

How parliamentarians can help ensure the success of the Paris Agreement

Author(s): Sharaban Tahura Zaman, Subhi Barakat, Achala Abeysinghe and Janna Tenzing

International Institute for Environment and Development (2016)

Stable URL: <http://www.jstor.com/stable/resrep02619>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



International Institute for Environment and Development is collaborating with JSTOR to digitize, preserve and extend access to this content.

JSTOR

Policy pointers

The effectiveness of the Paris Agreement will depend on robust action by parliamentarians to ensure national governments stick to their commitments to combat climate change.

Parliamentarians should engage in climate governance at both the national and international levels by engaging with the executive branch of their governments and consulting their constituencies.

Legislators should use their powers of oversight over public spending to promote incentives for climate-related innovation and secure funding for capacity development.

Parliaments can help ensure climate change considerations are embedded across ministries and harmonised with development priorities, in particular the UN Sustainable Development Goals.

How parliamentarians can help ensure the success of the Paris Agreement

In December 2015, Parties to the UN Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement,¹ governing the next phase of international cooperation to tackle climate change. In order to promote flexibility and encourage participation, the Agreement allows Parties to determine their national contributions. The ambition of these contributions is expected to increase over time. The Agreement aims to promote transparency and accountability through clear international rules that will apply to all Parties.

The Agreement will need to be implemented at the national level through a range of domestic actions and its effectiveness will therefore depend to a large extent on whether each country meets its international commitments. Parliamentarians must make full use of their powers to legislate, allocate budgets, influence policy and exercise oversight if the Agreement is to be effective.

The Agreement and its key features

The Paris Agreement is a legally binding international treaty under the existing UN Framework Convention on Climate Change (UNFCCC) regime. This means that it will create obligations at the international level when it comes into force.

The Agreement has several overarching aims: to limit the average global rise in temperature to well below 2°C above pre-industrial levels and to pursue efforts toward a more ambitious 1.5°C limit; to strengthen the ability of countries to adapt to climate change and deal with its impacts; and to ensure financial flows are

consistent with sustainable, climate-resilient and low greenhouse gas emission development. To achieve these goals, the Agreement guides collective action in a number of thematic areas,² including on international support to developing and vulnerable countries.

The Agreement has two key features. Firstly, all Parties have the same general obligations under the Agreement although there will still be flexibility and support for developing countries, including for the least developed countries (LDCs). Secondly, Nationally Determined Contributions (NDCs) allow each Party to decide what it is able and willing to do under the Agreement, subject to general transparency and accounting rules agreed at the international level.

Parliamentarians are well-positioned to harmonise climate efforts with other development priorities

The linchpin design feature of the Agreement is how it raises the ambition of the global response to climate change based on the latest science. It does this by requiring increasingly ambitious,

regular contributions from Parties, who will regularly report on their climate ambition, actions they are taking and the support to developing countries provided or needed. The Agreement also establishes a

framework on transparency for which robust rules need to be developed. The idea is for the Agreement to be dynamic enough to be effective into the next century.

Why the Agreement is important and the need for domestic action

The scientific community projects that we are already near the threshold of global warming that could cause catastrophic global impacts from climate change. For some countries, like low-lying islands, even 1.5°C of warming poses an existential threat. And because the temperature limit is an average global target, countries in extreme geographical regions might still experience more warming locally than the average, even if the target is met. However, according to the most recent synthesis report produced by the UNFCCC secretariat, the total effort pledged in the Intended Nationally Determined Contributions (INDCs) submitted in the lead up to the Paris Climate Conference would result in around 3.7°C of warming, assuming all INDCs were fully implemented.

So, while the Paris Agreement is a significant first step in the global response on climate change, there is an increasing urgency for much more ambitious action at all levels. At the international level, Parties' obligations under the Agreement are mostly procedural and will need to be coordinated globally. For example, countries will need to submit and maintain successive NDCs and meet various reporting requirements. But action will have to be taken at the domestic level, including at the community and individual level. Domestic action will involve implementing measures contained in NDCs and will ultimately be the determining factor in the success of the Agreement.

Steps to ratifying (and joining) the Agreement and the current status of ratification

When the text of an international agreement is adopted, a country will typically take the initial

step of becoming what is known as a 'signatory' to it. This is usually done by the executive and signals an intention to ratify the agreement in the future. Being a signatory does not create any legal obligations under the agreement. However, under general international law, a signatory cannot take actions that go against the aim of the agreement.

