



## Climate Action Network

### Views on the revision of the modalities and procedures for international assessment and review (IAR)

May 2017

CAN welcomes the opportunity to share its views on the revision of the modalities and procedures for international assessment and review (IAR) on the basis of the experience gained in the first round of international assessment and review.

The first round of the multilateral assessment demonstrated the value of this process in promoting mutual understanding among parties and transparency regarding the implementation of climate actions at the national level. We believe that this experience also highlighted one of the shortcomings of the existing modalities and procedures for the IAR<sup>1</sup> as the expertise of non-state actors could not be mobilized throughout the process. We call on Parties to recognise the important contribution that local governments, research institutions, non-governmental organisations and other actors could play in the promotion of transparency and to strengthen the modalities accordingly.

#### **EXECUTIVE SUMMARY**

The parties must strengthen the ability of the International Assessment and Review process to strengthen mutual understanding and transparency of action and support in order to promote trust among parties and stakeholders and to further incentivize action. The review of the IAR modalities and procedures must be used to enhance this process by recognizing the role that non-state actors can play to support the IAR.

#### ***In relation to the Technical Review***

##### **1. Submissions to the technical review**

Non-state actors should be allowed to submit complementary information to the expert team in order to facilitate their review of the country's biennial report.

##### **2. Interactions with the expert team**

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<sup>1</sup> See Decision 1/CP.17, Annex II, FCCC/CP/2011/9/Add.1, pages 36-38.

The expert team should seek to interact with national stakeholders in order to benefit from their additional expertise while conducting the review of a country's biennial report.

### ***In relation to the Multilateral Assessment***

#### 3. Provision of complementary information feeding into the facilitative sharing of views

Stakeholders should be invited to provide complementary information regarding a party actions and support in a manner that complement the existing sources of information for the facilitative sharing of views.

#### 4. Active participation to the facilitative sharing of views

Stakeholders should be allowed to participate actively to the facilitative sharing of views by raising questions in written in advance of the international assessment as well as orally during the SBI session.

Such procedures are already implemented in other intergovernmental processes that are applicable to all the parties to the UNFCCC, offering an opportunity to strengthen the IAR by building on these precedents.

According to the decision 1/CP.17, the objective of the IAR is to review implementation of climate action and support “in a rigorous, robust and transparent manner, with a view to promoting comparability and building confidence.”

The review of the modalities and procedures mandated in 2017 offers an opportunity to further strengthen the role of the IAR in the climate change regime by engaging effectively non-state actors at the two key stages of the IAR: during the technical review and the multilateral assessment.

Given that transparency and reporting of national actions is a key tool in the new climate change regime established under the Paris Agreement, we believe that parties must seize the opportunity of this review to strengthen the modalities and procedures of the IAR.

### ***Rationales for the recognition of the role of non-state actors in the IAR***

- Non-state actors, including local governments, research institutions, non-governmental organisations and other private actors have **key expertise regarding the implementation of national climate actions**. This expertise could meaningfully complement governmental information shared during the IAR in order to further increase transparency and to highlight key learning points that might have particular value for other countries.
- The participation of non-state actors in the IAR would lead to an increase of the public interest in this process as well as a strengthened sense of ownership of national climate policies. This engagement would thereby **increase the ability of the IAR to incentivise national action** in order to

meet and to exceed the pledges made by each national government in 2010.

- Additionally, the future enhanced transparency framework, to be established on the basis of article 13 of the Paris Agreement, will require the implementation of **innovative approaches to national reporting and review**, given that all parties to the Agreement will be subject to this framework. Consequently, we believe that the parties must explore opportunities to leverage non-state actors' engagement in the context of the IAR in a manner that might generate key lessons that could inform the discussions related to article 13 of the Paris Agreement.
- Additionally, the parties to the UNFCCC have repeatedly acknowledged the **right of the public to access information and to participate in processes related to the environment** in line with principle 10 of the Rio Declaration. The parties reaffirmed this commitment in article 6 of the UNFCCC and article 12 of the Paris Agreement. The exclusion of any role for non-state actors in the IAR is a breach of this principle and must be addressed during the review.
- Finally, we believe that the current approach articulated in the IAR fails to reflect the **recognition of the importance of engagement of non-state actors which underpins the Paris Agreement** and the Marrakech Partnership for Climate Action.

We fully recognise that the IAR, as stated in its modalities, must remain a process that is “efficient, cost-effective and practical” and “which does not impose an excessive burden on Parties and on the secretariat”.

