

Parliaments and the Paris Agreement

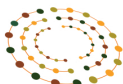


Strengthening parliamentary engagement in the development and implementation of international climate commitments.
An overview of emerging global experience.

EXECUTIVE SUMMARY

As warning signs continue to signal the need for urgent change, this publication, *Parliaments and the Paris Agreement*, aims to highlight the important role of parliamentarians in advancing solutions to the climate crisis and ensuring that there is continued long term political support for such international agreements and their implementation nationally beyond electoral cycles. The [IPCC physical science report](#) released in August 2021 billed by the UN as the ‘Code Red’ report, sounded the alarm further with its confirmation of the widespread and intensifying nature of climate impacts, and the need for rapid and large-scale greenhouse gas emissions reductions to limit global temperature rise to 1.5°C.

The publication in its entirety provides background information on the Paris Agreement and its various components, as well as other relevant international multilateral environmental agreements and treaties. The publication then proceeds to **highlight global good parliamentary practices for the development and adoption of national climate commitments and provides guidance to strengthen the alignment of parliaments’ oversight, legislative, and budgetary efforts to these national climate commitments and broader objectives of the Paris Agreement.** This executive summary serves as an overview of the key points and recommendations provided in the publication and includes guiding questions for parliamentarians. The reader is invited to consult the complete publication for the greater repository.



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Importance of parliamentary participation in the development and support of the Paris Agreement's mechanisms

The [Paris Agreement](#), the focus of this report, is a legally-binding international treaty on climate change with the common goal of “holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels”. Countries participating in the Paris Agreement are responsible for the development, submission, and implementation of several initiatives to contribute to achieving its goals, including the [Nationally Determined Contributions](#) (NDCs), which are mandatory shorter-term climate pledges, [National Adaptation Plans](#), and [long-term strategies](#) - all of which will be referred to here as national climate commitments. Moreover, to support the implementation of the Agreement every year, the [Conference of Parties \(COP\)](#), the supreme decision-making body of the Paris Agreement, hosts gatherings to provide an opportunity to review progress and make decisions regarding legal instruments and institutional and administrative arrangements.

While international and national climate commitments are negotiated and primarily developed by the executive body, parliaments have a role in informing negotiation positions in advance of these agreements, as well as contributing to these commitments. Some examples of how parliamentarians or corresponding committees can participate in the development of the country's negotiation position and national climate commitments include requesting briefings on the priority issues that will be discussed at the COP, the country's/regional negotiating position, and/or objectives found in these commitments; participating in public consultations conducted by the government which ensure that actions intended to address priority issues are sufficiently ambitious, consider human rights obligations, include a [gender-based analysis](#), as required by the Paris Agreement, and an overall application of an [intersectionality lens](#) (an approach which takes into account the experience of systemic inequalities is shaped by overlapping social factors such as gender, race, and class); and finally, parliamentarians can participate as members of their country's official delegation to COP which can more clearly illustrate the degree to which parliamentary effort is required to implement and oversee these commitments nationally.

Oversight for the Implementation of the Paris Agreement

Parliamentarians have a crucial responsibility to oversee the executive branch to ensure the efficient and effective use of expenditures, laws, policies, and programmes for the implementation of the Paris Agreement and national climate commitments. The Paris Agreement has also established key reporting criteria through its [Enhanced Transparency Framework](#) which can be helpful to parliamentarians in monitoring and overseeing progress. Parliamentarians can call on their governments to ensure their timely submission to these international accountability mechanisms which are essential for the global community to achieve these critical goals. For example, in 2020, countries were expected to submit their second NDC and long-term low GHG emission development strategies, which in some cases have been delayed due to the COVID-19 pandemic.

Most parliaments have a parliamentary committee(s) with the responsibility to oversee the implementation of the country's environmental and climate objectives, and/or they may also have a multi-party group to provide complementary support. **For parliamentarians to fulfill their roles in advancing national climate commitments, they should consider establishing a process for consistent progress monitoring. Although the rules of procedure may differ across parliaments, the following mechanisms can generally be considered by committees, political parties, or individual parliamentarians:**

- ✦ **Conduct inquiries** to identify gaps or assess the policy's impact, including assessing if the government's climate targets are compatible with the Paris Agreement;
- ✦ **Undertake [post-legislative scrutiny](#)** to assess the implementation and impact of environment legislation;
- ✦ **Call on ministers or other senior public officials to provide information** about the government's action plan to achieve climate goals;

- ✦ **Hold public hearings** to request further information from government officials and gather input from experts and civil society representatives;
- ✦ **Request reports on the implementation of the national climate commitments**, including those from other oversight bodies such as the supreme audit institution;
- ✦ **Undertake outreach** and create **campaigns**; and
- ✦ **Present a motion or resolution** for adoption by the chamber to request information or call on the government to act on climate objectives.

