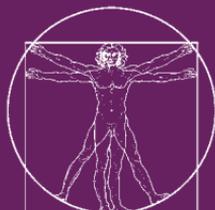


GUIDE TO THE PARIS AGREEMENT

2023 EDITION



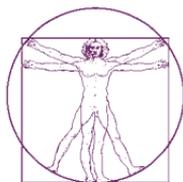
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GUIDE TO
THE

PARIS

AGREEMENT

2023 EDITION



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This updated Paris Guide is based on the [Paris Agreement A to Z](#) app, whose authors are Pascale Bird and Olivia Tattarletti from Legal Response International and Caroline Dihl Prolo from LACLIMA.

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Contents

Preface	5
Acronyms	8
Preamble	11
General Articles (Articles 1-3)	15
Article 1: Definitions	16
Article 2: Purpose	17
Article 3: Nationally determined contributions	21
Main Substantive Elements and Commitments (Articles 4-12)	22
Article 4: Mitigation	23
Article 5: Greenhouse gas sinks and reservoirs and REDD-plus	36
Article 6: Cooperative approaches	39
Article 7: Adaptation	52
Article 8: Loss and Damage	66
Article 9: Finance	75
Article 10: Technology Development and Transfer	84
Article 11: Capacity building	89
Article 12: Climate change awareness and education	94
Reporting, Review and Compliance (Articles 13-15)	97
Article 13: Transparency of action and support	98
Article 14: Global stocktake	113
Article 15: Facilitating implementation and compliance	119

Institutional Arrangements (Articles 16-19)	123
Article 16: CMA	124
Article 17: Secretariat	127
Article 18: SBI and SBSTA	128
Article 19: Other bodies and institutional arrangements	129
Final Articles (Articles 20-29)	130
Article 20: Signature and ratification	131
Article 21: Entry into force	133
Article 22: Amendments to the Agreement	135
Article 23: Annexes	136
Article 24: Dispute settlement	137
Article 25: Voting	138
Article 26: Depository	139
Article 27: Reservations	140
Article 28: Withdrawal	141
Article 29: Languages	142
Endnotes	143
Index	149

Preface

The international climate change regime has been punctuated by significant landmarks throughout its evolution since the intergovernmental negotiating committee was first established in 1990 to negotiate a framework convention. The UNFCCC itself (adopted in 1992), the Kyoto Protocol (adopted in 1997), and the Paris Agreement (adopted in 2015) marked milestones in the climate process with legally binding agreements aimed at curbing emissions and building resilience to the impacts of climate change. However, the processes themselves that led to these agreements were challenging with often opposing and competing national interests.

There has been an increasing realisation that a formula representing a truly collective, global effort to adequately meet the global challenge of climate change was needed as no country has been unscathed, with climate change getting worse and the impacts greater. That formula, nonetheless, was and continues to be challenged by the conflicting variables that underline the North-South divide.

During my tenure as Co-Chair of the ad hoc Working Group on the Durban platform (ADP)—the body that negotiated the Paris Agreement—negotiations sought to reconcile those variables, leading to some of the most contentious multilateral negotiations to ever take place within the UNFCCC process. Although the need for a collective global effort was shared by all Parties, this did not stop the entrenchment of hard-line positions to the point where compromise seemed elusive.

In the end, however, the carefully crafted Paris Agreement was adopted in 2015. The myriad interests of groups, sub-groups, and individual countries were brought to bear in an eventual text that reflected the range of interests represented during the negotiations. But that was only the beginning, as what was agreed in Paris required the elaboration of the rules that would govern implementation of the Agreement. This process was indeed tricky, as some of the language was intentionally

kept vague and left open to interpretation in order to get all countries on board. It was evident that those interests, reflected in the Agreement text, needed to be articulated in such a way so as to ensure convergence and consensus. The years that followed the adoption of the Paris Agreement were similarly characterised by contentious negotiations to finalise the operational details for implementation of the Paris Agreement (known as the Paris Rulebook), a process that took eight years. To untrained ears, the negotiations would seem to be continuing apace.

However, a curious modality began to take root when undertaking the negotiations in a way that did not feature in the early years of the climate process. Parties have increasingly been haggling over the agenda, what should be in it, and even how the negotiations should be conducted! This has sometimes come at the expense of advancing on critical issues. One can only presume that such agenda negotiations sometimes stem from, simultaneously, a misunderstanding of what the Paris Agreement provides for and the need to understand how to implement it. Nonetheless, this has often hindered progress and, I submit, is toxic to advancing collective action for mutual benefits.

A collective will to implement the provisions of the Paris Agreement in good faith is the only way the climate crisis can be conquered. Of course, this requires a common understanding and interpretation of the Agreement. The complexities of the Paris Agreement and the subsequent rules that were adopted are a challenge even for the most seasoned negotiators to fully grasp. Some negotiators and other stakeholders are immersed in specific topics but are seeking a broader understanding of the Paris Agreement in its entirety. Others are new to the process and require a general introduction to the articles. Many are in search of a better understanding of the nuances underlying the language in the Articles and the decisions taken since by the CMA (the body governing in the Paris Agreement).

This is precisely where this updated edition of ecbi's Pocket Guide to the Paris Agreement comes in. This concise guide provides new information since the first edition was published in 2016 and the second edition in 2020. It distils the complexities of the Articles, providing background

and explanations in an easy-to-read format, without getting bogged down in the technical details. What is clear is the continuing need to understand the nuances of the Articles and the subsequent decisions taken by CMA.

This latest update of ecbi's Pocket Guide to the Paris Agreement not only elaborates on these nuances, but more importantly, in my view, it also includes and provides context and expert explanations on the decisions taken by the CMA, modalities, procedures, and guidelines, and insights into positions taken by Parties and compromises made that led to decisions taken to conclude the details of the Rulebook. And it facilitates the requisite depth and breadth for a comprehensive understanding of the context of the Paris Agreement.

It is my fervent hope that this updated guide will serve in that capacity helping us to avoid a rehashing of old arguments and retreating back into familiar entrenched positions that prevent progress and enable us to move forward so collectively we can truly tackle the climate crisis before it is too late!

Kishan Kumarsingh (Trinidad and Tobago)

ADP Co-Chair (2013-2014)

SBSTA Chair (2005-2007)

Co-Chair of the New Collective Quantified Goal on
Climate Finance (2022)

Acronyms

A6.4ERs	Article 6, paragraph 4, emission reductions
ACE	Action for Climate Empowerment
AFB	Adaptation Fund Board
AGN	African Group of Negotiators
AILAC	Independent Alliance of Latin America and the Caribbean
AOSIS	Alliance of Small Island States
APA	Ad Hoc Working Group on the Paris Agreement
BTR	Biennial Transparency Report
BUR	Biennial Update Report
CARP	Centralized accounting and reporting platform
CBD	UN Convention on Biological Diversity
CBDR-RC	Common but differentiated responsibilities and respective capabilities
CBIT	Capacity-building Initiative for Transparency
CCS	Carbon capture and storage
CDM	Clean Development Mechanism
CER	Certified emission reduction
CGE	Consultative Group of Experts
CMA	Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement
CMP	Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol
COP	Conference of the Parties
CORSIA	Carbon Offsetting and Reduction Scheme for International Aviation
CRTs	Common reporting tables
CTCN	Climate Technology Centre and Network
CTFs	Common tabular formats

DOE	Designated operational entity
ETF	Enhanced transparency
FMCP	Facilitative, multilateral consideration of progress
GCF	Green Climate Fund
GEF	Global Environment Facility
GGA	Global goal on adaptation
GHG	Greenhouse gas
GlaSS	Glasgow-Sharm el-Sheikh work programme on the GGA
GST	Global stocktake
IAR	International Assessment and Review
ICA	International Consultation and Analysis
ICTU	Information to facilitate clarity, transparency, and understanding
INDCs	Intended Nationally Determined Contributions
IPCC	Intergovernmental Panel on Climate Change
IPRs	Intellectual Property Rights
ITMOs	Internationally transferred mitigation outcomes
KCI	Katowice Committee of Experts on the Impacts of the Implementation of Response Measures
LEDs	Low emission development strategies
LEG	LDC Expert Group
LDCs	Least Developed Countries
LDCF	LDC Fund
LRI	Legal Response International
MPGs	Modalities, procedures, and guidelines
NAPs	National Adaptation Plans
NAPAs	National Adaptation Programmes of Action
NDCs	Nationally Determined Contributions
NIR	National Inventory Report
NMA	Non-market approach

NWP	Nairobi Work Programme on impacts, vulnerability and adaptation to climate change
OMGE	Overall mitigation in global emissions
PAICC	Paris Agreement Implementation and Compliance Committee
PCCB	Paris Committee on Capacity-building
QELRCs	Quantified emission limitation or reduction commitments
REDD	Reducing emissions from deforestation and forest degradation in developing countries
REDD-Plus	Reducing emissions from deforestation and forest degradation, as well as the sustainable management of forests and the conservation and enhancement of forest carbon stocks in developing countries
SBs	Subsidiary Bodies
SBI	Subsidiary Body for Implementation
SBSTA	Subsidiary Body for Scientific and Technological Advice
SCCF	Special Climate Change Fund
SCF	Standing Committee on Finance
SIDS	Small Island Developing States
TEC	Technology Executive Committee
TER	Technical expert review
TNA	Technology needs assessment
UNFCCC	UN Framework Convention on Climate Change
VCLT	Vienna Convention on the Law of Treaties
WIM	Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts
WIPO	World Intellectual Property Organization

Preamble

The Parties to this Agreement,

Being Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as “the Convention”,

Pursuant to the Durban Platform for Enhanced Action established by decision 1/CP.17 of the Conference of the Parties to the Convention at its seventeenth session,

In pursuit of the objective of the Convention, and being guided by its principles, including the principle of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Recognizing the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge,

Also recognizing the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, as provided for in the Convention,

Taking full account of the specific needs and special situations of the least developed countries with regard to funding and transfer of technology,

Recognizing that Parties may be affected not only by climate change, but also by the impacts of the measures taken in response to it,

Emphasizing the intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty,

Recognizing the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality,

empowerment of women and intergenerational equity,

Recognizing the importance of the conservation and enhancement, as appropriate, of sinks and reservoirs of the greenhouse gases referred to in the Convention,

Noting the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of biodiversity, recognized by some cultures as Mother Earth, and noting the importance for some of the concept of “climate justice”, when taking action to address climate change,

Affirming the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement,

Recognizing the importance of the engagements of all levels of government and various actors, in accordance with respective national legislations of Parties, in addressing climate change,

Also recognizing that sustainable lifestyles and sustainable patterns of consumption and production, with developed country Parties taking the lead, play an important role in addressing climate change,

Have agreed as follows:

While the preamble of an international treaty does not create rights and obligations between Parties, it normally sets the wider context for the agreement and may be used to help interpret the provisions in its operative parts.

The preamble of the Paris Agreement captures a number of familiar and new notions in 16 sentences (called recitals). It broadly reflects the objective and principles of the UN Framework Convention on Climate Change (UNFCCC), albeit “in the light of different national circumstances” (recital 2). This framing occurs throughout the Agreement and signals a shift in the way equity and common but differentiated responsibilities and respective capabilities (CBDR-RC) are interpreted and operationalised.

The second half of the preamble mostly strengthens themes referred to under the UNFCCC, such as eradication of poverty, economic development, and public participation. It incorporates several issues that are relatively new to the international climate negotiations, including:

human rights; the rights of Indigenous Peoples; local communities; migrants; children; persons with disabilities; people in vulnerable situations; gender equality; and the empowerment of women. It also notes the importance of Mother Earth and climate justice.

This diversity of issues underlines that climate change is no longer perceived as solely an environmental problem—it cuts across and affects all segments of society. Many of the new themes, in particular the focus on human rights, also highlight the severity of the adverse impacts of climate change. While the direct effect of the preamble is likely to remain limited, these concerns can provide further guidance in interpreting the terms of the Agreement and in its implementation via national policies and laws.

General Articles

(Articles 1-3)

Article 1: Definitions	16
Article 2: Purpose	17
Article 3: Nationally determined contributions	21

ARTICLE 1: DEFINITIONS*

1

For the purpose of this Agreement, the definitions contained in Article 1 of the Convention shall apply. In addition:

- (a) “Convention” means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992;
- (b) “Conference of the Parties” means the Conference of the Parties to the Convention;
- (c) “Party” means a Party to this Agreement.

Article 1 states that the definitions contained in the UNFCCC, such as climate change, greenhouse gases (GHGs), and sinks, will apply to the Paris Agreement. Earlier drafts of Article 1 included additional definitions – particularly of the terms “developed” and “developing” country Parties. While these terms are not defined, they are still used in several provisions of the Agreement. If and to what extent the existing strict binary differentiation between Annex I and non-Annex I countries under the UNFCCC influences the understanding of Parties’ roles under the Agreement (or, for instance, which Parties belong to each category or how they might move between them) remains a contentious issue in the post-Paris negotiations.

* Parties did not agree on Article headers during the negotiations of the Paris Agreement, and therefore the official version of the Paris Agreement does not include titles. They have been added here for ease of reference only.

ARTICLE 2: PURPOSE

1. This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:
 - (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;
 - (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and
 - (c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.
2. This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities in the light of different national circumstances.

Article 2 outlines the overall purpose of the Agreement, but it is not formally termed an “implementation agreement” or “protocol”. It reflects the mandate of the international negotiation process leading to its adoption, to address all substantive elements under the UNFCCC: mitigation, adaptation, finance, technology transfer, and capacity-building (Decision 1/CP.17, Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, ADP¹). As a result, it describes three distinct but complementary avenues towards preventing dangerous anthropogenic interference with the climate system (UNFCCC Article 2).

The Paris Agreement already provides fairly detailed guidance on how Parties are expected to pursue the long-term temperature goal in Paris Agreement Article 2.1(a) through the submission and maintenance of Nationally Determined Contributions (NDCs) (Article 4). As a result,

the discussions under the new treaty initially focused on climate change mitigation. Rules and processes related to the implementation of the other two goals (increasing adaptive capacities, climate resilience and low-carbon development, as well as making financial flows consistent with low carbon and climate resilient development) are significantly less developed.

Article 2.1: Goals of the Paris Agreement

The long-term temperature goal in Article 2.1(a) describes what Parties to the Paris Agreement now consider a dangerous atmospheric interference with the climate system. It includes two targets for limiting global warming. The “well below 2°C” target has been the working assumption for many nations in their planning and preparation of their Intended Nationally Determined Contributions (INDCs) before the Paris conference.

The 1.5°C target was included as the result of a concerted push by an alliance of mostly climate vulnerable states during the final stages of the negotiations. It was initially considered as an aspirational “add-on” to the Agreement, but increasingly came to shape the wider societal discussions as well as the deliberations under the Agreement. [Decision 1/CMA.3](#) (para. 21)², taken at the climate conference in Glasgow (often referred to as the “Glasgow Pact”), for example, states that the impacts of climate change will be much lower at a temperature increase of 1.5°C compared with 2°C and resolves to pursue efforts to limit it to 1.5°C.

In 2018, the Intergovernmental Panel on Climate Change (IPCC) published a [Special Report on Global Warming of 1.5°C](#)³, which compares scenarios of 1.5°C warming and 2°C warming relative to pre-industrial (1850–1900) levels. The report highlights that remaining within 1.5°C compared to 2°C would reduce challenging impacts on ecosystems, and on human health and well-being. However, the report also states that there is only a 10-year window in which to reduce anthropogenic global carbon dioxide (CO₂) emissions (by 2030) to contain warming to 1.5°C.

Another [IPCC report on the physical science basis](#)⁴, published in 2021, estimated that even if countries started sharply cutting emissions then

(low and very low emission scenarios), global temperature is more likely than not to rise to around 1.5°C by 2040. The IPCC's most recent *Synthesis Report for the Sixth Assessment Report* indicates that if warming is to be limited to 1.5°C, emissions should be decreasing by now and will need to be cut by almost half by 2030.

Article 2.1(b) identifies an adaptation objective as the second strand in which the Paris Agreement enhances implementation of the UNFCCC. This is also captured as a “global goal on adaptation” in Article 7 with further guidance on how to pursue and address adaptation under the Agreement (see section on Article 7). To meet the goals in Article 2.1 sub-paragraphs (a) and (b), large scale additional finance is needed. This includes both public finance and private investment.

Sub-paragraph (c), therefore, calls for a fundamental shift in finance flows from “fossil-fuelled” economic development to investment in low-carbon and sustainable technologies. The context of the goal and its negotiation history also suggests that it envisages a fundamental redirection of financial flows from economies in the Global North to those in the Global South. To exchange views on and enhance the understanding of the scope of Article 2.1(c) of the Paris Agreement and its complementarity with Article 9 on finance, *Parties launched the “Sharm El-Sheikh dialogue” at CMA4 in Egypt* (Decision 1/CMA.4, para. 68).⁵ Two workshops were held in 2023 and a report on the deliberations will be prepared by the Secretariat.

Article 2.2: Differentiation

Article 2.2 states that the Agreement will be implemented to reflect equity and CBDR-RC, in light of different national circumstances. This language underlines the shift away from the formal differentiation between developed and developing country Parties (under the UNFCCC and the Kyoto Protocol) towards a more nuanced self-differentiated model. The additional qualification “in the light of different national circumstances” is not further defined and creates additional space for different national concerns to be included in any assessment of Parties’ implementation efforts. In comparison to the UNFCCC, the notion of

historical responsibility for GHG emissions as an element of CBDR-RC has been weakened.

2

Following the adoption of the Paris Agreement, some legal commentators have argued that the formal grouping of developed and developing country Parties (based on the Annexes to the UNFCCC was abandoned. The Agreement, however, still uses the terminology (of “developed” and “developing” countries) and although the annexes to the UNFCCC do not apply directly to the Paris Agreement, they will continue to influence interpretation of the Agreement. The underlying disagreement between Parties about the understanding and relevance of the distinction resurfaces consistently in the climate negotiations.

ARTICLE 3: NATIONALLY DETERMINED CONTRIBUTIONS

As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2. The efforts of all Parties will represent a progression over time, while recognizing the need to support developing country Parties for the effective implementation of this Agreement.

The foundation of the Agreement's structure is that all Parties will determine "bottom up" what actions they are able and willing to take at the national level to achieve the purpose of the Agreement. In this context, Parties can undertake and communicate their efforts on mitigation, adaptation, finance, technology transfer, capacity building, and transparency as part of their NDCs. These efforts should become progressively more ambitious over time. While Article 3 recognises the need to support developing countries in implementing the Agreement, developing country efforts are not contingent on the effectiveness of upfront support as envisaged under the UNFCCC (in Article 4.7).

Article 3, however, only provides an overarching outline of the Agreement's underlying approach and uses "nationally determined contributions" in a wider sense than the specific mitigation NDCs all Parties have to submit under Article 4.2. Its stand-alone character reflects the concern of many developing country Parties in the negotiations that the Paris Agreement could become too mitigation centric. The particular measures expected of Parties with regard to the different components of the Agreement (mitigation, adaptation, and means of implementation and support are addressed in the following Articles which contain the substantive commitments and operative elements of the treaty.

Main Substantive Elements and Commitments (Articles 4-12)

Article 4: Mitigation	23
Article 5: Greenhouse gas sinks and reservoirs and REDD-plus	36
Article 6: Cooperative approaches	39
Article 7: Adaptation	52
Article 8: Loss and Damage	66
Article 9: Finance	75
Article 10: Technology Development and Transfer	84
Article 11: Capacity building	89
Article 12: Climate change awareness and education	94

ARTICLE 4: MITIGATION

1. In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.
2. Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.
3. Each Party's successive nationally determined contribution will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.
4. Developed country Parties should continue taking the lead by undertaking economy-wide absolute emission reduction targets. Developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances.
5. Support shall be provided to developing country Parties for the implementation of this Article, in accordance with Articles 9, 10 and 11, recognizing that enhanced support for developing country Parties will allow for higher ambition in their actions.
6. The least developed countries and small island developing States may prepare and communicate strategies, plans and actions for low greenhouse gas emissions development reflecting their special circumstances.
7. Mitigation co-benefits resulting from Parties' adaptation actions and/or economic diversification plans can contribute to mitigation outcomes under this Article.

8. In communicating their nationally determined contributions, all Parties shall provide the information necessary for clarity, transparency and understanding in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to this Agreement.
9. Each Party shall communicate a nationally determined contribution every five years in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to this Agreement and be informed by the outcomes of the global stocktake referred to in Article 14.
10. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall consider common time frames for nationally determined contributions at its first session.
11. A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
12. Nationally determined contributions communicated by Parties shall be recorded in a public registry maintained by the secretariat.
13. Parties shall account for their nationally determined contributions. In accounting for anthropogenic emissions and removals corresponding to their nationally determined contributions, Parties shall promote environmental integrity, transparency, accuracy, completeness, comparability and consistency, and ensure the avoidance of double counting, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
14. In the context of their nationally determined contributions, when recognizing and implementing mitigation actions with respect to anthropogenic emissions and removals, Parties should take into account, as appropriate, existing methods and guidance under the Convention, in the light of the provisions of paragraph 13 of this Article.
15. Parties shall take into consideration in the implementation of this Agreement the concerns of Parties with economies most affected by the impacts of response measures, particularly developing country Parties.

16. Parties, including regional economic integration organizations and their member States, that have reached an agreement to act jointly under paragraph 2 of this Article shall notify the secretariat of the terms of that agreement, including the emission level allocated to each Party within the relevant time period, when they communicate their nationally determined contributions. The secretariat shall in turn inform the Parties and signatories to the Convention of the terms of that agreement.
17. Each party to such an agreement shall be responsible for its emission level as set out in the agreement referred to in paragraph 16 of this Article in accordance with paragraphs 13 and 14 of this Article and Articles 13 and 15.
18. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organization which is itself a Party to this Agreement, each member State of that regional economic integration organization individually, and together with the regional economic integration organization, shall be responsible for its emission level as set out in the agreement communicated under paragraph 16 of this Article in accordance with paragraphs 13 and 14 of this Article and Articles 13 and 15.
19. All Parties should strive to formulate and communicate long-term low greenhouse gas emission development strategies, mindful of Article 2 taking into account their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

Article 4 contains the main obligation under the Paris Agreement. Individually, each Party is required to prepare, communicate, and maintain successive mitigation NDCs that it intends to achieve and to pursue domestic mitigation measures for that purpose. Every five years, Parties must submit increasingly ambitious NDCs; however, they can also raise their ambition at any time. These NDCs are housed in a public registry maintained by the Secretariat. Parties' NDCs should be informed by a five-yearly "global stocktake" (GST) of collective efforts, including an assessment of the extent to which the NDCs add up to meet the global average temperature goal of the Paris Agreement.

Article 4.1: Mitigation goal

The mitigation objective of the Agreement is to reach global peaking of GHG emissions as soon as possible to achieve a balance between anthropogenic emissions by sources and removals by sinks in the second half of this century. This complicated wording was chosen because references to “carbon neutrality or “net zero emissions” were deemed politically controversial at the time. But it nevertheless describes the expectation that in the long run, Parties collectively remove as much carbon dioxide from the atmosphere as they put into it.

In response, many Parties have drawn up plans to become carbon neutral by 2050 or earlier. In line with paragraph 19 of this Article, they have communicated low emission development strategies (LEDS) that are available via the [UNFCCC website](#)⁶. Paragraph 1, however, recognises that peaking will take longer for many developing country Parties. Thus, since for the time being some Parties cannot commit to a mid-century timeline (e.g. China, “before 2060”, or Thailand, “by 2065”), other Parties will have to go beyond carbon neutrality and become “carbon negative” to achieve a global balance of emissions and removals.

As part of their strategies, many countries envisage not only the enhancement of natural carbon sinks but also the development and use of carbon capture and sequestration/storage (CCS) technologies – the process of trapping carbon dioxide and storing it in such a way that it is unable to affect the atmosphere. For other geoengineering activities, such as ocean fertilisation, stratospheric aerosol injection, or enhanced photosynthesis, the Convention on Biodiversity’s [COP decision in 2010 on biodiversity and climate change](#)⁷ has, for the time being, effectively created a moratorium, with the exception of small-scale studies. A footnote in the CBD decision clarifies that until a precise definition is developed “carbon capture and storage from fossil fuels when it captures carbon dioxide before it is released into the atmosphere” should not be considered geoengineering.

There are also certain limitations on CCS and the use of other technologies (such as ocean fertilisation) in the seas under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other

Matter, 1972, and its 1996 Protocol. Overall, the international community still needs to address the permissibility and use of the various emerging climate technologies in a comprehensive manner.

Since the adoption of the Paris Agreement, a growing number of net-zero commitments outside the UNFCCC process have been made by non-State actors such as businesses, investors, cities, and regions. Concerns about “greenwashing” led the UN Secretary-General António Guterres to establish a [High-Level Expert Group on the Net-Zero Emissions Commitments of Non-State Entities](#)⁸ in 2022 with the task of developing stronger and clearer standards for net-zero emissions pledges. The group’s final report [Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions](#)⁹ was launched during the climate conference in Egypt.

