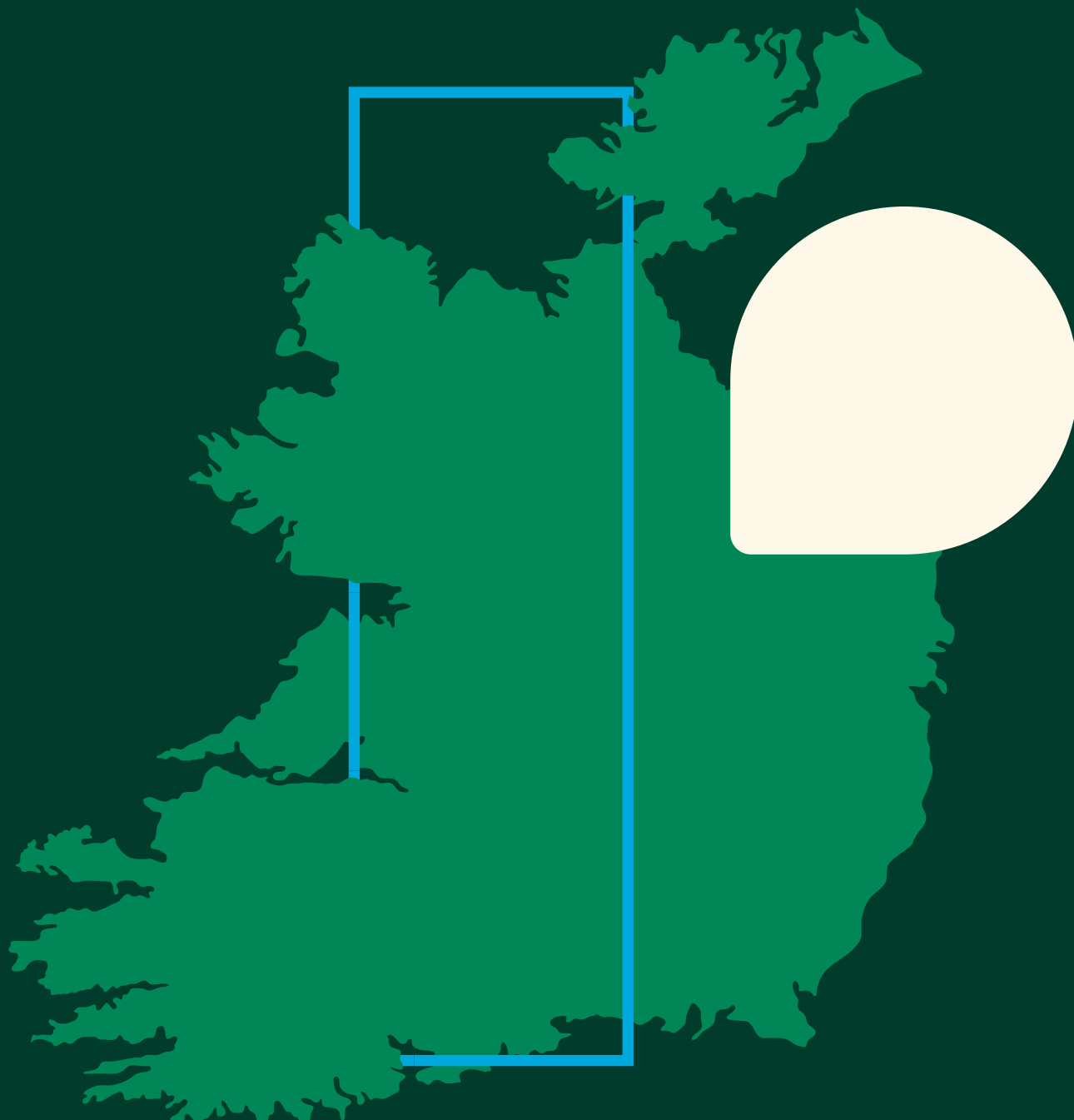


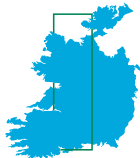
REAL DEAL country profile

Ireland



**REAL
DEAL**

RESHAPING CITIZENS'
DELIBERATION FOR THE
EUROPEAN GREEN DEAL



1

Overview

The Republic of Ireland is a small country with national governance through a democratic, multi-party political system. Government responsibilities are divided across multiple national departments. As an island nation, Ireland has been heavily reliant on the import of fossil fuels and has a significant agricultural and fishing industry. Transitioning to less climate intensive industries has met significant opposition due to the reliance on income generated for a large part of the population. Due to the weather experienced in the country, there is significant potential for harnessing wind and wave energy, but these have not yet been fully exploited to date.

