource levels severely limited the Council's independent research capacity and leverage within the research community, and the Panel was advised that small scale research grants are of limited value or attractiveness to the major academic research institutes particularly in the resource intensive fields of macro-economic or scientific modelling.

Most importantly, the Panel has some concern that resource levels may have been interpreted as placing an unfortunate level of restraint on the Council's ambition. We note that in addition to concerns about the implications for its advisory role, there was also a strong push back from the Council on resource grounds when it was initially proposed that the Council be tasked with carbon budgeting. There is no consistent European approach to carbon budgeting but this proposal to broaden the Council's mandate in an important respect enabling it to play a potentially much more impactful role deserved detailed, open consideration as a matter of principled commitment to effective climate governance irrespective of whether it would command a different order of resource provision.

We believe that the Council is substantially under-resourced, and therefore that its existing budget should not be used as a benchmark from which to calculate the necessary increase required in order to deliver a potentially expanded mandate. We recommend that the Council funding model is re-designed in light of its new mandate under new legislation and in a manner which reinforces its independence and identity. While it is a practical arrangement that its host organisation provides financial services, the Council's expanded mandate should be accompanied by multi-annual ring-fenced funding determined directly between the Council and the Department of the Environment, Climate and Communications, and managed by the Secretariat on the Council's authority.

Council working methodology and output

The Council primarily worked over its 5-year term through the medium of full day meetings, with on occasion half of the day devoted to a dedicated topic-based workshop or seminar. Due to the Covid-19 pandemic restrictions, virtual half-day meetings have been held since February 2020. The meeting schedule has varied, with 7 meetings held in 2016 and to date in 2020, 5 in each of 2017 and 2019, and, due to

specific circumstances at the time, 4 in 2018. Similarly, attendance levels of Council members have varied; very few meeting minutes indicate a full attendance and some members missed 50% or more of meetings in a given year. Overall, there was at least a 30% absence rate for nearly half of all Council meetings. However, the Panel understands that there is substantial engagement between Council members on an ongoing basis, formally and informally, in regard to the range of items of Council business including draft annual review material, research contributions, advisory correspondence and public communications.

Early in its term, the Council adopted a Code of Business Conduct, set Operational Guidance for all aspects of its activity including guidelines for Council meetings, and agreed arrangements for a website and logo. During its first year, it also formalised key roles for the implementation of Freedom of Information (FOI) legislation, and agreed an MoU with the EPA on the management of FOI and Access to Information on the Environment (AIE) requests. None of the other administrative and staffing arrangements associated with its hosting appear to have been part of a formal MoU.

The Council's decision-making procedures are not defined in the 2015 Act, a matter which is to be addressed in the proposed new legislation. We understand that its approach has been to seek to achieve consensus with provisions in the operating procedures of the Council to take account of minority opinions. It is not clear to us how dissenting views are in practice addressed in the Council's deliberations. They appear to have been relatively rarely recorded in the Council's minutes. In one such instance, the September 2019 minutes noted dissent on the Council's then proposed advice in regard to hydrocarbon recovery, indicating that the majority view prevailed. In our view, the Council's authority is reinforced by robust, open debate and by transparency in decision making procedures, including through clarity on the weighting attached to minority opinion and on processes of consensus building, and the holding of some meetings in public, where for example cross-cutting transformational change agendas are being explored.

More significantly, the Council did not adopt any strategic plan, or define its own goals, for its five-year term. While its undoubted over-arching goal was to deliver its statutory mandate, the absence of any distinct Council statement of ambition has tended to reinforce the progress-review mode rather than the pace-setting tone of its output. The Panel recommends that a new Council should take some time to define its own strategy and ambition, including defining what success would look like for the Council over the coming five years. It should also engage in a proactive monitoring of its impact not only on Government policy but also on the nature and quality of parliamentary debate and scrutiny of policy making, stakeholder acceptance of policy change, the nature and quality of the national climate discourse and public support for climate action. These indicators of its "reach" and influence are key steps towards building its separate identity, driving advisory ambition for its membership, and of momentum and direction for its staff.

A review of Council meeting agendas and minutes show that the Council has worked intensively to establish itself during its first term. It also suggests that the Chairperson and the Secretariat have been the most actively occupied on Council business, and this is understandable as the majority of members are in full-time academic or State employment. Activities undertaken and reported on at Council meetings, such as meetings with stakeholders, briefings with officials, media engagements and so forth, invariably involved the Chairperson and occasionally another one/two Council members. While the Panel understands the convention that the Chairperson should be its primary public representative, there is a risk that the Council's interests become conflated with the profile of the Chairperson.