Article 4.2 and 4.3: Nationally determined (mitigation) contributions

The driving obligation of Parties under the Paris Agreement is procedural in nature: to submit and update a mitigation NDC. The NDC captures what a Party intends to achieve. It is not a legally binding obligation of a specific outcome; rather, Parties “shall pursue” but are not required to “meet” or “comply with” their commitments. As a result, the Paris Agreement does not really go beyond the expectation that Parties execute a treaty in “good faith”, do not obstruct its purpose, and act with reasonable care. Goals and objectives in an NDC may, however, be binding on government entities under their domestic or, in the case of the EU, supranational law.

In the lead-up to the US announcing its withdrawal from the Paris Agreement in 2019[†], it was argued that a Party may downgrade its commitments as long as it “maintains” an NDC. This interpretation, however, conflicts with the Agreement’s overall expectation of progression stipulated in Article 4.3 and 4.11 (adjustment of NDCs with a view to enhancing ambition). Article 4.3 applies to “each” Party (not

[†] The US has since re-joined the Agreement following President Biden’s election and inauguration.

to Parties in general) and the use of “will” signals a strong expectation, albeit not a mandatory obligation. Downgrading an existing NDC or “backsliding” would contravene the general spirit of the Agreement.

Article 4.4 to 4.6: Differentiation

4

In their mitigation efforts, developed country Parties are expected to indicate and continue to apply economy-wide emission caps. In this connection, one of the final discussions amongst Parties in Paris concerned the use of “shall” and “should”. The penultimate version of the Agreement stated that developed country Parties “shall continue taking the lead by undertaking economy-wide absolute emission reduction targets”. The US negotiators, however, were concerned that the use of “shall” would mean that the approval of Congress was required before the US could join the Agreement. Following discussions in a huddle, it was decided to use “should” instead. This and other changes were announced as mere technical errors or typos. The fact that “should” prevailed is indicative of the Agreement’s non-prescriptive approach.

Developing countries, in comparison, have used a range of approaches in their NDCs, including absolute economy-wide targets, reductions in emissions intensity (emissions per unit of GDP), reductions from projected “business-as-usual” emissions, and reductions in per capita emissions. They are encouraged to move towards economy-wide targets over time and are entitled to receive support for their mitigation actions (Article 4.5). In their NDCs, many developing countries have, therefore, also indicated a “conditional” mitigation contribution that they can achieve with additional support. However, unlike under the UNFCCC, the reporting of mitigation information and action by developing countries is not contingent on the provision of additional financial resources or the transfer of technology (as it was under UNFCCC Article 4.3), but an obligation for all Parties. Least developed countries (LDCs) and small island developing States (SIDS) are awarded additional flexibility in what their contribution may contain.

Article 4.7 to 4.14: Content and process for NDCs

The diversity of mitigation contributions (for instance, relating to different sectors, base years, time frames, etc.) contained in the initial NDCs of Parties made it difficult to compare efforts and take stock of progress. The Paris Agreement, therefore, envisages several areas where contributions should gradually follow a common format. The Subsidiary Bodies (SBs) of the UNFCCC, in particular the Ad Hoc Working Group on the Paris Agreement (APA), were tasked with developing further rules and guidance. The majority of those were adopted at the Katowice climate conference in 2018 (the [Katowice Climate Package](#)¹⁰).

Each Party must submit a (mitigation) NDC every five years (Article 4.9). Paragraph 25 of the COP Decision which adopted the Paris Agreement ([Decision 1/CP.21](#)¹¹) states that these shall be submitted to the Secretariat at least 9 to 12 months in advance of the relevant session of the Conference of the Parties (COP) serving as the Meeting of the Parties to the Paris Agreement (CMA). Prior to the entry into force of the Paris Agreement, most Parties had submitted an INDC that subsequently (either with the entry into force of the Paris Agreement or its subsequent ratification) became their NDC ([Decision 1/CP.21](#), para. 22).

The mitigation contribution of Parties can include GHG emission reductions and limitations as the result of adaptation actions and/or economic diversification (Article 4.7). In this context, economic diversification may be understood as the process of shifting products, markets, and jobs toward income sources that are low-emission and more climate resilient.

Article 4.8 states that all Parties shall provide the information necessary for clarity, transparency and understanding (ICTU) of their NDCs. Building on para. 27 in [Decision 1/CP.21](#), it was subsequently decided in [Decision 4/CMA.1](#)¹² of the 2018 Katowice Climate Package that for their second and subsequent NDCs, Parties “shall” provide this information (outlined in Annex I to the Decision) as applicable to their NDC.

This includes, for example:

- Information on the reference point, time frame, or period for implementation of mitigation measures; scope and coverage of that implementation; planning processes; and assumptions used and methodological approaches.
- Sectors, gases, categories, or pools of emissions indicated in line with IPCC guidelines which can include mitigation co-benefits of adaptation action and/or other economic diversification plans.
- Explanations on how the NDC development process was informed by the outcomes of the Global Stocktake (GST).
- Further clarifications on how their NDCs are fair and ambitious in light of their individual circumstances, and how they help to prevent dangerous anthropogenic climate change.

The CMA Decision also “strongly encourages” Parties to provide this information in relation to their first NDC. As a result, almost all Parties updated their NDCs with more comprehensive information, in accordance with the COP guidance, using the same headings and tabular formats. The Secretariat analysed the NDCs in a [synthesis report](#)¹³ before the Glasgow climate conference. A review and possibly an update of the guidance for ICTU will be initiated in 2027, with a view to adopting a decision in 2028.

Parties’ first NDCs originally indicated different end dates for their targets (e.g. by 2025 or 2030). To synchronise and compare global efforts, paragraph 10 required Parties to further consider the establishment of common time frames. [Decision 6/CMA.3](#)¹⁴, reached in Glasgow in 2021, reaffirms the “nationally determined nature” of NDCs. It also encourages all Parties to communicate in 2025 an NDC with an end date of 2035, in 2030 an NDC with an end date of 2040, and every five years thereafter. Hence, the general practice will be a new NDC in five-year intervals, with a 10-year horizon.

In Glasgow, through [Decision 1/CMA.3](#) (para. 27)¹⁵, Parties also established a work programme to urgently scale up mitigation ambition and implementation (MWP) and requested the Subsidiary Body for

Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA) to recommend a draft decision on this matter for consideration and adoption by CMA 4, in a manner that complements the GST. Putting the need to raise ambition firmly on the CMA agenda reflects a recognition that without full implementation of current NDCs and further efforts to enhance ambition, the 1.5°C warming limit will soon be out of reach.

*Decision 4/CMA.4*¹⁶, taken in Sharm El-Sheikh, provides that: the MWP will be operationalised through focused exchanges of views, information, and ideas; its outcomes will not be prescriptive or punitive, but rather facilitative and respectful of national sovereignty and national circumstances; and it will not result in new targets or goals (para. 2). The MWP will be implemented between CMA 4 and CMA 8 and may continue thereafter (para. 5). It will include at least two global dialogues (in a hybrid format) each year before the regular SB sessions. Outputs will include an annual report and a report on each of the dialogues. SBSTA and SBI will recommend a draft decision to each session of the CMA (para. 16).

Article 4.11 allows a Party to adjust an existing NDC upwards at any time. The language “with a view to” appears to allow for a degree of flexibility in the scope and content of an adjustment. Although it does not result in a direct prohibition, a straightforward downgrading of commitments would conflict with the purposive interpretation of the norm and the overall spirit of the Agreement (see above on Article 4.3). This should also apply if Parties modify the methodology, reference points (such as the baseline), or other elements of their mitigation contributions that effectively lower the overall ambition. The additional guidance on adjusting NDCs envisaged under paragraph 11 has not been developed.

All NDCs are available via the *NDC registry*¹⁷, where UNFCCC National Focal Points can upload their NDCs with technical support and security checks by the Secretariat. The registry is publicly accessible and includes all previously submitted NDCs (in an archive).

With regard to accounting for GHG emissions in their NDCs, Article 4.13 states that Parties shall promote environmental integrity, transparency, accuracy, completeness, comparability, and consistency while avoiding double counting. Paragraphs 13 and 14 of [Decision 4/ CMA.1](#)¹⁸ of the Katowice Climate Package, inter alia, state that:

- Parties should account for emissions and removals in accordance with IPCC guidance adopted by the CMA, including natural disturbances on managed land, harvesting of wood products, or the age-class structure in forests.
- Parties should strive to include all categories of anthropogenic emissions or removals in their NDCs. Once a source, sink, or activity is included, it should continue to be included in future NDCs.
- The accounting rules will apply to Parties' second and subsequent NDCs, but countries "may elect" to apply them to their first NDC as well. Parties will provide information on their performance in Biennial Transparency Reports (BTRs), described in Article 13.7 of the Paris Agreement.

The rules adopted at the Katowice climate conference apply to all Parties without formal differentiation between developed and developing countries. A review and possible update of the guidance for accounting will start in 2027, with a view to adopting a decision in 2028.

Parties could not agree on additional rules on the features of NDCs, as envisaged in paragraph 26 of the Paris COP [Decision 1/CP.21](#), beyond those contained in the Paris Agreement. While some Parties initially sought to create a comprehensive "top-down" framework on the scope and content of NDCs at the international level, others defended the "bottom-up" approach that provides them with significant flexibility in the formulation, scope, and content of their NDCs. It was decided that consideration of further guidance would continue at CMA 7 in 2024.

Article 4.15: Response measures

Measures to mitigate emissions and address climate change are generally referred to as "response measures". The UNFCCC explicitly recognises the potentially adverse effects of response measures on the economies

of developing country Parties. These could include, for instance, increased food prices, limits on the exploitation of newly discovered natural resources, or a reduction in overseas tourism. Trade measures to incentivise renewable energy or green products have also, at times, been criticised as a new form of protectionism.

At the Paris climate conference, it was agreed that the existing [Forum on the Impact of the Implementation of Response Measures](#)¹⁹ established at COP 17 in 2011 will serve the Paris Agreement ([Decision 1/CP.21](#), para. 33). The Forum meets twice a year under a joint agenda item of the SBs. It provides a single platform under the UNFCCC, the Kyoto Protocol, and the Paris Agreement to share information and make recommendations to the SBs on all matters relating to the impacts of the implementation of response measures

At the Katowice climate conference, Parties agreed on the modalities, work programme, and functions of the Forum as contained in the annex to [Decision 7/CMA.1](#). A key task is to develop modelling tools and methodologies to assess the impacts of mitigation policies. A [Katowice Committee of Experts on the Impacts of the Implementation of Response Measures \(KCI\)](#)²⁰ was established to support the work of the Forum.

The KCI meets twice a year in conjunction with the meetings of the SBs to implement its workplan, as contained in [Decision 4/CP.25](#)²¹ adopted at the Madrid climate conference in 2019. The KCI comprises 14 members, with two members from each of the five UN regional groups, one from LDCs, one from SIDS, and two from relevant intergovernmental organisations. In Glasgow in 2021, by [Decision 23/CMA.3](#)²², Parties adopted recommendations pertaining to activity 1[‡] of the workplan as well as a set of revised rules for its internal procedures.

‡ Activity 1: Exploring approaches to inform the development and implementation of climate change mitigation strategies, plans, policies and programmes that maximize the positive and minimize the negative impacts of response measures.

Article 4.16 to 4.18: Joint commitments

Under the Kyoto Protocol, the EU and its Member States committed to jointly ensure a reduction in GHG emissions for the bloc as a whole. This is sometimes referred to as the EU “bubble”. The national quantified emission limitation or reduction commitments (QELRCs) were determined under a burden sharing agreement reflecting the relative wealth of each EU country at the time. EU Member States were able to transfer and acquire certified Kyoto Protocol emission reduction units from each other and established the EU carbon trading scheme.

Articles 4.16 to 4.18 ensure that the Paris Agreement allows for the EU practice to continue. However, any two or more Parties could also enter into an agreement to submit a joint NDC and pursue their objectives together. The formal process of informing the Secretariat and other Parties about such an agreement is described in Article 4.16. However, each Party remains severally responsible for its share of the emission level allocated in such an agreement (Article 4.17).

Article 4.19: Low-emission development strategies

To foster low-GHG emissions development, Article 4.19 calls on all Parties, including LDCs and SIDS, to formulate long-term strategies on a voluntary basis. LEDS are generally used to describe forward-looking national economic development plans that enhance climate resilience and support the transition to a low-carbon economy. Subsequent decisions (e.g. 1/CMA.3 and 1/CMA.4) urge Parties that have not yet submitted long-term LEDS to do so. All LEDS are published on a designated [UNFCCC website](#).

National implications of Article 4 for developing countries

Article 4 has significant implications for domestic law and policy, especially in developing countries. Depending on the NDC, national context, and political priorities, countries will have to revise existing and/or develop new rules and regulations in various key sectors and areas, including energy, industry, agriculture, transport, pollution control. They will also have to improve emissions data collection, monitoring, and reporting to track progress in implementing and achieving the mitigation contribution identified in their NDCs (Article 13.7). Countries that lack the capacity to do so will need to strengthen their capacity to comply with the reporting requirements elaborated in the Paris Agreement and its implementation rules.

New governance structures and clear allocation of responsibilities to gather and process relevant information, monitor outcomes, and build institutional capacity will facilitate the Agreement's implementation. LEDS could underpin these efforts and provide a long-term "direction of travel". But to change emission trajectories and eventually achieve carbon neutrality, countries will have to address and balance a wide range of fundamental societal issues, such as traditional energy supply systems, transitioning of the workforce, carbon sequestration and taxes, or fuel poverty and human rights. In this context, law solidifies a policy direction and encourages the coordination of different policy spheres across government, industry, and civil society. Mitigation targets could be enshrined in binding legislation and, in addition, a realistic pathway towards the ultimate objectives (for example, through national carbon budgets) could be outlined in law and policy.

ARTICLE 5: GREENHOUSE GAS SINKS AND RESERVOIRS AND REDD-PLUS

1. Parties should take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases as referred to in Article 4, paragraph 1(d), of the Convention, including forests.
2. Parties are encouraged to take action to implement and support, including through results-based payments, the existing framework as set out in related guidance and decisions already agreed under the Convention for: policy approaches and positive incentives for activities relating to reducing emissions from deforestation and forest degradation, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries; and alternative policy approaches, such as joint mitigation and adaptation approaches for the integral and sustainable management of forests, while reaffirming the importance of incentivizing, as appropriate, non-carbon benefits associated with such approaches.

Article 5.1: GHG sinks and reservoirs

Unlike certain manmade chemicals that do not occur naturally in the environment, such as ozone depleting substances, there will always be significant anthropogenic GHG emissions. To achieve a state of “carbon neutrality or “net zero emissions”—where as much carbon is extracted from the atmosphere as is put into it—the inclusion of reservoirs and sinks is, therefore, an indispensable part of the Agreement’s mitigation section.

A “reservoir” refers to a component of the climate system where the GHG or GHG precursor (UNFCCC Article 1.7) is stored. A “sink” is defined by the UNFCCC (in Article 1.8) as any process that removes a GHG, an aerosol, or a GHG precursor from the atmosphere. The French version of Article 1.8 (“processus, toute activité ou tout mécanisme, naturel ou artificiel”) indicates that this can encompass artificial as well as natural processes, activities, and mechanisms.

Article 5.1 of the Paris Agreement encourages all Parties, in general terms, to conserve and enhance biomass, forests, oceanic and other terrestrial, coastal, and maritime ecosystems that absorb or store carbon for mitigation purposes. The specific reference to forests in Article 5.1 is somewhat redundant. Its inclusion at the time of adoption was a political signal to highlight the need for forest conservation and restoration activities in developing countries, including reducing emissions from deforestation and forest degradation (REDD).

Parties are expected to account for removals in accordance with methodologies and common metrics determined by the IPCC. They should strive to include all categories of anthropogenic emissions or removals in their NDCs. Once a source, sink, or activity has been included, it should continue to be included in subsequent NDCs (Decision 1/CP.21, para. 31, and Decision 4/CMA.1). The [Annex to Decision 18/CMA.1](#) on modalities, procedures, and guidelines (MPGs) for the transparency framework for action and support, referred to in Article 13 of the Paris Agreement, contains further detailed guidance on the use of IPCC guidance in the reporting of emission removals.

Article 5.2: REDD-plus

Paragraph 2 of Article 5 refers to a broad framework of (results-based) payments, other incentives, or activities to guide activities in the forest sector that reduce emissions from deforestation and forest degradation, as well as the sustainable management of forests and the conservation and enhancement of forest carbon stocks in developing countries—commonly described as “REDD-plus”.

In the leadup to the Paris climate conference, the inclusion of REDD-plus was a very contentious issue and some Parties sought to create a whole new mechanism on forests. Instead, Article 5.2 focuses on the implementation and support of the existing REDD-plus framework under the UNFCCC, in particular the [Warsaw Framework for REDD-plus](#)²³. Towards the end, this slightly confusing provision also mentions other approaches and considerations that are potentially relevant for further action under the existing framework.

In [Decision 1/CMA.4](#) taken in Sharm el-Sheikh in 2022, the CMA specifically recalls Article 5.2 of the Paris Agreement and encourages Parties to consider nature-based solutions or ecosystem-based approaches in their mitigation and adaptation actions (paras. 80-81). In this context, Parties are encouraged to take [UN Environment Assembly Resolution 5/5](#)²⁴ (on nature-based solutions), adopted in 2022 into consideration.

5

National implications of Article 5 for developing countries

The existing and evolving framework under the UNFCCC should help guide national law and policymakers in decisions on land use, land-use change, and forestry. This includes accounting and reporting guidance agreed at the Paris and Katowice climate conferences. Parties are, for example, expected to account for emission removals in accordance with IPCC guidance ([Decision 4/CMA.1](#), Annex II), which can include natural disturbances on managed land, harvesting of wood products, or the age-class structure in forests (Annex, para. 5e). Reliable data on forest cover and emission removals will help to develop a fair and equitable NDC. Policy and law on forest protection, water management, and other ecosystem services may need to be reviewed and strengthened in light of climate change mitigation efforts.

ARTICLE 6: COOPERATIVE APPROACHES

1. Parties recognize that some Parties choose to pursue voluntary cooperation in the implementation of their nationally determined contributions to allow for higher ambition in their mitigation and adaptation actions and to promote sustainable development and environmental integrity.
2. Parties shall, where engaging on a voluntary basis in cooperative approaches that involve the use of internationally transferred mitigation outcomes towards nationally determined contributions, promote sustainable development and ensure environmental integrity and transparency including in governance, and shall apply robust accounting to ensure, inter alia, the avoidance of double counting, consistent with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
3. The use of internationally transferred mitigation outcomes to achieve nationally determined contributions under this Agreement shall be voluntary and authorized by participating Parties.
4. A mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development is hereby established under the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Agreement for use by Parties on a voluntary basis. It shall be supervised by a body designated by the Conference of the Parties serving as the meeting of the Parties to this Agreement, and shall aim:
 - (a) To promote the mitigation of greenhouse gas emissions while fostering sustainable development;
 - (b) To incentivize and facilitate participation in the mitigation of greenhouse gas emissions by public and private entities authorized by a Party;
 - (c) To contribute to the reduction of emission levels in the host Party, which will benefit from mitigation activities resulting in emission reductions that can also be used by another Party to fulfil its nationally determined contribution; and
 - (d) To deliver an overall mitigation in global emissions.

5. Emission reductions resulting from the mechanism referred to in paragraph 4 of this Article shall not be used to demonstrate achievement of the host Party's nationally determined contribution if used by another Party to demonstrate achievement of its nationally determined contribution.
6. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall ensure that a share of the proceeds from activities under the mechanism referred to in paragraph 4 of this Article is used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.
7. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall adopt rules, modalities and procedures for the mechanism referred to in paragraph 4 of this Article at its first session.
8. Parties recognize the importance of integrated, holistic and balanced non-market approaches being available to Parties to assist in the implementation of their nationally determined contributions, in the context of sustainable development and poverty eradication, in a coordinated and effective manner, including through, inter alia, mitigation, adaptation, finance, technology transfer and capacity- building, as appropriate. These approaches shall aim to:
 - (a) Promote mitigation and adaptation ambition;
 - (b) Enhance public and private sector participation in the implementation of nationally determined contributions; and
 - (c) Enable opportunities for coordination across instruments and relevant institutional arrangements.
9. A framework for non-market approaches to sustainable development is hereby defined to promote the non-market approaches referred to in paragraph 8 of this Article.

Article 6 describes two market approaches and one non-market approach for “voluntary cooperation”, which Parties can use to achieve the ambition of their NDCs.

- Bilateral or multilateral cooperative approaches, where Parties can transfer “internationally transferred mitigation outcomes” (ITMOs) (Article 6.2).
- A centrally governed crediting mechanism to support sustainable development (Article 6.4).
- A framework to promote non-market approaches (Article 6.8).

The SBSTA was tasked with developing further guidance for the operation of Article 6.2 on ITMOs (under [Decision 1/CP.21](#)), as well as MPGs for Article 6.4 (market approaches) (under Article 6.7 and [Decision 1/CP.21](#)). In addition, it was also mandated to develop a work programme for non-market approaches under Article 6.8. At the Glasgow climate conference in 2021, following years of negotiations, Parties adopted three decisions which contain the necessary elements for the implementation of Article 6 ([Decisions 2, 3 and 4/CMA.3](#)).

The infrastructure needed to implement Article 6 is significant and will take time to set up. For that reason, the CMA assigned several tasks to various bodies and stakeholders in all three decisions. Language on human rights, Indigenous Peoples, and sustainable development, often repeated from the Paris Agreement, is found in all three decisions. However, this language is not very specific and, currently, has limited implications for the implementation of Article 6. To allow all Parties to potentially benefit from the Article 6 instruments, a specific capacity-building programme to be organized by the Secretariat was agreed in [Decision 2/CMA.3](#) (para. 12) and outlined in further detail in [Decision 2/CMA.4](#) of the Sharm el-Sheikh conference.

Article 6.2 to 6.3: ITMOs

Article 6.2 establishes that Parties can take part in “cooperative approaches”. Parties that achieve more mitigation ambition than identified in their NDCs during a particular period can sell their excess to other Parties, in the form of “internationally transferred mitigation

outcomes” (ITMOs). The Annex to [Decision 2/CMA.3](#) contains: guidance on cooperative approaches which describes ITMOs; the requirements for participation in the market; accounting, reporting, and review; and recording and tracking of transactions.

ITMOs are described as real, verified, and additional emission reductions and removals generated from 2021 onward (Decision 2/CMA.3, [Annex](#), para. 1). They are measured in metric tonnes of CO₂ equivalent (t CO₂ eq) or in other non-GHG metrics that are consistent with the NDCs of the participating Parties (e.g. kilowatt-hours of renewable energy, hectares of forest). ITMOs must be authorised by a “participating Party” and can be used for the purpose of achieving NDCs or for “other international mitigation purposes”. The latter includes, for instance, the [Carbon Offsetting and Reduction Scheme for International Aviation](#) (CORSIA)²⁵ or voluntary carbon markets. Emission reduction units from the Article 6.4 mechanism that are transferred internationally are referred to as ITMOs.

In order to participate in a cooperative approach under Article 6.2, a Party to the Paris Agreement has to, inter alia, communicate and maintain its NDC, be able to authorise and track ITMOs, and provide an up-to-date National Inventory Report—as requested under the transparency framework ([Annex](#), para. 4). The special circumstances of LDCs and SIDS shall be recognised where the guidance on cooperative approaches relates to NDCs.

Article 6.2 requires robust accounting to ensure, for example, the avoidance of double counting. Each participating Party is obliged to apply “corresponding adjustments” for all ITMOs ([Annex](#), paras. 6 to 16). This means that the Party transferring (selling) an ITMO makes an addition to its emissions level, and the Party acquiring it makes a subtraction. Each country then prepares an emissions balance which compares the NDC target level to its emissions, adjusted for any transfers of ITMOs.

The guidance sets out different methods to apply corresponding adjustments depending on: whether the participating Party has a single-

year target NDC (e.g. by 2030) or a multi-year target NDC (e.g. for 2021-2030); and whether the NDC is measured in t CO₂ eq, contains non-GHG metrics, or is policy-based (whereby policies and measures are quantified in CO₂ eq terms). A corresponding adjustment shall also be applied for the first transfer of a mitigation outcome that is authorised for other international mitigation purposes.

In order to ensure the transparency of ITMOs (Article 6.2), Parties must follow reporting requirements, and provide (Annex, paras. 18 to 24):

- An initial report no later than when authorising ITMOs. This report shall contain comprehensive information, including related to participation, metrics, and methods for applying corresponding adjustments.
- Annual information, in an Agreed Electronic Format, submitted to an “Article 6 database” by no later than 15 April of the following year.
- Regular information as part of an annex to the BTRs by no later than 31 December of the relevant year.

At CMA 4 in Sharm El-Sheikh, Parties adopted additional guidance with regard to the outline of the different reports, in Annexes V, VI, and VII to Decision 6/CMA.4. In this context, Parties also further defined the handling of confidential information pertaining to ITMOs (e.g. in Annexes I and II) and requested the SBSTA and SBI to elaborate further modalities for reviewing such information (Decision 6/CMA.4, para. 16).

Following submission of the required reports, the information will be reviewed (Decision 2/CMA.3, Annex, paras. 25 to 28) in line with the relevant guidance contained in Annexes II and III of Decision 6/CMA.4. The review involves a desk or centralised review of the consistency of the information and is carried out by an “Article 6 technical expert review team”. After its review, this team shall prepare a report that, if applicable, includes recommendations to improve consistency of the information submitted by the Party with the guidance. The reports shall be forwarded for consideration by the technical expert review of the Enhanced Transparency Framework (ETF) under Article 13.