OVERSIGHT: Guiding Questions for Parliamentarians

Participation in international negotiations:

- ☐ Was the government represented in international negotiations at the most recent COP?
- ☐ Was the parliament included as part of the national delegation to COP?
- ☐ Is there equal representation of women and men in the delegation to COP?
- ☐ Are Indigenous peoples, youth, and other traditionally marginalized and/or climate vulnerable groups represented within national delegations, and do they have a meaningful participation?
- ☐ What mechanisms were negotiated at the most recent COP and how do these impact the country?
- ☐ What were the delegations' priorities and were these achieved?

National targets:

- ☐ Has the government prepared and submitted a second NDC, which was due in 2020 as part of its commitment to the Paris Agreement?
- ☐ What was the level of achievement of the country's first NDC?
- ☐ Has the government prepared and submitted a long-term strategy, which was due in 2020 as part of its commitment to the Paris Agreement?
- ☐ Does the NDC align and contribute to achieving the goals of the long-term strategy?

Process for developing national targets:

- ☐ What process did the government undertake to develop the new NDCs and long-term strategy?
- ☐ Who was consulted as part of this process? Did consultations include Indigenous Peoples, youth, civil society organizations, vulnerable communities, private sector, and unions, among other stakeholders?
- ☐ What efforts were undertaken to ensure that these targets are evidence-based and ambitious enough to effectively contribute to the Paris Agreement's objective?

Content of national targets and plans:

- ☐ Is the second NDC more ambitious than the first NDC?
- ☐ Are the second NDC mitigation targets proportionate to the country's impact on GHG emissions worldwide, to contribute fairly to global efforts?
- ☐ Does the current NDC guarantee the feasibility of the long-term strategy?
- ☐ Does the second NDC, adaptation communication or National Adaptation Plan include appropriate adaptation targets to build the country's resilience to disaster risk?
- ☐ If the first NDC was not fully accomplished, what strategies or plans are developed to ensure that this one is achieved in the 5-year term?
- ☐ Do national climate commitments consider all sectors of society, particularly women, traditionally marginalized groups and those dependent on sectors most likely to be affected by corresponding policy efforts?
- ☐ Is existing legislation aiming to contribute to these national climate commitments effectively implemented, does it achieve its purpose, and does it have any unintended consequences that need to be mitigated?
- ☐ What government policies are currently in place or need to be modified to achieve the various targets adopted?
- ☐ Does the country have a strategic, adequately funded plan for Action for Climate Empowerment (education, training, public awareness, public participation, public access to information and international cooperation) and a corresponding focal point?

Reporting mechanisms:

- ☐ Does the government report to parliament on their negotiation position in advance of COPs?
- ☐ Does the government report to parliament on the result of COPs?
- ☐ Does the government report to parliament on the development, adoption, and implementation of its national climate commitments?
- ☐ Are progress reports developed in accordance with international standards and good practices, such as the UN Framework for Development of Environmental Statistics and the UN System for Environmental Economic Accounting?
- ☐ Does the Supreme Audit Institution or another independent state actor report on national progress to achieve the NDCs?
- ☐ Does the government abide by the Enhanced Transparency Framework of the Paris Agreement for international reporting?

Legislation for the implementation of the Paris Agreement

Through proposing, reviewing, amending, and/ or approving legislation, parliamentarians can contribute directly to the development and implementation of the country's national climate commitments and meet the broader goals of the Paris Agreement. Legislation can help contextualize international commitments to a national scenario and harmonize these climate efforts with other development priorities and environmental frameworks; can incentivize, enable, and provide certainty to the private sector, potential donors, and investors to support the country's objectives of achieving climate neutrality and a circular economy; and it can help hold the government accountable and promote active transparency.

Climate frameworks can be adopted or amended to make these national commitments legally binding, as well as establish shorter term goals that support the long-term climate neutrality goals, include oversight and enforcement mechanisms to evaluate progress, such as minimum standards for planning and reporting, appropriate financing for implementation entities, and a mandate for parliamentary review after a certain period. Moreover, efforts can be made to mainstream climate considerations into all bills, and when deemed necessary include environmental impact assessments.

When assessing legislation's ability to ensure the effective delivery of national climate commitments, the following process can be used to plan a study and identify legislative gaps:

- 1) Determine the scope of the study;
- 2) Identify any legislation that may have adverse impact on the achievement of these goals;
- 3) Identify which targets require new laws or amendments;
- 4) Determine an order of priority for these reforms; and
- 5) Consider creating a medium to long-term legislative reform agenda to guide the drafting and enacting of relevant laws.