Ireland ratified the Aarhus Convention in 2012 and transposition of the Convention has been achieved through more than 60 separate pieces of legislation.

The Climate Action and Low Carbon Development Act 2015 has been in force since 2016. It mandates the production of national plans and enforcement frameworks to transition to lower carbon emissions and initiatives on climate change. The law permits due regard to be had to any EU obligations (Section 3). Every five years the relevant Minister must prepare a national plan and is obliged to invite perspectives of the public. This consultation period is restricted to two months and requires notification in at least one print media outlet and online (Section 4(8) (b)).

The Climate Change Advisory Council is established under the Act. The remit of this Council is to provide advice and reporting on Ireland's progress towards meeting domestic national policy goals and to meeting requirements on greenhouse gas emissions under the European Union.

The Climate Action Plan 2021 has been developed with Ireland's international obligations in mind as well as the feedback from the public consultation process of the National Dialogue on Climate Action.

The Republic of Ireland is a small country with national governance through a democratic, multi-party political system.



2

2.1

Dimensions of environmental governance

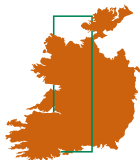
Transparency (access to information)

Under the Climate Action and Low Carbon Development Act 2015, Section 4 (8) (b) the relevant Minister must *'publish a notice on the internet and in more than one newspaper circulating in the State inviting members of the public and any interested parties to make submissions in writing in relation to the proposed national mitigation plan within such period (not exceeding 2 months from the date of the publication of the notice) as may be specified in the notice.'*

The Freedom of Information Act 2014 establishes the right to access official government records held by public bodies, the right to publicly hold information which relates to an individual seeking the information, the right to have that information corrected and updated and to be provided with reasons for decision taken by public bodies relating to the individual. This can be relevant to information relating to the environment regarding planning decisions, applications for social welfare or public monies and statistics held by public bodies.

Further, a member of the public can make an application for environment specific information under the [S.I. No. 133/2007 - European Communities \(Access to Information on the Environment\) Regulations 2007](#). This law obliges public authorities to make environmental information available to the public. The public authority must furnish the applicant with the relevant environmental information within one month, or where the request is too onerous to complete within one month, or cannot be completed by that public body, the public body will notify the applicant of the most relevant public body, if they are aware of it.

The Public Sector Duty is provided for under Section 42 of the Irish Human Rights and Equality Commission Act 2014. It requires all public bodies to consider the impact of their work on the human rights and equality of anyone involved in the provision or receipt of their services. The Public Sector Duty must be considered in any consultation processes undertaken by public bodies on any aspect



of their work. Where this will be relevant to climate issues, it could be a public consultation by the DCCEC which must be fully accessible to all members of the public.

The Department of Housing, Planning and Local Governance is the national focal point for implementing the INSPIRE Directive. Ordnance Survey Ireland is also involved in the implementation of the INSPIRE Directive, which has been in force since 2007 but not fully operational until 2019.

2.2

Participation

Ireland's S.I. No. 352/2010 - European Communities (Public Participation) Regulations 2010 transposes the EU Directive 2003/35/EC. This act amends domestic legislation relating to draining, dumping, commercial development, property planning, transport, land zoning, provision of fuel and related amenities to require public notification of any activities that are relevant to the environment and to allow for public consultation on the same.

Public Participation Networks (PPNs) were established in Ireland in 2014 by the Local Government Reform Act 2014. The role of these networks is to provide avenues for engagement with local authorities by local community groups. The community groups involved must be registered to participate in the PPN and will have as their focus the environment, excluded/marginalised groups, and voluntary organisations such as sports clubs.

Ireland has had two recent national mechanisms for public participation in Constitutional and legal reform. The Constitutional Convention was provided for by a resolution of both houses of government in 2012 and was mandated to make recommendations for specific proposals on Constitutional issues. These issues included same sex marriage, the role of women in society, the status of blasphemy in the Convention and reduction in voting age, among others. Between 2013 and 2014, 66 randomly selected citizens were joined by 33 parliamentarians, political representatives, and an independent Chairperson to deliberate on the issues. Recruitment for the 66 members of the public was conducted by an independent organisation and sought gender balance and a mix of geographic backgrounds. Quotas were also set in relation to race and socio-economic background. Submissions on topics were received from the public and specific experts were invited in accordance with the Convention's Terms of Reference. Based on recommendations of the Convention, the government has held referenda or established statutory agencies to further consider the issues within the remit of the Convention.