The infrastructure to record and track information is outlined in paragraphs 29 to 36 of the guidance (in the [Annex](#) to Decision 2/CMA.3):

- Each Party must have (or must have access to) a registry for tracking ITMOs. The Secretariat will set up an international registry for those Parties that do not have access to one.
- The Secretariat must implement the Article 6 database to record and compile information submitted and to support the review of information submitted by Parties.
- The Secretariat must establish and maintain a “centralized accounting and reporting platform” (CARP). Information submitted by participating Parties is published on the CARP to provide transparency and support the review. For further information on the functions of the registry, the database, and the CARP see a helpful table [here](#).

In Egypt, in [Decision 6/CMA.4](#), Parties agreed on further measures to facilitate the connection between Parties’ registries and the international registry (“interoperability”). The Secretariat was requested to implement the international registry by 2024 and make available an interim solution in the meantime ([Decision 6/CMA.4](#), para. 33). Test versions of the CARP and the Article 6 database are expected by June 2024 (para. 25).

Parties and stakeholders using cooperative approaches are “strongly encouraged” to make a financial contribution for adaptation efforts and cancel a part of ITMOs to deliver overall mitigation in global emissions. If such a contribution or cancellation is made, then reporting it in accordance with the guidance is mandatory ([Decision 2/CMA.3](#), [Annex](#), paras. 37 to 40).

Article 6.4 to 6.7: Crediting mechanism

Based on the experience with the Clean Development Mechanism (CDM) defined in Article 12 of the Kyoto Protocol, Article 6.4 establishes a “mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development”. This is a central mechanism that operates under the guidance and authority of the CMA and is governed by a Supervisory Body. It enables the trade of

credits from emission reductions generated through specific projects (“activities”) in host countries. These credits, known as “Article 6, paragraph 4, emission reductions” (A6.4ERs), can be bought by countries, companies, and individuals. One A6.4ER equals 1 tonne of CO₂ equivalent (t CO₂ eq).

The Annex to [Decision 3/CMA.3](#) contains the rules, modalities, and procedures for the Article 6.4 mechanism, and the rules of procedure for the Supervisory Body and describes its functions (paras. 3 to 25). Meetings of the Supervisory Body started in 2022. To participate in the mechanism, host countries must ensure they comply with their responsibilities ([Annex](#), paras. 26-29). These are similar responsibilities as for host countries participating in the CDM, but under the new mechanism they will have an increased role (see below in relation to authorisation, determination of the crediting periods, etc.).

In order to issue A6.4ERs from an activity, the activity must go through the “activity cycle” ([Annex](#), paras. 30-62). This cycle can be described as follows:

- At first, the activity is designed by a public or private “activity participant” in the context of a single project or a programme of activities, based on a methodology.
- The methodology for the activity is either developed by activity participants, or by host countries, stakeholders, or the Supervisory Body.
- The methodology for the activity needs to be approved by the Supervisory Body, in accordance with guidelines to be provided by the Supervisory Body.
- The host country provides information regarding its approval and authorisation of the activity.
- A designated operational entity (DOE) validates the activity and requests the Supervisory Body to register the activity (and activity participants pay an administration fee).
- The Supervisory Body registers the activity.
- The activity participants monitor emission reductions of the activity.

- The DOE verifies the emission reductions and requests the Supervisory Body to issue A6.4ERs.
- The Supervisory Body approves the issuance of A6.4ERs.
- The mechanism registry administrator issues the A6.4ERs into the mechanism registry.
- The mechanism registry administrator levies a “share of proceeds” for adaptation and for administrative expenses, cancels 2% of A6.4ERs to deliver “overall mitigation in global emissions” (OMGE), and transfers the remaining issued A6.4ERs.
- If the host country pre-approved the renewal of a crediting period, the designated operational entity undertakes a technical assessment.
- Following this assessment, the Supervisory Body and the host country approve the renewal.

The activity must be designed by a public or private activity participant to achieve mitigation of GHG emissions that is “additional”, following the rules detailed in paragraphs 31 and 32 of the Annex to [Decision 3/CMA.3](#). Mitigation, here, includes reducing emissions, increasing removals and mitigation co-benefits of adaptation actions, and/or economic diversification plans. Stakeholders of the activity must be consulted, and an activity methodology approved by the Supervisory Body. Two notable aspects of the methodology are that it must apply one of a set of approaches for setting an emissions baseline (benchmark for the level of GHG emissions that would have occurred in the absence of the activity) and demonstrate the “additionality” of the activity.

Additionality means that the activity would not have occurred in the absence of the incentives from the mechanism. This can, for example, be demonstrated, on the basis of relevant national policies, laws, and regulations, with the activity representing mitigation that is above the level required by law ([Annex](#), para. 38). LDCs and SIDS can request the Supervisory Body to apply a simplified approach to demonstrate additionality.

The next step is for the host country to provide information regarding the approval and authorisation of the activity to the Supervisory Body. As part of the approval information, the host country must provide

information on how the activity fosters sustainable development and relates to its NDC. It also has to specify whether it authorises the A6.4ERs issued for the activity for use towards achievement of NDCs and/or for “other international mitigation purposes” such as CORSIA or voluntary carbon markets (*Annex*, para. 42).

The decision taken in Glasgow does, however, not address the transfer of units that have not been authorized for use towards an NDC and for “international mitigation purposes” but serve “other purposes” such as domestic uses. At CMA 4, Parties, therefore, agreed (in *Decision 7/ CMA.4*, Annex I, para. 29) that there would be two types of A6.4ERs to be tracked by the mechanism’s registry:

- Authorized A6.4ERs for use towards achievement of NDCs and/or for other international mitigation purposes; and
- Mitigation contribution A6.4ERs, not specified as authorized for use towards achievement of NDCs and/or for other international mitigation purposes, and which can be used, e.g. for results-based climate finance and domestic carbon pricing schemes, with the aim of contributing to emission reductions in the project’s host country.

A DOE, such as independent accredited auditors, then validates the activity (*Annex*, para. 46) and will request the Supervisory Body to register it. The activity participants pay a share of proceeds to cover the administrative expenses of registration. Once registered, the activity participants must monitor the emission reductions achieved by the activity and the DOE must review, verify, and certify these. Following verification and certification, the DOE requests the Supervisory Body to issue the A6.4ERs.

If the Supervisory Body decides that the verification and certification meet the necessary requirements, it approves the issuance of A6.4ERs (*Annex*, paras. 51-55). In line with the host country’s approval of the activity, each A6.4ER can be issued for a maximum crediting period of five years (renewable twice), 10 years (not renewable) or, with respect to activities involving emissions removals, 15 years (renewable twice) (*Annex*, para. 31(f)). Stakeholders, activity participants, and

participating Parties can appeal decisions of the Supervisory Body or request that a grievance be addressed by an independent grievance process (*Annex*, para. 62).

Following approval of the issuance of A6.4ERs, the mechanism registry administrator (the UNFCCC Secretariat) issues the (authorised or mitigation contribution) A6.4ERs into the mechanism registry. This registry is to be developed by the Supervisory Body (*Annex*, paras. 63-65). At issuance, the Secretariat shall also:

6

- Transfer a “share of proceeds” to finance adaptation and administrative expenses. Part of this share is a 5% levy delivered to the Adaptation Fund to finance adaptation in developing country Parties that are particularly vulnerable to climate change (*Annex*, paras. 58, 66-68).
- Cancel at least 2% of the A6.4ERs to deliver an OMGE (*Annex*, paras. 59, 69 and 70). This cancellation is mandated in recognition of the fact that simply offsetting emissions does not lead to overall mitigation.
- Transfer the remaining issued A6.4ERs in accordance with the instructions of the activity participants (*Annex*, para. 60).

To avoid double-counting, the host country must apply “corresponding adjustments” to all authorised A6.4ERs (*Annex*, paras. 43, 44, 71, and 72). This means that the host country selling the A6.4ERs makes an addition to its emission level, and the country acquiring it a subtraction. Each country then prepares an emissions balance in which its NDC target level is compared with its emissions, adjusted for any transfers of A6.4ERs.

The last paragraphs of *Decision 3/CMA.3* provide for the transition of some activities and credits from the CDM to the new Article 6.4 mechanism (*Annex*, paras. 73-75). Activities registered, or listed as provisional, under the CDM can transition with a time frame and subject to conditions that still need elaboration. The transition needs to be requested by 31 December 2023 and the approval then granted by the CDM host Party by 31 December 2025. Corresponding adjustments must be applied for activities that are transitioning.

Credits under the CDM (“certified emission reductions” or CERs) can be used towards achievement of a first NDC subject to some conditions. Mainly, the activity must have been registered on or after 1 January 2013 and the CERs are transferred to the new mechanism and identified as pre-2021 emission reductions. No corresponding adjustment or share of proceeds is required for CERs. For the moment, it seems that CERs that do not meet these conditions cannot be used for achievement of an NDC. However, the decision taken in Glasgow leaves the door open to a “future decision of the CMA” that could change this.

Subsequently, in Egypt in 2022, Parties tasked the Supervisory Body with developing further recommendations on the requirements for emission removal activities and the approval of methodologies for the Article 6.4 mechanism, based on inputs from Parties and observers as well as a structured public consultation process (Decision 7/CMA.4, paras. 19-22). The new body was also requested to facilitate the tasks related to the transition of the CDM to the Article 6.4 mechanism by developing and operationalizing relevant procedures (para. 23). Its internal rules of procedure were adopted as contained in Annex II to Decision 7/CMA.4.

Article 6.8 and 6.9: Non-market approaches

Article 6.8 and 6.9 define a framework for non-market approaches (NMAs). The Annex to Decision 4/CMA.3 contains the work programme under this framework and confirms that NMAs are “voluntary cooperative actions that are not reliant on market-based approaches and that do not include transactions or quid pro quo operations” (Annex, para. 1(b)).

A UNFCCC [technical paper](#)²⁶ from 2014 lists examples of NMAs. They include: economic and fiscal instruments, such as carbon taxes or minimum feed-in tariffs for renewable energy; building, emissions control, and other regulations; voluntary agreements between industry and government; and information, education, and awareness programmes. While the paper focuses on national measures by States, the language in Article 6.8 appears wide enough to also cover collective

approaches by States such as: international carbon pricing and taxation mechanisms; monetary compensation schemes for climate change impacts; trade measures to discourage fossil fuel subsidies; or levies on large fossil fuel companies.

Paragraph 4 of the Annex to [Decision 4/CMA.3](#) established the Glasgow Committee on Non-market Approaches to implement the framework and the work programme adopted at the Glasgow climate conference. The Committee meets twice a year in conjunction with the SBSTA meetings. Focus areas of its current work programme include: adaptation, resilience, and sustainability; mitigation measures; and development of clean energy sources. Programme activities aim to identify measures and tools that facilitate the coordination and implementation of NMAs and information sharing (Decision 4/CMA.3, [Annex](#), para. 8). At CMA 4, Parties further agreed (in [Decision 8/CMA.4](#)) on a schedule for the implementation of the work programme and to operationalize a UNFCCC web-based platform which captures and shares information during 2023-24.

On this web-based platform (developed by the Secretariat) information on NMAs will be recorded and exchanged. Participating Parties that seek support can, for example, connect with Parties and entities making support available. To further facilitate the exchange of information on NMAs, the Secretariat is tasked with organizing an in-session workshop, in conjunction with each meeting of the Glasgow Committee, and preparing a report of each workshop.

National implications of Article 6 for developing countries

Developing countries may wish to participate in the new market approaches under Article 6 to attract investment into their countries to unlock economic value and accelerate sustainable development and economic transformation and diversification.

To do so, they will have to meet the requirements of Article 6.1-7 and its implementation rules. Substantial capacity building, especially for the most vulnerable countries, in areas such as carbon budget accounting, the issuance of authorizations by national authorities, or the application of corresponding adjustments will likely be needed to meet these requirements.

Other important elements to attract investment through the Paris Agreement carbon markets include: a secure business environment, a clear regulatory framework, good governance, and access to justice, among others.

Policymakers can benefit from the knowledge and experience gathered by countries through implementation of the Kyoto Protocol's market mechanisms, although these will have to be adapted to the new rules of Article 6 and to national circumstances.

ARTICLE 7: ADAPTATION

1. Parties hereby establish the global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to contributing to sustainable development and ensuring an adequate adaptation response in the context of the temperature goal referred to in Article 2.
2. Parties recognize that adaptation is a global challenge faced by all with local, subnational, national, regional and international dimensions, and that it is a key component of and makes a contribution to the long-term global response to climate change to protect people, livelihoods and ecosystems, taking into account the urgent and immediate needs of those developing country Parties that are particularly vulnerable to the adverse effects of climate change.
3. The adaptation efforts of developing country Parties shall be recognized, in accordance with the modalities to be adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement at its first session.
4. Parties recognize that the current need for adaptation is significant and that greater levels of mitigation can reduce the need for additional adaptation efforts, and that greater adaptation needs can involve greater adaptation costs.
5. Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.
6. Parties recognize the importance of support for and international cooperation on adaptation efforts and the importance of taking into account the needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change.

7. Parties should strengthen their cooperation on enhancing action on adaptation, taking into account the Cancun Adaptation Framework, including with regard to:
 - (a) Sharing information, good practices, experiences and lessons learned, including, as appropriate, as these relate to science, planning, policies and implementation in relation to adaptation actions;
 - (b) Strengthening institutional arrangements, including those under the Convention that serve this Agreement, to support the synthesis of relevant information and knowledge, and the provision of technical support and guidance to Parties;
 - (c) Strengthening scientific knowledge on climate, including research, systematic observation of the climate system and early warning systems, in a manner that informs climate services and supports decision-making;
 - (d) Assisting developing country Parties in identifying effective adaptation practices, adaptation needs, priorities, support provided and received for adaptation actions and efforts, and challenges and gaps, in a manner consistent with encouraging good practices; and
 - (e) Improving the effectiveness and durability of adaptation actions.
8. United Nations specialized organizations and agencies are encouraged to support the efforts of Parties to implement the actions referred to in paragraph 7 of this Article, taking into account the provisions of paragraph 5 of this Article.

Each Party shall, as appropriate, engage in adaptation planning processes and the implementation of actions, including the development or enhancement of relevant plans, policies and/or contributions, which may include:

- (a) The implementation of adaptation actions, undertakings and/or efforts
- (b) The process to formulate and implement national adaptation plans;
- (c) The assessment of climate change impacts and vulnerability, with a view to formulating nationally determined prioritized actions, taking into account vulnerable people, places and ecosystems;

- (d) Monitoring and evaluating and learning from adaptation plans, policies, programmes and actions; and
 - (e) Building the resilience of socioeconomic and ecological systems, including through economic diversification and sustainable management of natural resources.
10. Each Party should, as appropriate, submit and update periodically an adaptation communication, which may include its priorities, implementation and support needs, plans and actions, without creating any additional burden for developing country Parties.
 11. The adaptation communication referred to in paragraph 10 of this Article shall be, as appropriate, submitted and updated periodically, as a component of or in conjunction with other communications or documents, including a national adaptation plan, a nationally determined contribution as referred to in Article 4, paragraph 2, and/or a national communication.
 12. The adaptation communications referred to in paragraph 10 of this Article shall be recorded in a public registry maintained by the secretariat.
 13. Continuous and enhanced international support shall be provided to developing country Parties for the implementation of paragraphs 7, 9, 10 and 11 of this Article, in accordance with the provisions of Articles 9, 10 and 11.
 14. The global stocktake referred to in Article 14 shall, inter alia:
 - (a) Recognize adaptation efforts of developing country Parties;
 - (b) Enhance the implementation of adaptation action taking into account the adaptation communication referred to in paragraph 10 of this Article;
 - (c) Review the adequacy and effectiveness of adaptation and support provided for adaptation; and
 - (d) Review the overall progress made in achieving the global goal on adaptation referred to in paragraph 1 of this Article.

Article 7 provides guidance for achieving one of the primary goals of the Paris Agreement, set out in Article 2.1(b): enhancing adaptive capacity and climate resilience. The inclusion of a dedicated article on this issue also reflects the intention to create a better balance in addressing adaptation and mitigation in the international climate change regime—a key objective for developing countries in the Paris Agreement negotiations. The UNFCCC refers to adaptation only laterally in the context of mitigation efforts and Party obligations to develop policies and provide financial support. Similar references occur in the Kyoto Protocol, with calls for an adaptation levy on the CDM (Article 12.8 of the Protocol).

Key features of Article 7 include: a “global goal on adaptation” (GGA), which frames the aim of the Article in the context of the overall temperature goal of the Paris Agreement; an emphasis on the country-driven nature of adaptation action; and a recognition of the importance of support and international cooperation for adaptation. Article 7 also introduces adaptation communications, which will feed into the GST under Article 14 along with other adaptation-related inputs from Parties and other actors.

In addition to Articles 2.1(b), 7, and 14, adaptation is addressed in Articles 9 (Finance) and 13 (Transparency of action and support).

Article 7.1: Global goal on adaptation

Guidance on adaptation in the Paris Agreement is framed by the establishment of a global goal to enhance adaptive capacity, strengthen resilience, and reduce vulnerability to climate change. The GGA was established to ensure an adequate response to the adverse impacts of climate change in the context of the global average temperature goal referred to in Article 2 of the Agreement. The provision, however, does not quantify the GGA nor does it expand on its qualities. If it is to be more than a symbolic goal, it will need to be fleshed out. Hence, developing countries have been calling for ways to make it more meaningful.

Progress toward this was made at COP 26/CMA 3 with the launch of a comprehensive two-year Glasgow-Sharm el-Sheikh (GlaSS) work

programme on the GGA, to be carried out jointly by the SBSTA and SBI. The work began in 2022, with four workshops held during the year, and is scheduled to conclude at COP 28/CMA 5 in 2023. [Decision 7/CMA.3](#) set out the objectives of the GlaSS work programme, such as enhancing understanding of the GGA, including methodologies, indicators, data and metrics, needs and support necessary for assessing progress towards it. It aims to build on the work of the Adaptation Committee related to the GGA and draw on a variety of sources of information and inputs, including that of the IPCC and other relevant constituted bodies and experts.

Further progress was made at COP 27/CMA 4 with the [decision](#) to initiate the development of a framework for the GGA through a structured approach including four workshops in 2023, with a view to the framework being adopted at CMA 5. [Decision 3/CMA.4](#) defines the elements that the framework may take into consideration. These include: dimensions to assess adaptation through its iterative cycle of assessing impact, vulnerability, and risk; planning; implementation; monitoring, evaluation, and learning; themes; cross-cutting considerations; and sources of information.

Article 7.2 to 7.4: Adaptation in the context of the global response to climate change

Article 7.2 to 7.4 recognises that adaptation is a global challenge with multiple dimensions and that it is a key component of the long-term response to climate change. These provisions require that the adaptation efforts of developing countries be recognised and tie the need for adaptation action to the level of mitigation ambition, with the potential for greater adaptation needs involving greater adaptation costs.

While these provisions are general in nature, the [Katowice Climate Package](#)²⁷ elaborates on them with further modalities to profile and showcase the adaptation efforts of developing countries. [Decision 11/CMA.1](#) addresses modalities for recognising the adaptation efforts of developing country Parties. It requests the Secretariat to include information on the adaptation efforts of developing country Parties

in the synthesis report prepared for the GST. This information should draw on, inter alia, adaptation communications, National Adaptation Plans (NAPs), National Communications, NDCs, other relevant reports prepared under the transparency framework, and reports of the IPCC and other relevant scientific bodies.

To follow up, the Secretariat is requested to prepare a report summarising the recognition of adaptation efforts based on the outputs of the high-level component of the GST. Parties are to make use of existing national, regional, and global events, including the **NAP Expo**²⁸ and the **Adaptation Forum**²⁹, organised by the **Adaptation Committee**³⁰, to showcase adaptation efforts of developing countries.

More generally, the Secretariat, under the guidance of the Adaptation Committee and the LDC Expert Group (LEG) and in collaboration with relevant stakeholders, has been requested to prepare synthesis reports every two years starting in 2020 on specific adaptation themes, focusing on relevant lessons learned and good practices in developing countries (**Decision 11/CMA.1**, para. 13).

Article 7.5: Country-driven nature of adaptation

Article 7.5 recognises that, whilst adaptation is a global challenge, action on adaptation will be dictated first and foremost by the specific needs and circumstances within individual countries. It also provides the ethical grounding for the nature of adaptation action carried out by Parties to the Paris Agreement, reiterating the provisions of the **2010 Cancun Agreements**³¹ with slight variations. Some of the elements of Article 7.5 are recalled in the adaptation-related decisions of the Katowice Climate Package: **Decision 9/CMA.1**, which provides further guidance in relation to the adaptation communication, recognising that the adaptation communication is country-driven. It also highlights information on gender-responsive adaptation action and traditional knowledge, Indigenous Peoples' knowledge, and local knowledge systems related to adaptation as possible elements to be included in the adaptation communication (see sections on Article 7.10 and 7.11). **Decision 7/CMA.3**, establishing the GlaSS work programme on the

GGA, similarly underlines that its implementation should follow a country-driven and gender-responsive approach, taking into account traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems.

Article 7.6 to 7.8: Cooperation

These three paragraphs describe how Parties and other stakeholders should cooperate to enhance action on adaptation. The importance of support for, and international cooperation on, adaptation efforts, taking into account the needs of developing countries, is emphasised and specific areas for strengthening cooperation to enhance adaptation action are set out in Article 7.7(a) to (e).

The Cancun Adaptation Framework referred to in Article 7.7 was established by [Decision 1/CP.16](#)³² as part of the 2010 Cancun Agreements, to enhance action on adaptation through international cooperation. The Framework aims to support better planning and implementation of adaptation measures through increased financial and technical support, to strengthen and/or establish regional centres and networks, boost research, and promote education and public awareness. In Cancun, Parties also established the Adaptation Committee.

One of the areas identified under paragraph 7 concerns scientific knowledge on climate, including research, systematic observation of the climate system, and early warning systems. This is acknowledged in [Decision 1/CP.27](#), which emphasizes the need to address existing gaps in global climate monitoring, and welcomes and reiterates the call made by the UN Secretary-General in March 2022 to protect everyone on Earth through universal coverage of early warning systems against extreme weather and climate change within the next five years.

Article 7.8 specifically encourages UN specialised organisations and agencies to support Parties in their adaptation efforts, in keeping with Article 7.5. Based in large part on the mandate for further work in [Decision 1/CP.21](#) (paras. 41, 42, and 45), [Decision 11/CMA.1](#) of the Katowice Climate Package elaborates on the arrangements broadly outlined in Article 7.6 to 7.8 in more detail and as described below.

- The Adaptation Committee and the LEG will serve the Paris Agreement, and any future and emerging adaptation-related work necessary for the effective implementation of the Paris Agreement will be assigned to existing institutions.
- Institutions related to finance, technology development and transfer, and capacity building are encouraged to strive for a balance between support for adaptation and mitigation while respecting a country-driven approach.
- Partner organisations of the Nairobi Work Programme on impacts, vulnerability and adaptation to climate change (NWP) are invited to support the work of other adaptation-related institutions.
- The Consultative Group of Experts (CGE) and the LEG are invited to work together on training for assessing vulnerability and other aspects of adaptation.
- The Adaptation Committee shall continue making recommendations in its annual report for enhancing collaboration and promoting coherence and synergies.
- Developed country Parties are urged, and other Parties are invited, to provide the necessary financial support to adaptation-related institutions under the UNFCCC and the Paris Agreement.
- The World Meteorological Organization and other organisations are invited to facilitate the development and application of methodologies for assessing adaptation needs and regularly inform the SBSTA about relevant activities.
- The Paris Committee on Capacity-building (PCCB) and others are invited to facilitate access to, and implementation of, methodologies to assess the adaptation needs of developing countries in the context of providing support for building adaptive capacity.

In addition, the Adaptation Committee was requested to develop an inventory of methodologies to assess adaptation needs by June 2020 and regularly update it. Parties and observer organisations were invited to submit their views. Drawing on the inventory and submissions, and with the engagement of IPCC Working Group II, the Adaptation Committee was requested to prepare a technical paper to be considered by SB 57 (November 2022) in the context of its consideration of the report of the

Adaptation Committee. The **report**³³ containing a technical paper on methodologies for assessing adaptation needs and their application and on related gaps and lessons learned, was considered by Parties in Sharm el-Sheikh. However, the technical paper is not explicitly mentioned in the **COP** and **CMA** decisions, which only take note of the report and its recommendations.

Strengthening the link between the best available science and adaptation is seen as key by many developing countries. This is reflected to some extent in the 2022 **CMA decision** although, rather than calling for the Committee to strengthen its engagement with the IPCC, it only requests the Committee to further engage with the IPCC on technical and substantive work.

The COP27 and CMA4 cover decisions (**1/CP.27** and **1/CMA.4**), respectively, also draw attention to this, noting with serious concern the existing gap between current levels of adaptation and levels needed to respond to the adverse effects of climate change in line with the IPCC findings (AR6 WGII).