Members of the Council are, of course, also free to engage publicly in their own right; although 4 members presented papers at the Citizens' Assembly sessions in Autumn 2017 on how the State can make Ireland a leader in tackling climate change, only the Chairperson spoke on behalf of the Council. The Panel recognises that *ex officio* members may have found it difficult, if not impossible, to represent the Council's advice in public debate due to conflict of interest with their leadership of their respective organisations. This potentially undermines the strength of the Council's collective voice, can compromise trust, and may be to the detriment of the Council's public profile. In our view, all members of the Council should be able to represent the views of the Council in public and its collective voice could also be better supported through the provision of dedicated management and communications expertise within its Secretariat.

Given the issues of resourcing and data access which we have identified as impacting on the Council throughout its term, and with limited capacity to influence analytical work across relevant institutions or to be involved in policy testing, the Council structured its work around defined annual work programmes with a series of discrete inputs for purposes of its Annual Reviews in particular. The work programmes were typically prepared and presented by the Secretariat, and agreed by the Council usually in the preceding Autumn of each successive year. It has been suggested to the Panel that the annual work programme generated limited discussion in itself, and the process of converting specific outputs into Annual Review inputs was largely undertaken by the Secretariat. This has possible consequences in reducing the scope for initiative by Council members, and generating debate between the Secretariat and the Council rather than leadership of its agenda by the Council itself.

The core contents of the Annual Reviews and Periodic Review Report are largely determined by the legislation, and the Council has complied with the required coverage in a measured and constructive manner. Presentation of its reports is clear and considered, with a strong focus on the framing of key messages, and with useful "deep-dives" into specific emitting sectors. Over the four Annual Reviews published, the depth, detail and range of the Council's analysis increased, from

- a tailored 62 page report in 2017 incorporating a light-touch overview of European climate policy, to
- a more extended 118 page report in 2018 with a special focus on carbon pricing – an area of intensive and successful engagement for the Council, to
- a large, 183 page, report in 2019, with a special focus on agriculture, forestry and other land use, in which the Council’s analysis and recommendations for the first time addressed the problematic issue of Irish herd numbers, and
- a new format, 235 page, report in 2020, with a special focus on transport, and a more user-friendly overview of findings, advice and recommendations in Part A and technical review of evidence gathered in Part B.

We understand that a significant proportion of the capacity of the Council and of its Secretariat is dedicated to this one channel available to the Council in the 2015 Act. Now is the right time to take stock and consider, from both thought partnership and strategic communications perspectives, if some of the resources now dedicated to the production of the Annual Review could be channelled into other products and processes of more immediate value to policy evolution and public engagement.

As noted earlier, the Council produced only one Periodic Review report, and this was required, under the 2015 Act, not later than eighteen months after establishment of the Council. Again, the Panel recognises that this report was produced as a considered and careful reflection of the Council’s mandate, but its specific value at the time of publication was compromised by its timing relative to the publication of the National Mitigation Plan.

The Council’s other advisory and consultative roles were discharged primarily through the medium of its correspondence with relevant Ministers and Departments/Offices, either on the Council’s own initiative or in response to national consultations or requests for advice. In line with its consistent commitment to transparency, all such outputs are published on its website. These vary from summary letters giving the Council’s considered views on aspects of climate policy and action to significant contributions, for example on sectoral adaptation plans, related processes such as the national planning framework, the mid-term capital review and the national clean air strategy, and more recently in relation to carbon budgeting.

The Council also had a modest number of Oireachtas engagements over its 5-year term, presenting for example to the Oireachtas committees on Environment, on Budgetary Oversight and on Climate Action, and corresponding with committees on relevant legislation, such as the Fossil Fuel Divestment Bill 2016. It appears to have engaged much more rarely at international level, but provided feedback to the European Commission in April 2020 on its proposal for the 2050 European Climate Law.

To complement the expertise of its members and Secretariat, the Council commissioned Working Papers on specific topics, and all 8 in the series are published

(with disclaimers as generally un-refereed work in progress) on its website. Similarly, it expanded its knowledge base through dedicated seminars, and papers for three of these, on a carbon price floor, transition of Irish transport, and carbon budgeting, in 2018-19 are also available on the website. While acknowledging these efforts to broaden its knowledge base, the Panel would regard commissioned papers, and externally led seminars (which may or may not be attended by Council members) as inadequate substitutes for expertise on the Council itself.