Ensuring inclusive climate action through legislation

It is imperative to the success of long term goals that legislation supports the implementation of [Action for Climate Empowerment](#) (ACE), which promotes engagement in inclusive climate action, through education, training, and public access to information which empowers them to partake in climate governance. ACE is rooted in [Principle 10 of the Rio Agreement](#) which calls for public participation and the right to information; principles subsequently formulated in the landmark [Aarhus Convention](#) and most recently the [Escazú Agreement](#), with specific reference to the Latin American and Caribbean region. The transition to a more environmentally aware and sustainable society should be rooted in climate justice, and seek to equitably improve community resilience, ensure a just transition, and leave no one behind, as called for by the [2030 Agenda and the Sustainable Development Goals](#).

Parliaments can support such initiatives through various ways, which includes:

- ✦ Adopting or strengthening the national access to information law, e.g. [The Inter-American Model Law 2.0 on Access to Public Information](#) and legislation related to environmental education, skill development or training;
- ✦ Adopting legislation that requires public consultations of climate plans calling on governments to adopt multi-annual national ACE strategies and work plans, serving as delivery partners of the national ACE work plans, e.g., communicating information on legislative work related to climate issues with citizens on an ongoing basis;
- ✦ Creating spaces for public participation in the development of climate legislation;
- ✦ Ensuring transparent and equitable access to decision making; and
- ✦ Calling on governments to push for high-ambition through a multi-annual ACE framework.

LEGISLATION: Guiding Questions for Parliamentarians

Coherence

- ☐ Is there legislation that recognises the country's most updated NDC, long term climate strategy, and National Adaptation Plan, ensuring that the law is coherent with these instruments?
- ☐ Is there legislation that integrates the importance of climate governance, identifying responsibilities for different national and sub-national entities such as regions, provinces and territories, ensuring that the whole country is systematically working together to achieve the goals of the Paris Agreement? Does it include responsibilities for compliance and enforcement?
- ☐ Is there legislation that recognises the importance of evidence-based decision making, and as a result ensure that national climate action considers the advice and reports conducted by scientific bodies, including [IPCC](#) reports?
- ☐ Is there legislation that aims to ensure that the government follows the guidelines of the [Katowice climate package](#) which support the implementation of the Paris Agreement?
- ☐ Are climate change considerations mainstreamed into all legislation and policies, ensuring that they are compatible with the country's climate goals? Are impact assessments on new proposed initiatives conducted, and are they validated by a third party if deemed to significantly affect the ability to meet climate goals?
- ☐ Has an assessment been conducted to evaluate current climate related legislation and policies to ensure they are compatible with the framework climate change law, as well as the country's NDC, the 2030 Agenda, and other relevant multilateral agreements?

Mitigation targets

- ☐ Is there legislation that provides ambitious and legally binding long term GHG reduction targets that are compatible with the goals of the Paris Agreement?
- ☐ Is there legislation that incorporates carbon budgets, the cumulative amount of carbon dioxide (CO₂) emissions permitted over a period to keep within a certain temperature threshold? Does it limit emissions across the country and sectors?
- ☐ Is there legislation that limits the number of offsets that the country can use to lower their emissions to encourage domestic emission reductions?
- ☐ Is there legislation that accounts for and aims to reduce offshore emissions?
- ☐ Has an assessment of existing national and local legislation on mitigation related topics (i.e., energy law) conducted to identify its connection and compatibility with existing legislation on climate change?
- ☐ Do the mitigation targets and net-zero objectives found in legislation cover all sectors and GHGs, including aviation and shipping?
- ☐ Do the mitigation targets and net-zero objectives found in legislation clearly state what the role of carbon dioxide removal technology will be in achieving these goals?

Adaptation and disaster risk reduction targets

- ☐ Is there legislation that acknowledges and mandates the assessment of the projected climate impacts on the public, paying special attention to traditionally marginalized communities, and the way they will be addressed?
- ☐ Is there legislation that promotes the creation or update of national and sub-regional climate adaptation plans and stipulates the need to create or periodically improve national disaster risk management plans and undergo community-based vulnerability and risk assessments to natural hazards?
- ☐ Has an assessment of existing national and local legislation on disaster risk reduction, as called for in the [Sendai Framework for Disaster Risk Reduction](#), been conducted to identify its connection and compatibility with existing legislation on climate change?
- ☐ Do disaster risk reduction plans respond to the full range of systemic risks, including natural hazards, zoonotic diseases and biohazards, as delineated in the Sendai Framework?
- ☐ Has legislation related to building code requirements and/or land zoning been updated to include adaptation measures and respond to climate and disaster risk assessments?