The Citizens' Assembly was established in 2016 and has been convened at various stages since then to discuss issues such as abortion, the process of referenda, ageing populations, and climate issues. The Citizens' Assembly is comprised of 99 members of the public and an independent Chairperson. Recruitment for previous assemblies was designed to ensure representation across age, gender, social class, and geographic spread. An independent company secured the contract to conduct the recruitment and census data was utilised to ensure representation. Submissions from members of the public and experts are facilitated and the Secretariat to the Assembly groups these submissions thematically for review. During 2017, a specific Citizens' Assembly was established on How the State Can Make Ireland a Leader in Tackling Climate Change. The discussions focused on energy, transport, agriculture, and what leadership in climate change would entail. The report was published in 2018 and among the recommendations were the establishment of a statutory body tasked with embedding climate initiatives across public law and policy, increased carbon taxes, assessing existing vulnerable infrastructure, adopting legislation to enable selling back renewable energy by private individuals to the grid, community ownership of renewable energy suppliers, the termination of subsidies for peat extraction and redirection towards peat restoration and support for those whose livelihoods are affected, increase public transport and cycling infrastructure. Participants of the Assemblies have accommodation and meals provided as well as €500 on completion of their contribution to the Assembly in recognition of their public service.

During 2022, a Citizens' Assembly focusing on biodiversity loss was tasked with considering the threats of biodiversity loss and potential actions on legislative and policy bases. Going forward, participation in Citizens' Assemblies will not be restricted to those on the electoral register but will be managed through random postal invitations. This will ensure that harder to reach communities such as refugees and immigrants who are not registered to vote will have an opportunity to contribute.

The DCCE, responsible for climate change initiatives, established the National Climate Stakeholders Forum which met in July 2022. The forum was comprised of policymakers, civil society organisations, trade unions, and industry members. The remit of this group was to consider options for government action on climate initiatives in a consultative manner.



2.3

Access to Justice

The Irish Constitution was adopted in 1937. The Constitution is the basis of law in Ireland and can be amended through referenda. As a dualist state, the Constitution is the primary source of law and where international law contradicts a Constitutional right, it is not valid in Ireland. International law must be in accordance with Constitutional rights and must be transposed into Irish law directly in order to be effective. This is achieved through passing of laws through both houses of the government - the Dail and the Seanad - and being signed into law by the President.

There is no explicit reference to environmental rights within the Constitution. Since the 2020 case of Friends of the Earth, there also exists no unenumerated rights to a healthy environment. Unenumerated rights have been found through the Constitution to exist in Ireland as to give effect to other explicit rights. They have been used in relation to rights to privacy, to earn a livelihood, to marry, and to bodily integrity. Generally, where there will be a demand on the public purse or encroach on policymaking, the court system is slow to find for socio-economic rights, and this is the nature of climate related litigation. However, as was seen in the Friends of the Irish Environment case, the courts can declare existing climate policies to be insufficient and therefore unlawful. The arguments by Friends of the Irish Environment included the Constitutional right to life and to bodily integrity, as well as violations under the European Convention on Human Rights Article 2 and 8.

2.4

Compliance assurance, accountability, and effectiveness

The Environmental Protection Agency is responsible for protecting the environment and humans from activities and practices which can be harmful to health and wellbeing.

Ireland has been found to be non-compliant with the Aarhus Convention in three instances brought by members of the public to the Aarhus Convention Compliance Committee between 2014 and 2021. These violations involved the failure to conduct public consultation relating to extending operations of a quarry, the failure to have processes in place to ensure timely provision of environmental information and refusing to provide environmental information pertaining to renewable energy plans.

The most recent EIR report for Ireland relates to 2022. The concerns relating to previous EIRs include unsatisfactory water treatment, the burdensome cost of accessing justice for climate issues, the low levels of environmental related taxation. Positive progress includes increased conservation of nature sites, reductions in harmful



emissions and improvements in waste reduction and the [circular economy](#). It is reported that Ireland has [16 active infringements](#) of their EU environmental obligations including failure to transpose fully Directives relating to air quality, water pollution, and single use plastics.