Otherwise, the Council's publications and website confirm what we understood from Council minutes, i.e., that its extensive activities in the discharge of its functions – engaging with Government Departments and Agencies; research organisations; professional, representative, local and NGO actors; a wide range of stakeholders, and media appearances – are undertaken to a significant degree by the Chairperson and the Secretariat.

4. A more ambitious and impactful advisory agenda

The impact of constraints

In Chapter 2 we outlined our view on the key constraints which are implicit in the Council's legislative mandate. Taken in its broadest sense to include Council composition, resourcing and position within the governance regime, the mandate cannot be viewed as representing best practice. A sub-optimal operating context is especially challenging for a new organisation trying to establish progressive relationships within an unambitious public policy dynamic. However, we also consider that the Council may have been overly sensitive to the perceived and real constraints within its mandate, at the expense of a more ambitious advisory agenda and one which is appropriate to its status as an independent expert advisory body.

- We are satisfied that though the 2015 Act does not encourage it, in fact the Act does not prevent the Council from rooting its advisory agenda in climate science and values aligned to the Paris Agreement. Although Ireland signed the Paris Agreement the month before the Council was established, for most of its lifespan it has accepted the National Transition Objective as defining the boundaries of its advisory mandate, and, thereby, its conception of the policy gaps, risks and opportunities posed by the climate agenda. In effect, while the Council has been outspoken about the policy failure that has allowed emissions to continue to rise, it has been less proactive in sounding the alarm concerning the implications of the Paris Agreement and IPCC science for Ireland.
- Although the Council's Periodic Report highlighted that the Paris Agreement would require a re-setting of ambition, the Council has not made a robust case concerning the binding implications of the Agreement for Ireland, and it has largely characterised the national implications of the Agreement as a matter to be determined through the EU. A closer alignment with other national climate advisory bodies and their *modus operandi* would, in our view, have resulted in the Council explicitly advising Government of the need to amend the National Transition Objective, and specifically to adopt a whole economy net zero target aligned to the urgent requirement to implement Paris – by 2050 at the latest. Greater ambition would acknowledge in more direct terms that this is a major national commitment rather than an obligation derived from EU decision-making.
- We note that the Council's 2020 Annual Review welcomes the new Government's decision to commit to a Paris-aligned 2050 target, but that this is expressed in notably cautious terms emphasising the enormous cost of delivery, the compounding costs of the Covid-19 pandemic, and the intensive effort required to meet existing targets much less the step-up after 2030. We appreciate these realities, and strongly endorse the Council's acknowledgement that recovery from the pandemic must be green. We would recommend greater vision in making a robust case on the economic advantages of early and ambitious action towards the Paris objective, and the unique opportunity presented by the unprecedented level

of EU and Government spending to accelerate the Union's commitment to transforming Europe into the world's first climate neutral and resilient continent and to support green recovery from the Covid-19 pandemic. In reality, the Council can do much more to assist Government in grounding the national vision in "opportunity curves" rather than "cost curves".

- We have also considered the reasons why the Council chose to deliver its mandate relating to mitigation within the analytical limits of its composition, rather than by co-opting additional specialist capacity through a dedicated committee as it did to support its work on adaptation. Unfortunately, this limitation was not sufficiently appreciated, or remedied through internal capacity, or recourse to the EPA or academic institutions to provide independent climate science analysis for the Council. We are satisfied that the need to prioritise understanding of climate science within its research programme and its membership's inter-disciplinary mix, and also to prioritise understanding of the application of science in the development of policy advice, will be reflected in the Council's future approach to its mandate. We would also recommend that the Council consider using its powers to establish expert committees to explore policy options for addressing the profound societal challenges that would arise from a scientifically credible transition and also to create robust and transparent processes for ensuring that the recommendations of those committees are effectively integrated into the deliberations of the main Council.

Trust and independence

In acknowledging that the Council may have been over-sensitive to the constraints within its mandate, we also recognise that any new body must carefully calculate how best to build its influence. The Council may have made a pragmatic calculation early on in its term that its authority would be undermined, not consolidated, if it were seen to be providing advice that was routinely ignored, in effect deciding that influence would be built by proposing action which Government might be willing to take. While "speaking truth to power" in the round, the Council's recommendations in specific terms can also be viewed as having been calibrated to promote acceptance and progressive achievement, maintaining the Council's authority within a considered framework of what the Government was likely to accept.

Our considered view is that an incremental approach cannot achieve the transformational change required. A conservatively based trade-off may have been justified in the context of Government ambition five years ago, and we acknowledge the respect and success that the Council has achieved. However we consider that it is an advisory strategy which would now risk continued trust in the Council's status as an independent expert body and its credibility in national climate debate.