Decision 5/CP.22 (Marrakesh, 2016) had mandated a review of the effectiveness of the Adaptation Committee to take place at COP 27. Consideration of the review was not completed by the end of the session in Sharm el-Sheikh, however, and continued at SB 58 (June 2023).

Article 7.9 to 7.11: Adaptation actions and communications

Under Article 7.9, each Party is required, where appropriate, to engage in adaptation planning and implementation processes, such as NAPs, climate change impact and vulnerability assessments, or other plans and policies listed in sub-paragraphs (a) to (e).

Article 7.10 and 7.11 introduce a new undertaking: the voluntary submission and periodic updating of adaptation communications. These communications can include national priorities, information on support needed, plans, and actions and may be submitted as a component of, or in conjunction with, other communications (for example, NAPs or

NDCs). Article 7.11 provides Parties with flexibility in terms of the timing of submission and the vehicle of the communication.

Decision 9/CMA.1 expands on Article 7.10 and 7.11, noting that the purpose of the adaptation communication is to: increase the visibility of adaptation; strengthen adaptation action and support for developing countries; provide input to the GST (see section on Article 7.14); and enhance learning and understanding of adaptation needs and actions.

Parties further agreed that adaptation communications are not a basis for comparison between Parties and are not subject to review. They also decided that Parties choosing to submit an adaptation communication could do so as a component of, or in conjunction with, BTRs under the ETF established under Article 13. This means that adaptation communications can potentially be backward as well as forward looking. At COP27, it was **decided** that a Party may, on a voluntary basis, request a review of the information reported by that Party on climate impacts and adaptation, as part of the technical review process under the ETF.

The Annex to **Decision 9/CMA.1** sets out potential elements that could form part of an adaptation communication:

- National circumstances, institutional arrangements, and legal frameworks.
- Impacts, risks, and vulnerabilities.
- National adaptation priorities, strategies, policies, plans, goals, and actions.
- Implementation and support needs of, and provision of support to, developing countries.
- Implementation of adaptation actions and plans, including: progress and results achieved; cooperation at the national, regional, and international levels; barriers, challenges, and gaps; good practices, lessons learned, and information-sharing; and monitoring and evaluation.
- How adaptation actions contribute to other international frameworks and/or conventions.

- Gender-responsive adaptation action and traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems related to adaptation.

Information, including projections for the future, can be tailored to fit the specific communication or document being used as a vehicle. Parties are, however, encouraged to clearly identify the part of the document that constitutes the adaptation communication, and to number their adaptation communications sequentially.

7

Decision 9/CMA.1 further requested the Adaptation Committee to develop draft supplementary guidance on adaptation communications for voluntary use by Parties, with the engagement of IPCC Working Group II, for consideration by SB 57 in November 2022. The **guidance**³⁴ was finalised before COP 27. Whilst it did not get an explicit mention, it was **noted** in the context of the report of the Adaptation Committee.

Article 7.12 Public registry for adaptation

The modalities and procedures for the operation and use of the public registry referred to in Article 7.12 are listed in the Annex to **Decision 10/CMA.1**. It was decided that there will be one registry portal with two parts—one for adaptation communications and another for NDCs—operated by the Secretariat (see section on Article 4.12).

The Secretariat developed a prototype **registry for adaptation communications in 2019**³⁵. At CMA 2 in Madrid, Parties were unable to agree on substantive and procedural issues associated with the relationship between the two registries. These disagreements were resolved in Glasgow, with the CMA concluding, in **Decision 21/CMA.3**, that the prototype, as amended by Parties during the session, would serve as the public registry and requesting the Secretariat to finalise its implementation so as to make it available for use by 1 June 2022.

Article 7.13: Support to developing country Parties

With regard to the enhanced international support to be provided to developing countries for the implementation of Article 7.7, 7.9,

7.10, and 7.11, in accordance with Articles 9, 10, and 11 of the Paris Agreement, [Decision 11/CMA.1](#) includes the following provisions:

- The Standing Committee on Finance (SCF) will consider ways to facilitate the mobilisation of support for adaptation in developing countries and include its recommendations in its annual report.
- Parties are invited to further enhance their enabling environments, policy frameworks, institutions, and national public financial management systems with a view to improving access to international public support, and to enhance the involvement of the private sector.
- Developed country Parties are urged, and other Parties, UN entities, relevant organisations, and bilateral and multilateral agencies are invited, to assist LDCs and other developing countries with building or strengthening their enabling environments, policy frameworks, institutions, and national public financial management systems.
- Parties and relevant actors have been invited to identify and subsequently remove perverse incentives that could result in non-resilient investments and planning decisions.
- Parties are requested to report on support provided and received in line with the reporting instruments and modalities being developed under the Paris Agreement.
- The operating entities of the Financial Mechanism are invited, in line with their mandates, to seek to ensure that the provision of financial support to developing countries is balanced between adaptation and mitigation activities.
- The Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN) are requested to facilitate the provision of support for technology development and transfer for adaptation in developing countries.
- The PCCB is invited to enhance and facilitate the provision of support for capacity building for adaptation in developing countries.

Pledges to increase the provision of climate finance for adaptation were made by a number of developed country Parties in Glasgow in November 2021. These were welcomed in the [Glasgow Climate Pact](#) adopted at COP 26. The Glasgow Climate Pact also recognised that more support is

needed and urged developed countries to at least double their collective provision of climate finance for adaptation by 2025 compared with 2019 levels. A call for a specific agenda item on the doubling of adaptation finance in the COP 27 agenda could not be agreed but the [Sharm el-Sheikh Implementation Plan](#) requests the SCF to prepare a report on such doubling of adaptation finance for consideration by CMA 5 (para. 42). The same Decision acknowledges the centrality of the role of the Adaptation Fund and welcomes new pledges made at that session.

7

Support for not only the formulation but also the implementation of NAPs has been a key demand from developing countries. This is reflected in the [Sharm el-Sheikh Implementation Plan](#), which urges developed country Parties to urgently and significantly scale up adaptation finance, technology transfer and capacity building for adaptation, including for the formulation and implementation of NAPs (paras. 22 and 35, respectively).

Article 7.14: Adaptation and the Global Stocktake

The final paragraph of Article 7 specifies how adaptation will be included in the GST. This includes enhancing the implementation of adaptation action taking into account the adaptation communication referred to in Article 7.10.

[Decision 11/CMA.1](#), therefore, explicitly invites Parties that choose to submit an adaptation communication to do so in time to inform each GST (para. 6). The Secretariat (in para. 9 and also in para. 23(b) of [Decision 19/CMA.1](#)) is requested to include an assessment of the support needs for adaptation of developing countries in the synthesis report prepared for the GST. The assessment will draw, amongst other things, on the most recent adaptation communications, NAPs, National Communications, NDCs, or other relevant documents and reports prepared under the transparency framework (see section on Article 14).

The paragraph also indicates that the overall progress made in achieving the GGA will be reviewed as part of the GST. Whilst approaches to reviewing overall progress have been put forward, including by the Adaptation Committee ([Technical Paper](#), 2021³⁶), no decision has been

taken on an approach to the assessment of adaptation progress under the GST. In this respect, [Decision 3/CMA.4](#), which establishes the outline of the elements to be contained in a future framework on the GGA and provides that these elements will be taken into consideration for reviewing the overall progress made in achieving the GGA in the context of the first GST is significant. The Decision acknowledges that, given the challenges in assessing progress on adaptation, combining various approaches when reviewing progress in achieving the GGA can generate a more holistic picture of progress.

7

National implications of Article 7 for developing countries

Depending on their specific climate vulnerabilities and national circumstances, countries may review and develop laws, policies, plans, and programmes in areas such as planning, building, coastal protection, disaster risk reduction, and food security. In this context, their adaptation action should aim to meet the standards and principles captured in Article 7.5 (gender-responsive, participatory, transparent, etc.). Developing countries should, in particular, try to strengthen processes to assess climate change impacts and adaptation needs, and record, monitor, and evaluate adaptation efforts in all sectors and at all levels of government (national and sub-national). This should help them to benefit from potential financial and technical support under the Agreement, as well as to effectively provide input to the GST.

ARTICLE 8: LOSS AND DAMAGE

8

1. Parties recognize the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events, and the role of sustainable development in reducing the risk of loss and damage.
2. The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Agreement and may be enhanced and strengthened, as determined by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
3. Parties should enhance understanding, action and support, including through the Warsaw International Mechanism, as appropriate, on a cooperative and facilitative basis with respect to loss and damage associated with the adverse effects of climate change.
4. Accordingly, areas of cooperation and facilitation to enhance understanding, action and support may include:
 - (a) Early warning systems;
 - (b) Emergency preparedness;
 - (c) Slow onset events;
 - (d) Events that may involve irreversible and permanent loss and damage;
 - (e) Comprehensive risk assessment and management;
 - (f) Risk insurance facilities, climate risk pooling and other insurance solutions;
 - (g) Non-economic losses; and
 - (h) Resilience of communities, livelihoods and ecosystems.
5. The Warsaw International Mechanism shall collaborate with existing bodies and expert groups under the Agreement, as well as relevant organizations and expert bodies outside the Agreement.

Article 8.1: Loss and damage

In the climate change context, “loss and damage” does not have an agreed definition. It is generally understood as irreversible or residual impacts where adaptation is no longer possible, for example, with respect to sea level rise, tropical storms, floods, droughts, and wildfires can lead to loss and damage. The concept refers to both economic and non-economic losses, such as culture, health, and biodiversity. The question of how the international community should deal with loss and damage is, therefore, fundamental for developing countries that are particularly vulnerable to the adverse effects of climate change. This is especially so in a world where, as the science tells us, man-made climate change and its attendant impacts are accelerating faster than anticipated even several years ago.

At the Paris climate conference, developing countries succeeded in including a freestanding article on loss and damage associated with the adverse effects of climate change in the Agreement. This formally distinguishes the issue from adaptation.

Article 8 represented global acknowledgment that there may be limits to the ability of humans and ecosystems to adapt to the impacts of climate change. Shortly after the adoption of the Agreement in 2015, assessments of the science shone a light on the immediacy of the risk of reaching these limits and the urgency required to address loss and damage. In 2018, the IPCC published a special report on the impacts of global warming of 1.5°C, which states that at 1.5°C, limits to adaptation will be reached, resulting in loss and damage, particularly in vulnerable developing countries.

More recently, the IPCC’s Working Group II (WGII) published its contribution to the Sixth Assessment Report (AR6). For the first time, the IPCC’s WGII assessed the scientific literature on loss and damage across sectors and regions linked to: adaptation constraints and limits; global warming levels; and incremental and/or transformational adaptation to climate risks. Given that scientists are now projecting that we could overshoot the 1.5°C target by the middle of this decade, the need for a global effort to avert, minimise, and address loss and damage has become even more urgent.

Decision 1/CP.21, which adopts the Agreement, contains the vague statement that “Article 8 ... does not involve or provide a basis for any liability or compensation” (para. 51). This statement is meant to address the concern by several developed countries in the run up to Paris, led by the US, that a separate provision on loss and damage could be construed as an admission of responsibility for climate change damages with an obligation to pay compensation to address them. Several SIDS wished to reserve their position on this matter. As such, when ratifying the Agreement, they declared that they had not renounced any rights under international law, and that no provision in the Agreement could derogate from the principles of general international law. For more information on the legal analysis behind these declarations, you can read the Legal Response International’s (LRI) advice in *Interpretative Declarations and International Law*³⁷ and *Loss and Damage in Paris and State Responsibility*.³⁸

Article 8.2: Warsaw International Mechanism

Article 8.2 incorporates the existing *Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts* (WIM) into the institutional architecture of the Paris Agreement. The functions of the WIM are implemented by an Executive Committee (ExCom) made up of 20 members from UNFCCC Parties. Currently, the members equally represent developed and developing countries, following the Annex I and non-Annex I distinction under the UNFCCC. The five-year rolling *work plan*³⁹ of the ExCom includes cross-cutting activities and activities categorized across five strategic workstreams: slow onset events; non-economic losses; comprehensive risk management; human mobility; and enhanced cooperation and facilitation in relation to action and support, including finance, technology, and capacity building. Five corresponding thematic expert groups help carry out these activities.

The WIM was established by the UNFCCC COP at COP 19 in 2013. It operates on the basis of functions agreed by the COP based on the Convention’s role in addressing loss and damage (*Decision 3/CP.18*,⁴⁰ para. 5). Article 8.2 of the Paris Agreement, however, also states that the

WIM will be subject to the authority and guidance of the CMA. This has resulted in a disagreement on the governance arrangements of the WIM. Some developed countries would like the WIM to be under the sole authority of the CMA, but most developing countries take the position that it should operate under the authority of both the COP and the CMA. You can read LRI's legal advice on [the implications of these two positions for the WIM's governance](#)⁴¹ for more information.

The issue of the the WIM's governance was not resolved during COP 27 in Egypt. Its consideration will continue at COP 28. Meanwhile, COP decisions relating to the WIM continue with the practice of endorsing CMA decisions on the matter.

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Fiji Clearing House for Risk Transfer

Based on [Decision 1/CP.21](#) (para. 48), the ExCom launched the [Fiji Clearing House for Risk Transfer](#)⁴² at COP 23, as a repository of information on insurance and risk transfer. Under the third strategic workstream of the current workplan of the ExCom, the Fiji Clearing House will be promoted, and improvements identified.

Task Force on Displacement

A [Task Force on Displacement](#)⁴³ was also established, in line with para. 49 of [Decision 1/CP.21](#), to develop recommendations for integrated approaches to avert, minimise, and address displacement related to the adverse impacts of climate change. During COP 27 in Egypt, Parties welcomed the adoption by the ExCom of the [third plan of action](#)⁴⁴ of the Task Force on Displacement ([Decision 13/CMA.4](#), para. 1(b)).

Santiago Network

During the second review of the WIM in 2019, Parties established the Santiago Network to catalyse the technical assistance of key stakeholders implementing relevant approaches at the local, national, and regional levels, in developing countries that are particularly vulnerable to the adverse effects of climate change ([Decision 2/CMA.2](#)).

In Glasgow in 2021, Parties agreed on its functions, which include catalysing demand-driven technical assistance by: identifying,

prioritising, and communicating needs and priorities; connecting those seeking assistance with entities providing it; and facilitating the consideration of substantive issues, access to information, and technical assistance (Decision 19/CMA.3). It was also decided that the Santiago Network will be provided with funds to support the provision of technical assistance (Decision 1/CMA.3, para. 67).

The modalities for the management of those funds and the terms for their disbursement, including the body responsible for administering the funds, were left to be determined by a Party-driven process (Decision 19/CMA.3, para. 10).

At CMA 4 in Egypt in 2022, the Santiago Network's institutional structure was established. It will be composed of a secretariat, an Advisory Board (part of the WIM), and a network of member organisations, bodies, networks, and experts (Decision 12/CMA.4). Parties also adopted the Santiago Network's terms of reference, set out in Annex I to the Decision, which detail, among others, the roles and responsibilities of its secretariat and Advisory Board. However, no decision was made regarding its funding arrangements.

The secretariat of the Santiago Network will be hosted by an organisation or consortium of organisations. SB 58 (June 2023) will recommend a host, based on pre-determined selection criteria detailed in Annex II of the Sharm el-Sheikh Decision, to be considered and adopted at COP 28. Until the Santiago Network secretariat is operational, the UNFCCC Secretariat will continue providing support to developing countries who request technical assistance from the Santiago Network.

The Advisory Board of the Santiago Network will be composed of two members from each of the five UN regional groups, one member each from the LDCs and SIDS, and two members of the WIM ExCom, nominated by Parties and elected at COP 28. The Board will also have three other representatives from the women and gender constituency, from Indigenous Peoples' organisations and from the children and youth non-governmental organisations. While these three representatives can participate in the Board's deliberations, decisions will be taken by

consensus by Board members only. Once the Board's membership is finalised, it will develop draft rules of procedure for consideration and adoption at COP29 in 2024.

Which body, or bodies (CMA or both COP and CMA), the Advisory Board and Santiago Network will be governed by has been left open as considerations related to the governance of the WIM are continuing until at least COP 28.

Article 8.3 to 8.5: Further work

Articles 8.3 and 8.5 contain a general call for Parties to enhance understanding of, action on, and support for loss and damage in collaboration with existing bodies and expert groups under the Paris Agreement, as well as relevant organisations and expert bodies outside the Paris Agreement. This is largely what the WIM, through the ExCom, has been doing since its inception. Specific subject areas for cooperation and further work are highlighted in Article 8.4 (a) to (h).

Unlike other components of the Paris Agreement, Article 8 has no explicit links to Articles related to the provision of support (Articles, 9, 10, and 11) or the reporting, review, and compliance framework (Articles 13-15). This has been attributed by some to the last-minute agreement in Paris on including a separate article on loss and damage, leaving no time to negotiate and build in the linkages. However, during the three-year long negotiations of guidelines to implement the Paris Agreement, developing countries were able to ensure that loss and damage is integrated into the key reporting and review components of the Paris Agreement. Undoubtedly, however, the issue of financial support for loss and damage has proven much more difficult to promote in the negotiations under the Paris Agreement. The breakthrough at COP 27 in relation to the latter is discussed further below.

While the provision of information on loss and damage is voluntary, opportunities for its inclusion are available, for instance:

- The guidance on adaptation communications ([Decision 9/CMA.1](#), Annex, and see above Article 7.9-7.11) provides opportunities to

include information on climate impacts, risks, and vulnerabilities, which could include loss and damage.

- The guidance on the BTRs to be submitted under the Article 13 transparency framework includes a subsection on information related to averting, minimising, and addressing loss and damage associated with climate change impacts (Decision 18/CMA, Annex, IV.G.). It states that interested Parties may provide information related to enhancing understanding, action, and support for loss and damage.

In addition, loss and damage is also part of the GST under Article 14.

For instance:

- The technical dialogue of the GST, which is part of the second stage of the GST process, “may” consider efforts that avert, minimise, and address loss and damage (Decision 19/CMA.1, para. 6, and see Article 14). The technical dialogue of the first GST has in fact included these.

There is also potential for loss and damage to be included in the outcomes of the political phase of the GST, which is its third and final stage.

Funding arrangements

The topic of funding to address loss and damage has been a priority for many climate vulnerable developing countries since the beginning of the UNFCCC. The topic came to the fore again at COP 26 in Glasgow, with the Alliance of Small Island States (AOSIS), supported by the G-77 and China, calling for the establishment of a dedicated finance facility to support loss and damage. While the proposal was not agreed, Parties established the Glasgow Dialogue to discuss arrangements for the funding of activities to avert, minimise, and address loss and damage, to take place each year at the first session of the SBI, concluding at SBI 60 (June 2024) (Decision 1/CMA.3, para. 73).

At the climate conference in Egypt in 2022, many developing country Parties and civil society organisations pressed for the creation of a fund for loss and damage. As a result, discussions took place under a new agenda item of both the COP and CMA on “funding arrangements for responding to loss and damage...including a focus on addressing loss and damage”.

After days and hours of negotiation, Parties decided to establish “new funding arrangements” to assist developing countries that are particularly vulnerable to climate change to respond to loss and damage by providing and assisting in mobilizing new and additional resources (Decision 2/CMA.4). These new arrangements complement and include sources, funds, processes, and initiatives under and outside the Convention and the Paris Agreement. One of these funding arrangements is a fund, which was also established in Sharm el-Sheikh.

A newly established **Transitional Committee**⁴⁵ will make recommendations to operationalise the funding arrangements and the fund based on its agreed terms of reference and specific elements (para. 5 of Decision 2/CMA.4). The **Annex** to the Decision contains the terms of reference of the Committee, including its mandate, composition, and modalities of work. The Committee will adopt recommendations by consensus. It will be composed of 24 members, 10 from developed countries and 14 from developing countries (the latter based on geographical representation).

Several activities and reports will inform the recommendations of the Transitional Committee. These consist of two workshops, two synthesis reports by the UNFCCC Secretariat and the second Glasgow Dialogue (followed by a summary report on the Dialogue by the SBI Chair). The COP 27 and 28 Presidents are requested to convene ministerial consultations prior to COP 28 and CMA5 to advance a possible outcome on this matter at that session. The Committee’s work will conclude with the consideration and adoption of its recommendations by COP 28/CMA 5.

National implications of Article 8 for developing countries

To address the risk of loss and damage associated with climate change impacts, Parties will need to consider conducting climate change risk assessments, putting in place disaster risk reduction strategies, emergency preparedness plans and programmes, and migration and resettlement plans where necessary. To do this successfully, developing countries will need financial support, including through public-private partnerships and initiatives, and humanitarian aid.

8

Strategically, they could use reporting and review opportunities under the Paris Agreement to show how the adverse effects of climate change cause harm to their people, environment, and economy, and highlight their activities in response to this harm, along with support needs. Bottom-up processes that comprehensively record impacts and activities are critical for this, along with support (finance, technology, and capacity building) accompanied by comprehensive public awareness campaigns.

ARTICLE 9: FINANCE

1. Developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention.
2. Other Parties are encouraged to provide or continue to provide such support voluntarily.
3. As part of a global effort, developed country Parties should continue to take the lead in mobilizing climate finance from a wide variety of sources, instruments and channels, noting the significant role of public funds, through a variety of actions, including supporting country-driven strategies, and taking into account the needs and priorities of developing country Parties. Such mobilization of climate finance should represent a progression beyond previous efforts.
4. The provision of scaled-up financial resources should aim to achieve a balance between adaptation and mitigation, taking into account country-driven strategies, and the priorities and needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change and have significant capacity constraints, such as the least developed countries and small island developing States, considering the need for public and grant-based resources for adaptation.
5. Developed country Parties shall biennially communicate indicative quantitative and qualitative information related to paragraphs 1 and 3 of this Article, as applicable, including, as available, projected levels of public financial resources to be provided to developing country Parties. Other Parties providing resources are encouraged to communicate biennially such information on a voluntary basis.
6. The global stocktake referred to in Article 14 shall take into account the relevant information provided by developed country Parties and/or Agreement bodies on efforts related to climate finance.
7. Developed country Parties shall provide transparent and consistent information on support for developing country Parties provided and mobilized through public interventions biennially in accordance with the modalities, procedures and guidelines to be adopted by the Conference of the Parties serving as the meeting of the

Parties to this Agreement, at its first session, as stipulated in Article 13, paragraph 13. Other Parties are encouraged to do so.

8. The Financial Mechanism of the Convention, including its operating entities, shall serve as the financial mechanism of this Agreement.
9. The institutions serving this Agreement, including the operating entities of the Financial Mechanism of the Convention, shall aim to ensure efficient access to financial resources through simplified approval procedures and enhanced readiness support for developing country Parties, in particular for the least developed countries and small island developing States, in the context of their national climate strategies and plan.

9

The need for additional financial support to respond to climate change was one of the main concerns of developing country Parties during the negotiation of the Paris Agreement. As a result, climate finance is a cross-cutting issue reflected in several Articles. In addition to Article 9, this includes: Article 2.1(c) on making finance flows consistent with a pathway towards sustainable development; Article 10.5 and 10.6 (supporting technology development and transfer); Article 11.1 (capacity building to facilitate access to finance); reporting of financial support provided and received (Article 13); and Article 14 (GST with respect to means of implementation and support). In addition, developing countries shall receive support to implement the provisions of the Paris Agreement in most subject areas (Articles 4.5, 7.13, 13.14, and 15).

Article 9.1 to 9.3: Finance commitments

In the climate negotiations, developing country Parties have been arguing for many years that, because of their historical responsibilities, industrialised countries have an obligation to provide additional financial resources to developing countries, including the transfer of technology. This is captured in Articles 4.3 to 5 and 12.3 of the UNFCCC. The precise interpretation of these articles has remained contentious amongst developed and developing country Parties. While Article 9.1 of the Paris Agreement does not provide additional clarity on the scope of the resulting obligations, it broadly acknowledges their existence.

Developing country negotiators, however, did not succeed in establishing further binding financial arrangements (through, for example, a burden sharing formula for wealthy countries or contribution reference levels) in the Agreement. Instead, more specific future financial commitments were dealt with outside the Agreement in [Decision 1/CP.21](#), in particular paragraphs 52 to 64. The Decision states that developed country Parties intend to continue their collective mobilisation goal of USD 100 billion per annum (by 2020), first [announced](#)⁴⁶ in 2009 in Copenhagen, through to 2025.

In the leadup to the climate conference in Glasgow in 2021, however, it became clear that the target had been missed (see, for example, the [statement](#)⁴⁷ by the OECD Secretary-General on 25 October 2021). This was noted with “deep regret” in a set of cover decisions by the Parties (termed the “Glasgow Climate Pact”). In [Decision 9/CMA.3](#), Parties agreed to deliberate on a new collective quantified goal (with USD 100 billion as a floor) on climate finance under an ad hoc work programme to be concluded in 2024 by setting a new goal. The work programme combines technical expert dialogues, reports for consideration by the CMA, and high-level ministerial dialogues. The workplan for 2023 is available [here](#).⁴⁸

In addition, [Decision 4/CP.24](#)⁴⁹ of the climate conference in Katowice, requested the SCF to “prepare, every four years, a report on the determination of the needs of developing country Parties related to implementing the Convention and the Paris Agreement”. A first report, largely based on reports and communications by developing countries (e.g. LEDS, NAPs, NAPAs, NDCs, TNAs) was reviewed in Glasgow in 2021. It should help in determining target amounts for climate finance mobilisation under Article 9.3, as well as under Article 11.3(d) of the UNFCCC (funding necessary and available for the implementation of the UNFCCC).

