THE ROLE OF NON-STATE ACTORS IN IMPLEMENTING THE PARIS AGREEMENT ON CLIMATE CHANGE

This panel was convened at 1:00 p.m., Friday, April 6, 2018, by its moderator Cinnamon Carlarne of the Ohio State University Moritz College of Law, who introduced the panelists: Ashley Allen of Mars, Inc.; Susan Biniaz of the United Nations Foundation; and Jose Felix Pinto-Bazurco of the Columbia University Sabin Center for Climate Change Law.

REMARKS OF CINNAMON CARLARNE*
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With the Paris frame laid out and then complicated by the Trump administration announcement, let us widen the frame back out to the international level and ask Jose to discuss the extent to which the Paris Agreement is being implemented by non-state actors in Latin America and, more broadly, in developing countries; in particular, are there any apparent trends or key challenges characterizing the evolving role of non-state actors outside of the United State and the Organisation for Economic Co-operation and Development countries?

REMARKS OF JOSE FELIX PINTO-BAZURCO†
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Developed countries usually have the means to take action, but face the challenges of politicians debating whether or not climate change is a priority. The case of developing countries is different: because even though they might want to take action toward climate change, most of these countries lack the means to do it, which are mainly having effective institutional arrangements and regulation.

In spite of this, or maybe even because of this, most actions regarding climate change in developing countries are carried out through projects funded by multilateral banks or cooperation agreements. Some of these projects are carried out by non-state actors, such as sub-national governments and NGOs.

So there are important actions toward climate protection in developing countries and many of them are carried out by non-state actors. The challenge is that there is no centralized national system in place that effectively guides these actions and there is no adequate monitoring system that can keep track of the results. And because the actions of non-state actors should contribute toward achieving the countries’ nationally determined contributions (NDCs), there has to be a national mechanism in place that allows for guiding climate actions made by non-state actors, as well as, monitors and reviews the results.

I am not sure how many countries, developed or developing, have such a system in place, that allows for non-state actors to participate and contribute to national climate actions. One good and recent example that I can tell you about comes from Peru. Its parliament recently approved its first climate change framework law. The fact that Peru is about to have such a law shows the

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commitment of a developing country in contributing toward climate change, because even though Peru’s greenhouse gas emissions are about 0.2 percent of global emissions, they are taking the matter seriously.

This framework law has many positive additions. One of these additions is that it expressly includes non-state actors in public decision making, in two different ways: first, non-state actors participate in a national climate change commission that is in charge of making and updating the NDC. Second, indigenous peoples and local communities will participate through a system of prior consent, which is based on International Labour Organization Convention 169.

What Peru is doing here, is creating a system that makes it possible for actions from non-state actors to be included in the governments NDC, and thus contribute toward achieving the goals of the Paris Agreement.

CINNAMON CARLARNE

Thus far, we have focused almost exclusively on mitigation, but of course, implementing the Paris Agreement also means advancing adaptation, loss and damage, and finance goals, among others. So, let us turn to adaptation for a moment. What role are non-state actors playing in adaptation? (ALL)

JOSE FELIX PINTO-BAZURCO

Adaptation to climate change is a great challenge, especially in developing countries. I believe that sub-national governments are the main implementers of adaptation actions, but they need the direction from the national government, which seems to be a big challenge to achieve, when politicians keep discussing whether or not climate is man-made.

There is also another big issue related to climate change and, adaptation in particular, which is financing. In order for financing to go toward effective actions, there has to be adequate institutional arrangements and regulatory framework, and this is the main challenge for developing countries.