We have earlier outlined our reservations about the concept of *ex officio* membership. We encourage the Council to reflect on associated, and other, risks to trust in its independent status. In our view, one of the more significant risks arises in the context of its advice on mitigation effort within the agriculture and land use sector – the only

sector with a seat on the Council. Although we credit the Council with maturing the national debate on agriculture and climate, we feel that its advice has reflected an unease about applying the Paris objective in this sector. In its letter to the Minister for Climate, setting out the Council's advice about the implications of the IPCC's 1.5C report for Ireland, it did not seek to specify the potential scale of the implications for agriculture. The Panel notes that the Council has given carefully considered advice in recommending that Government adopt a separate, but ambitious target for biogenic methane which appears to be in line with developing international thinking. We consider that this is a critical area where the Council can provide independent expert advice, taking account of the broader EU context and the implications for just transition in Ireland, and catalysing acceleration of the needed transformation in agricultural practices aligned to the Paris objective. Achieving this transformation will take time, making early and meaningful action economical in the long run and likely to strengthen the competitiveness of the Irish economy in the emerging net-zero global economy.

The Council's proposed new role in carbon budgeting will also create a more empowering advisory mandate for it, and one which is better aligned to best practice in climate governance. Contrary to the Council's initial fears about the impact of such a role, it will enable it more directly to influence the full life-cycle of climate policy making and the setting of ambition, enable more meaningful engagement with Government concerning policy options, and enable more robust scrutiny of progress. The Panel welcomes this move away from a more reactive mode of evaluating proposals from Government, and a vote of trust in the role of the Council as a critical component of effective climate governance.

We would encourage the Council to utilise its statutory power to "give advice and make recommendations" to its fullest extent across its mandate in future, with a greater recognition of the fact that making recommendations for transformational rather than incremental change necessarily involves advocacy of those recommendations based on evidence, science, reason and the well-established precautionary principle.

The advocacy we recommend should not be confused with advocacy in a stakeholder or political context, or viewed as a potential compromise to independence and expertise based on evidence rather than opinion. It is directly grounded in the realities of making the expert case for specific recommendations for action, and in the need for a more open and confident interpretation of scope and mandate, including in the Council's advisory mandate in respect of the implications for Ireland of its commitments under EU and international climate law, and specifically the UNFCCC of which the Paris Agreement is a part. Here, we take the view that bringing the spirit of the Paris Agreement home to Ireland (rather than waiting for the EU to act) would enable the Council both to pay much more attention to the opportunity value, not just the cost, of early and ambitious action, and to develop a platform for its thought leadership on policies to build social consensus about the scale of change needed at individual and societal levels.

The Panel is strongly of the view that the Council should give immediate priority to defining its ambition for a new five-year term, not just as a response to a new legislative mandate, but as a re-setting of its independent and authoritative place in Irish climate governance. The impetus for overhaul of national climate ambition and governance has already come from outside the Council, through the Citizens' Assembly, the Joint Oireachtas Committee and Government itself, leaving the Council in danger of trailing the public and political appetite in these areas. There is, therefore, an urgent need for it to build its capacity to lead rather than follow national climate debate, and part of this leadership should, in our view, set a compelling and progressive expert based agenda which champions national implementation of the Paris Agreement. This is further outlined in Chapter 5.

Strengthening communications

We recommend that the Council becomes a more proactive advocate in its own cause. It would be short-sighted to take the view that being an adviser to Government precludes the "selling" of the core messages through effective and targeted public communication, or that it is outside the Council mandate to engage with stakeholders to promote buy-in. While the Government remains the Council's primary audience, influencing that audience depends not only on the strength of its analysis, but also on the Government's perception of public and stakeholder engagement with and acceptance of the Council's messages.

In addition, whereas Government dominated climate policy making when the Council was established, engagement in and responsibility for the building blocks of policy has now become much more distributed across a range of actors and fora. Influencing Government requires outreach with all of these. There will always be a need for the Council's detailed reports, and while they are clearly written to facilitate public dissemination, they are also highly complex, somewhat static and dry, with messaging frequently couched in the language of problem rather than solution. We strongly recommend that in the next phase of its development, the Council obtains the resources to develop a more sophisticated communications strategy. This needs to be both flexible and active, and designed to ensure that the Council's core messages quickly penetrate national discourse and public consciousness, in timely and targeted ways, through for example greater use of social media, infographics and other communications platforms.