Transparency and accountability

- ☐ Is there legislation that integrates specific monitoring and evaluation guidelines that align with the [Enhanced Transparency Framework](#) of the Paris Agreement, as well as enforcement provisions?
- ☐ Does key climate legislation include specific targets which can be measured during post- legislative scrutiny to help assess the success of the law?
- ☐ Is there legislation that mandates for progress reports to be tabled before parliament on the advancements the country has made to achieve its short term and long-term national climate objectives? Does it incorporate accountability checkpoints every 5 years which align with the renewal of NDCs and the Global stocktake under the Paris Agreement?
- ☐ Is there legislation that creates an advisory committee or third-party body made up of different stakeholders including the scientific community, academia, civil society, among others that is responsible for overseeing progress?
- ☐ Is there legislation that develops or adapts an existing platform to include information and promote transparency on the government's climate advancement? Does it ensure that the public has the right to information and is able to track government progress?
- ☐ Does climate legislation include a requirement to publish and disseminate accessible guidance that clarifies how it will be implemented, ensuring that stakeholders understand what is required and expected, paying special attention to those individuals that will be especially affected?
- ☐ Is there an access to information law that covers the ministry and departments responsible for climate action? Does it meet the international standards established by the [Inter-American Model Law 2.0 on Access to Public Information](#)?

Inclusive climate action and public participation

- ☐ Does climate legislation include provisions to mitigate any negative impacts that climate policies may have on vulnerable populations?
- ☐ Does climate legislation ensure that the benefits of taking climate action are equitably distributed? Does it contribute to improving social welfare and reducing inequalities associated with factors such as race, sex, class, religion, ethnicity, class, disability, age, sexual orientation, or other relevant characteristics?
- ☐ Does climate legislation incorporate mechanisms to support the Gender Action Plan, ensuring that policies are gender responsive by requiring a gender analysis of initiatives and programmes, and improving the availability of sex disaggregated data?
- ☐ Is there legislation that establishes a requirement for public participation in the development of climate policies and programmes?
- ☐ Does climate legislation incorporate measures to facilitate a just transition strategy for workers from high-carbon or vulnerable industries? Is there a need for consultation with sub-national legislatures to encourage corresponding legislation at a regional level to reflect their circumstances?
- ☐ Is there legislation that supports education, training and public awareness of climate issues and mitigation and adaptation strategies?

Financing climate action

- ☐ Is there legislation that establishes a national climate fund to collect and administer public, private and donor financing for mitigation and adaptation efforts?
- ☐ Do climate legislation and provisions provide predictability for investors?
- ☐ Are there any legislative gaps (i.e., transparency or accountability) to meet requirements to access multilateral funds for climate action?

Analysis and overseeing the budget of the Paris Agreement

Fulfilling the Paris Agreement will require financial support to implement the national climate commitments.

Parliaments play a crucial role in the allocation of public resources for climate action and for this reason pre-budget consultations are necessary to ensure alignment with the policies and programmes required to achieve the country's national climate commitments. Independent fiscal institutions (IFI), also called Parliamentary Budget Offices or Congressional Budget Offices are public bodies that can be utilized in these oversight efforts as they can provide non-partisan insight and analysis to support the parliament's scrutiny of budget proposals.

Budgeting methodologies can guide scrutiny as they allow countries to assess the percentage of gross domestic product spending on climate change, the sources of this spending, and the related institutional architecture. For example, budgetary analysis from a gendered perspective can help identify the different sex-based needs, interests, and realities of different groups of women and men, as well as reveal how government revenue and expenditures support the achievement of international commitments made in priority areas such as reducing inequality.

Moreover, environment, climate change, and finance committees of parliaments need to establish systems for monitoring off-budget financial flows, funds geared to climate change such as private investments in green technology and multilateral funds (like the Green Climate Fund) that are not channelled directly through state budgets. They will then have a more accurate representation of their financial flows, be able to measure the effectiveness of off-budget expenditures, and begin the move towards country ownership and integration in national budget systems.

Promote the alignment of fiscal incentives with national climate commitments, including the incorporation of climate considerations in post-COVID-19 economic stimulus packages

Parliaments should consider making appropriate reforms, such as removing environmentally damaging incentives, which can positively influence private sector and consumer behaviours. This can also contribute to an influx in investments towards green technology research and development which can be critical to achieving the country's national climate commitments. However, such reforms need to consider a systems approach as various segments of the population currently depend on fossil fuel-based energy systems.

