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Climate action in Colombia through the Rights of Access to Information and Participation:

Analyzing the Monitoring and Verification System
of Climate Action Implementation In Colombia

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Executive Summary

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Key findings

- The rights of access to information and participation are reflected in the Paris Agreement. The traceability and transparency of climate commitments and policies are essential to advance climate action at the local, national and international levels.
- The Sectorial Action Plans and Comprehensive Climate Change Management Plans analyzed lack specific management reports or measurement, reporting and verification systems that enable a detailed evaluation of their progress.
- Colombia faces difficulties in ensuring the sustainability of the initiatives developed within the framework of the Joint Declaration of Intent by Norway, Germany and the United Kingdom, which could lead to the setback of progress or the duplication of efforts in the fight against deforestation.

Recommendations

- Improve communication of the outcomes or progress of the country's climate commitments to civil society. Progress reports must be in understandable language and have supporting materials that allow the public to easily verify what is being achieved.
- It is necessary to constantly update the information platforms on the progress of the PAS and PIGCC, as well as the periodic publication of the progress achieved at the policy and GHG reduction levels so that the institutional entities in charge can measure the progress of Colombia's environmental goals. At the same time, it is urgent to establish a clear Monitoring, Reporting and Verification (MRV) system and to establish periodic reporting mechanisms to measure the GHG reduction of each sector and its progress towards the 2030 goals.
- Regarding the Joint Declaration of Intent, it is highlighted that the goals of reducing deforestation and GHG must be aligned with the goals and implementation of the NDC.

Context

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Nationally Determined Contributions (NDC) are the pillars for the success of the Paris Agreement. Through these instruments, states voluntarily define their climate commitments. These commitments have a bottom-up approach, as they are adjusted to the needs of the country, its social, environmental and legal context. Hence, the principle of common but differentiated responsibilities between developed and developing countries is fully applied. It's been stated that the greatest impediments to impactful climate action will be domestic and not international in nature, since it is the countries that set their own goals internally, unlike past treaties such as the Kyoto Protocol (Bach, 2015). The generation of trust and transparency among the parties, as well as traceability, access to information and the participation of third parties became a fundamental aspect to demand and achieve the implementation of the Agreement. Indeed, the rights of access to information and participation are reflected in the Paris Agreement, and these have been fundamental to ensure the effective implementation and progress of climate commitments and the promotion of the inclusion of human rights and the consideration of the public in decision-making (CIEL, 2018).

Thus, within the transparency framework that was defined for the presentation of the NDC, such as biannual Reports and National Inventories, the public access platform of the United Nations Framework Convention on Climate Change (UNFCCC), enables scrutiny, evaluation and comparison of climate commitments and their progress by interested third parties, such as civil society, promoting their own accountability and raising the bar at the international and domestic levels.

For this, non-governmental and civil society organizations have been decisive when it comes to monitoring, controlling and enforcing state obligations with respect to compliance with human rights and climate commitments, with both political and legal impacts (Bach, 2016), but also as a bridge between local communities and national policies, either to disseminate information or to contribute to the capacity building of the population. However, the sole public platform of the UNFCCC is not sufficient to adequately guarantee the rights of access to information and participation. It is necessary to refer to the local level and monitor national policies to determine the progress and fulfillment of national commitments in the face of climate change. However, one of the great barriers to this is that access to the information is non-existent, not up-to-date, too technical or difficult to access. Similarly, in terms of participation, it may be insufficient, limited or non-existent. The findings presented in this document are excerpts from the research that Asociación Ambiente y Sociedad carried out on the potential barriers to the follow-up of important climate policies such as the implementation of access rights, the Sectoral Action Plans, the Comprehensive Plans for Climate Change Management and the Joint Declaration of Intent. The context and the most relevant results of this research are presented below.

The relevance of the Sectoral Action Plans (PAS) and Comprehensive Climate Change Management Plans (PIGCCC) in Colombia's climate agenda

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In 2015, Colombia, along with the other countries that signed the Paris Agreement, committed to reducing its greenhouse gas (GHG) emissions. Each country created a voluntary emission reduction goal according to its capabilities, called the National Determined Contributions (NDC). Colombia committed to reducing its projected GHG emissions by 20% by 2030 in a Business as Usual (BAU) scenario, and 30% with international aid. This GHG reduction must be carried out through public and private sector actions at all levels of government. Compliance with this reduction is measured through sectoral and territorial plans and are compiled by the Institute of Hydrology, Meteorology and Environmental Studies (IDEAM - in Colombia) and other national institutions to create national communications to the UNFCCC, the Biennial Update Reports (BUR) and GHG inventories. This first part of the document analyzes the progress of mitigation and adaptation measures prioritized by the transport sector and the mining-energy sector to contribute to Colombia's NDC. The mitigation and adaptation measures prioritized by each sector are found in the Sectoral Action Plans (PAS) created in 2014

and the Comprehensive Climate Change Management Plans (PIGCCC), which are an update of the SAPs and a guide for climate actions to be taken by each sector for the next nine years. These documents contain actions to reduce GHG emissions and increase the adaptation of each sector to climate change, but when doing this research, it was found that the PASs and PIGCCC analyzed do not have specific management reports or measurement, reporting and verification systems to evaluate their progress. Therefore, in order to determine compliance with these plans and their contribution to the NDC, it was necessary to individually monitor each action proposed in the PASs and PIGCCC using official sources from the ministries, management reports and Colombia's reports to the UNFCCC.