5. Conclusion

The Panel believes that the Council can leverage the trust it has built based on its achievements to date to have a greater impact on how Ireland views its potential to move, and the value of moving, into a leadership position on climate.

The five years reviewed here coincide with a major shift in climate governance at international, regional, and national levels. The context in which the Council seeks to exert its influence is therefore rapidly evolving, which calls for flexibility and agility. It also calls for a confident assertion of the inescapable implications of climate science for all industrialised nations, and the dividends for present and future generations in Ireland of taking early and decisive action. The solid foundations the Council has already laid position it well to contribute towards the acceleration of the transformation of the Irish economy, so that it can be more competitive in the emerging net-zero economy.

Climate governance is a dynamic learning process. Our understanding of the role of key actors in driving, steering and accelerating systems transformations is evolving. The evolving role of Government in this network of actors is of special relevance to the Council. Climate policy is no longer seen as the domain of environmental and economic policy. Climate change has become a lens through which many policy domains are viewed – foreign policy and security, public health, food, social engagement and cohesion, and innovation to name but a few.

An effective response to climate requires it to be understood as a central organising concept for national policy making, which poses a unique challenge for Government and governance. Climate advisory bodies can play a crucial role in assisting Governments to embrace this new reality by making a robust expert case for organising the business of governing in a very different way.

The Council has a strong track record in making the economic case for climate action and now needs to move beyond that to engage more broadly with the totality of issues involved such as social cohesion, justice, innovation, and public health.

International and national climate governance is still in the midst of a paradigm shift, driven by the moral and economic imperative reflected in the Paris Agreement objective to limit disruption to the climate system. Flowing from that objective is the necessity to re-establish a global balance between emissions and removals - or carbon neutrality by mid-century. This transformative paradigm is replacing a paradigm based on the assumption that incremental improvements would suffice. Industrialised nations, of which Ireland is one, must lead the way in making this paradigm shift both to demonstrate that it is possible to achieve and to build sufficient global momentum towards that objective to ensure the dividends of doing so are unlocked for present and future generations.

While the Council has fully recognised the need to move to carbon neutrality or net-zero in its advice, it has not yet ventured to take the initiative in advising that Ireland should clarify that this is the national transition objective, nor has it articulated how this objective might be realised in a carbon neutral and climate resilient Ireland.

We recognise that grounding, and giving reality to, the aspiration of carbon neutrality calls for reliance on a global willingness to implement the Paris Agreement, on still evolving science and the embracing of a precautionary approach. The empirical evidence is still limited and will remain so for some time until knowledge and understanding are further reinforced. The Council's acknowledged strength and tradition of advising only on a solid evidence base has made it difficult for it to find its bearings in the new post Paris paradigm. This new paradigm also brings with it a more complex "theory of change" as the needed transformation will not be brought about through the deployment of economic policy instruments alone.

The independent and expert nature of climate advisory councils makes them ideally suited to providing thought leadership and to accelerating shifts in the national discourse. As parties to the Paris Agreement formulate and communicate their long-term low greenhouse gas emission development strategies, climate councils can play a pivotal role if they step out in front, empowered by science and the provisions of the Paris Agreement.

Although Ireland will implement the Paris Agreement as a Member State of the European Union, Ireland is also an individual Party to the Agreement. Paris therefore shapes the national vision for a carbon neutral future and the path of transformation it wishes to pursue towards that objective. The Council could take greater initiative in stimulating and informing the national debate on the emerging vision of a carbon neutral Ireland and the shape a carbon neutral Ireland could take.

An ambitious and forward-looking vision, built on foresight and the opportunity value of climate solutions can also become a pull factor for national aspirations. It is open to the Council to take a more "offensive approach" towards future ambition and to resist the temptation to advocate prematurely for specific policy choices.

The Council needs to become the pre-eminent champion within Ireland of the objective and strategic approach of the Paris Agreement. We welcome the reality that this has already started through its engagements with the Citizens' Assembly and the National Dialogue on Climate Action. We urge that it be taken to the next level given the urgency and implications for future living standards and quality of life in Ireland.

By continuing to place its advice on near-term action more firmly into the context of the longer-term objective, the Council will strengthen its call to move from hesitation and postponement to early and decisive action. A much more proactive position on future direction will take courage, as well as confidence in our potential to change

course. We consider that, through a positive can-do attitude built on the Paris Agreement, the Council can change the tone of the national discourse and empower constructive forces to effect change.

Taken together the recommendations and observations of the Panel are designed to assist the Council in realising that vision.

