



United Nations
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CISDL
Centre for International
Sustainable Development Law

Climate Legislation Webinar Series

Webinar 1: Compliance and implementation under the Paris Agreement

Summary report

The first of three webinars on climate legislation took place virtually on 27 August 2020. It was hosted by the Inter-Parliamentary Union (IPU), the Centre for International Sustainable Development Law, and the United Nations Framework Convention on Climate Change (UNFCCC). The webinar focused on compliance and implementation under the Paris Agreement. The hosts were aiming to build capacity, promote knowledge-sharing and help to further key insights into climate governance. There were over 230 participants, including parliamentarians, government officials and leaders of legal institutions. The webinar was conducted in English with simultaneous French and Spanish interpretation.

As outlined in Prof. Marie-Claire Cordonier Segger's¹ introduction, the informative webinar was to explore the meaning of compliance in international law, outline the role of the Paris Agreement Implementation and Compliance Committee, consider how parliaments are reacting to climate change, and discuss the procedural steps and changes they are adopting. The clear progression from an international to a domestic perspective provided all attendees with a coherent narrative, encouraging a multi-faceted understanding of compliance and implementation.

Ms. Hafida Lahiouel² opened the webinar by exploring the meaning of compliance in international law. Trust and transparency were stressed as two integral qualities of this compliance; they were referred to throughout the opening talk and the rest of the webinar. Ms. Lahiouel focused on three key issues. First, she elaborated on how compliance regimes are built into international law. There was significant agreement that compliance was facilitated by managerial models that operated most effectively through self-imposed commitment rather than sanction. Second, Ms. Lahiouel outlined the crucial role of the UNFCCC Secretariat and its contributions to aiding implementation and supporting coordination. As the secretariat of the Paris Agreement Implementation and Compliance Committee, the UNFCCC Secretariat supported Parties to the Paris Agreement through education and awareness-raising. Third, Ms. Lahiouel explained that the Secretariat was committed to building capacity on domestic climate change legislation by striving to forge partnerships with Parties to the Agreement and non-party stakeholders.

¹ Senior Director, Centre for International Sustainable Development Law; professor of law, University of Waterloo; affiliated fellow, University of Cambridge.

² Director, Legal Affairs, and Principal Legal Adviser, UNFCCC Secretariat.



This was followed by an insightful presentation from Prof. Christina Voigt as the Co-Chair of the Paris Agreement Implementation and Compliance Committee. She explained how the Committee was an integral building block of the Paris Agreement's architecture through ensuring the effectiveness of the Agreement and maintaining the trust and transparency of all parties. She said the Committee was facilitative, could not impose sanctions or penalties, and always remained respectful of national sovereignty. Prof. Voigt explored the three primary routes by which an issue reached the Committee and explained what its members could do in response. First, a Party could *self-submit* a challenge that it was facing with respect to its own implementation and compliance. Second, a Committee Member could raise an issue if a Party repeatedly submitted inconsistent information. Third, an issue could be raised through the Committee itself when a specific legally binding obligation was not met; this was the most formal mode of initiation. Prof. Voigt explained when and how the Committee provided guidance and took appropriate measures. To conclude, she outlined what the Committee was currently doing, including work supported by the UNFCCC Secretariat on draft rules of procedure for adoption by CMA.3.³

Next, Dr. Alina Averchenkova⁴ discussed compliance within domestic climate change legislation. She described the different elements that countries could include in their domestic climate laws and focused on three main examples. First, an increasing number of countries were adopting domestic laws that aimed for a fixed net-zero emissions target. These laws focused on the country and its society's actions. Second, and in a different vein, a country could introduce laws and policies that focused on adaptation planning to ensure progressive change. As a final example, Dr. Averchenkova suggested that countries could adopt domestic law or policy mechanisms to monitor progress. For instance, domestic oversight committees allowed for accountability and transparency in processes related to climate law. Dr. Averchenkova also stressed that, for domestic compliance to be successful, it was crucial that policies outlined clear objectives, included transparent institutional mandates, and contained accountability mechanisms, such as parliamentary oversight and the ability to litigate breaches of law in court.

