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Act Locally, Reflect Globally: a Checklist of Options for U.S. Cities and States to Engage Internationally in Climate Action

Susan Biniiaz
Columbia Law School, Sabin Center for Climate Change Law

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**ACT LOCALLY, REFLECT GLOBALLY:
A CHECKLIST OF OPTIONS FOR U.S. CITIES
AND STATES TO ENGAGE INTERNATIONALLY
IN CLIMATE ACTION**

By Susan Biniaz

May 2017

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Sabin Center for Climate Change Law

Columbia Law School

435 West 116th Street

New York, NY 10027

Tel: +1 (212) 854-3287

Email: columbiaclimate@gmail.com

Web: <http://www.ColumbiaClimateLaw.com>

Twitter: @ColumbiaClimate

Blog: <http://blogs.law.columbia.edu/climatechange>

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About the author:

Susan Biniiaz is a former Deputy Legal Adviser at the U.S. Department of State, as well as the Department's lead climate lawyer from 1989 through early 2017. She is currently a Senior Fellow at the UN Foundation and on the adjunct faculty at Columbia and Yale Law Schools.

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U.S. cities and states are increasingly asking how they can play a more visible and active role in international climate change efforts.

Cities and states have obvious incentives to take action to mitigate and adapt to climate change. But why engage internationally? They may seek to demonstrate leadership or gain appropriate recognition for “doing their part.” They may want to inspire others to follow suit or support them in doing so, such as through exchanging best practices. They may seek to join the global march toward low-emission and resilient societies. Or they may want to show the world that U.S. action on climate should not be viewed exclusively through the federal lens, especially given the large percentage of U.S. emissions that are within the jurisdiction of cities and the more populous states.

Between the Paris outcome itself and various platforms and processes developed both before and after Paris, U.S. cities and states have several options at their disposal for reflecting climate-related commitments and otherwise engaging internationally.¹ It may also be desirable to strengthen these options and/or create new ones.

1. THE PARIS AGREEMENT

The Paris Agreement itself does not break new ground when it comes to who can formally join it. It permits only States (i.e., countries) and regional economic integration organizations (such as the EU) to become Parties.²

However, the broader Paris outcome is unusual in its emphasis on the engagement of “non-Party stakeholders.”³ Peru and France, the countries that

¹ While this paper focuses on cities and states, many of the options are also available to other entities, such as companies and NGOs.

² See Article 20.1 of the Paris Agreement.

³ The Paris outcome (throughout Decision 1/CP.21) uses the term “non-Party stakeholders,” which was considered preferable to other options. For example, the descriptor “sub-national”

presided over the penultimate and final conferences on the Paris Agreement, were strong advocates of promoting, and creating a means to reflect, actions by businesses and non-national governments. In addition, numerous non-Party actors pushed for innovative approaches to catalyzing and recognizing the actions of those entities that are typically outside the purview of an international agreement.⁴

These ideas gradually gained traction among negotiating States. Some considered that commitments from cities, regions, and the private sector could potentially bolster the credibility of national governments' emissions targets and might even inspire Parties to be more ambitious. Others reasoned that emissions are substantially generated by the private sector, which should be encouraged to take on its own commitments. It was also argued that the demonstration of climate action by a multitude of actors beyond national governments would send a signal to the market of the irreversible nature of the transformation to low-carbon economies.

The Paris process thus generated numerous opportunities for the involvement of actors not normally so directly involved in the workings of an international agreement. While U.S. cities and states cannot technically join the Agreement as Parties, these opportunities, as well as others, offer a wide array of options for international climate engagement.

2. THE "NAZCA" PORTAL

- A popular option for reflecting climate-related commitments is the so-called NAZCA portal, NAZCA being an acronym for Non-State Actor Zone for Climate Action.

had been viewed as pejorative and did not, in any event, include companies or NGOs. The term "non-State actors" covered all entities; however, there are confusion between States (meaning countries) and "states" (as in, for example, U.S. states), and there was an awkward overlap with the "non-State actor" concept from the international law of armed conflict.

⁴ E.g., the U.N. Secretary-General's Special Envoy for Cities & Climate Change Michael Bloomberg, Mayor Hidalgo of Paris, *Galvanizing the Groundswell of Climate Actions*, and the Yale Climate Change Dialogue

- NAZCA was established by Peru a year in advance of Paris, at the 2014 Conference of the Parties in Lima.
- The portal, which can be easily accessed on the UNFCCC website,⁵ currently reflects over 12,500 initiatives. They come from a wide variety of non-Party stakeholders (including cities, regions, companies, civil society, and investors) and reflect a diversity of approaches.
- Both “individual actions” and “cooperative actions” are included. An example of a cooperative action is participation in the Compact of States and Regions, which involves taking on a greenhouse gas emission target and reporting annually.⁶
- The NAZCA map indicates commitments from cities and states across the United States. They relate to mitigation (for example, Chicago’s extensive targets for CO₂ emission reductions, energy efficiency, and renewables⁷), as well as adaptation (such as Iowa’s issuance of green bonds for resilience-related water management.⁸)
- Interested U.S. cities and states have substantial discretion regarding the nature of their NAZCA commitments. They might be new or updates to existing ones. They might be modest or ambitious, sectoral or economy-wide, short-term or long-term. They might be separate or reflect a combined effort of various cities/states.