Overall, the commitment to provide and raise climate finance is framed in broad non-committal terms (for instance, “from a variety of sources” and “through a variety of actions”). While Article 9.1 could be interpreted as referring to the provision of finance from public

sources, in particular state budgets, Article 9.3 refers to a much wider “mobilization” and only notes “the significant role of public funds”.

The operational definition of climate finance used by the SCF is: finance that aims at reducing emissions enhancing sinks of GHGs and reducing vulnerability, and maintaining and increasing the resilience of human and ecological systems to negative climate change impacts. To date, however, there is no generally recognised definition of climate finance that clearly distinguishes it from green, sustainable, development, or other types of finance. As a result, Parties have some flexibility in their projections and estimates. [Decision 4/CP.26](#) on long-term finance adopted in Glasgow (in para. 12), therefore, requests the SCF to continue its work on a definition. Subsequently, in [Decision 14/CP.27](#) (para. 11) of Sharm El-Sheikh, the SCF was tasked with preparing a report on the issue for consideration by the COP in 2023.

9

Article 9.4: Balance between mitigation and adaptation

Article 9.4 calls for a balance between adaptation and mitigation funding, taking into account country-driven strategies. Similar language featured in the 2009 Copenhagen Accord and the [2010 Cancun Agreements](#) but the term “balance” remains open to interpretation. More specific language proposed in earlier drafts of the Paris Agreement, such as “50:50 allocation” or “equal allocation” were rejected.

Recalling Article 9.4, the Glasgow Climate Pact ([Decision 1/CMA.3](#), para. 18) called on developed countries to at least double their collective provision of climate finance for adaptation from 2019 levels by 2025. In [Decision 1/CMA.4](#) (the “Sharm El-Sheikh Implementation Plan”) Parties further requested the SCF to prepare a report on such doubling of adaptation finance for consideration by CMA 5 in 2023 (para. 42).

Article 9.4 also prioritises the financial needs of developing countries that are “particularly vulnerable” to climate change and have capacity constraints. While the UNFCCC (Article 4.8) recognises the vulnerability of various groups of countries, Article 9.4 only refers to

LDCs and SIDS. The addition of “such as”, however, indicates that they are listed as examples and do not necessarily exclude others.

During the negotiations of the Paris Agreement, other Parties and groups also wanted their vulnerability explicitly recognised in the finance context. In subsequent climate conferences the question of particular vulnerability has repeatedly come up and different groups and countries proposed agenda items on, for example, special needs and circumstances of Africa (proposed by the Africa Group of Negotiators or AGN), or the urgent and immediate needs of developing country Parties, including Latin American countries (proposed by the Independent Association of Latin America and the Caribbean AILAC).

Article 9.5: Ex-ante reporting on finance

Article 9.5 requires developed country Parties to submit biennial communications on their predicted or “ex ante” levels of climate finance. While the provision reflects an obligation (“shall”) to report such information, it is only “indicative”—not definitive. As available, Parties should indicate relevant amounts (quantitative) of climate finance as well as their nature (e.g. loans, grants, guarantees, or other financial instruments). The provision of such information is optional for other Parties.

The specific type of information that should be provided in these communications and how the information should be dealt with were hotly debated in the negotiations of the Katowice Rulebook. Developed countries, for example, successfully resisted attempts by developing countries to have the information provided reviewed through a ‘facilitative multilateral consideration of progress and technical expert review of information provided and reported’. In Katowice, in [Decision 12/CMA.1](#), it was agreed that:

- The biennial communications on ex ante finance will start from 2020, and the Secretariat will establish a dedicated online portal.
- The Secretariat will prepare a compilation and synthesis of the biennial communications from 2021 onwards to inform the GST. The Secretariat will also organise biennial in-session workshops from

2021 onwards and prepare a summary report on each workshop.

All these documents will be considered at CMA 4 (2021).

- A biennial high-level ministerial dialogue on climate finance will begin in 2021, to be informed by, e.g. the summary reports on the in-session workshops. The CMA President will summarise the deliberations of the ministerial dialogue for consideration by the CMA at its next session.
- The COP is also invited to consider the compilations and syntheses and the summary reports on the in-session workshops.

The Annex to Decision 12/CMA.1 lists the types of information to be provided by Parties in their biennial communications (in accordance with Article 9.5 of the Paris Agreement) with regard to public and other forms of finance. This list may be updated at CMA 6 (2023) based on experiences and lessons learned. For the time being the types of information include, among other things:

- projected levels of public finance;
- programmes, including projected levels, channels, and instruments;
- policies and priorities including regions and geography, recipient countries, beneficiaries, targeted groups, sectors, and gender responsiveness;
- purposes and types of support (mitigation, adaptation, etc.); and
- an indication of new and additional resources to be provided.

Article 9.6: Finance and the global stocktake

Article 9.6 makes it clear that information on finance from developed countries will be an integral part of the GST. The modalities and sources of input for the GST were agreed at the Katowice climate conference. The sources of input on finance, as defined in [Decision 19/CMA.1](#), include: information at “a collective level” on finance flows; balance and prioritisation (Article 9.4); support for technology development and transfer and capacity building (Articles 10.6, 11.3, and 13.9); and financial, technology transfer, and capacity-building support needed and received under Articles 9, 10, and 11 (Article 13.6 and 13.10).

Article 9.7: Ex-post reporting on finance

Article 9.7 also requires developed countries to provide information biennially on support provided and mobilised through public interventions. The modalities, procedures, and guidelines (MPGs) for the provision of this information were elaborated at the Katowice climate conference, in the *MPGs for transparency of action and support*⁵⁰ under Article 13 (Decision 18/CMA.1, Annex). Public interventions are described as, for example, grants, loans, equity, guarantee, insurance, policy intervention, capacity building, technology development and transfer, and technical assistance. Other Parties that provide climate finance on a voluntary basis are encouraged to use these MPGs (see section on Article 13.9). The information submitted by Parties will undergo a technical expert review (TER), and a facilitative, multilateral consideration of progress (Article 13.11).

While the information from Parties on ex-post finance is likely to gradually provide a more detailed and comprehensive picture of international climate finance, Parties still have significant flexibility in their reporting and assessments of what they consider “new and additional”. Parties are allowed to report their financial support at face value although in the case of a partial loan, for example, it may be more relevant to indicate the grant-equivalent value. Despite the flexibility provided, developed countries are also expected to make further efforts to enhance the comparability and accuracy of information through the use of international standards or harmonisation with other countries, institutions, and international systems (paragraph 119 (d) of the MPGs).

Article 9.8: Institutional arrangements

The Financial Mechanism established under Article 11 of the UNFCCC also serves as the Financial Mechanism of the Agreement. The operating entities which manage its assets and conduct other business activities are the *Global Environment Facility* (GEF) and the *Green Climate Fund* (GCF). In Decision 1/CP.21 adopting the Paris Agreement, it was also determined that the *LDC Fund* (LDCF), the *Special Climate Change Fund* (SCCF) (para. 58 of the Decision), and the *Standing Committee on Finance* (SCF) serve the Agreement (para. 63).

The **Adaptation Fund** was established under the Kyoto Protocol to finance concrete adaptation projects and programmes in developing countries through a share of proceeds from the CDM and other sources of funding. Further decisions had to be taken with regard to the Fund's governance. Through Decisions **13/CMA.1** and **1/CMP.14**, it was decided that the Adaptation Fund will serve the Paris Agreement with respect to all Paris Agreement matters from 1 January 2019. Once the share of proceeds becomes available under Article 6.4 of the Paris Agreement, the Fund shall no longer serve the Kyoto Protocol but continue to receive the share of proceeds, if available, from activities under Articles 6, 12, and 17 of the Kyoto Protocol.

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The Adaptation Fund is supervised and managed by the Adaptation Fund Board (AFB). The AFB is composed of 16 members and 16 alternates representing Parties to the Kyoto Protocol, including two representatives from Annex I Parties and two from non-Annex I Parties to the UNFCCC. Following the transition of the Fund to the Paris Agreement, Parties will have to amend the relevant procedures and modalities. In **Decision 1/CMP.14** (para. 4), they already agreed that all Parties to the Paris Agreement are eligible for AFB membership. A specific decision on membership, however, has not yet been taken and the SBI is continuing its consideration of the matter (**Decision 18/CMA.4**, para. 18).

Article 9.9: Access to finance

In the negotiations of the Paris Agreement, paragraph 9 was probably the least controversial part of Article 9. It mandates the institutions serving the Agreement and their operational entities to develop processes and procedures for accessing support that do not put developing countries with limited resources and capacities at a disadvantage (*vis-à-vis* other better resourced developing countries). As is the case for Article 9.4, LDCs and SIDS are specifically mentioned. The Adaptation Fund and GCF have provided training and support to strengthen the capacity of national and regional entities to access, receive, and manage climate finance (“climate finance readiness”).

National implications of Article 9 for developing countries

Developing countries may wish to consider putting in place strategies and processes to access available climate finance. These could include monitoring the biennial reports submitted by developed country Parties on projected and provided climate finance and matching them against their priorities, needs, and plans for action. Creating systems for the realistic and systematic costing of mitigation and adaptation actions over the medium- and long-term could be key to demonstrating specific national needs. Developing countries who support other Parties financially may wish to report ex-ante and/or ex-post on their contributions. With respect to further reporting on support received, see Article 13.

ARTICLE 10: TECHNOLOGY DEVELOPMENT AND TRANSFER

10

1. Parties share a long-term vision on the importance of fully realizing technology development and transfer in order to improve resilience to climate change and to reduce emissions.
2. Parties, noting the importance of technology for the implementation of mitigation and adaptation actions under this Agreement and recognizing existing technology deployment and dissemination efforts, shall strengthen cooperative action on technology development and transfer.
3. The Technology Mechanism established under the Convention shall serve this Agreement.
4. A technology framework is hereby established to provide overarching guidance to the work of the Technology Mechanism in promoting and facilitating enhanced action on technology development and transfer in order to support the implementation of this Agreement, in pursuit of the long-term vision referred to in paragraph 1 of this Article.
5. Accelerating, encouraging and enabling innovation is critical for an effective, long-term global response to climate change and promoting economic growth and sustainable development. Such effort shall be, as appropriate, supported, including by the Technology Mechanism and, through financial means, by the Financial Mechanism of the Convention, for collaborative approaches to research and development, and facilitating access to technology, in particular for early stages of the technology cycle, to developing country Parties.
6. Support, including financial support, shall be provided to developing country Parties for the implementation of this Article, including for strengthening cooperative action on technology development and transfer at different stages of the technology cycle, with a view to achieving a balance between support for mitigation and adaptation. The global stocktake referred to in Article 14 shall take into account available information on efforts related to support on technology development and transfer for developing country Parties.

Article 10.1 and 10.2: Technology development and transfer

In the context of climate change, “technology” refers to a product used to mitigate or adapt to climate change. For example, generating energy through wind turbines and solar panels can reduce GHG emissions, while drought-resistant crops or sea walls can help to adapt to the adverse effects of climate change. The development and transfer of climate technologies from one Party to another and, in particular, to developing countries, is considered an important component in the international response to climate change. This is reflected in the UNFCCC (e.g. Article 4 paras. 3-7) and reiterated in Article 10 of the Paris Agreement.

“Transfer” includes complementary activities such as the process of learning to use technology, adapting it to local conditions, and integrating it with indigenous technologies. Hence, a new technology should be accompanied by sufficient knowledge to successfully install, operate, and maintain it. Barriers to effective technology transfer include, for example, a lack of research, capacity, communication, and funding, as well as intellectual property rights (IPRs). Many developing countries, therefore, tried to address IPRs (e.g. patents, industrial designs, trademarks, etc.) under the Paris Agreement. This was resisted by mainly developed country Parties on the grounds that, at the international level, IPRs are usually dealt with under the World Intellectual Property Organization.

Article 10.3: Technology Mechanism

To accelerate technology development and transfer, a Technology Mechanism was already established at COP 16 in 2010. It consists of a Technology Executive Committee (TEC) and a Climate Technology Centre and Network (CTCN). The TEC is the Technology Mechanism’s policy arm, which analyses and provides recommendations on key technology policy issues. The CTCN (implementation arm) is tasked with supporting countries in enhancing the implementation of climate technology projects and programmes. The CTCN is hosted by the UN Environment Programme and coordinates a network of national,

regional, sectoral, and international technology centres, networks, organisations, and private sector entities.

Article 10.3 makes it clear that the Mechanism—including its CTCN and TEC—will also serve the Paris Agreement. In paragraphs 66 and 69 of [Decision 1/CP.21](#), Parties agreed to strengthen and periodically assess the effectiveness of and adequacy of support to the Technology Mechanism. At the climate conference in Katowice, they subsequently adopted the scope of, and modalities for, this periodic assessment in [Decision 16/CMA.1](#). It was agreed that the outcomes of this assessment should serve as an input to the GST and guide improved effectiveness and enhanced support to the Technology Mechanism.

10

At CMA 3, in Glasgow in 2021, by [Decision 17/CMA.3](#), the first periodic assessment was initiated and in Sharm El-Sheikh, Parties, through [Decision 20/CMA.4](#), acknowledged the findings of the Secretariat and noted with concern that funding for implementing the mandates of the Technology Mechanism remained an important challenge. They requested the TEC and CTCN to detail their actions in response to the report's recommendations and decided that the main challenges identified are to be considered in the GST ([Decision 20/CMA.4](#), para. 8).

The TEC's and CTCN's first joint publication on technology and NDCs provides a synthesis of technology issues related to NDCs with a focus on technology needs, challenges, linkages between policy and implementation, and linkages with NDCs and NAPs. It also presents success stories on the uptake of technologies to support NDC implementation and offers recommendations on how to stimulate the uptake. Parties are invited to consider and build on these recommendations when planning and implementing action related to NDCs.

Article 10.4: Technology Framework

To guide the Technology Mechanism and improve the effectiveness and efficiency of its work, the Paris Agreement established a Technology Framework. Principles and key themes of the Framework were subsequently adopted at the climate conference in Katowice

in [Decision 15/CMA.1](#). The principles are coherence, inclusiveness, results-oriented and transformational approaches, and transparency. The five key themes for further action are: innovation; implementation; enabling environment and capacity building; collaboration and stakeholder engagement; and support.

The Framework will be implemented by the TEC and CTCN under CMA guidance. As part of [Decision 15/CMA.1](#), Parties requested the TEC and CTCN to incorporate the guidance contained in the Technology Framework into their respective work plans and programmes of work. They were also asked to report on progress, as well as on challenges and lessons learned in implementing the Technology Framework, in their joint annual reports to the COP and the CMA. It was agreed that the Framework can also facilitate the strengthening of financial support for technology development and transfer.

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Article 10.5: Innovation

Innovation is singled out in Article 10.5 as an important element of the international response to climate change. The Technology Mechanism, as well as the UNFCCC Financial Mechanism, should support scientific research and development for the creation of new methods, processes, and devices. This could be done through: new collaborative approaches to climate technology research, development, and demonstration; the creation and promotion of relevant enabling policies to incentivise and nurture a supportive environment for innovation; active engagement of the private sector; and collaboration between the public and private sectors ([Decision 15/CMA.1](#), [Annex](#), para. 7).

The life cycle of technology is often broken down into the research and development phase, its application, maturity, and growth and, finally, its decline. Article 10.5 highlights in particular the need to share knowledge with developing countries during the early stages of the technology life cycle. To some extent, this reflects the concern and previous experience of many developing countries aiming to leapfrog traditional economic development but only being able to access and deploy technologies already outdated in other parts of the world.

Article 10.6: Support for technology transfer and development

Article 10.6 states that support, including finance “shall” be provided to developing countries to cooperate on technology development and transfer and other efforts under Article 10. However, it does not specify who must provide such support. This can be seen as a departure from the obligations under Article 4 of the UNFCCC, which defines the responsible Parties (developed country Parties, including the EU, as listed in Annex II to the UNFCCC) and their commitments in some detail. According to UNFCCC Article 4.7, the extent to which developing countries implement their commitments under the Convention will depend on the effective implementation of developed country commitments related to financial resources and transfers of technology.

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Unlike Article 10.5, there is no specific mention of “early stages” and support should benefit “different stages of the technology cycle”. The language in Article 9.4 (“with a view to achieving a balance between support for mitigation and adaptation”) is used here again. Information on support for technology development and transfer will be considered as part of the GST.

National implications of Article 10 for developing countries

To prepare for enhancements in the international efforts on technology development and transfer, developing countries should continue to identify national mitigation and adaptation technology needs and priorities. The GEF provides support for developing countries to undertake technology needs assessments (TNAs). Consultations with industry and other stakeholders are an important component in identifying specific required technologies. Capturing good practice, Indigenous knowledge, and investing—to the extent possible—in technical capacity and skills development are important components to create a wider national enabling environment.

ARTICLE 11: CAPACITY BUILDING

1. Capacity-building under this Agreement should enhance the capacity and ability of developing country Parties, in particular countries with the least capacity, such as the least developed countries, and those that are particularly vulnerable to the adverse effects of climate change, such as small island developing States, to take effective climate change action, including, inter alia, to implement adaptation and mitigation actions, and should facilitate technology development, dissemination and deployment, access to climate finance, relevant aspects of education, training and public awareness, and the transparent, timely and accurate communication of information.
2. Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties, including at the national, subnational and local levels. Capacity-building should be guided by lessons learned, including those from capacity-building activities under the Convention, and should be an effective, iterative process that is participatory, cross-cutting and gender-responsive.
3. All Parties should cooperate to enhance the capacity of developing country Parties to implement this Agreement. Developed country Parties should enhance support for capacity-building actions in developing country Parties.
4. All Parties enhancing the capacity of developing country Parties to implement this Agreement, including through regional, bilateral and multilateral approaches, shall regularly communicate on these actions or measures on capacity-building. Developing country Parties should regularly communicate progress made on implementing capacity-building plans, policies, actions or measures to implement this Agreement.
5. Capacity-building activities shall be enhanced through appropriate institutional arrangements to support the implementation of this Agreement, including the appropriate institutional arrangements established under the Convention that serve this Agreement. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall, at its first session, consider and adopt a decision on the initial institutional arrangements for capacity-building.

Although climate-related capacities in developing countries have grown significantly in recent years, many NDCs still report a lack of institutional capacities and governance frameworks. They often highlight gaps in the internal coordination of climate change response measures, and the ability to mainstream climate considerations into national plans and policies. The need for support indicated in NDCs (with respect to mitigation and adaptation measures) includes areas such as GHG emissions accounting, research and systematic observation, data collection, risk modelling, and vulnerability assessments.

Article 11.1 and 11.2: Capacity building

The UNFCCC, the Kyoto Protocol, and the Paris Agreement all aim to strengthen the capacity of developing countries to respond effectively to climate change and its adverse effects. This applies to all substantive components of the Paris Agreement: mitigation, adaptation, finance, technology, climate change awareness, and education (Article 12), as well as the necessary reporting in these areas (Article 13).

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Para. 84 of [Decision 1/CP.21](#), therefore, established the Capacity-building Initiative for Transparency (CBIT), which specifically supports developing countries in meeting the enhanced transparency requirements defined in Article 13 (on transparency of action and support). Its aims are described as: strengthening national institutions for transparency in line with national priorities; providing relevant tools, training, and assistance; and assisting in the improvement of transparency over time ([Decision 1/CP.21](#), para. 85). The GEF was mandated to support the CBIT's establishment and operation (para. 86). For further information on its activities, see the GEF [website](#)⁵¹ on the CBIT which provides an overview of past and present projects, and access to progress reports, publications, and media tools.

Similar to other provisions of the Agreement (such as Article 9.4), Article 11.1 refers to the special circumstances of LDCs and SIDS amongst the developing countries. In this context, however, the language seems to suggest that LDCs are primarily affected by a lack of capacity while SIDS are more exposed to the adverse physical effects of climate

change. It remains to be seen whether this differentiation will have any bearing on the discussions in the climate negotiations regarding how to determine vulnerability.

The criteria for capacity-building activities, contained in Article 11.2, echo some of the principles mentioned in other parts of the Agreement, such as “country-driven”, “participatory”, and “gender-responsive” in Article 7.5 (on adaptation) and in the Preamble. Capacity-building activities should be guided by the significant experience gained over the years (“lessons learned”) and should include local governments and communities.

Article 11.3 and 11.4: Support and reporting

While recognising that “all Parties” are expected to cooperate in order to enhance the capacity of developing country Parties, Article 11.3 (second sentence) stresses that the developed country Parties “should” make additional efforts to support capacity-building actions in developing countries. Article 11.4 then requires all Parties providing capacity-building support to report on this. In addition, developing country Parties should regularly communicate progress in implementing capacity-building plans, policies, and measures. The scope and details of this two-way reporting process are outlined in Article 13 and the associated CMA decisions (see the section on Article 13 on Transparency of Action and Support).

Article 11.5: Institutional arrangements

The final paragraph of Article 11 concerns the institutional arrangements for capacity building under the Agreement. The [Paris Committee on Capacity Building \(PCCB\)](#)⁵², established in Paris in 2015 through [Decision 1/CP.21](#) (para. 71), serves the Paris Agreement in accordance with its mandate and terms of reference ([Decision 3/CMA.2](#)). It reports to both the COP and the CMA.

The PCCB was created as a new body to further enhance capacity building in developing countries. The PCCB complements other initiatives such as the [Durban Forum on Capacity-building](#) (which

meets once every year during UNFCCC sessions) and the web-based Capacity-building Portal launched in 2012. In a separate COP Decision on the review of the PCCB taken in Madrid in 2019, Parties extended the PCCB for five years and scheduled a review of its progress and the need for extension again in 2024 (Decision 9/CP.25, para.12).

Following the Madrid conference, the PCCB also created a voluntary association of interested stakeholders engaged in climate-related capacity-building to strengthen synergies and the coherence of activities. Organisations and other entities can join the PCCB network⁵³ to share information on good practices, contribute to the work of the PCCB, and connect with their peers across sectors and regions.

11 A new workplan⁵⁴ of the PCCB for the period 2021-2024 was endorsed by Parties at COP 26 in Glasgow (Decision 12/CP.26, para. 5). As part of this workplan, the PCCB has developed a toolkit⁵⁵ to support countries to assess their capacity-building needs and gaps to implement the Paris Agreement.

At the most recent climate conference in Egypt in 2022, the COP, in Decision 19/CP.27, and CMA, in Decision 21/CMA.4, took note of the recommendations contained in the annual technical progress report⁵⁶ of the PCCB for 2022 and invited Parties and other entities to take related action. The recommendations include, for example: involving youth, women, and vulnerable stakeholder groups more; approaches to enhancing the collaboration among Parties; and guiding questions for the technical assessment component of the GST (in a separate 2022 PCCB report⁵⁷).

National Implications of Article 11 for developing countries

Developing countries should identify capacity-building needs in all areas of the Paris Agreement. In this regard, the PCCB *toolkit* to assess capacity-building gaps and needs to implement the Paris Agreement can be a starting point. Based on the assessment, programmes, plans, policies, and actions should be developed to:

- address needs and gaps;
- estimate the financial implications; and
- estimate the support available for implementation (financial and other forms).

To demonstrate the full range of capacity-building efforts and share lessons learned, developing countries should track all initiatives and report on progress and support needed and received. For further information, see Article 13 on transparency.

ARTICLE 12: CLIMATE CHANGE AWARENESS AND EDUCATION

Parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement.

This short Article echoes some of the more detailed content in Article 6 of the UNFCCC on education, training, and public awareness. At the Paris climate conference, [Decision 1/CP.21](#) also included two paragraphs related to this Article, although they appear under the heading of capacity building (paras. 82 and 83). Paragraph 82 calls on all Parties to ensure that education, training, and public awareness, as reflected in Article 6 of the UNFCCC and Article 12 of the Paris Agreement, are adequately considered in their contribution to capacity building. Paragraph 83 invites CMA 1 to explore ways of enhancing the implementation of training, public awareness, public participation, and public access to information.

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At the Katowice climate conference, in [Decision 17/CMA.1](#) (paras. 1, 3, 5-11), it was agreed that efforts under Article 12 will be referred to as [Action for Climate Empowerment \(ACE\)](#)⁵⁸ and, to a large extent, consolidated with activities under UNFCCC Article 6. National focal points nominated under Article 6 of the UNFCCC will also serve as focal points under Article 12 of the Paris Agreement. They will be referred to as “ACE Focal Points” in the context of the Paris Agreement.

At COP 25 in Madrid, the COP requested the SBI to launch a review of the implementation of the Doha Work Programme on Article 6 of the Convention at SBI 52. The eight-year Doha Work Programme was [launched in 2012](#) (Decision 15/CP.18), focusing on six elements: education, training, public awareness, public access to information, public participation, and international cooperation. The SBI was also asked to consider future work to enhance the implementation of Article 6 of the UNFCCC and Article 12 of the Paris Agreement.