Precedents in other intergovernmental processes actually demonstrate that strengthening transparency and stakeholder participation in the multilateral assessment can be done in a manner that is non-intrusive and that respects national sovereignty. A revision of the modalities that seeks to promote stakeholder engagement could be designed in a manner that minimize any additional time and financial costs for the secretariat. This could be achieved for instance by relying mainly on the upload of information provided by stakeholders on the website of the secretariat without the need for further processing or printing by the secretariat, as well as by channeling oral interventions through the nine established constituencies in order to manage interest for interventions from observer organisations with relevant expertise.

### ***Strengthening the role of non-state actors in the technical review***

#### **1. Submission of information to the technical review**

Stakeholders should be allowed to provide complementary information to the expert team prior to the review of the biennial reports. Such information could strengthen the ability of the expert team to have access to comprehensive information and would recognize the fact that stakeholders might have valuable information that helps understand the climate actions and support of individual countries.

#### **2. Interactions of non-state actors with the expert team**

While expert teams have, on an *ad hoc* basis, interacted with non-state actors during their review of national practice, this practice should be systematic to offer an opportunity for national non-governmental experts to provide additional information to the expert team and strengthen their ability to review the biennial report in an informed manner. Failing to recognise the importance of these interactions limits the ability of the expert teams to benefit from all of the relevant knowledge available for each country.

### ***Facilitating the participation of stakeholders during the Multilateral Assessment***

#### 3. Provision of complementary information feeding into the facilitative sharing of views

Stakeholders should be allowed to submit additional information regarding the progress made by a Party in relation to the reduction of its emissions or its provision of means of implementation. This information should be made available publicly as a source of complementary information that could inform the facilitative sharing of views alongside with the report by the technical experts and the country's biennial (update) report.

#### 4. Active participation to the facilitative sharing of views

Stakeholders must be allowed to participate actively during the SBI facilitative exchange of views. This participation must entail the ability to raise question to the country under review, including in written in advance of the international assessment and in oral during the SBI session.

### ***Selected precedents of Intergovernmental Review Processes integrating public participation***

#### **Universal Periodic Review of the Human Rights Council**

The Universal Periodic Review (UPR) of the Human Rights Council is a key mechanism established in 2006 to conduct the review of the compliance of individual states with a broad range of human rights obligations. All UN member states are subjected to the UPR. The Human Rights Council highlighted that participation of relevant stakeholders should be one of the core principles of the UPR. This principle is implemented through all stages of the UPR.

Firstly, governments are invited to prepare their national reports in consultation with domestic stakeholders. Secondly, NGOs are invited to submit relevant information prior to the consideration of a state's report to the UPR. These submissions, as well as a summary prepared by the Office of the High Commissioner for Human Rights, are made publicly available in order to be taken into consideration during the review. Thirdly, the sessions of the HRC working group reviewing a country's report are open to accredited stakeholders. The sessions are also webcasted online, thereby enabling any

stakeholders – and in particular domestic organizations – to observe the full proceedings of the review. Fourthly, stakeholders are also invited to make oral statements during the adoption of the report of the working group concluding the review.

### **Convention on the International Trade in Endangered Species**

The 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (ratified by all Annex I Parties) provides an explicit role for NGOs in relation to the review of the implementation of its provisions.

When dealing with implementation issues, the CITES secretariat has the mandate to seek assistance from competent non-governmental organizations. Over the past years, the CITES secretariat has made extensive use of this mandate, repeatedly contracting NGOs with recognized expertise. Notably, the international non-governmental organization TRAFFIC has played a key role in providing complementary information enabling the CITES secretariat and other countries to access independent information regarding the implementation by individual countries of their obligations. Since 2006, NGOs have also been invited to attend compliance-related sessions of the meetings of the parties to CITES. This presence has raised the profile of the convention and built political momentum for its full implementation.

### **OECD Environmental Performance Review**

The Organisation for Economic Co-operation and Development (OECD) performs since 1991 periodic Environmental Performance Reviews of its member states and selected third states to review the performance of individual countries in meeting domestic policy objectives and international commitments. The aims of the programme are similar to those of the IAR: increasing the exchange of information among governments regarding the lessons learned in meeting their obligations and increasing the accountability of individual countries.

Expert teams are constituted in order to perform the review of each individual country. During a review mission in the country under review, the expert team meets with a broad range of domestic governmental and non-governmental experts, including industry, trade unions, NGOs, experts and local government representatives. The final report published as a result of the Environmental Performance Review is made widely available and distributed to relevant non-governmental actors with the view of strengthening dialogue between national governments and domestic stakeholders.