

Recommendations to the 21st Conference of Parties to the United Nations Framework Convention on Climate Change (COP21)

The new global agreement on climate change to be concluded in Paris this December will be an important critical step by governments to save the planet and people from catastrophic short and long term environmental, social and economic impacts. Transparency International urges government leadership to exercise the *highest level of integrity toward current and future generations in negotiating a new legally binding treaty inclusive of ambitious goals* for mitigation, adaptation, loss and damage, capacity building, technology transfer and finance.

We further call on governments to commit to principles and obligations of transparency and accountability in the Paris Agreement and decisions taken at COP 21. Such commitments are essential in achieving the overall goals of the agreement and ultimately the accountability of governments toward their citizens and future generations. Recognising that detailed transparency and accountability standards and rules will be further developed, Transparency International urges governments to ensure at minimum that the Paris Agreement comprises the following elements:

- ◇ The role of public participation in the further development and implementation of the Paris agreement, including a space for civil society and stakeholder participation in the evolving monitoring and reporting framework of the new treaty;
- ◇ The development of a civil society inclusive accountability and oversight system similar to that adopted under numerous [international human rights treaties](#);
- ◇ Respect for environmental, social and fiduciary safeguards in the implementation of climate change commitments under the Agreement;
- ◇ High standards for monitoring, reporting and verification for both reducing emissions and climate finance; at national and global levels. Taking into account domestic, international and private resources.
- ◇ A robust compliance framework is built into the Agreement which allows for the inputs of stakeholders and civil society at subnational, national, regional and international levels;
- ◇ Public reporting commitments on:
 - International and national public climate finance allocations, disbursements and flows as well as the amounts and sources of private finance leveraged;
 - The use and impacts achieved through climate finance interventions and assurance that such information should be *publicly available and easily accessible in open data formats* to ensure public accountability by citizens in both developed and developing countries;
- ◇ The obligation of governments in REDD+ finance recipient countries to establish or strengthen a bespoke public agency to manage REDD+ programme implementation. Such agencies should be equipped to set rules and provide oversight regarding transparency, accountability, effective participation and integrity.
- ◇ The provision of capacity building support to assist countries in meeting such transparent reporting requirements.

Therefore, with regard to the draft negotiating text of 6th November 2015, TI **strongly urges governments to retain and where necessary strengthen their commitments to ensure transparency, accountability and public participation** with respect the following draft provisions:

Public participation

Public participation will be critical to the success of the new climate change agreement. The public, civil society and local communities can ensure that ambitious climate change targets are met through individual and collective actions, capacity building and awareness raising support and monitoring efforts. While acknowledging some of these important roles, the current draft Agreement starkly misses the inclusion of non-governmental actors in monitoring climate actions within the proposed transparency and compliance frameworks.

In the **preamble**, TI welcomes **paras 11 and 14** which emphasis the *importance* of aligning actions with “participation in environmental decision-making by civil society and individuals” and reaffirms “the crucial importance of education, training, public awareness, public participation, public access to information and international cooperation... to mobilize public support for climate policies and action.” However, **para 10** may be strengthened to incorporate the following text marked in blue:

Emphasizing the importance of respecting and taking into account [, subject to jurisdiction] [right to development,] human rights, [including people under occupation], gender equality [and women’s empowerment], [the rights of indigenous peoples,] [local communities,] intergenerational equity concerns **in particular the rights and freedoms of future generations and their vulnerability to increased climatic impacts**, and the needs of [migrants] [particularly vulnerable groups] [people in vulnerable situations], [including people under [foreign] occupation,] women, children and persons with disabilities, when taking action to address climate change,

Equally, while appreciating **Article 8b** is option 1, TI recommends the following revision:

Parties shall cooperate and take appropriate measures to develop, adopt and implement policies, strategies, regulations and/or action plans on climate change education, training, public awareness, public participation, public access to information **and the public’s role in monitoring government commitments** so as to enhance actions under this Agreement.

Transparency

Transparency will be equally important to build public trust and confidence and ensure fairness. Transparency is necessary at the international level amongst governments as well at the national level between governments and their citizens. Governments should openly report on mitigation and adaptation actions, progress, finance and impacts. Best practice dictates that such information should be honest, credible, easily accessible, understandable and comparable. Accordingly, TI welcomes **Article 9 Transparency** as well as other transparency requirements stipulated under the Agreement such as Article 3 on Mitigation. In particular, TI supports **Article 9(1) option 2** as it confers transparency obligations across *all* Parties as opposed option 1 which relaxes this requirements for developing countries. Further, Options 1 and 2 listed in Article 9(2)(3) should be consolidated to ensure that all key elements are retained including transparency on:

- ◊ Emissions and removals of individual Parties;
- ◊ Global aggregate net emissions and support (finance) provided and [mobilized]
- ◊ Progress made in implementing and achieving individual Parties' respective commitments
- ◊ Information, lessons learned and good practice on adaptation
- ◊ Support provided and received by individual Parties
- ◊ Needs of developing country Parties

In addition, Article 9 should further qualify that all such information will be:

- ◊ Publicly disclosed through the UNFCCC and/or government websites;
- ◊ Easily understood and comparable as far as possible;
- ◊ Monitored regularly with a view to tracking progress;
- ◊ Assured against double-counting through agreed rules for MRV.

These recommendations should be applied to Article 3(6). In this regard, TI also recommends strongly the adoption of Article 3(10), option 3(b)(v) which qualifies the integrity of mitigation outcomes.

Accountability and Compliance

The accountability and compliance of parties to any agreement is fundamental to its legitimacy. Terms of compliance should establish rules for filing, reviewing and resolving grievances. These should include as far as possible complaints and other issues brought forward by non-governmental actors, in relation to cases surrounding the implementation of the Agreement. Remedial measures, including those which enable positive learning and reforms should be embraced. As such, TI strongly supports the inclusion of **Article 11: Facilitating Implementation and Compliance**. Governments may wish to revise the text under para 3 Option 1 as follows:

The [Committee][mechanism][process][, including the Committee,] shall be [expert-based,] [facilitative] [in nature] [and shall act in a manner that is transparent, **fair and objective with a view to achieving constructive resolutions and recommendations** [It shall pay particular attention to the respective national capabilities and circumstances of Parties.]

Governance

Public and private institutional transparency, accountability and integrity will also weigh on the effectiveness and achievable impacts of the new Agreement. Good governance and anti-corruption reforms in developing and developed countries will help drive the potential of ambitious mitigation and adaptation outcomes.

TI welcomes **Article 3: Mechanism to Support Sustainable Development** for enhancing the transformative potential of the Agreement particularly with regard to strengthening governance. Likewise, under **Article 4, Adaptation**, TI welcomes para 6 (c) which aims that national adaptation plans include efforts to strengthen governance. TI further supports this goal reflected in **Article 6(2)(b) on Finance, Article 7(1)(a) on Technology Transfer, Article 9(4)(Option 2)(f) on Transparency**. Instead of "enabling environment," governments may wish to the text as "public and/or private sector governance reforms" or simply "strengthening governance."