The final panellist, Ms. Kareen Jabre,⁵ considered how parliaments were currently reacting to the changes and challenges of climate change. She discussed how compliance with the Paris Agreement required parliaments to implement ambitious targets and objectives. Meeting these targets needed a *whole of society* approach, with climate law being implemented across all levels of society. This was a significant challenge, as it required governments to establish a firm national basis for international commitments. Ms. Jabre stressed the essential role of parliaments and parliamentarians throughout this process. Parliaments could hold governments accountable and were therefore essential to ensure compliance with climate law. Legislatures could do this by bridging the gap between citizens and government, and through developing policies and passing laws that reflected public opinion.

³ Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (third session).

⁴ Distinguished Policy Fellow; Lead, Governance and Legislation, Grantham Research Institute on Climate Change and the Environment.

⁵ Director, Division of Programmes, IPU.



Ms. Jabre suggested that a parliament could also support climate change through its other functions. As a national legislature, a parliament could ensure that its country's legal response was compatible with the Paris Agreement, and implement the commitment to keep the global average temperature rise below 2°C. It could legislate to support subnational change in line with the *whole of society* approach. Likewise, a parliament could allocate funding and develop oversight mechanisms to ensure the application and enforcement of the Paris Agreement. Ms. Jabre noted that the difficulty of applying these functions to climate change could come from a lack of legal capacity – that is, a lack of either access to expertise or formal parliamentary structures that tackle climate change. Bridging this capacity gap was one of the IPU's purposes, which it pursued by supporting bilateral, regional and international parliament-to-parliament engagement. IPU Member Parliaments had adopted a three-pillar action plan in 2016 to ensure that national legislative responses met Paris Agreement requirements. The first pillar ensured a national legislative response consistent with the Paris Agreement and national goals. The second improved governmental oversight to ensure transparency and accountability. And the third enhanced consistency between economic development and other societal goals, and climate change efforts.

Following stimulating presentations from the panellists, the audience participated extensively in a virtual Q&A session. Prof. Voigt answered the question, "How does the work of the compliance committee relate to the MRV⁶ framework which many parties are currently preparing?". She outlined the background link between the Paris Agreement Implementation and Compliance Committee, States Parties and the Paris Agreement. Article 13 of the Agreement enhanced transparency. Parties were legally required to submit a national inventory report every two years on how well they had implemented their intended nationally determined contributions. Prof. Voigt stated that this requirement established two links between the MRV framework and the Compliance Committee. First, the Committee would investigate if a biennial transparency report was not submitted. Second, if a Party presented a report that was inconsistent with the guidelines, a transparency review team could issue a recommendation, and the Committee could become involved. This was how the MRV framework affected the Compliance Committee.

Another participant asked about Parties' obligations with respect to indigenous rights, and how compliance and participation was ensured. In her answer, Dr. Averchenkova considered the status of domestic legislation that gave special consideration to the rights of vulnerable and indigenous communities, including in Peru. She explained how the UNFCCC supported the compliance and participation of indigenous communities. The UNFCCC also worked with countries to ensure that indigenous rights were respected by recommending that policies and laws be designed to consider and protect vulnerable populations, based on indigenous ethnicity, gender balance or other rights-based factors.

Mr. Graeme Cooke, a participant from the Scottish Parliament, outlined Scotland's development of climate law training. He asked how Scotland could best share this new model with other parliaments and what potential there was for learning from similar examples. In

⁶ Measurement, reporting and verification.



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response, Prof. Cordonier Segger said that this innovative training would form part of COP26. Prof. Voigt emphasized the importance of sharing and disseminating information, adding that the development of good practices came from testing and enhancement. Moreover, as the IPU worked mainly with national parliaments, the collection and sharing of training materials about regional and global practices had proved highly beneficial.

The panellists responded to several other pertinent questions, including on the relationship between climate legislation, and agricultural and food security.

In her closing remarks, Prof. Cordonier Segger responded to a question from Ms. Sitara Ayaz (Senate of Pakistan) about implementation and compliance during the COVID-19 pandemic. Prof. Cordonier Segger said that the Paris Agreement provided a blueprint for combating climate change, but that national recoveries in response to COVID-19 had now become an additional challenge.

The final webinar in this series, *Legislative approaches in ensuring social stability in communities facing climate-induced risks*, will be on 8 October 2020. To register, please click [here](#).

For more information on the organizing partners of this webinar series, please visit:

Inter-Parliamentary Union: <https://www.ipu.org/>

UNFCCC Secretariat: <https://unfccc.int/>

Centre for International Sustainable Development Law: <https://www.cisd.org/>