Additionally, in the pursuit of recovering from the economic and social crisis catalyzed by the COVID-19 pandemic, there are various opportunities to build back better and support a green recovery, especially given the urgency of the climate emergency and the potential co-benefits of a green recovery for population health, economic opportunities, and for reducing inequities. Despite this evidence, many governments have committed COVID-19 funds to fossil fuel intensive pathways but consideration should be made towards economic and social recovery initiatives that incorporate green investments, in recognition of the fact that economic growth and environmental protection are not mutually exclusive. ParLAmericas' [Guide on Supporting a Post-COVID-19 Green Economic Recovery](#) provides additional recommendations.

Call for the government to meet international climate financing commitments

Finally, **recognizing the principle of common but differentiated responsibilities and respective capabilities**, and in light of [Article 9 of the Paris Agreement](#), developed countries pledged to mobilize \$100 billion annually to financially assist developing countries in meeting the mitigation and adaptation objectives of the Paris Agreement, but they have not met this target. To help address this disparity and honour the pledge, **parliamentarians in developed countries can call on their governments to mobilize an appropriate**

contribution, including sufficient financing for adaptation which is critical to support this financial objective and support the achievement of the global goals of the Agreement. It is also worth noting that most of the current financing has been provided for mitigation efforts and not adaptation efforts which leaves small island developing states that are particularly vulnerable to natural hazards at a disadvantage. Addressing climate change calls for a balance between implementing efforts to mitigate the negative climate impacts through greenhouse gas emission reductions and responding to the current and projected climate impacts.

BUDGET: Guiding Questions for Parliamentarian

Budget process

- ☐ Is the national budget process open and transparent so that legislators and the public have access to the relevant information to analyse the Government's budget proposal and implementation? (See the [ParlAmericas Toolkit on Fiscal Openness](#) for more information)
- ☐ Does the parliament lead or participate in pre-budget consultations or debates where climate issues are discussed?
- ☐ Does the parliament have a parliamentary budget office or technical support to support the scrutiny of budget proposals related to climate issues?
- ☐ Does the government keep track of 'off budget' expenditures on climate change mitigation and adaptation efforts, such as through multilateral instruments including [GEF](#) and [GCF](#), as well as through private investments, so that parliament has an overall picture of investments and of gaps?

Analysing budget and other financial proposals

- ☐ Does the government apply a climate sensitive budgeting approach such as the [Climate Public Expenditure and Institutional Review](#) (CPEIR) or OECD recommendations as per the [Green Budgeting Framework](#)?
- ☐ Do programmes or subsidies for non-sustainable sectors include conditions to promote a green transition? Are these conditions public (not constrained by commercial confidentiality) so that compatibility with climate commitments can be assessed?
- ☐ How does proposed spending for climate action compare to previous years?
- ☐ How much funding is allocated to efforts to mitigate and adapt to climate change respectively?
- ☐ Does proposed spending align with the policies and programmes indicated in the plan to achieve the country's NDC?
- ☐ Does the proposal include a gender-based analysis? Does this analysis cover climate related initiatives?
- ☐ Does the proposal support the creation of green jobs, including training programmes to facilitate a just transition for workers in unsustainable sectors?
- ☐ Does the proposal improve social welfare and protection, and address inequities that may result from a transition to a green economy?
- ☐ Do they respond to the needs of the population, including the segments most vulnerable to disasters and other systemic shocks?

- ☐ Does the proposal consider the risks posed by climate change to the national economy and population and include provisions for climate adaptation and disaster risk reduction (i.e., risk of disasters caused by climate hazards)?
- ☐ Do fiscal policy proposals align with the country's emission reduction targets (i.e., does it include investments, subsidies, or other tax benefits for environmentally damaging sectors, and if so, are there conditionalities tied to the support)?
- ☐ Do fiscal policy proposals create incentives for private investment in green technologies and sectors?
- ☐ For developing countries, does the budget include public investments and/or policies to facilitate private investment in climate mitigation and adaptation efforts in developing countries?
- ☐ Do COVID-19 economic recovery stimulus responses include investments that both stimulate the economy and support climate objectives?

Scrutiny of audit reports

- ☐ What were the findings of the Supreme Audit Institution (such as Auditor General or Audit Court, depending on the country's political system)? Were there any red flags raised regarding climate impact and environmental sustainability?
- ☐ Is information reported in a timely manner?
- ☐ Have expenses budgeted for climate action been spent towards these objectives?
- ☐ Have programmes to support climate policies been effective in their delivery?
- ☐ Have they had any unintended consequences?



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