Appendix I Independent Evaluation Panel Members

Geraldine Tallon - Chair

Geraldine Tallon is a graduate of UCD, and was a career Civil Servant who worked in many capacities in the Department of the Environment, Heritage and Local Government, including as Head of the Environment Division in the period 1997-2004 and as Secretary General from 2007 to 2014.

Halldór Thorgeirsson

Halldór is chair of the Icelandic Climate Council. He retired at the end of July, 2018, from his role as Senior Director for Intergovernmental Affairs at the UN Climate Change Secretariat in Bonn, where he oversaw substantive, procedural and logistics support to negotiations and governance arrangements under the Climate Change Convention, the Kyoto Protocol and the Paris Agreement. He coordinated substantive support to the negotiations of the Paris Agreement adopted in December 2015. Earlier he coordinated the support to the negotiations leading to the Cancun Agreements, the Doha Amendment to the Kyoto Protocol and the Bali Action Plan. Before that he directed the Sustainable Development Mechanisms programme, which supports the Clean Development Mechanism (CDM). He has worked on global environmental issues for the Ministry for the Environment in Iceland and before that on ecological research and science policy. He served as Chair of the UNFCCC Subsidiary Body for Scientific and Technological Advice (SBSTA) for a two-year term.

Sharon Turner

Sharon is an established member of the climate and environmental law and governance community in Europe of over 30 years standing whose career has spanned senior appointments within the academic, civil society, philanthropic and public sectors. In addition to being Professor of Law at Queen's University, Belfast, where she specialised in climate and environmental law and governance, she has extensive senior executive and advisory experience in a number of complex public and third sector organisations, including secondment as a senior legal advisor to Government in Northern Ireland. She was a Visiting Professor at University College London and is now a Visiting Professor at the University of Sussex. She was an Executive Director of the European Climate Foundation with responsibility for establishing and leading its Climate Governance and Law Programme, which collaborated with civil society and knowledge institutions across Europe to successfully influence innovation in climate law and governance by the EU and at national level in several geographies. Sharon is now a self-employed consultant

providing strategic advice to climate philanthropy and the third sector, including the European Climate Foundation. She is a graduate of University College Dublin, Osgoode Hall, School of Law, Toronto and the Honourable Society of Kings Inns', Dublin.

Appendix II Terms of Reference for the Independent Evaluation of the Climate Change Advisory Council

Introduction

The Climate Change Advisory Council is an independent advisory body tasked with assessing and advising on how Ireland can achieve the transition to a low-carbon, climate-resilient and environmentally sustainable economy. The Climate Change Advisory Council was established on 18 January 2016 under the Climate Action and Low Carbon Development Act 2015. At its meeting on 6 April 2016, the Climate Change Advisory Council established an ad hoc Adaptation Committee to support the Council on issues relating to climate change adaptation.

The mandate, structure and responsibilities of the Climate Change Advisory Council are set out in the Climate Action and Low Carbon Development Act 2015.¹ A key task of the Council is to conduct an Annual Review of progress made over the previous year in reducing greenhouse gas emissions and furthering the transition to a low-carbon, climate-resilient and sustainable economy and society by 2050. Annual Reviews were published in 2017, 2018 and 2019 with a 2020 Annual Review forthcoming.² The Council also published a Periodic Review in 2017.³

As its first five-year term 2016-2021 comes to completion, the Climate Change Advisory Council considers it timely to have an independent evaluation of the Council undertaken. This high-level assessment should consider the functioning and effectiveness of the Council with respect to its mandate under the Climate Action and Low Carbon Development Act 2015 and its performance as an independent advisory body tasked with assessing and advising on Ireland's transition to a low-carbon, climate-resilient and environmentally sustainable economy by 2050.

The evaluation is expected to assess the performance of the Council since it was set up in 2015 and formally established on 18 January 2016 to the present day.

The evaluation will be conducted by a panel of experts based on the following Terms of Reference.

1. Objectives

The evaluation will assess the performance of the Climate Change Advisory Council with respect to its mandate and functions as set out in the Climate Action and Low Carbon Development Act 2015.