After analyzing these plans, it can be concluded that:

- Information on the progress of PASs and PIGCCCs is scattered and not up-to-date
- There is institutional fragmentation that prevents an accurate analysis of the contribution of sector-based actions to the NDC. There are shortcomings in the presentation of sectoral accountability reports, as well as a lack of granularity
- There is little clarity in the steps and processes related to monitoring progress; it is not possible to know, for example, if the creation of the PIGCCC means that the actions of the PASs were fulfilled or were simply restructured without presenting results.
- There are no MRV systems. None of the SAPs or PIGCCC analyzed in this document have an MRV system for their actions.
- The main advances of the SAPs and the PIGCCCs are the creation of policies, guidelines, decrees or laws that regulate the actions, but it is not possible to measure what their contribution to the NDC has been.
- The latest official GHG emission data for Colombia are from 2014, so they don't enable us to verify whether the policies adopted in the last eight years have worked.

Considering this situation, it is necessary for national institutions to rethink their measurement and communication processes in light of the commitments and progress of the NDC. This can be achieved through the following recommendations:

- Faster compliance with sector-based commitments and greater clarity about the compliance status.
- Publication of the PIGCCC for the transport sector and creation of emission reduction goals for this sector.
- Creation of measurable indicators to verify compliance with the PIGCCCs.
- Establishment of periodic mechanisms to measure GHG reduction in each sector before 2030.
- Periodic publication of progress achieved at the policy and GHG reduction level so that the institutional entities in charge can measure the progress of Colombia's environmental goals.
- Publication, by the IDEAM, of Colombia's GHG emissions from 2014 to the present.
- Improve communication of outcomes to civil society. Progress reports must be in easily understandable language and have supporting materials that allow the public to easily verify what is being achieved.

Likewise, civil society play an important role in monitoring and demanding such compliance, and must demand clarity with respect to the progress and processes of accountability to the institutions, given that the effects of climate change affect all the Colombian people.

Follow-up to the Joint Declaration of Intent (JDI)

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The second section of the document is titled “Evaluation of the progress of the joint declaration of Intent of 2015 and 2019”, focuses on the agreement that Colombia has signed with Germany, the United Kingdom and Norway as cooperation. Joint Declarations of Intent are voluntary agreements that channel the support of cooperators to reduce GHG emissions caused by deforestation and forest degradation, in accordance with the REDD strategy; The Colombia JDI aims, in particular, to reduce annual deforestation to less than 90,000 ha by 2018, as well as to achieve the goal of zero net deforestation in the Amazon by 2020 and the deployment of efforts to put a stop to the depletion of natural forest by 2030. Its effective term corresponds to 5 years, starting in 2016. The main objectives of the JDIs are institutional strengthening and the creation of projects and policies aimed at reducing deforestation in the country as a cornerstone of the parties' climate commitments. The first version of the JDI was signed in 2015, under two modalities. The first modality was aimed at supporting the development of enabling tools, such as policies, decrees and specific actions (milestones), which should be fulfilled within 3 consecutive years after signing the

declaration. The second modality corresponds to the payments based on the verified results of emission reductions. The fulfillment of these commitments includes the generation of periodic free access reports that enable the traceability of the goals and their fulfillment. These periodic reports were a key input for analysis.

This second section introduces the contents of the JDIs and their relationship with existing climate policies, followed by an evaluation of the degree of fulfillment of the JDI milestones in its first and second phases. For the first phase, the 4 accountability reports about progress in modality 1 were taken into account: 63 milestones that had to be met by year 3 of the JDI, determining that, by 2019 Colombia had met only 37 milestones and failed to achieve all the goals of this alliance with respect to reducing deforestation. Finally, conclusions and recommendations for strengthening compliance with the JDI and opportunities for civil society advocacy.

In general terms, this section concludes that Colombia presents difficulties insofar as it has not been able to ensure the sustainability of the initiatives developed within the framework of the JDI, leading to the setback of progress or duplication of efforts. Similarly, it highlights that, although the JDI should be aligned with the GHG reduction goals of the NDCs, its first version did not make specific references. In contrast, the second version signed in 2019 does address the importance of this alignment, in relation to which it mentions that there is a major lack of spaces for participation in the 2020 NDC update processes, as well as a disconnect between the NDCs and the goals of the JDI.