Following this review, the COP and CMA adopted a new 10-year work programme at the climate conference in Glasgow, renamed the [Glasgow work programme on Action for Climate Empowerment](#)⁵⁹, contained in the Annex to [Decision 22/CMA.3](#). The Decision invites Parties and other stakeholders to support its implementation by, for example, developing a national strategy that covers all six elements of the ACE and facilitates cross-sectoral coordination. It also invites multilateral and bilateral institutions, including the operating entities of the Financial Mechanism, to provide financial support, and requests the Secretariat to promote partnerships with other organisations, the private sector, and donors to support implementation.

The Decision also tasks the SBI with holding an annual in-session ACE dialogue at its first regular session of each year. The dialogue will focus on progress in implementing the work programme and on its four priority areas (policy coherence, coordinated action, tools and support, and monitoring, evaluation, and reporting). The SBI is also requested to develop a short-term action plan at SBI 56 and to convene a technical workshop on how the priority areas can guide implementation of the ACE's six elements through this action plan. Finally, the SBI is to undertake a midterm review of progress at SBI 64 (2026) and a final review at SBI 74 (2031).

In Egypt, COP 27 (in [Decision 23/CP.27](#)) and CMA 4 ([Decision 22/CMA.4](#)) adopted a four-year ACE Action Plan under the Glasgow Work Programme. The action plan, contained in the Annex to both decisions, establishes short-term, time-bound activities up to COP/CMA in 2026. These include strengthening coordination of ACE work under the UNFCCC, integration of ACE into the development, and implementation of national climate policies and plans. They also include taking steps towards empowering all members of society, including children and youth, to engage in climate action, respecting, promoting, and considering their respective obligations on human rights, gender equality, and the empowerment of women.

National Implications of Article 12 for developing countries

Over the years, progress has been made with respect to climate change awareness raising, as well as educational activities and integration of climate-related issues in school curricula. Countries should continue their efforts and cooperate in enhancing existing and new activities related to education, training, public awareness, public participation, and public access to information related to climate adaptation and mitigation. The primary role of governments in this context is to create reliable systems that ensure the review and update of content, the provision of resources, materials, and relevant expertise.

Reporting, Review and Compliance (Articles 13-15)

Article 13: Transparency of action and support	98
Article 14: Global stocktake	113
Article 15: Facilitating implementation and compliance	119

Articles 13-15 are a central element of the Paris Agreement and complement each other. They will allow individual and global progress to be tracked in an otherwise largely nationally determined regime. Countries are not legally bound to meet their NDC goals, but they are legally bound to report on progress and participate in the reviews. The overall purpose of the enhanced transparency framework (Article 13) is to build mutual trust and confidence that all Parties are contributing their share to the global effort and promoting effective implementation.

Whilst the transparency framework will scrutinise and review individual actions and support, the GST (Article 14) will focus on assessing collective progress towards implementation. The GST is also intended to be a catalyst for ratcheting up ambition. The aim of the compliance mechanism (Article 15) is to be facilitative, not punitive. The reporting and review mechanisms provide limited scrutiny and accountability of national actions and (as with many other multilateral environmental agreements) focus on enabling and supporting the pursuit of those nationally determined actions.

ARTICLE 13: TRANSPARENCY OF ACTION AND SUPPORT

1. In order to build mutual trust and confidence and to promote effective implementation, an enhanced transparency framework for action and support, with built-in flexibility which takes into account Parties' different capacities and builds upon collective experience is hereby established.
2. The transparency framework shall provide flexibility in the implementation of the provisions of this Article to those developing country Parties that need it in the light of their capacities. The modalities, procedures and guidelines referred to in paragraph 13 of this Article shall reflect such flexibility.
3. The transparency framework shall build on and enhance the transparency arrangements under the Convention, recognizing the special circumstances of the least developed countries and small island developing States, and be implemented in a facilitative, non-intrusive, non-punitive manner, respectful of national sovereignty, and avoid placing undue burden on Parties.
4. The transparency arrangements under the Convention, including national communications, biennial reports and biennial update reports, international assessment and review and international consultation and analysis, shall form part of the experience drawn upon for the development of the modalities, procedures and guidelines under paragraph 13 of this Article.
5. The purpose of the framework for transparency of action is to provide a clear understanding of climate change action in the light of the objective of the Convention as set out in its Article 2, including clarity and tracking of progress towards achieving Parties' individual nationally determined contributions under Article 4, and Parties' adaptation actions under Article 7, including good practices, priorities, needs and gaps, to inform the global stocktake under Article 14.
6. The purpose of the framework for transparency of support is to provide clarity on support provided and received by relevant individual Parties in the context of climate change actions under Articles 4, 7, 9, 10 and 11, and, to the extent possible, to provide a full overview of

aggregate financial support provided, to inform the global stocktake under Article 14.

7. Each Party shall regularly provide the following information:
 - (a) A national inventory report of anthropogenic emissions by sources and removals by sinks of greenhouse gases, prepared using good practice methodologies accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Agreement; and
 - (b) Information necessary to track progress made in implementing and achieving its nationally determined contribution under Article 4.
8. Each Party should also provide information related to climate change impacts and adaptation under Article 7, as appropriate.
9. Developed country Parties shall, and other Parties that provide support should, provide information on financial, technology transfer and capacity-building support provided to developing country Parties under Articles 9, 10 and 11.
10. Developing country Parties should provide information on financial, technology transfer and capacity-building support needed and received under Articles 9, 10 and 11.
11. Information submitted by each Party under paragraphs 7 and 9 of this Article shall undergo a technical expert review, in accordance with decision 1/CP.21. For those developing country Parties that need it in the light of their capacities, the review process shall include assistance in identifying capacity-building needs. In addition, each Party shall participate in a facilitative, multilateral consideration of progress with respect to efforts under Article 9, and its respective implementation and achievement of its nationally determined contribution.
12. The technical expert review under this paragraph shall consist of a consideration of the Party's support provided, as relevant, and its implementation and achievement of its nationally determined contribution. The review shall also identify areas of improvement for the Party, and include a review of the consistency of the information with the modalities, procedures and guidelines referred to in paragraph 13 of this Article, taking into account the

flexibility accorded to the Party under paragraph 2 of this Article. The review shall pay particular attention to the respective national capabilities and circumstances of developing country Parties.

13. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall, at its first session, building on experience from the arrangements related to transparency under the Convention, and elaborating on the provisions in this Article, adopt common modalities, procedures and guidelines, as appropriate, for the transparency of action and support.
14. Support shall be provided to developing countries for the implementation of this Article.
15. Support shall also be provided for the building of transparency-related capacity of developing country Parties on a continuous basis.

Article 13 is the first element of the Paris Agreement's reporting, review, and compliance mechanisms. Whilst the transparency framework (Article 13) will scrutinise and review actions and support of individual countries, the GST (Article 14) will focus on assessing collective progress towards implementation. The aim of the compliance mechanism (Article 15) is to facilitate implementation and promote compliance. Between them, they will allow individual and global progress to be tracked in a regime largely based on nationally determined ambition pledges.

Article 13 establishes an Enhanced Transparency Framework (ETF) for action and support. The new framework builds on the existing reporting and review arrangements under the UNFCCC and Kyoto Protocol, which it will eventually supersede. In the future, all Parties must report every two years on their efforts and produce GHG inventories. The flexibility given to LDCs and SIDS will continue to apply.

Key ETF elements were left to be agreed after the adoption of the Paris Agreement. Amongst these was how to build on existing processes, and if and to what extent there should be different reporting systems for developed and developing countries. The MPGs for the ETF were adopted at CMA 1 in Katowice in [Decision 18/CMA.1](#). Parties opted for a common set of rules for all, but with flexibility for those developing

countries that need it in the light of their capacities. Based on these MPGs, the detailed reporting formats and tables were adopted at COP 26 in Glasgow in [Decision 5/CMA.3](#).

Article 13.1 to 13.4: Enhanced framework, with flexibility

Article 13.1 formally establishes the new system. The term “enhanced” is not defined but suggests an intention to strengthen and improve the quality of the reporting and review, for more ambitious climate action. Article 13.1 and 13.2 also make it clear upfront that the ETF will have “built-in flexibility” which takes into account Parties’ different capacities and builds upon collective experience. In doing so, the ETF acknowledges that the new and more onerous requirements of a common system will present a challenge for developing countries, and that Parties have different starting points and capacities. Article 13.3 highlights the special circumstances of LDCs and SIDS.

[Decision 1/CP.21](#) taken at the Paris climate conference provides limited guidance on the nature of the flexibility for developing countries: it will apply in the scope, frequency, and level of detail of the reporting, and in the scope of the review (para. 89). The MPGs adopted at the Katowice climate conference further specify the flexibility available but also require developing countries that need it to clearly indicate the provision to which flexibility is applied, clarify capacity constraints, and provide estimated time frames for improvements ([Decision 18/CMA.1](#), Annex para. 6).

[Decision 5/CMA.3](#), adopted at the Glasgow climate conference, clarifies that Parties can choose between different approaches to reflect this flexibility in the reporting tables by, for example, providing additional information or collapsing relevant cells and rows (para. 5 of the Decision).

The decision to apply flexibility in a particular case remains the Party’s own and is not subject to review as part of the technical review under Article 13.12. Thus, the TER teams may not question whether the Party possesses the capacity to implement a specific provision without flexibility.

In Paris, Parties agreed that the need for flexibility should be balanced against other objectives, such as facilitating improved reporting and

transparency over time, and the need to promote transparency, accuracy, completeness, consistency, and comparability (Decision 1/CP.21, para. 92). This is reflected in the MPGs: where flexibility is afforded to Parties, they are often still required to meet minimum standards. The MPGs also reiterate that Parties should maintain at least the frequency and quality of reporting in accordance with their obligations under the UNFCCC (Decision 1/CP.21, para. 92.e, and Decision 18/CMA.1, Annex, para. 3.f).

The focus of the new regime is on learning and sharing comparable information, to foster improvement. In line with this approach, Article 13.3 states that it will be implemented in a facilitative, non-intrusive, non-punitive manner, respectful of national sovereignty, and avoid placing an undue burden on Parties. Article 13.4 contains a reassurance that the new MPGs will draw on the experience of the existing transparency arrangements under the UNFCCC including National Communications, Biennial Reports, Biennial Update Reports (BURs), International Assessment and Review (IAR), and International Consultation and Analysis (ICA).

Article 13.5 and 13.6: Action and support

Article 13.5 elaborates on the purpose for reporting and reviewing Parties' climate change measures, while Article 13.6 addresses the rationale behind the provision of information on support. Unlike the Kyoto Protocol, which was mainly concerned with reporting and review of mitigation efforts, the two paragraphs reflect the Parties' general intention under the Paris Agreement to treat adaptation actions and support almost on a par with mitigation efforts.

The reference to the GST in both paragraphs illustrates the connection between the review mechanisms of the Paris Agreement: the information from individual Parties on action and support generated by the ETF will be used to take stock and assess collective progress towards achieving the Agreement's long-term goals. This, in turn, will inform Parties when they update and enhance their actions and support in the next round of NDCs (see section on Article 14).

Article 13.7 to 13.10: Reporting requirements

Article 13.7 to 13.10 spells out the reporting requirements under the Paris Agreement: National Inventory Report (NIR) of anthropogenic emissions by GHG sources and removals by sinks, using IPCC methodologies agreed by the CMA (Article 13.7.a), and the information necessary to track progress made in implementing and achieving NDCs (Article 13.7.b) are mandatory for all Parties. The provision of information on financial, technology transfer, and capacity-building support provided to developing countries is mandatory for developed country Parties (Article 13.9), while information on climate change impacts and adaptation is optional for all (Article 13.8). Developing countries may also report on financial, technology transfer, and capacity-building support needed and received (Article 13.10).

At the Paris climate conference, it was agreed that Parties will report biennially—except for LDCs and SIDS, who may submit information at their discretion (Decision 1/CP.21, para. 90). The frequency of reporting thus remains the same for other developing countries who had already agreed to report every two years through their BURs under the UNFCCC. At the Katowice climate conference, it was decided that the first of these Biennial Transparency Reports (BTRs) will be submitted at the latest by 31 December 2024 (Decision 18/CMA.1, para. 3).

NIRs are due at the same time, though they can be submitted either as a stand-alone report or as a component of the BTR (Decision 18/CMA.1, Annex, para. 12). The frequency of submitting GHG inventories is, therefore, the same as it has been under the UNFCCC—developed countries will submit NIRs annually and developing countries biennially but with encouragement to move to annual reporting over time. BTRs and NIRs will be transmitted via an online portal to be established by the Secretariat and posted on the UNFCCC website from December 2025. At CMA 3 in Glasgow, in November 2021, Parties adopted outlines for the BTR and NIR. These are contained in Annex IV and V of Decision 5/CMA.3. Parties are not required to use the outlines but are encouraged to do so.

Other reporting requirements under the UNFCCC remain unchanged. All Parties will continue to have to submit National Communications every four years. To avoid duplication of efforts with BTRs, Parties may submit their National Communication and BTR as a single report in accordance with the MPGs included in Decision 18/CMA.1, with the proviso that additional information required in the guidelines for National Communications must also be included (Decision 1/CP.24, para. 43).

Further guidance on the information to be provided for each of the reporting elements is included in the MPGs agreed at the Katowice climate conference. Countries are, for instance, expected to use “common reporting tables” (CRTs) and “common tabular formats” (CTFs). These were developed by the SBSTA, based on existing CTFs and CRTs, and adopted at CMA 3 in 2021. One of the challenges will be how to accommodate the diversity of NDCs in common reporting standards. Another challenge will be ensuring that the information in the CRTs and CTFs is complete and comparable, and that the quality of the reporting improves over time whilst giving flexibility to countries with limited capacities.

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NIRs consist of a national inventory document and CRTs. The latter can be found in Annex I of Decision 5/CMA.3. Developing countries that have no, or limited, experience in the use of these tables can be expected to need some support. The guidance includes the following:

- Paras. 39 to 46 of the MPGs specify the information to be reported in NIRs, including: assumptions and methods used; gases covered; description of key categories and their contributions; assessment of the uncertainty of emissions and removal estimates; excluded sources and sinks and reasons for their exclusion; and an inventory quality control plan. Areas where flexibility may be granted to developing countries that need it in the light of their capacities are also identified. They may, for instance, report on fewer gases.
- MPGs make it mandatory to use the 2006 IPCC Guidelines for National GHG Inventories⁶⁰ and any subsequent version agreed by the CMA. In the pre-Paris era, only developed countries used the 2006 Guidelines, while developing countries had a choice between

the 1996 and 2006 Guidelines. Recognising that the move to the 2006 Guidelines may pose capacity challenges for some Parties, the MPGs allow Parties to, for example, use different (lower) methodological tiers for estimating emissions in any given category or sector. At the Glasgow climate conference, it was further decided that Parties may use on a voluntary basis the [2019 Refinement to the 2006 Guidelines](#)⁶¹.

- A Party may, however, use nationally appropriate methodologies “if they better reflect its national circumstances” and are consistent with the IPCC guidelines ([Decision 18/CMA.1](#), Annex, para. 22). Additional flexibility for developing countries includes the use of a lower threshold when identifying their key categories of GHG emissions or removals (amounting to a combined 85% of national emissions, instead of 95%). As a result, they can focus on improving fewer categories (Annex, para. 25). Categories (e.g. transport) are subdivisions of the four main sectors: energy; industrial processes and product use; agriculture, forestry, and other land use; and waste. They may be further divided into sub-categories.
- MPGs state that Parties “shall” report a consistent annual time series starting from 1990. But developing countries that need flexibility may instead report data covering the reference year/period for their NDC, and a consistent annual time series from 2020 onwards, using a consistent approach for each reported year ([Decision 18/CMA.1](#), Annex, para.57).

Information necessary to track progress made in implementing and achieving NDCs is to be presented in a narrative and CTF. The latter can be found in Annex II of [Decision 5/CMA.3](#). MPGs go into extensive detail about the information to be reported by each Party. This is expected to include: a description of the NDC, against which progress will be tracked (hence, the need for coherence between the information provided here and that provided under Article 4.8); self-selected qualitative or quantitative indicator(s) to track progress, including the most current information for these indicator(s); methodologies and accounting approaches used for the targets and how they are consistent with Article 4; construction of baselines and indicators; and an assessment of whether the NDC has been achieved.

This information will then need to be presented in a structured summary as described in para. 77 of the MPGs (Decision 18/CMA.1, Annex). If a country engages in international cooperation that includes the transfer of mitigation outcomes, the double counting of transferred mitigation outcomes must be avoided, and a government cannot “count” mitigation achievements towards its NDC if it has authorised their transfer to another government or market regime. To ensure this, the MPGs (in para.77.d) contain specific rules on cooperative approaches with further guidance adopted at CMA 3 in Glasgow, most notably Decision 2/CMA.3. The outline of regular information to be submitted by Parties participating in ITMOs, as an annex to their BTRs, was adopted at the subsequent conference in Sharm El-Sheikh (Annex VI of Decision 6/CMA.4).

Parties will also have to report on actions, policies, and measures that support the implementation and achievement of their NDCs, including, “to the extent possible”, estimates of expected and achieved GHG emission reductions. In addition, they will be required to report on projections of the impact of mitigation measures and policies on future trends in GHG emissions and removals. Developing countries that need flexibility are instead “encouraged” to report this information (paras. 80-90 and 92-102 of the MPGs).

Reporting of the information related to climate change impacts and adaptation is an addition that goes beyond the UNFCCC’s existing transparency framework. The MPGs set out the information that each Party should provide, as appropriate, including: observed and potential impacts of climate change; current and projected trends and hazards; adaptation priorities, progress, and barriers; adaptation strategies, policies, and actions; progress on implementation; and good practices, experiences, and lessons learned (MPGs, paras. 106-117). In this context, interested Parties “may” also report on loss and damage associated with climate change impacts.

There is potential overlap between backward looking information on climate impacts and adaptation under Article 13.8 and the adaptation communications under Article 7. Decision 9/CMA.1 addresses this

by explicitly giving Parties the option of submitting their adaptation communication as part of their BTR, in addition to the options listed in Article 7.11 (as a component of, or together with, a NAP, an NDC, and/or a National Communication). See also Articles 7 and 8.

The **MPGs** further identify the information on financial, technology development and transfer, and capacity-building support provided and mobilised under Articles 9-11 of the Paris Agreement that developed country Parties are expected to provide (see sections on Articles 9-11). Developing countries that provide such support should report on the support provided and are encouraged to use the **MPGs** when doing so. To allow for a realistic assessment and compare data regarding climate finance, developed country Parties are, among other things, required to include:

- Information on the amount provided annually;
- The type of financial instrument, and support (mitigation, adaptation, or cross-cutting);
- The sector and channel (bilateral, regional, or multilateral);
- A description of underlying assumptions and methodologies including how double counting among multiple Parties involved in the provision of support was avoided;
- How private finance was assessed as mobilised through public interventions;
- A definition of public and private finance;
- An indication of what new and additional financial resources have been provided and how it has been determined that they are new and additional; and
- How the information provided reflects a progression from previous levels.

Developing countries may report on support needed and received but are not required to do so. To some extent, this is already happening as part of National Communications and BURs. But there is no common reporting format, and the ETF envisages a higher level of detail for those Parties who choose to report. They should, for instance, describe the underlying assumptions, definitions, and methodologies used when reporting on the

use, impact, and estimated results of support (MPGs, para. 131). Parties are also encouraged to use a CTF (MPGs, paras. 133 and 134).

Although the new reporting may be more onerous for developing countries, it may also make it easier to attract the additional support needed to implement their NDCs. At COP 26 in November 2021, LDCs and AOSIS, supported by many other developing countries, pushed for financial support for loss and damage to be included as part of the reported information. But the call met with strong resistance from some developed countries. The final Decision ([Decision 5/CMA.3](#), at para. 24) only reiterates that Parties may report on loss and damage associated with climate change impacts in their BTRs.

The Secretariat has been tasked with developing reporting tools for the electronic reporting of the CRTs and CTFs, and make available a test version by June 2023 with a view to the final version being completed by June 2024 ([Decision 5/CMA.3](#), para. 8). Training workshops will then be organised to train experts from Parties, and user manuals will be developed. Recognising that developing countries, in particular, will need technical support, the Decision also requests the Secretariat to provide them with training and advice on the use of the reporting tools (paras. 14-16).

13

Article 13.11 and 13.12: Review

Articles 13.11 and 13.12 outline how the information submitted by Parties will be reviewed. The two-step review process consists of a general TER, followed by a facilitative, multilateral consideration of progress (FMCP) with respect to Article 9 (finance) and the implementation and achievement of Parties' NDCs. This process will play an important role in providing additional scrutiny of Parties' actions and support, enabling comparability of efforts, and ensuring that the quality of the reporting improves over time.

The TER focuses on the mandatory elements of the BTR and NIR: inventories and information related to tracking progress in implementing and achieving the mitigation part of a Party's NDC (developed and developing countries), and information on support

provided (developed countries). Article 13.12 sets out its scope. The TER will consider a Party's implementation and achievement of its NDC, and—as relevant—its provision of support. It will also identify areas of improvement, include a review of the consistency of the information submitted with the MPGs, taking into account the flexibility afforded to developing countries that need it and, in the case of developing countries, identify capacity-building needs.

Under the MPGs adopted in Katowice, information on climate change impacts and adaptation was not included in the review. At the Glasgow climate conference, however, developing countries called for including this information in the TERs on a voluntary basis. Reporting this information can help track adaptation actions, assess the financial support required, and ultimately access climate finance.

At CMA 4 in Egypt (in [Decision 9/CMA.4](#)), it was, therefore, agreed that a Party may, on a voluntary basis, request the Secretariat to organise a review of the information on climate impacts and adaptation that it had reported. In addition to reviewing the reported information, the process aims to facilitate the improvement of the reporting by identifying, in consultation with the Party, areas of improvement and capacity-building needs. The outcome of the review will be presented in a dedicated annex to the TER report ([Decision 9/CMA.4](#), para. 5).

The MPGs give further guidance on the limitations of the TER: the aim of the review is to help Parties improve their reporting, and it should be facilitative, non-intrusive, and non-punitive ([Decision 18/CMA.1](#), Annex para. 148). The TER teams will not make political judgments, nor assess the adequacy or appropriateness of a Party's NDC, the adequacy of a Party's domestic actions or support provided, or—in the case of developing countries—a decision to apply flexibility.

On the format of the TER, the MPGs provide that it may be conducted as a centralised, in-country, desk, or simplified review ([Decision 18/CMA.1](#), Annex, para. 151). Parties will, for example, have to undergo an in-country review for their first BTR, and at least two BTRs in a 10-year period ([Decision 18/CMA.1](#), Annex, para. 158).

There is flexibility for developing countries that need it: they are encouraged to undergo an in-country review but may choose a centralised review. A Party's NIR submitted in a year in which a BTR is not due shall be subject to a simplified review, which involves the Secretariat undertaking an initial assessment of completeness and consistency with the MPGs. The MPGs further include provisions on the procedures for the TER process, nomination of technical experts, and composition of the TER team and lead reviewers (paras. 172-186). The outcomes of the TER will be recorded in a report which will be made publicly available on the UNFCCC website.

At CMA 3 in November 2021, Parties adopted the outlines of the TER report and of a training programme for technical experts participating in the TER of BTRs, contained in Annexes VI and VII of [Decision 5/CMA.3](#), respectively. The TER teams will have to follow this outline when preparing their report. The Secretariat was asked to develop a training programme for technical experts outlined in Annex VII to the decision and to report on progress to SBSTA until the development of the programme has been completed.

13

In addition, the development and implementation of a specific training course (by the Secretariat) for experts participating in the voluntary review was agreed at CMA 4 in Egypt ([Decision 9/CMA.4](#), para.8). The training course will be reviewed in the context of the MPG review, no later than 2028, and Parties will consider integrating relevant outcomes from the GlaSS work programme on the GGA (para. 10).

The FMCP will consider a Party's efforts under Article 9 and the implementation and achievement of its NDC. It will be based on the (mandatory) information in BTRs; the TER report; and any additional information provided by the Party for the FMCP ([Decision 18/CMA.1](#), Annex, para. 190). The FMCP will take place even if a Party fails to submit a BTR or the TER report is not available ([Decision 18/CMA.1](#), Annex, para. 198).

With regard to the format of the FMCP, the MPGs largely build on existing approaches (the IAR and ICA processes) and include a written

question and answer phase, followed by a working group session (paras. 191-196). This working group session will take place during meetings of the SBI and include a presentation by the Party under consideration followed by a discussion. Only Parties are entitled to ask questions and developing country Parties that need flexibility may take extra time in submitting written responses to questions. The FMCP record (questions and answer, Party presentations, recording or working group session, etc.) will be compiled by the Secretariat and published on the UNFCCC website.

Article 13.14 and 13.15: Support for Developing Countries

These paragraphs recognise that developing countries will need additional support to meet the more stringent reporting requirements of the ETF and build their capacity. In Paris, Parties established the *Capacity-building Initiative for Transparency (CBIT)* to assist developing countries in meeting the ETF requirements (*Decision 1/CP.21*, para. 84) (See also the section on Article 11). The GEF provides and mobilizes finance for developing countries to help them prepare their BTRs, and for building their transparency-related capacity. The need for financial and technical support to developing countries for reporting and related capacity building was reiterated in *Decision 5/CMA.3*, which makes its consideration a standing agenda item of future CMA sessions.