Commitments can be registered through NAZCA’s seven “data partners,” which appear on the NAZCA portal’s website.⁹ Partners relevant to cities and/or sub-national regions include, for example, Climate Bonds, The Climate Group, CDP, and carbon.

⁵ See <http://climateaction.unfccc.int/>

⁶ See <https://www.theclimategroup.org/Compact>

⁷ See <http://climateaction.unfccc.int/city/chicago/united-states-of-america>

⁸ See <http://climateaction.unfccc.int/subnational-region/iowa/united-states-of-america>

⁹ See <http://climateaction.unfccc.int/register>

3. 2050 PATHWAYS

- The Paris Agreement encourages the Parties to formulate and communicate mid-century, low greenhouse gas emission development strategies, to be published by the UNFCCC Secretariat on its website.¹⁰
- At the 2016 UNFCCC Conference in Marrakesh, this initiative was broadened to include non-Party stakeholders. Specifically, the high-level champions (see below) launched a “2050 pathways platform” to support both Parties and other entities committed to developing mid-century, low-emission strategies.¹¹
- The announcement of the new platform listed several participating U.S. states and cities, including New York City, San Francisco, Portland, Boston, California, and Washington State.¹²
- The European Climate Foundation intends to serve as the platform’s secretariat, pursuing, among other things, the development of guidelines, the provision of technical analysis and support, and the expansion of participants.
- Interested U.S. cities and states might elect to prepare mid-century, low emission pathways, whether through this platform or otherwise.¹³

¹⁰ See Article 4.19 of the Paris Agreement and paragraph 35 of Decision 1/CP.21.

¹¹ See <http://newsroom.unfccc.int/media/791675/2050-pathway-announcement-finalclean-3.pdf>

¹² Ibid, Annexes 2 and 3.

¹³ Interested stakeholders may contact Emmanuel Guerin, Interim Executive Director of the Platform at the European Climate Foundation, for further information:

emmanuel.guerin@Europeanclimate.org

4. SUPPORT FOR PARIS

- In addition to taking on commitments to specific climate action or strategies, U.S. cities and states have the option of indicating support for the Paris Agreement in broad terms.
- Support might take an official form, such as embedded in legislation or an executive order, or might be more informal, such as in a policy statement by a mayor or governor.
- The content of the support might relate to the Agreement generally or, for example, to the Agreement's objective of holding the increase in the global average temperature to well below 2° C above pre-industrial levels.
- Over 1300 non-Party stakeholders endorsed the "Paris Pledge for Action," through which they expressed support for the adoption of a global agreement in Paris and a global temperature rise below 2° C.¹⁴ While the Pledge is now closed for additional signatories, broad indications of support for the Paris Agreement and/or its objectives are likely to be noted internationally and potentially reflected on the "newsroom" section of the UNFCCC website.¹⁵

5. ACTION AGENDA/HIGH-LEVEL EVENTS/CHAMPIONS

- Beyond the establishment of NAZCA, the UNFCCC has substantially increased its interaction with non-Party stakeholders over the last few years. Over time, both the name and scope of the initiatives have changed.
- The "Lima-Paris Action Agenda" was launched in 2014 by Peru, France, the UNFCCC Secretariat, and the UN Secretary-General's Office to help catalyze non-State actions, including by showcasing qualifying initiatives.

¹⁴ See <http://www.parispledgeforaction.org/>

¹⁵ See <http://newsroom.unfccc.int/>

- A year later, at the Paris Conference, the Parties broadened the nature of the interaction. They decided to hold a high-level event focused on non-Party stakeholders at each annual Conference of the Parties from 2016-2020. They also agreed that two “high-level champions” should be appointed (by the outgoing and incoming Presidencies – initially France and Morocco, respectively) to interact closely with stakeholders and coordinate the annual high-level events, among other things.
- In mid-2016, the champions published a “roadmap” on the implementation of what was then re-named the “Global Climate Action Agenda” and sought input from stakeholders.¹⁶ They subsequently issued a framework document for the 2017-2020 period, under the revised title “Marrakech Partnership for Global Climate Action.”¹⁷ The current Moroccan and Fijian champions recently set forth their approach to the Partnership.¹⁸
- U.S. cities and states might participate in various non-Party stakeholder activities (elaborated in the champions’ most recent report¹⁹) and/or submit views on the implementation of the FCCC’s interaction with such stakeholders (see below under “Submissions”).

6. GLOBAL COVENANT OF MAYORS

- The Global Covenant of Mayors for Climate & Energy, an international alliance of cities and local governments, supports voluntary action to address climate change and move to a low-emission, resilient society.²⁰

¹⁶ See <http://newsroom.unfccc.int/climate-action/global-climate-action-agenda#Roadmap>

¹⁷ See

http://unfccc.int/files/paris_agreement/application/pdf/marrakech_partnership_for_global_climate_action.pdf

¹⁸ See http://unfccc.int/files/paris_agreement/application/pdf/gca_approach.pdf

¹⁹ Ibid.

