

# Transparency Under the UNFCCC and the Paris Agreement

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## 1. Participation of “non-Party stakeholders” under the UNFCCC: Options for Future Engagement

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### Abstract

Participation of “non-Party stakeholders” in the work of the UNFCCC was identified as an essential priority in the decision adopting the Paris Agreement. It was also flagged in the preamble of the Agreement itself. The importance of engagement with civil society in supporting the achievement of domestic nationally determined contributions (NDCs) has become evident following the decision of the United States to withdraw from the Paris Agreement. This paper surveys modalities for non-Party stakeholder participation in three international forums, exploring various approaches adopted in Convention processes, to identify lessons learned, and propose potential avenues for enhancing stakeholder engagement under the climate framework. Existing modalities for observers under the UNFCCC are assessed in relation to approaches adopted in two other international forums – the United Nations Convention to Combat Desertification (UNCCD) and the Framework for Engagement of non-State Actors under the World Health Organization (WHO). A critical analysis is provided to consider the value and applicability of potential modalities to improve stakeholder engagement in the climate context and to draw attention to practical challenges. Recommendations are provided to inform approaches to non-Party stakeholder engagement considered by the Parties to the UNFCCC. Caution must be employed to ensure goals of increased stakeholder engagement support the negotiating and implementation processes and do not result in a further burden to an already complex negotiating environment.

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## 2. Are Emissions Trading Schemes a Pathway to Enhance Transparency under the Paris Agreement?

Ling Chen \*\*

### Abstract

The Paris Agreement (PA) serves as a foundation providing a future for global carbon markets that Parties can embrace to realize their nationally determined contributions (NDCs) in a transparent manner. The PA references transparency throughout the text among which Article 13 establishes an enhanced and flexible transparency framework requiring all Parties to regularly submit a national GHG inventory and provide information of their progress in implementing and achieving their NDCs, and to undergo expert and peer review. Article 6.2 features “cooperative approaches” allowing the use of internationally transferred mitigation outcomes in achieving Parties’ NDCs and ensuring environmental integrity and transparency. This paper suggests that the cooperation may take the form of developing and linking ETSs in different jurisdictions. Much literature provides the environmental, economic, and strategic benefits from such initiatives. Adding to those benefits, there is a good opportunity for enhanced transparency of accounting and reporting GHG emissions and information sharing about climate action.

This paper aims to investigate the use of the ETS to enhance transparency on tracking GHG emissions and climate efforts in the PA context. It first identifies key issues and governance challenges for operationalizing cooperative approaches and market-related transparency provisions of the PA, drawing upon the discussions and submissions of Parties surrounding these provisions. It identifies the innovative aspects of the PA that can support future ETS initiatives by comparison to market mechanisms and the measurement, reporting and verification (MRV) mechanisms in the ex-ante PA era. Then, the paper addresses the minimum requirements that qualify an ETS as transparent, and by illustrating the practice from established and emerging carbon markets, highlights that not only is a transparent MRV system for GHG emissions essential to a functioning ETS but also the MRV system itself can benefit from developing and linking ETSs.

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### 3. Achieving the Goals of the Paris Agreement: The Importance of Public Access to Information

Basil Ugochukwu \*\*\*

#### Abstract

Article 12 of the 2015 Paris Climate Change Agreement provides that “Parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation, and *public access to information*, recognizing the importance of these steps with respect to enhancing actions under this Agreement.” This article echoes Goal 16 of the United Nations Sustainable Development Goals (UN-SDGs) which aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” Sub-goals include developing “effective, accountable and transparent institutions at all levels”, ensuring “*public access to information* and [protecting] fundamental freedoms, in accordance with local legislation and international agreements.” The Paris Agreement and the UN-SDGs – as well as other international instruments such as the United Nations Economic Commission for Europe’s Aarhus Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters - all recognize that public access to information is critical to achieving climate mitigation/adaptation goals and sustainable development. How to achieve it is the challenge. For example, there is also presently some uncertainty regarding the openness of certain technical meetings of the Conference of Parties of the UNFCCC on developing the Paris Rulebook as some have been closed to non-state observers while others are not. My presentation would examine the importance of public access to information in achieving the goals of the Paris Agreement (which includes sustainable development), the challenges that may be faced in this regard and how those challenges could be addressed. I will also be discussing how the international instruments mentioned above could facilitate citizen access to climate information in domestic legal contexts.

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## 4. Legal and Policy Aspects of Climate Finance Transparency Under the Paris Agreement

Patricia Galvao Ferreira\*\*\*\*

### Abstract

At the contentious 2009 twenty-fifth Conference of Parties to the UN Climate Change Convention in Copenhagen, developed countries and developing countries reached a new compromise whereby all Parties, independent of their level of development, would contribute with a significant share of climate efforts to achieve global goals of climate mitigation and climate adaptation. The pledge by developed countries to jointly provide and mobilize US\$100 billion in climate finance to developing countries annually by 2020, as a floor, lies at the heart of this compromise which was reflected in the 2015 Paris Agreement. Article 9 of the Paris Agreement restated the legal obligation of developed countries Parties under the Convention to provide climate finance, without specifying quantitative targets. The Agreement gave developed countries significant discretion to determine the scale and the nature of their individual financial contributions, while strengthening oversight and accountability of their efforts through inclusion of climate finance in the enhanced transparency framework under Article 13.

It is expected that the modalities, procedures and guidelines for climate finance reporting, currently being discussed under the APA for inclusion in the 2018 Paris rulebook, will have significant influence on how developed countries will fulfill their climate finance obligations, and how developing countries will access and use this financial support. This paper: a) identifies and analyzes the key legal and policy challenges related to the modalities, procedures and guidelines on climate finance transparency under discussion; b) makes recommendations on which challenges deserve priority attention, and which elements are too politically controversial and should be treated with extra caution.

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