The topic, including the challenges faced by developing countries, in particular LDCs and SIDs, in implementing the ETF, was further discussed at the SBI meeting in Sharm El-Sheikh in 2022. In its *conclusions* (para. 8)⁶², the SBI invited submissions by 30 April 2023 on how to address those challenges and agreed to continue considering the matter at its next session with a view to facilitating the development of sustainable institutional and technical capacity of developing countries and recommending a draft decision for adoption by CMA 5 in 2023.

The Secretariat will produce synthesis reports on BTRs and NIRs and annual reports on the TER, and publish BTRs, NIRs, TER reports, and records of the FMCP on the UNFCCC website (*Decision 18/CMA.1, para. 6*).

National implications of Article 13 for developing countries

Countries will have to scale up their efforts to meet the more stringent requirements of the ETF. Institutional arrangements at the national and sub-national level will have to be put in place or strengthened for gathering and processing data, and for coordination among relevant ministries and agencies. Depending on the national context, new data systems may need to be developed, or existing ones improved, for comprehensive data collection on emissions, mitigation, adaptation efforts, and support. Coordination with the NAP and adaptation communication processes will also be key.

13

Human resources for reporting and monitoring activities will be key. Staff will have to be trained to ensure they have the requisite knowledge and expertise to comply with the MPGs – for instance, in selecting indicators, applying methodologies and accounting approaches, and in the assessment of implementation – and participating effectively in the TER process. The CBIT may assist in initiating this capacity, but additional long-term support will be needed, particularly to ensure long-term sustainability of the institutional infrastructure, capacity retention, and institutional memory.

ARTICLE 14: GLOBAL STOCKTAKE

1. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall periodically take stock of the implementation of this Agreement to assess the collective progress towards achieving the purpose of this Agreement and its long-term goals (referred to as the “global stocktake”). It shall do so in a comprehensive and facilitative manner, considering mitigation, adaptation and the means of implementation and support, and in the light of equity and the best available science.
2. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall undertake its first global stocktake in 2023 and every five years thereafter unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
3. The outcome of the global stocktake shall inform Parties in updating and enhancing, in a nationally determined manner, their actions and support in accordance with the relevant provisions of this Agreement, as well as in enhancing international cooperation for climate action.

14

While the transparency framework scrutinises and reviews the individual activities of Parties, the Global Stocktake (GST) under Article 14 focuses on determining collective progress towards achieving the purpose and long-term goals of the Paris Agreement. The outcomes of the GST aim to inform Parties’ future actions and support. In this way, the GST aims to enhance collective ambition over time.

Article 14.1: Features of the global stocktake

The GST seeks to ensure that the aggregate of national-level action is on a trajectory that is consistent with the Paris Agreement’s purpose and long-term goals. Its aim is to take stock of where Parties are collectively at in implementing their commitments under the Agreement, and to understand what more is needed.

Article 14.1 specifically mentions three areas to be covered: mitigation, adaptation, and means of implementation and support—i.e., finance, technology development and transfer, and capacity building. This

represented a compromise in the Paris negotiations. Some developing country Parties saw the stocktake primarily as a mechanism to ensure a degree of accountability for support provided. Other Parties wanted to focus on the review of collective mitigation efforts and progress towards the temperature goals only. In addition, the technical dialogue established by [Decision 19/CMA.1](#) as part of the GST process, may also consider efforts that address the impacts of response measures and loss and damage (Decision 19/CMA.1, para. 6).

Article 14.1 further clarifies the key features of the GST. It will assess collective, not individual (national), progress and take into account a wide range of information. A non-exhaustive list of inputs is identified in [Decision 19/CMA.1](#), paras. 35-38. It will be facilitative and should be conducted in a way that is conducive to encouraging ambition. It should also send clear messages not only on how much more needs to be done collectively to reach the long-term goals, but also how to get there (by highlighting specific concerns or needs, concrete options, and opportunities).

14

Despite the explicit mention of equity in Article 14.1, there is little guidance yet on how the principle will be integrated into the inputs, technical assessment, or outputs of the stocktake. [Decision 19/CMA.1](#) on the modalities and inputs for the GST reflects the following broad guidance:

- Equity will be considered in a Party-driven and cross-cutting manner throughout the GST (para. 2).
- Equity is mentioned in the context of equitable participation in the process by all Parties (para. 10).
- Providing adequate funding and capacity building for developing countries could be considered to ensure the full and effective but also equitable participation in the GST process (paras. 11 and 12).
- The outputs of the components of the GST “should summarize opportunities and challenges for enhancing action and support in the light of equity” (para. 13).
- The technical assessment phase will take into account equity (para. 27), as will the summary reports by co-facilitators (para. 31).

Thus, the report on the second meeting of the Technical Dialogue of the first GST⁶³ notes, for example, that increasing the consideration of equity can enable greater ambition in mitigation, with tailored approaches addressing different contexts and the impacts of response measures (in section II.B.4. of the report).

- The sources of input will include fairness considerations, including equity, as communicated in NDCs (para. 36.h), and voluntary submissions by Parties, to inform equity considerations (para. 37.g).

The need to use the “best available science” during the GST is reinforced by several references in [Decision 19/CMA.1](#) of the Katowice climate conference, particularly, paragraph 2, which states that the best available science will be considered in a Party-driven and cross-cutting manner throughout the GST. The latest reports of the IPCC will be a key input and, for that reason, their publication should be aligned with the stocktake cycle. This seems particularly relevant because the technical dialogue—the second stage of the GST—aims to create a “focused scientific and technical exchange of information” between IPCC experts and Parties through special events ([Decision 19/CMA.1](#), para. 29).

The report on the second meeting of the Technical Dialogue draws extensively on information from the IPCC AR6.

Article 14.2: The global stocktake cycle

The first GST will take place in 2023, and every five years thereafter. The timing of the first GST—two years before the updating or new submission of NDCs in 2025—will allow the stocktake to inform domestic preparations of new NDCs. The GST will be conducted by the CMA with the assistance of the SBSTA and SBI. The cycle will repeat every five years based on experience gained in the first and subsequent GSTs. The SBSTA and SBI Chairs will develop guiding questions, including specific thematic and cross-cutting questions ([Decision 19/CMA.1](#), para.7).

[Decision 19/CMA.1](#) of the Katowice climate conference describes the three phases of the GST in paragraphs 19 to 34: information collection and preparation; technical assessment; and consideration of outputs.

The information collection and preparation stage will begin one CMA session before the start of the second component (the technical assessment), and end six months before the final consideration of outputs. Stages one and two contain the following steps which are detailed below.

Initially, the SBSTA and SBI issue a call for inputs, which should be submitted at least three months before the technical assessment. The information to be considered pertains—at a collective level—to overall GHG emissions, the combined effect of NDCs, the state of adaptation, financial flows, and other areas addressed by the Paris Agreement.

[Decision 19/CMA.1](#) (in paras. 36 and 37) lists different types of information and potential sources such as:

- Reports and communications from Parties;
- The latest IPCC reports;
- Reports of the SBs;
- Reports from relevant constituted bodies and forums and other institutional arrangements under or serving the Paris Agreement and/or the UNFCCC;
- The synthesis reports by the Secretariat;
- Relevant reports from UN agencies and other international organisations, which should be supportive of the UNFCCC process;
- Voluntary submissions from Parties, including on inputs to inform equity considerations under the GST; and
- Submissions from non-Party stakeholders and UNFCCC observer organisations.

For the first GST, the information collection and preparation stage started at CMA 3 in November 2021 and ends at SB58 in June 2023. Inputs are made available on the [GST Information Portal](#)⁶⁴. The Secretariat then organises a webinar to clarify methodologies and assumptions used to aggregate inputs and prepare synthesis reports on: the state of GHG emissions and mitigation efforts undertaken by Parties; the state of adaptation efforts, experience, and priorities; the overall effect of NDCs; and financial flows. The first such webinar took place in May 2022, and the synthesis reports are available [here](#).⁶⁵

During the technical assessment, which for the first GST overlapped with the first stage, Parties take stock of implementation, assess collective progress, and identify opportunities for enhanced action and support. For the first GST, this started at SB 56 (June 2022) and ends at SB58 (June 2023). It is conducted by the SBSTA and SBI in a Joint Contact Group and should include “open, inclusive, transparent and facilitative” dialogues on mitigation, adaptation, and means of implementation and support, also taking into account, as appropriate, other areas ([Decision 19/CMA.1](#), paras. 4-6 and 30). To develop a shared understanding, the dialogues involve a range of stakeholders. They are facilitated by two co-facilitators and guided by questions developed by the SBSTA and SBI Chairs (paras. 6 and 7).

As part of this second phase of the first GST, technical dialogues took place in June and November 2022. They comprised plenary sessions of the SBs and roundtables on different thematic areas, as well as a world café style discussion with delegates from civil society, industry, and other stakeholders. Summary reports of the meetings and other documentation are available via the [GST portal](#). A final meeting of the technical dialogue is planned for June 2023.

Article 14.3: Outcomes of the global stocktake

The final stage of the GST is the consideration of outputs. It consists of high-level events to present the technical assessment findings and discuss implications to inform Parties as they update and enhance their actions and support. For the first GST, the high-level event will take place at CMA 5 in at the Dubai climate conference in 2023.

In preparation for this, the SBSTA and SBI: invited submissions by 15 February 2023 on the approach for the consideration of outputs; and requested their chairs to hold a consultation in April 2023 on preparations for that component and to convene an in-person workshop in October 2023 to develop elements for the consideration of outputs, to inform the work of the Joint Contact Group. An [information note](#) summarizing the submissions in preparation for the consultations held virtually on 27 April has since been published.

The outputs of the GST should focus on taking stock of collective progress, with no individual Party focus. They should include “non-policy prescriptive consideration of collective progress” that Parties can use to inform the updating of their actions and support and enhance international cooperation for climate action (Decision 19/CMA.1, para. 14). Outputs should identify challenges and opportunities, as well as lessons learned and good practices, and summarise key political messages, including recommendations for strengthening action and enhancing support.

While they should guide Parties’ planning for their NDCs, adaptation communications, and future support, there is no requirement to formally integrate the key messages of a stocktake in a CMA decision. The modalities for the GST in paragraph 34(c) of Decision 19/CMA.1 only provide that they should “be referenced” in a decision by the CMA and/or a declaration.

ARTICLE 15: FACILITATING IMPLEMENTATION AND COMPLIANCE

1. A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement is hereby established.
2. The mechanism referred to in paragraph 1 of this Article shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.
3. The committee shall operate under the modalities and procedures adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement at its first session and report annually to the Conference of the Parties serving as the meeting of the Parties to this Agreement.

Article 15.1: Mechanism

In addition to reporting and monitoring Parties' implementation of a treaty, most multilateral environmental agreements also include a mechanism to facilitate Parties' compliance with their commitments and/or obligations. Common tools that ensure the efficacy of an environmental treaty include financial support, technical assistance, voluntary compliance programmes, training, and other forms of assistance or incentives. In some cases, this can also include a degree of enforcement through sanctions or penalties (under, for example, the compliance mechanism of the Kyoto Protocol).

The mechanism established by Article 15.1 of the Paris Agreement is tasked with facilitating implementation and promoting compliance. Under the Paris Agreement, Parties are not under an obligation to meet their NDC targets but only to comply with binding procedural obligations (i.e. the submission of NDCs and other information, and participation in their review).

Article 15.2: Composition and function

Article 15.2 affirms the non-punitive nature of the mechanism, which excludes outcomes that carry a notion of punishment, compensation, stigma, or shame. The modalities and procedures for the operation of the Committee state that it cannot engage in enforcement or dispute settlement, nor can it impose penalties or sanctions (*Decision 20/CMA.1*, Annex, para.4).

The mechanism consists of a committee of twelve experts with recognised competence in relevant scientific, technical, socioeconomic, or legal fields, elected on the basis of equitable geographical representation (*Decision 1/CP.21*, para. 102). In addition, 12 alternate members are elected (*Decision 20/CMA.1*, Annex, para. 6). The current list of elected members of the *Paris Agreement Implementation and Compliance Committee* (PAICC)⁶⁶ can be found on the Committee's [website](#).

Article 15.3: Modalities and procedures

Based on *Decision 1/CP.21* (para.103), the APA was requested to develop the modalities and procedures for the effective operation of the PAICC. These modalities and procedures were adopted at the Katowice climate conference by *Decision 20/CMA.1* (Annex) and are to be reviewed in 2024 (para. 2).

Parties can refer concerns related to their own implementation and compliance with the provisions of the Paris Agreement by written submission to the PAICC (self-referral, Annex, para. 20). Parties may, however, not refer other Parties. The PAICC itself can initiate a “consideration of issues” in a limited number of cases only if a Party has failed to meet its primary (procedural) obligations under the Agreement. These are listed in the modalities and procedures for the PAICC (*Decision 20/CMA.1*, Annex, para. 22(a)i-iv):

- Communicate or maintain an NDC under Article 4;
- Submit a mandatory report or communication of information under Articles 13.7, 13.9 and 9.7;
- Participate in FMCP under Article 13; and

- Submit a mandatory communication of information under Article 9.5 on ex-ante finance.

In its consideration, the PAICC will not address the content of the contributions, communications, information, and reports submitted to comply with the procedural obligations (Annex, para. 23).

With the consent of the Party concerned, the PAICC may also engage in a facilitative consideration of issues in cases of “significant and persistent inconsistencies” of the national emission inventory and progress reports (under Article 13.7) or the information provided on support to developing countries (Article 13.9) with the MPGs for transparency of action and support (Decision 20/CMA.1, Annex, para. 22.b). When identifying these cases, the PAICC is invited to liaise with lead reviewers from the TER under Article 13 of the Agreement, as needed (Decision 5/CMA.3, para. 40).

In addition, the PAICC can examine “issues of a systemic nature”—related to implementation or compliance challenges faced by a number of Parties—and bring such issues and any recommendations to the attention of the CMA (Decision 20/CMA.1, Annex, para. 32). It cannot, however, single out any individual Party (Annex, para. 34).

In its considerations, the PAICC must attempt to engage constructively and consult with the relevant Party at all stages of the process (Decision 20/CMA.1, Annex, para. 19.(b)). Before reaching any conclusions, it must take into account the comments received from the Party concerned and pay particular attention to the Party’s national capabilities and circumstances. The Committee should also recognise the special circumstances of SIDS and the LDCs, as well as situations of force majeure—unforeseeable circumstances outside a Party’s control (Annex, para. 28).

The (non-exclusive) list of measures that the Committee can take includes (Decision 20/CMA.1, Annex, para.30):

- Engaging in dialogue with the Party;

- Assisting the Party to engage with the appropriate finance, technology, and capacity-building bodies to identify possible challenges and solutions;
- Making recommendations and communicating these recommendations to the relevant bodies (with the consent of the Party concerned);
- Recommending the development of an action plan and assisting in its development; and
- Issuing findings of fact only in cases where a Party has not complied with its obligations under para. 22(a)i-iv.

Since its inception the Committee has developed internal rules of procedure, as mandated by [Decision 20/CMA.1](#) of the Katowice climate conference in 2018 (Annex, paras. 17-18). A first part (mainly on institutional arrangements) was agreed in 2021 in Glasgow. The full set was adopted by [Decision 24/CMA.4](#) in Egypt in 2022. They are contained in the Decision's annex and include, for example: rules regarding the duties and conduct of members and alternate members; decision making and voting; initiation of a consideration of issues; measures and outputs; systemic issues; meetings; and other operational matters.

15

The Committee shall make every effort to reach agreement by consensus ([Decision 20/CMA.1](#), Annex, para.16). Rule 9 of the rules of procedure of the Committee contains further guidance on how such agreement may be reached. If all efforts to reach consensus have been exhausted, as a last resort, a decision may be adopted by at least three-quarters of the members present and voting ([Decision 20/CMA.1](#), Annex, para.16 and Rule 9, para. 5). Comments from dissenting members shall be included in the report on the meeting (Rule 9, para. 9).

Institutional Arrangements (Articles 16-19)

Article 16: CMA	124
Article 17: Secretariat	127
Article 18: SBI and SBSTA	128
Article 19: Other bodies and institutional arrangements	129

ARTICLE 16: CMA

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Agreement.
2. Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Agreement. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, decisions under this Agreement shall be taken only by those that are Parties to this Agreement.
3. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Agreement, shall be replaced by an additional member to be elected by and from amongst the Parties to this Agreement.
4. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall keep under regular review the implementation of this Agreement and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Agreement and shall:
 - (a) Establish such subsidiary bodies as deemed necessary for the implementation of this Agreement; and
 - (b) Exercise such other functions as may be required for the implementation of this Agreement.
5. The rules of procedure of the Conference of the Parties and the financial procedures applied under the Convention shall be applied *mutatis mutandis* under this Agreement, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
6. The first session of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties that is scheduled after the date of entry into force of this Agreement. Subsequent ordinary sessions of the Conference of the

Parties serving as the meeting of the Parties to this Agreement shall be held in conjunction with ordinary sessions of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

7. Extraordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be held at such other times as may be deemed necessary by the Conference of the Parties serving as the meeting of the Parties to this Agreement or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.
8. The United Nations and its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by this Agreement and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Agreement as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure referred to in paragraph 5 of this Article.

According to Article 16.1, the Meeting of Parties to the Paris Agreement is the governing body of the Agreement. When the UNFCCC COP serves as the Meeting of Parties to the Paris Agreement (CMA,) non-Parties may participate as observers (Article 16.2).

The CMA is mandated to keep the effective implementation of the Agreement under review and take the decisions necessary to promote its effective implementation. For that purpose, it can establish subsidiary bodies and exercise other functions deemed necessary for the implementation of the Agreement (Article 16.4).

Formally, the COP and CMA are both separate governing bodies of different international treaties. Since, however, the UNFCCC is the umbrella treaty, the Paris Agreement should be interpreted in light of the UNFCCC. This means that, although there is no legal hierarchy between the governing bodies, in the work of the CMA, the provisions of the UNFCCC must be taken into account.

The Paris Agreement relies heavily on the existing mechanisms of the UNFCCC and there are significant substantive overlaps between both treaties. As a result, there have been disagreement/s about the competency and role of each body. Previously, these concerned, for example, regular internal reviews (of the Financial Mechanism, the Adaptation Fund, or functions of the SCF), as well as the governance of the WIM.

Regardless of whether a process or institution was originally established under the UNFCCC (or the Kyoto Protocol), its responsibilities depend foremost on the specific mandate created by the Parties. They can clearly allocate issues to either the COP or CMA (as reflected in the agendas) or set up a collaborative process. This is often done by one body taking the formal decision and the other taking note of or endorsing it.

16

The rules of procedure of the COP and the financial procedures applied under the UNFCCC apply to the Agreement with the necessary changes, unless the CMA decides otherwise (Article 16.5). The **draft rules of procedure of the COP**⁶⁷ have never been adopted because Parties failed to agree on Rule 42 on voting. Nonetheless, the rules are being applied by the COP and its subsidiary bodies, with the exception of draft Rule 42. These rules also govern the proceedings of the CMA (except Rule 42), unless otherwise decided by the CMA.

The CMA operates in the same manner as the COP and meetings are convened in conjunction with the COP (Article 16.6). An extraordinary session of the CMA requires the support of at least one third of the Parties (Article 16.7).

ARTICLE 17: SECRETARIAT

1. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Agreement.
2. Article 8, paragraph 2, of the Convention on the functions of the secretariat, and Article 8, paragraph 3, of the Convention, on the arrangements made for the functioning of the secretariat, shall apply *mutatis mutandis* to this Agreement. The secretariat shall, in addition, exercise the functions assigned to it under this Agreement and by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

The UNFCCC Secretariat serves as the Secretariat of the Paris Agreement (Article 17.1). The Secretariat's functions, and the arrangements made for its functioning under the Agreement are those assigned to it under Article 8 of the UNFCCC and by the CMA (Article 17.2). This includes preparation of meetings and reports, providing assistance to Parties, and coordinating work with other international institutions. Under the Paris Agreement, the Secretariat is also required to, among other things, maintain the public registries for NDCs and adaptation communications, receive certain notifications (for instance, on collaborations and on the convening of CMA sessions), and prepare several technical documents, including inputs into the GST.

ARTICLE 18: SBI AND SBSTA

1. The Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention shall serve, respectively, as the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement. The provisions of the Convention relating to the functioning of these two bodies shall apply *mutatis mutandis* to this Agreement. Sessions of the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement shall be held in conjunction with the meetings of, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Convention.
2. Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceedings of any session of the subsidiary bodies. When the subsidiary bodies serve as the subsidiary bodies of this Agreement, decisions under this Agreement shall be taken only by those that are Parties to this Agreement.
3. When the subsidiary bodies established by Articles 9 and 10 of the Convention exercise their functions with regard to matters concerning this Agreement, any member of the bureaux of those subsidiary bodies representing a Party to the Convention but, at that time, not a Party to this Agreement, shall be replaced by an additional member to be elected by and from amongst the Parties to this Agreement.

18

The two permanent subsidiary bodies (SBs) of the UNFCCC, the SBSTA and the SBI, also serve the Paris Agreement. The Agreement itself does not assign any specific tasks to the SBs. It only states that the relevant UNFCCC provisions (Articles 9 and 10) apply to their functioning, with the necessary changes applied. Through its decisions, the CMA regularly assigns a range of tasks on different issues under the Paris Agreement to the SBs.

ARTICLE 19: OTHER BODIES AND INSTITUTIONAL ARRANGEMENTS

1. Subsidiary bodies or other institutional arrangements established by or under the Convention, other than those referred to in this Agreement, shall serve this Agreement upon a decision of the Conference of the Parties serving as the meeting of the Parties to this Agreement. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall specify the functions to be exercised by such subsidiary bodies or arrangements.
2. The Conference of the Parties serving as the meeting of the Parties to this Agreement may provide further guidance to such subsidiary bodies and institutional arrangements.

The Paris Agreement identifies several institutional arrangements established under the UNFCCC (e.g. the WIM, the Financial Mechanism, or the Technology Mechanism) that operate under the Agreement. Others, such as the Forum on the Impact of the Implementation of Response Measures, the Paris Committee on Capacity-Building, and the Adaptation Fund, were integrated into the new Agreement by subsequent decisions of the Parties. To the extent that they carry out functions under the Paris Agreement, they are formally accountable to the CMA and not the COP.

Final Articles

(Articles 20-29)

Article 20: Signature and ratification	131
Article 21: Entry into force	133
Article 22: Amendments to the Agreement	135
Article 23: Annexes	136
Article 24: Dispute settlement	137
Article 25: Voting	138
Article 26: Depository	139
Article 27: Reservations	140
Article 28: Withdrawal	141
Article 29: Languages	142

The Agreement concludes with a set of Articles, which are standard in international treaties, that deal with procedural requirements, including among other things, rules for its entry into force, operation, subsequent amendments, and withdrawal.

ARTICLE 20: SIGNATURE AND RATIFICATION

1. This Agreement shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations that are Parties to the Convention. It shall be open for signature at the United Nations Headquarters in New York from 22 April 2016 to 21 April 2017. Thereafter, this Agreement shall be open for accession from the day following the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.
2. Any regional economic integration organization that becomes a Party to this Agreement without any of its member States being a Party shall be bound by all the obligations under this Agreement. In the case of regional economic integration organizations with one or more member States that are Parties to this Agreement, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Agreement. In such cases, the organization and the member States shall not be entitled to exercise rights under this Agreement concurrently.
3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Agreement. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

The first step for a new multilateral international treaty to come into being is for states to agree its form and content and, if it has been negotiated within an international organization, formally adopt it. Following its adoption, the agreement is then opened for signature which indicates the willingness of the signatory state to continue the treaty-making process and to be bound by the agreement at a later stage.

Following signature of a treaty, a State is obliged to refrain from acts which would defeat the object and purpose of the treaty, unless it has clearly stated its intention to no longer be a Party to that treaty (1969 Vienna Convention on the Law of Treaties (VCLT), Article 18(a))⁶⁸.

A state will then express its consent to be bound by the agreement by way of ratification, acceptance, approval, or accession. This step generally happens after the required approval for the treaty at the domestic level (by, for example, parliament or government) has been obtained.

The agreement becomes applicable between states that have expressed their consent to be bound when it “enters into force” in accordance with specific requirements stipulated in the treaty (see Article 21 on Entry into force).

The Paris Agreement enjoys almost universal participation. Out of the 198 Parties to the UNFCCC almost all (currently 195) are also Parties to the Agreement. Authoritative information on the status of the Paris Agreement, including information on signatories to the Agreement, ratification, and entry into force, is provided by the Depositary, through the [UN Treaty Collection](#)⁶⁹ website.

Articles 20.2 and 20.3 contain specific rules for regional economic integration organisations—such as the European Union—by which they may join the Agreement.

ARTICLE 21: ENTRY INTO FORCE

1. This Agreement shall enter into force on the thirtieth day after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55 per cent of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession.
2. Solely for the limited purpose of paragraph 1 of this Article, “total global GHG emissions means the most up-to-date amount communicated on or before the date of adoption of this Agreement by the Parties to the Convention.
3. For each State or regional economic integration organization that ratifies, accepts or approves this Agreement or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, this Agreement shall enter into force on the thirtieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
4. For the purposes of paragraph 1 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by its member States.