²⁰ See <http://www.globalcovenantofmayors.org/>

- The Global Covenant brings together the Global Compact of Mayors (launched in 2014) and the EU's Covenant of Mayors (launched in 2008).
- Between the two initiatives, now merged, over 700 cities and localities worldwide have taken on commitments related to mitigation, adaptation, and/or transparent reporting.
- Interested cities or towns may take on a commitment at any time.²¹

7. U.S.– CHINA CITIES INITIATIVE

- U.S. cities and states have the option of taking part in the U.S.-China “Climate-Smart/Low-Carbon Cities Initiative.” (Despite the name, it is not limited to cities.)
- This Initiative was launched in November 2014, as part of the same Joint Announcement on Climate Change in which the United States and China announced their intended nationally determined contributions for the Paris Agreement.²²
- The first two Summits were held in Los Angeles in 2015 and in Beijing in 2016. At the first Summit, numerous U.S. and Chinese cities, states, and provinces endorsed a “Declaration” that committed them to establish ambitious targets, report on GHG inventories, establish climate action plans, and engage in partnerships and knowledge-sharing.²³ At the following Summit, the number of endorsers increased to 77.
- It has been announced that the third Summit is to take place this year in Boston.²⁴

²¹ See <http://www.globalcovenantofmayors.org/participate/>

²² See <https://obamawhitehouse.archives.gov/the-press-office/2014/11/11/us-china-joint-announcement-climate-change>

²³ See https://ccwgsmartcities.lbl.gov/sites/all/files/panel-files/us_china_climate_leaders_declaration_9_14_15_730pm_final.pdf

²⁴ See <https://ccwgsmartcities.lbl.gov/>

8. “UNDER2 MOU”

- The Under2²⁵ Coalition, i.e., those that have joined the Under2 MOU (Memorandum of Understanding), involves participants from around the world, including national governments, cities, states, provinces, etc.
- Unlike the Global Covenant and the U.S.-China Cities Initiative, for example, where participants identify their own commitments, the Under2 MOU sets out certain minimum standards.
- Specifically, participants other than national governments (known as “signatories”) must commit to either reduce their greenhouse gas emissions by 80-95% below 1990 levels, or limit emissions to less than 2 annual metric tons of CO₂-equivalent per capita, by 2050. National governments (“endorsers”) support the MOU’s objectives in other ways.²⁶
- The MOU currently has 170 signatories/endorsers, including ten U.S. states and eight U.S. cities.
- Signatories may join at any time by submitting a signature page and an appendix outlining plans to reach the emission reduction targets.²⁷

9. STATE TO STATE/CITY TO CITY

- U.S. states and cities might establish cooperative arrangements with counterparts in other countries, such as between sister cities or other entities.²⁸ The recently concluded arrangement between California and Scotland, both of which are “signatories” to the Under2 MOU, provides an example.²⁹

²⁵ “Under 2” refers to both the goal of limiting warming to under 2° C and to the 2050 goal of limiting emissions to 2 tons annually per capita.

²⁶ See <http://under2mou.org/wp-content/uploads/2015/04/Under2-MOU-English.pdf>

²⁷ See <http://under2mou.org/faq/>

²⁸ Note that certain types of agreements could raise constitutional questions under the Compact Clause, Art. I, section, 10, clause 3.

²⁹ See <https://beta.gov.scot/publications/california-government-climate-change-agreement/>

- Arrangements might also take the form of linkages between emissions trading systems, e.g., between California and Quebec,³⁰ or even financial or technical support.

10. SUBMISSION OF VIEWS

- Non-Party stakeholders have the opportunity to provide views for posting on the UNFCCC website.³¹
- Such stakeholders have made submissions concerning issues under negotiation, such as those related to the use of market mechanisms, as well as with respect to the ways in which the UNFCCC engages with them, such as through the high-level champions.³²

11. CALIFORNIA SUMMIT?

- Although not yet formally announced, California is widely anticipated to host a Global Climate Summit in September of 2018.
- A Summit could potentially provide opportunities for showcasing initiatives, taking on new commitments, increasing momentum toward greater ambition, exchanging information on best practices, and developing input (formal or informal) into the UNFCCC's "facilitative dialogue" later in the fall. (Per the decision accompanying the adoption of the Paris Agreement, the dialogue is intended to take stock of Parties' collective efforts toward the long-term goal in

³⁰ See <https://www.arb.ca.gov/cc/capandtrade/linkage/linkage.htm>

³¹ See http://unfccc.int/documentation/submissions_from_non-party_stakeholders/items/7478.php

³² See, for example, the submission of the C40 Cities Climate Leadership Group, http://unfccc.int/files/parties_observers/submissions_from_observers/application/pdf/626.pdf

Article 4.1 of the Agreement and to inform Parties' preparation of nationally determined contributions.³³

As noted, U.S. cities and states have numerous reasons for potentially increasing their international climate engagement. Whatever their reasons, there are several options at their disposal for international participation – and there may even be an appetite for the creation of stronger and more innovative platforms.

³³ See paragraph 20 of Decision 1/CP.21