The evaluation should also cover the Council's:

¹ Available at <http://www.irishstatutebook.ie/eli/2015/act/46/enacted/en/pdf>

² Available at <http://www.climatecouncil.ie/councilpublications/annualreviewandreport/>

³ Available at <http://www.climatecouncil.ie/councilpublications/periodicreviewandreport/>

1. Context – this will include considering the Council’s role in the climate action governance structure in Ireland, having regard to the climate challenges facing Ireland and society and best practice elsewhere.
 - Practices and procedures – of the Council and Adaptation Committee and their relationship to the Secretariat.
2. Inputs – including role and functions of Secretariat, financial and human resources, technical/specialist expertise, modelling and analytical capacity. Research and relationships with agencies/bodies and other stakeholders.
3. Outputs – assess the quality of Council reports, analysis and advice and other outputs in fulfilling its mandate.
4. Impact – including the effectiveness of the Council’s communications and its role in supporting good policymaking.

The key objective of this review will be to provide the Council with a set of recommendations aimed at improving its effectiveness with respect to its mandate and the impact of its advice. Other comments or recommendations on any aspect of the Council’s work are invited.

The evaluation is not intended to assess the appropriateness of the Climate Change Advisory Council’s role as defined by the Climate Action and Low Carbon Development Act 2015 or any amending legislation.

The views of key stakeholders should be sought, including the Department of the Taoiseach, Department of Climate Action, Communications Networks and Transport, the Department of Agriculture and the Marine, legislators, relevant agencies and bodies, the academic community and the media.

2. Approach

The approach to this assessment will consist of an evaluation undertaken by an independent panel, review of relevant documentation (including letters, web resources, reports and presentations), stakeholder consultation and delivery of interim findings and a final report.

3. Outputs

The outputs from this evaluation process should be in the form of:

- (1) an informal presentation of preliminary findings to Council;
- (2) an end of evaluation report.

The outputs should include a clear set of recommendations addressing how the Council can improve its performance, communications and interaction with stakeholders, and any other matters the panel consider appropriate.

4. Conducting the Independent Evaluation

Documentation will be provided to the panel members for the purposes of conducting the evaluation in advance of engaging with members of the Climate Change Advisory Council, its Secretariat and relevant stakeholders.

During its work, the evaluation panel will receive such additional information as it may require from the Council.

Secretarial and logistical assistance will be provided by the Council Secretariat.

The final report will be submitted to the Climate Change Advisory Council and sent by the Council to the Minister for Climate Action, Communications Networks and Transport and the Department of the Taoiseach and published on the Council's website.

The evaluation is expected to be completed by the end of 2020, in time for the term of the new Council commencing its term at the start of 2021. An indicative timeline is presented below.

- July - August 2020: Put in place evaluation panel.
- September – November 2020: Evaluation and consultation.
- 12th November 2020: Presentation of preliminary findings to Council.
- December 2020: Finalisation of report.

5. Evaluation Panel

The evaluation panel will have no more than three members (including a chair) with expertise relevant to the Council's work and this assessment process. Its composition will include academic and public sector experience. It could include member(s) with direct experience of similar independent institutions.

Evaluation panel members would receive an honorarium for their service in the amount of €5,000 for the Chair and €3,000 for each of the other members. Expenses will be paid under EPA/Climate Change Advisory Council policies and procedures.

Appendix III Consultations

The following is a list of consultations and/or submissions that informed the panel during this review:

- Members and Chair of the Climate Change Advisory Council, Adaptation Committee and Secretariat
- Department of the Taoiseach
- Department of the Environment, Climate and Communications
- Department of Transport
- Department of Agriculture, Food and the Marine
- Department of Public Expenditure and Reform
- EPA
- Teagasc
- Met Éireann
- Stop Climate Chaos
- MaREI
- Grantham Institute
- DCU
- Irish Times
- Environmental consultant
- Mr Richard Bruton TD

Appendix IV Selective list of references

Averchenkova A, and Lazaro L, (2020) *The design of an independent expert advisory mechanism under the European Climate Law: What are the options?* (London: Grantham Research Institute, London School of Economics and Political Science).

Averchenkova A, (2019) *Legislating for a low carbon and climate resilient transition: learning from international experiences* (Elcano Policy Paper: Spain).

Averchenkova A, et al (2018) *The role of independent bodies in climate governance: the UK's Committee on Climate Change* (London: Grantham Research Institute, London School of Economics and Political Science).

Citizens' Assembly, (2018) *Third Report and Recommendations of the Citizens' Assembly: How the State Can Make Ireland a Leader in Tackling Climate Change* (<https://2016-2018.citizensassembly.ie/en/How-the-State-can-make-Ireland-a-leader-in-tackling-climate-change/Final-Report-on-how-the-State-can-make-Ireland-a-leader-in-tackling-climate-change/Climate-Change-Report-Final.pdf>).