The mandate from COP 17 in Durban, in 2011, for negotiating the Paris Agreement envisaged that it would “come into effect and be implemented from 2020” (Decision 1/CP.17, para. 4) However, the Agreement entered into force far earlier than expected – on 4 November 2016, 30 days after the date on which 55 Parties to the UNFCCC accounting for at least an estimated 55% of total global GHG emissions deposited their instruments of ratification, acceptance, approval, or accession with the UN Secretary-General.

As a result, further rules, processes, and other arrangements for implementation of the Agreement did not yet exist. They were still being developed by the APA. Hence, the governing body of the Paris Agreement—the CMA—met only formally and briefly in Marrakesh in 2016 (CMA.1.1) and Bonn in 2017 (CMA.1.2) to enable the APA to

continue with its preparations. The APA's work concluded in Katowice in 2018 (CMA.1.3), when Parties adopted a large part of the rules and procedures for the Agreement's implementation.

ARTICLE 22: AMENDMENTS TO THE AGREEMENT

The provisions of Article 15 of the Convention on the adoption of amendments to the Convention shall apply *mutatis mutandis* to this Agreement.

Regarding treaty amendments, the corresponding Article 15 of the UNFCCC applies to the Paris Agreement, incorporating the necessary changes. Consequently, the text of any proposed amendment to the Agreement must be communicated to Parties at least six months before the CMA session at which the amendment is proposed for adoption (UNFCCC Article 15.2). An amendment is adopted either by consensus or, if Parties fail to reach consensus, by a three-fourths majority (UNFCCC Article 15.3). Once adopted, an amendment enters into force, for those Parties that have accepted it, 90 days after at least three-fourths of all Parties to the Agreement have deposited their instruments of acceptance (UNFCCC Article 15.4).

ARTICLE 23: ANNEXES

1. The provisions of Article 16 of the Convention on the adoption and amendment of annexes to the Convention shall apply *mutatis mutandis* to this Agreement.
2. Annexes to this Agreement shall form an integral part thereof and, unless otherwise expressly provided for, a reference to this Agreement constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

UNFCCC Article 16 provisions on the adoption and amendment of annexes apply to the Paris Agreement, with the necessary changes incorporated. The Agreement does not currently have an annex, but if the Parties were to decide to adopt one, it would form part of the Agreement and have the same legal standing as its Articles (unless explicitly decided otherwise).

The adoption of annexes is subject to the same procedural rules as treaty amendments (Article 22). Annexes can only contain materials of a descriptive nature with a scientific, technical, procedural, or administrative character such as lists or forms (Article 23.2). Parties could, for example, use annexes to define groups of States and their differentiated responsibilities, or common templates for the submission of NDCs.

ARTICLE 24: DISPUTE SETTLEMENT

The provisions of Article 14 of the Convention on settlement of disputes shall apply *mutatis mutandis* to this Agreement.

UNFCCC Article 14 on dispute settlement applies to the Paris Agreement, with the necessary changes incorporated. The provisions of this Article concern disputes on the interpretation or application of the Agreement (UNFCCC Article 14.1).

Upon ratification, acceptance, approval, or accession, a Party may declare in writing whether it accepts either the jurisdiction of the International Court of Justice and/or arbitration procedures to be adopted in a future annex, in relation to any other Party that has accepted the same. To date, only the Netherlands (accepting both) made such a declaration when it deposited its instrument of acceptance of the Paris Agreement. With regard to the UNFCCC, the Netherlands made the same declaration, and the Solomon Islands has accepted future arbitration procedures. Cuba, in comparison, declared that any disputes with regard to the UNFCCC should be settled by negotiation through diplomatic channels only.

UNFCCC Article 14.2 and 14.7 envisages that Parties would adopt annexes on arbitration and conciliation, although such annexes have never been adopted. UNFCCC Article 14.6 allows for the creation of a conciliation commission at the request of a Party to a dispute. Such a commission would deliver a recommendatory award that the Parties must consider in good faith.

ARTICLE 25: VOTING

1. Each Party shall have one vote, except as provided for in paragraph 2 of this Article.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to this Agreement. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 25 repeats the language of UNFCCC Article 18 and reflects the general UN principle of “one country, one vote” regardless of population size or political clout (Article 18.1 of the UN Charter). However, UN members actually vote in the General Assembly (where a two-thirds majority is required for important decisions). In comparison, the UNFCCC COP takes substantive decisions by consensus only. Consensus in this context does not require unanimity (in the sense of positive agreement by all) but is often understood to mean the absence of objections.

To date, Parties to the UNFCCC have failed to agree whether to take certain decisions by a two-third majority (draft Rule 42). They, therefore, apply the Draft Rules of Procedure—except for the contentious rule on voting. These rules allow for voting on points of order (Rules 34 and 40) and voting could also be possible under Articles 22 and 23 of the Paris Agreement (to adopt amendments and annexes) (see also above Articles 16, 22, and 23). Pending a future agreement on voting, Article 25.1, however, remains largely symbolic. Formally, all Parties have equal rights to make their voices heard. Article 25.2 clarifies that regional economic integration organisations, such as the EU, have one vote per member state.

ARTICLE 26: DEPOSITORY

The Secretary-General of the United Nations shall be the Depository of this Agreement.

The UN Secretary-General is the Depository of the Agreement. The Depository is responsible for ensuring the proper execution of all treaty actions related to the Agreement (for instance, preparation of final treaty text, certifying copies, filing instruments of ratification and declarations, or notifications to and from Parties, etc.). A list of Parties, declarations, and other official procedural information related to the Agreement is available through the website of the [UN Treaty Collection](#).

ARTICLE 27: RESERVATIONS

No reservations may be made to this Agreement.

In general, when joining an international treaty, States can declare that they want to exclude or modify the legal effect of certain provisions of that treaty when applied to them (VCLT, Articles 2.1(d) and 19). However, this is explicitly prohibited by Article 27. As a result, States that ratify the Agreement must accept its provisions without reservations.

ARTICLE 28: WITHDRAWAL

1. At any time after three years from the date on which this Agreement has entered into force for a Party, that Party may withdraw from this Agreement by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from this Agreement.

The Paris Agreement has the same rules for a withdrawal as the UNFCCC (in Article 25). Paragraphs 1 and 2 allow Parties to withdraw from the Paris Agreement by giving written notification three years after the date on which the Agreement entered into force for that Party. Such notification to withdraw can be revoked by that Party at any time before it takes effect (VCLT, Article 68). The US gave a notification to withdraw from the Paris Agreement in 2019 (under President Trump) and its withdrawal took effect in November 2020. Following a change in government, the US rejoined the Agreement in 2021.

ARTICLE 29: LANGUAGES

The original of this Agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

The texts of the Agreement in Arabic, Chinese, English, French, Russian, and Spanish are equally authentic. The general rules of treaty interpretation apply if there is a difference in meaning between texts. If that does not resolve the issue, the meaning which best reconciles the texts, having regard to the object and purpose of the treaty, will be adopted (VCLT, Articles 31-33).

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Index

A

Accounting

- GHG emissions and removals 32
- GHG emissions in NDCs 32
- GHG removals 37, 38
- guidance for 32

Action for Climate Empowerment (ACE) 94

- ACE dialogue 95
- ACE Focal Points 94
- ACE's six elements and Action Plan and 95
- Action Plan 95
- Doha Work Programme 94
- empowerment of women 95
- gender equality 95
- Glasgow work programme 95
- Human rights 95
- UNFCCC Article 6 94

Adaptation 29, 52

- Adaptation Committee 56, 57, 59
- adaptation communications 56, 60
- adaptation costs 56
- Adaptation Forum 57
- Adaptation Fund Board 82
- adaptive capacities 18
- and GST synthesis report 64
- and mitigation ambition 56
- and NDCs 57
- and transparency framework 64
- building adaptive capacity 59

- Cancun Adaptation Framework 58
- capacity building for 63
- climate finance for 63
- climate resilience 18, 34, 55
- Climate Technology Centre and Network (CTCN) 63
- co-benefits for mitigation 30
- country-driven 57
- doubling adaptation finance 64
- ecosystem-based approaches 38
- enhancing adaptive capacity 55
- financial and technical support for 58
- Financial Mechanism 62
- gender-responsive 52, 57
- GGA framework 56
- GGA in the context of the first GST 65
- Glasgow-Sharm el-Sheikh (GlaSS) work programme on the GGA 55
- GlaSS work programme on the GGA 57
- Global goal on adaptation (GGA) 19, 52, 55
- Global Stocktake and 64
- implementation of NAPs 64
- Indigenous Peoples 57
- input to the GST 61
- international cooperation for 55
- international cooperation on 58
- in the context of the temperature goal 52
- IPCC Working Group II 60
- local knowledge systems 57
- mitigation co-benefits of adaptation actions 46
- Nairobi Work Programme on impacts, vulnerability and

- adaptation to climate change (NWP) 59
- NAP Expo 57
- National Adaptation Plans (NAPs) 57
- National Communications 57
 - national implications 65
 - nature-based solutions 38
 - on par with mitigation 102
- Paris Committee on Capacity Building 58, 63
- registry 62
- registry for adaptation communications 62
- Standing Committee on Finance 63
 - support for 58, 63
- Technology Executive Committee (TEC) 63
- traditional knowledge 57
- transparency of action and support for 55
- World Meteorological Organization support for 59
- Adaptation Committee** 57, 58
 - effectiveness of 60
- Adaptation communications**
 - guidance on 61, 62
- Adaptation Fund** 64, 82
 - share of proceeds 48, 82
- Ad hoc Working Group on the Durban Platform** 17, 133
- Ad hoc Working Group on the Paris Agreement** 28, 119, 132
- African Group of Negotiators** 79
- Alliance of Small Island States (AOSIS)** 72
- Amendments to the Agreement** 135
- Annexes** 136
- Article 6**
 - technical expert review team 43
- Article 6.4 mechanism**
 - A6.4ERs 45
 - additionality 46
 - credits from the CDM 48
 - designated operational entity (DOE) 46, 47
 - independent grievance process 48
 - rules, modalities, and procedures for 45
 - share of proceeds 46
 - Supervisory Body 44, 45, 47
 - verification and certification 47
- B**
- Biennial transparency reports (BTRs)** 61, 72
- C**
- Cancun Adaptation Framework** 58
- Cancun Agreements** 57, 58, 78
- Capacity building** 89
 - and NDCs 90
 - Capacity-building Initiative for Transparency (CBIT) 90
 - Capacity-building Portal 92
 - communications 21
 - criteria for activities 91
 - Durban Forum on Capacity-building 91
 - gender-responsive 89
 - LDCs 90
 - national implications 93
 - new PCCB workplan 92

- Paris Committee on Capacity Building (PCCB) 91
- PCCB annual technical progress report 92
- PCCB network 92
- PCCB synthesis report for the first GST 92
- PCCB toolkit 92, 93
- SIDS 90
- support for 91
- transparency 91
- Carbon capture and storage (CCS) 26**
- Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) 42**
- CCS *See* carbon capture and storage
- Centralized accounting and reporting platform (CARP) 44**
- Clean Development Mechanism (CDM) 43, 44, 47, 82**
 - certified emission reductions (CERs) 49
 - credits to the Article 6.4 mechanism 48
 - share of proceeds 82
- Climate finance 76**
 - biennial communications 79
 - comparability and accuracy of information 81
 - high-level ministerial dialogue on 80
 - operational definition 78
 - public and other forms of finance 80
 - readiness 82
 - types of information in communications 80
- Climate justice 14**
- Climate Technology Centre and Network (CTCN) 63**
- CMA 29, 30, 34, 49, 57, 72, 73, 82, 110, 117, 124
 - draft rules of procedure of the COP 126
- Committee**
 - and lead reviewers from the TER 121
- Common but differentiated responsibilities and respective capabilities (CBDR-RC) 13, 19, 20, 25**
- Compliance 119**
 - force majeure 121
 - LDCs 121
 - measures PAICC can take 121
 - mechanism 119
 - modalities and procedures for the PAICC 120
 - non-punitive 120
 - PAICC internal rules of procedure 122
 - Paris Agreement Implementation and Compliance Committee (PAICC) 120
 - SIDS 121
- Compliance mechanism 100**
- Consultative Group of Experts (CGE) 59**
- Convention on Biodiversity (CBD)**
 - decision on biodiversity and climate change 26
- Cooperative approaches 39**
 - Agreed Electronic Format 43
 - and LDCs 46
 - and SIDS 46
 - Article 6 database 44
 - Article 6.2 42

Article 6.4 mechanism 42, 44
 Article 6.4 mechanism registry 46
 Article 6.4 mechanism Supervisory Body 45, 46, 49
 Article 6 database 43, 44
 avoiding double counting 48
 Bilateral or multilateral cooperative approaches 41
 CMA 41
 Corresponding adjustments 43
 crediting mechanism 41
 credit mechanism 44
 Glasgow Committee on Non-market Approaches 50
 guidance on 42
 Human rights 41
 Indigenous Peoples 41
 ITMOs 42
 market approaches 41
 mitigation ambition 41
 national implications 51
 non-market approaches 40, 41, 49
 Sustainable development 41
 transparency framework 42
 voluntary cooperation 41

D

Depository 139

Developed countries

historic responsibilities 76

Developing countries

absolute economy-wide targets 28

concerns of 21

efforts of 21

NDCs 28

support for 21

Differentiation 19, 28 *See* CBDR-RC and Flexibility

between developed and developing countries 32

Dispute settlement 137

Doha Work Programme *See* ACE

E

Early warning systems 58

Economic diversification 29, 30, 46

ecosystems 13

Enhanced Transparency Framework (ETF) 61

Entry into force 133

Equity 23

EU carbon trading scheme 34

F

Finance 75

access to 82

Adaptation Fund 48, 64, 82, 126, 129
 and Global Stocktake 75, 80

commitments 76

communications 21, 79

enhanced readiness support 76

ex-ante reporting 79

Financial Mechanism 76

historical responsibility 75

LDCs 82

MPGs for transparency and support 81

national implications 83

needs of developing countries 78

processes and procedures for
 accessing support 82

public budgets 77

- public finance and private investment 19
- public interventions 81
- reporting on 81
- Sharm El-Sheikh dialogue 19
- shift in finance flows 19
- SIDS 75, 82
- support for developing countries 75
- sustainable development 76
- USD 100 billion per annum 77
- Financial Mechanism**
 - operating entities of 81
 - support for adaptation and mitigation 63
- Forests** *See* Sinks and reservoirs
 - conservation and restoration 37
- Funding arrangements for loss and damage** 72, 73
- G**
- Gender-responsive** 62
- Geoengineering** 26
- Glasgow Climate Pact** 63
- Glasgow Dialogue** 73
- Glasgow Pact** 18
- GlaSS work programme on the GGA** 57
- Global Environment Facility (GEF)** 81, 88
- Global goal on adaptation (GGA)** 52
- Global stocktake** 25, 30, 75, 113
 - and adaptation 64
 - and best available science 115
 - and finance 80
 - and mitigation 31
 - cycle 115
- Dubai climate conference 117
- enhance collective ambition 113
- equity 115
- features of 113
- GGA in the context of 65
- GST Information Portal 116
- guidance on modalities and inputs for 114
- high-level events 117
- impacts of response measures 114
- information collection and preparation 116
- Joint Contact Group 117
- long-term goals 114
- loss and damage 114
- modalities for 118
- outcomes of 117
- SBI 117
- SBSTA 117
- second stage of 115
- synthesis reports 116
- technical assessment phase 114
- technical dialogues 115, 117
- types of information and potential sources 116
- voluntary submissions 115
- webinar 116
- world café style discussion 117
- Green Climate Fund (GCF)** 81
- Greenhouse gas sinks and reservoirs** 36
- Greenwashing** 27
- H**
- Historical Responsibility** 20, 76
- Human rights** 14, 35, 41, 95

I

Independent Association of Latin America and the Caribbean (AILAC) 79

Indigenous Peoples 41, 57, 58, 62, 70
rights of 14

Intended nationally determined contribution (INDC) 29

Intended Nationally Determined Contributions (INDCs) 18, 30

Intergovernmental Panel on Climate Change (IPCC) 18
guidelines 30
guidance on emission removals 37
methodologies and common metrics 37
report on the physical science basis 18

Sixth Assessment Report 19, 67

Special Report on Global Warming of 1.5°C 18, 67

Working Group II 59, 62

Internationally transferred mitigation outcomes (ITMOs) 39, 42
confidential information pertaining to 43
measuring 42
registry for tracking information 44
track ITMOs 42
transparency of 43

K

Katowice climate conference 32, 33, 80

Katowice Climate Package 29, 32, 56, 57, 58

Katowice Rulebook 79

Kyoto Protocol 19, 34

Adaptation Fund 82

CDM 44

certified emission reduction units 34

market mechanisms 51

L

Languages 142

LDC Expert Group (LEG) 57, 59

LDC Fund (LDCF) 81

Least developed countries (LDCs) 23, 28, 34

assistance for adaptation 63

finance 75

special circumstances of 42

LEDS *See* **low emissions development strategies**

Legal Response International 68, 69

Local knowledge systems 62

Loss and damage 66

economic and non-economic losses 67

enhancing understanding, action, and support for 71

Fiji Clearing House for Risk Transfer 69

finance facility to support 72

freestanding article on loss and damage 67

Glasgow Dialogue 72, 73

national implications 74

new funding arrangements 73

political phase of GST 72

reporting and review 71

Santiago Network 69

SBI 72

scientific literature on 67

SIDS 68
 Task Force on Displacement 69
 technical dialogue of the GST 72
 Transitional Committee 73
 Warsaw International Mechanism
 66, 68
 WIM Executive Committee 68

M

Market approaches 41

Mitigation 23

carbon budgets 35
 ambition 30, 31
 and equity 23
 burden sharing agreement 34
 carbon capture and storage (CCS) 26
 carbon negative 26
 carbon neutral 26
 carbon neutrality 26, 35, 36
 co-benefits from adaptation 23
 co-benefits of adaptation 30
 commitments 27
 communications 21, 78
 domestic measures 25
 economy-wide emission caps 28
 economy-wide targets 28
 ecosystem-based approaches 38
 emission trajectories 35
 enhancing ambition 27
 geoeengineering 26
 global peaking of emissions 26
 information necessary for clarity,
 transparency and understanding
 (ITCU) 29
 joint commitments 34
 low-carbon development 18

low-carbon economy 34
 low emission development strategies
 (LEDS) 26
 mitigation co-benefits of adaptation
 actions 46
 Mitigation Work Programme (MWP)
 30, 31
 national implications 35
 national quantified emission
 limitation or reduction
 commitments (QELRCs) 34
 nature-based solutions 38
 NDCs 27
 net-zero commitments 27
 net zero emissions 36
 non-State actors 27
 reservoirs and sinks 36
 sources and removals by sinks 26
 support for 28
 targets 35
 temperature goal 18, 25

Mitigation and adaptation

balance 78

Modalities, procedures, and guidelines (MPGs) 37, 41, 81, 100, 101, 104

N

Nationally determined contributions (NDCs) 18, 21

accounting for GHG emissions 32
 adjustment of 27
 backsliding 28
 common time frames 24, 30
 communications 21, 24, 30, 115
 content and process for NDCs 29
 developing countries 28
 guidance on 31

- implementation of 31
- increasing ambition 21, 25
- registry 24, 25, 31
- second NDC 29
- synthesis report 30
- New collective quantified goal on climate finance 77**
- Non-market approaches 40, 41, 49**
 - a levy on fossil fuel companies 50
 - coordination and implementation of 50
 - Glasgow Committee on Non-market Approaches 50
 - technical paper on 49
 - UNFCCC web-based platform 50
- Non-State actors 27**
- O**
- Ocean fertilisation 26**
- P**
- Paris Agreement**
 - freestanding article on loss and damage 67
 - goals of 18
 - overall objective 17
 - US withdrawal from 27
- Paris Committee on Capacity-building (PCCB) 59**
- Public participation *See* ACE**
- R**
- REDD-plus 36, 37**
 - carbon stocks 36
 - common metrics 37
 - national implications 38
 - Warsaw Framework for REDD-plus 37
- Renewable energy 33**
- Reporting *See* Transparency and transparency 103**
 - reporting requirements 43
- Reservations 140**
- response measures**
 - adverse effects of 33
- Response measures 33**
 - Forum on the Impact of the Implementation of Response Measures 33
 - impacts of 25, 33
 - Katowice Committee of Experts on the Impacts of the Implementation of Response Measures (KCI) 33
 - workplan 34
- S**
- Santiago Network 69**
 - Advisory Board 70
 - children and youth 70
 - Indigenous Peoples 70
 - other bodies and institutional arrangements 129
 - women and gender constituency 70
- SBI 82**
- SBI and SBSTA 128**
- Science *See* IPCC**
 - best available science 60
- Secretariat 127**
- Share of proceeds 46, 47**
 - Adaptation Fund 48
 - from the CDM 82
 - to finance adaptation 48

- Sharm el-Sheikh**
loss and damage fund 73
- Sharm el-Sheikh Implementation Plan**
64, 78
- SIDS** *See* small island developing States (SIDS)
- Signature and ratification** 131
- Sinks and reservoirs** *See* Forests
- Small island developing States (SIDS)**
23, 28, 34
special circumstances of 42
- Special Climate Change Fund (SCCF)**
81
- Standing Committee on Finance (SCF)** 63, 64, 78, 81, 126
- Subsidiary Body for Implementation (SBI)** 31, 43, 55, 72, 94, 111, 116, 117
- Subsidiary Body for Scientific and Technological Advice (SBSTA)** 31, 41, 50, 55, 104, 110, 115
- Sustainable development** 41, 44, 47, 51, 76
- Sustainable management of forests** 36
- T**
- Technology**
active private sector engagement 87
and GST 86
carbon capture and storage (CCS) 26
Climate Technology Centre and Network (CTCN) 85, 86
Global Environment Facility (GEF) 88
innovation 87
intellectual property rights (IPRs) 85
leapfrog 87
national implications 88
scientific research and development for 87
Technology Executive Committee (TEC) 63, 85
Technology Framework 86, 87
Technology Mechanism 84, 85, 86
technology needs assessments (TNAs) 88
- Technology development and transfer**
barriers to 85
communications 21
support for 88
- Technology Framework**
National Inventory Report 42
- Temperature goal** 17, 114
1.5°C 18, 31
2°C 18
10-year window 18
and mitigation 25
impact on ecosystems 18
impact on human health 18
- Trade measures** 33
- Transitional Committee** 73
- Transparency** 98
2006 IPCC Guidelines for National GHG Inventories 105
2019 Refinement to the 2006 IPCC Guidelines 105
action and support 98, 102
and IPCC methodologies 103
and mitigation 109
and TERs 109
AOSIS 108
Biennial Reports 102

- Biennial Transparency Reports (BTRs) 32, 103
 - biennial update reports (BURs) 108
 - Biennial Update Reports (BURs) 102
 - BTR 107
 - Capacity-building Initiative for Transparency (CBIT) 111
 - capacity building for reporting 111
 - climate finance 107
 - common reporting tables (CRTs) 104
 - common tabular format 105
 - common tabular formats (CTFs) 104
 - communications 21
 - electronic reporting 108
 - enhanced transparency framework 100
 - enhanced transparency framework 98
 - facilitative, multilateral consideration of progress (FMCP) 108
 - finance and Article 9 108
 - flexibility of transparency framework 101
 - format of the FMCP 111
 - format of the TER 110
 - GHG emissions or removals 105
 - GlaSS work programme on the GGA 110
 - Global Environment Facility (GEF) 111
 - implementing the ETF 111
 - information on climate change impacts and adaptation 103
 - information on support provided 103
 - International Assessment and Review (IAR) 102
 - International Consultation and Analysis (ICA) 102
 - LDCs 100, 101, 108
 - limitations of the TER 109
 - mandatory elements 109
 - MPGs 102, 105
 - National Communications 102, 108
 - national implications 112
 - National Inventory Report (NIR) 103
 - National Inventory Reports (NIRs) 103
 - new MPGs 102
 - outcomes of the TER 110
 - reporting requirements 111
 - Reporting requirements 103
 - review 108
 - SIDS 100, 101
 - support for developing countries 111
 - technical expert review (TER) 108
 - track adaptation actions 109
 - training on use of reporting tools 108
 - Training workshops 108
 - transparency framework 100
 - Transparency framework 42, 57, 72**
 - action and support 37
 - guidance 37
- U**
- UNFCCC
 - National Focal Points 31
 - UN Framework Convention on Climate Change (UNFCCC) 13
 - UN Secretary-General 27, 58, 133
 - UN Treaty Collection 132, 139
- V**
- Vienna Convention on the Law of Treaties (VCLT) 131

Voluntary carbon markets 42, 47

Voting 138

W

**Warsaw International Mechanism for
Loss and Damage (WIM)** 66, 68

five-year rolling work plan of the
ExCom 68

functions of the WIM 68

governance arrangements of the
WIM 69

Withdrawal 141

United States 141

**World Intellectual Property
Organization** 85

World Meteorological Organization
59

This Guide aims to provide an accessible annotation to the Paris Agreement and its implementation guidelines for climate negotiators and for national practitioners. It also touches on implications for domestic law and policy in developing countries.

“The Pocket Guide to the Paris Agreement offers a very practical means to appreciate the key provisions and objectives of the Paris Agreement... for leaders, politicians and experts alike.”

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