The next step usually involves obtaining domestic approval to accept the obligations in the agreement. This process varies according to the constitutional and legal structure in each country, and in some cases may require legislation by a national parliament. Once approval is given, a country then deposits its instrument of ratification with the depositary (for the Paris Agreement, this is the Secretary-General of the United Nations). This is typically the final step of the ratification process.

Once an agreement enters into force, all countries that have ratified it will become parties to it and will be legally bound by its provisions (countries can still become parties to an agreement even after it has come into force). The process of gaining domestic approval and depositing a formal instrument with the depositary after an agreement has entered into force is usually called 'accession'. In any case, ratification, approval, acceptance or accession have essentially the same legal effect.

The Agreement enters into force 30 days after at least 55 Parties accounting for at least 55 per cent of global greenhouse gas emissions ratify (or accept, approve or accede to) the Agreement. These thresholds were passed on 5 October so the Agreement entered into force on 4 November 2016.

As of 2 November 2016, 94 countries had ratified the Agreement, accounting for about 65.85 per cent of global greenhouse gas emissions (including the USA and China — the two largest emitters — and 19 LDCs).³ Many other countries have begun their domestic ratification process or have finalised the process but are waiting to formally submit their instruments of ratification to the UN.

The role of parliamentarians in the context of the Paris Agreement

Parliamentarians have a key role to play in addressing climate change based on their position as representatives of their respective populations, and as primary decision makers and overseers of accountability within government. In general terms, parliamentarians are considered "guardians of the public will and

conscience” of their national constituencies.⁴ They also have broad legislative powers to establish governance structures and to allocate funding, shape policy, mobilise domestic actors, provide oversight functions to monitor progress, and ensure transparency and accountability.

Parliamentarians are also well-positioned to harmonise climate efforts with other development priorities, for example with respect to action on gender equality and the UN sustainable development goals (SDGs).⁵ Goal 13 of the SDGs is specifically about taking urgent action to combat climate change and its impacts. Issues related to climate change are also implicitly linked to many of the other SDGs.

One of the first tasks for most parliamentarians in implementing the Paris Agreement is giving parliamentary approval (and possibly enacting legislation) for their countries to ratify and join the Agreement.

Once their country is a Party to the Agreement, parliamentarians will need to put in place any domestic measures needed to implement obligations under the Agreement. To do this, they will need to develop and implement national strategies, policies, action plans and legislation to galvanise action and harness private sector finance and innovation.

Role of parliamentarians in the ratification process

For those countries still working towards ratification, parliamentarians should consider the following initiatives to facilitate the parliamentary approval process:

- Raise awareness about climate change and the Paris Agreement by organising parliamentary debates and discussions to highlight the Agreement’s long-term goals and how it aims to address climate change globally

Table 1. Activities parliamentarians can undertake to help implement the Paris Agreement

Legislation

- Create legislative frameworks to directly implement obligations under the Agreement, in particular on NDCs and reporting.
- Amend existing legislation to incorporate climate priorities, in particular in the forestry, land use, energy and transportation sectors.
- Submit necessary recommendations and propose amendments to legislation in other areas to harmonise climate responsiveness across government.
- Ensure legislation is forward-looking and dynamic, for example by taking into account the five-year NDC submission cycle and the need to periodically increase ambition under the Agreement.
- Embed action on climate change into existing development priorities to address common challenges and highlight the inseparability of the environment and development agendas.

Budgetary control

- Allocate adequate budgets for implementing NDCs, in particular with respect to unconditional portions of commitments and reporting.
- Prioritise and allocate national budgets to mobilise national and local actors, and incentivise tangible actions at all levels.
- Leverage public financing to facilitate access to multilateral financing and generate greater international and domestic private finance flows.
- Hold implementing agents and entities accountable through budget oversight and reporting.

Oversight

- Put in place structures and processes to review progress on implementation and outcomes, including on the achievement of emission targets, adaptation goals and NDCs in general.
- Monitor implementation on an ongoing basis by challenging and debating the work of government to ensure accountability.
- Embed oversight functions in a variety of ways, ideally distributed within existing committees across government rather than through a stand-alone, specialist climate change committee.
- Ensure government develops cross-cutting policies that integrate and coordinate relevant ministries/departments so that climate considerations provide an underlying context for government-wide action.
- Ensure government develops long-term strategies to guide sustainable development and climate change action in the near- and medium-term, and to inform the preparation of NDCs.