Climate Change Advisory Council, (2017) *Climate Change Advisory Council Annual Review 2017* (http://www.climatecouncil.ie/media/ClimateChangeAdvCouncil_AnnualReview2017_FINAL.pdf)

Climate Change Advisory Council, (2018) *Climate Change Advisory Council Annual Review 2018* (http://www.climatecouncil.ie/media/CCAC_AnnualReview2018.pdf)

Climate Change Advisory Council, (2019) *Climate Change Advisory Council Annual Review 2019* (<http://www.climatecouncil.ie/media/Climate%20Change%20Advisory%20Council%20Annual%20Review%202019.pdf>)

Climate Change Advisory Council, (2020) *Climate Change Advisory Council Annual Review 2020* (http://www.climatecouncil.ie/media/CCAC_AnnualReview2020FINALWEB.pdf)

Climate Change Advisory Council, (2017) *Climate Change Advisory Council Periodic Review 2017* (<http://www.climatecouncil.ie/councilpublications/periodicreviewandreport/>)

Climate Change Advisory Council (2016-2020) *Meeting Minutes and Agendas*, (<http://www.climatecouncil.ie/aboutus/governance/>)

Climate Change Advisory Council (2017) *Climate Change Advisory Council Code of Business Conduct* (<http://www.climatecouncil.ie/media/Climate%20Change%20Advisory%20Council%20Code%20of%20Business%20Conduct.pdf>)

Duwe M, et al (2017) *“Paris-Compatible” Governance: Long-terms policy frameworks to drive transformational change* (Berlin: Ecologic Institute).

Duwe M, and Evans N, (2020) *Climate Laws in Europe: Good Practices in Net Zero Management* (Berlin: Ecologic Institute).

Fankhauser S, (2018) *10 Years of the UK Climate Change Act* (London: Grantham Research Institute, London School of Economics and Political Science).

Government of Ireland (2015) *Climate Action and Low Carbon Development Act 2015* (<http://www.irishstatutebook.ie/eli/2015/act/46/enacted/en/pdf>)

Houses of the Oireachtas Joint Committee on Climate Action (2019) *Reports concerning the recommendations made by the Citizens’s Assembly* (https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_climate_action/reports/2019/2019-03-28_report-climate-change-a-cross-party-consensus-for-action_en.pdf)

Houses of the Oireachtas Joint Committee on Climate Action (2020) *Opening Statements and Pre-legislative Scrutiny of the Low Carbon Development and Climate Action (Amendment) Bill 2020*. (<https://www.oireachtas.ie/en/committees/33/climate-action/>).

Jackson A, *Ireland’s Climate Action and Low Carbon Development Act 2015: Symbolic Legislation, Trojan Horse, Stepping Stone?* in Muinzer T, (forthcoming).

Muinzer T, (2019) *Climate and Energy Governance for the UK Low Carbon Transition: The Climate Change Act 2008* (Palgrave: UK).

Muinzer T, (forthcoming), *National Climate Change Acts: The Emergence, Form and Nature of National Climate Legislation* (Bloomsbury Press: UK).

OECD (2020) *Driving Performance at Ireland’s Environmental Protection Agency, The Governance of Regulators* (OECD Publishing: Paris) (<https://doi.org/10.1787/009a0785-en>).

Rüdinger A (2018) *Best practices and challenges for effective climate governance frameworks: A case study on the French experience* (IDDRI, Studies N°03/18, May <https://www.iddri.org/en/publications-and-events/study/best-practices-and-challenges-effective-climate-governance-frameworks>).

Rüdinger A, et al (2018) *Towards Paris-Compatible Climate Governance Frameworks* (Paris: IDDRI, Ecologic and Grantham Institute LSE).

Torney D, (2019) *Climate Laws in Small European States: Symbolic Legislation and Limits of Diffusion in Ireland and Finland* (Vol 28(6) *Environmental Politics* pg 1124).

Torney D, (2017) *If at First You Don't Succeed: The Development of Climate Change Legislation in Ireland* (Vol 32(2) *Irish Political Studies* pg 247).

Weaver S, et al (2019) *Overview of National Climate Change Advisory Councils. The Finnish Climate Change Panel Report* (<https://www.ilmastopaneeli.fi/wp-content/uploads/2019/05/Overview-of-national-CCCs.pdf>).

2050 Pathways Platform (2019) *Insights from the IPCC Special Report on 1.5°C for preparation of long-term strategies* (<https://climateanalytics.org/publications/2019/insights-from-the-ipcc-special-report-on-15c-for-the-preparation-of-long-term-strategies/>).