The Environmental Protection Agency is responsible for protecting the environment and humans from activities and practices which can be harmful to health and wellbeing.

Ireland has a long history of burning peat turf for heat in residential settings. [Peat bog](#) covers approximately 1/6 of the country's land mass, over 1,200,000 hectares. The process of retrieving turf has historically been an important aspect of rural Ireland's culture and it is accompanied by cultural activities such as song and dance. It is considered an asset to own peat bog and the rights to cut turf for personal consumption have been highly contested. Bord na Mona has been the statutory agency responsible for commercial turf supply but they are redirecting their activities towards peat bog regeneration. This project attempts to fairly transition those employed in turf provision to more sustainable energy provision employment. Through peat regeneration, the bog is supported to absorb carbon from the atmosphere. This is being achieved through the [Peatlands Action Climate Scheme](#). Restoration of peatlands also promotes biodiversity and serves as outdoor cultural and health related amenities for members of the public (nature walks, education initiatives). The project has been in operation since 2021 and in that time has restored 7,200 of the 8,100 hectares to be restored. Bord na Mona is obliged to conduct public consultation in the preparation of their [plans for restoration](#) of each bogland.

While the movement away from using peat as a heat source is a positive step in tackling climate change, it disproportionately affects people who were reliant on this fuel for heat. There has not been sufficient investment in alternative heat sources, particularly in rural areas. This is also true of taxes on vehicle fuel costs. People in rural areas are reliant on private transportation due to a lack of appropriate public transport alternatives and are being penalised heavily financially because of this.



3

Institutional context

National

The Republic of Ireland is a 26-county country with national governance through a democratic, multi-party political system. Government responsibilities are divided across multiple national departments. Currently, the Department of Climate Change, Environment and Communications is responsible for developing and implementing laws and policies related to climate change. The work of the Department of Housing, Planning and Local Government, The Department of Agriculture, Food and the Marine (Common Agricultural Policy (CAP) implementation, sea fisheries and aquaculture), The Department of Housing, Planning and Local Government ((DHPLG) (water, planning), The Department of Culture, Heritage and the Gaeltacht (landscape, biodiversity) also engages environmental concerns frequently. This can be achieved through the work of statutory agencies, developing standards of practice, work of local authorities and law enforcement. This includes the Environmental Protection Agency, An Bord Pleanála (Planning Board) and Bord na Mona (Turf board).

The Irish Human Rights and Equality Commission is Ireland's national human rights and equality monitoring mechanism. Under [IHREC's strategic plan](#), advocacy for the human rights engaged by climate change is included within their remit. IHREC has a role in promoting awareness of rights and supporting litigation on human rights, either as a party or as *amicus curiae*, *friend of the court*. There is potential in the future for IHREC to support climate related actions.

Local

There are 31 local authorities in Ireland in which over 900 democratically elected local councillors serve. The role of local authorities is the administration of housing, planning, roads, environment, fire and refuse services, libraries register of electors and animal control.

There are also four [Climate Action Regional Offices](#) within Ireland to support the implementation of national climate action plans at by local authorities. Potentially, PPNs could be included in the work of the CAROs.



4

Role of Civil Society

Public Participation Networks, as discussed above, enable civil society organisations to contribute to decisions and to challenge activities of local authorities.

Climate Conversations are a mechanism which has been utilised by the DCCEC to invite the opinions of members of the public on climate issues in Ireland. The results of the 2021 Conversation received over 4,000 contributions through individual online surveys, PPN discussions in 16 local authority areas, 12 youth discussions and 3 in-depth focus groups. The emerging priorities were travel, energy, consumption, just transition, community engagement, youth voices and food.

Some civil society organisations engaged on climate change and environmental issues receive financial support depending on their activities, for example if there is an educational element that can be supported through various government Departments. In March 2022, the DCCE established a National Climate Stakeholder Forum to advise the Department on their work. The forum meets three times a year and is comprised of up to 120 civil society organisations. The work of the Forum will feed into the annual climate action plans and operational plans for other Departments.

Helpful resources:

- <https://oecd-opsi.org/innovations/establishment-of-4-climate-action-regional-offices-dublin-metropolitan-east-midlands-atlantic-seaboard-north-atlantic-seaboard-south/>

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