Proactive engagement

- Engage directly with the executive branch of government to provide inputs into climate diplomacy and negotiation at the international level.
- Stay abreast of progress as the rules that govern the Agreement are developed and agreed at the international level.
- Promote awareness and increase the visibility of climate change issues within government and nationally.
- Engage with private industry, civil society organisations and the general public through consultations for inclusive decision making.
- Gather insight and local contexts on climate change impacts affecting constituents.

- Initiate a process to identify gaps in existing policy and legislative frameworks and any barriers to implementing the Paris Agreement
- Develop initial recommendations on appropriate policy, strategy and legislative responses needed to implement contributions under the Paris Agreement
- Identify linkages between action on climate change and socio-economic development priorities, in particular synergies with action on the SDGs
- Consider how to integrate climate issues and responses as underlying contexts and bases of policy and strategy across government.

Role of parliamentarians in domestic implementation

The most direct obligation stemming from the Agreement relates to implementing measures outlined in NDCs. It is important to note that there is no strict international legal obligation under the Agreement for Parties to achieve the measures in their NDCs. Parties are only required to take domestic mitigation measures with the aim of achieving the objectives of NDCs, and as appropriate to engage in adaptation planning processes and the implementation of related actions. The effectiveness of the oversight exercised by parliamentarians will also be critical in ensuring governments deliver on their contributions.

The reporting obligations under the Agreement are another area where parliamentarians can have a big impact. The legislature can ensure robust monitoring of the actions at the national level that will generate data needed to report at the international level, which can in turn help governments adopt and then implement more ambitious NDCs.

Table 1 outlines the types of activities parliamentarians can undertake under their traditional legislative, budgetary and oversight

roles in order to implement the Agreement at the national level.

Conclusions

Through their mandate, parliamentarians are able to provide legitimate and effective leadership on climate change action.

Parliamentarians should actively engage in climate governance at both the national and international level, going beyond their traditional oversight and accountability roles by regularly engaging with the executive branch and their countries' climate negotiators to stay abreast of developments at UNFCCC negotiations. This will also allow parliamentarians to actively contribute to the development of important negotiating positions and outcomes.

Parliamentarians can directly influence and shape the climate change agenda in their countries by proactively scrutinising public budgets and allocations for climate initiatives, and working with both the public and private sectors to oversee their implementation.

Parliamentarians will also be vital in shaping the kind of domestic politics, legislation and strategies needed to develop increasingly ambitious NDCs and comply with the Agreement's provisions, which will vary according to each national context. In each case, parliamentarians should work to ensure that the government's approach provides incentives for local innovation and takes into account the particular needs of their constituencies.

Sharaban Tahura Zaman, Subhi Barakat, Achala Abeysinghe and Janna Tenzing

Sharaban Tahura Zaman is a visiting researcher at the International Centre for Climate Change and Development, and Research Associate at the Centre for Climate Justice-Bangladesh. Subhi Barakat is a senior researcher in IIED's Climate Change Group. Achala Abeysinghe is principal researcher in IIED's Climate Change Group. Janna Tenzing is a researcher in IIED's Climate Change Group.



Knowledge Products

The International Institute for Environment and Development (IIED) promotes sustainable development, linking local priorities to global challenges. We support some of the world's most vulnerable people to strengthen their voice in decision making.

Contact

Subhi Barakat
subhi.barakat@iied.org

80–86 Gray's Inn Road
London, WC1X 8NH
United Kingdom

Tel: +44 (0)20 3463 7399
Fax: +44 (0)20 3514 9055
www.iied.org

IIED welcomes feedback
via: @IIED and
www.facebook.com/theiied

This research was funded by UK aid from the UK Government, however the views expressed do not necessarily reflect the views of the UK Government.



Notes

¹ Paris Agreement, contained in the Annex to Decision 1/CP.21. / ² The key thematic areas are action on mitigating and adapting to climate change; addressing irreversible loss and damage; and cooperation through financial, technological and capacity-building support. /

³ See the UNFCCC Paris Agreement ratification page for the most up-to-date information on ratification: unfccc.int/paris_agreement/items/9444.php; also see the World Resources Institute's interactive Paris Agreement Tracker: cait.wri.org/source/ratification/#?lang=en / ⁴ Role of Parliamentarians, www.cbd.int/parliamentarians/role.shtml (accessed 2 September 2016). / ⁵ 17 sustainable development

goals were adopted to end poverty, protect the planet, and ensure prosperity for all as part of a new sustainable development agenda. Each goal has specific targets to be achieved over the next 15 years. See UN General Assembly Resolution A/RES/70/1, "Transforming our world: the 2030 Agenda for Sustainable Development": www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

Download the pdf at <http://pubs.iied.org/17386IIED>