

GETTING SPECIFIC ON THE 2015 CLIMATE CHANGE AGREEMENT: SUGGESTIONS FOR THE LEGAL TEXT WITH AN EXPLANATORY MEMORANDUM

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EXECUTIVE SUMMARY

COP 21: A Pivotal Meeting

Since 2011, countries have been meeting regularly to negotiate a new international Climate Agreement, with the goal of adopting that Agreement at the end of 2015, at the 21st Conference of the Parties (COP) to the UN Framework Convention on Climate Change (the Convention) in Paris. Climate change is now imminent. Changes in weather patterns including extreme weather events are impacting every nation on Earth, and impacts are being felt most severely by the poor and vulnerable. Many solutions are available and being implemented, but they are not yet being deployed at the scale or speed required to accomplish an orderly transition to a low-carbon, and climate-resilient economy. The 2015 Agreement in Paris represents a critical opportunity to send unambiguous signals that the world will shift its economic and social activity toward more climate-friendly and sustainable pathways.

The ACT 2015 Consortium

The Agreement for Climate Transformation (ACT) Consortium is an initiative that brings together a group of climate experts from around the world.¹ Over the past two years, the consortium has convened a series of meetings with stakeholders representing multiple interests and geographic areas, in order to discuss and develop ideas that would inform the COP process. The consortium has

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also undertaken research and analysis to support these discussions. The result of this work is a suggested legal text for the 2015 Paris Agreement, which, it is hoped, will provide valuable input for consideration by stakeholders in the run-up to the meeting.

The suggested legal text takes account of the current negotiating text developed by the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), but it goes further in attempting to reconcile many different viewpoints and strike a balance that will contribute to the development of a final Agreement that is fair, equitable and effective in realizing the goals of the Convention. The purpose of the suggested legal text is to provide ideas for the consideration by Parties.

Key Themes of the Suggested Legal Text

Long-Term Goals

The suggested legal text recognizes the intimate connections between mitigation, adaptation and support. It promotes a more holistic approach that reinforces the links among the three issues, and moves away from an

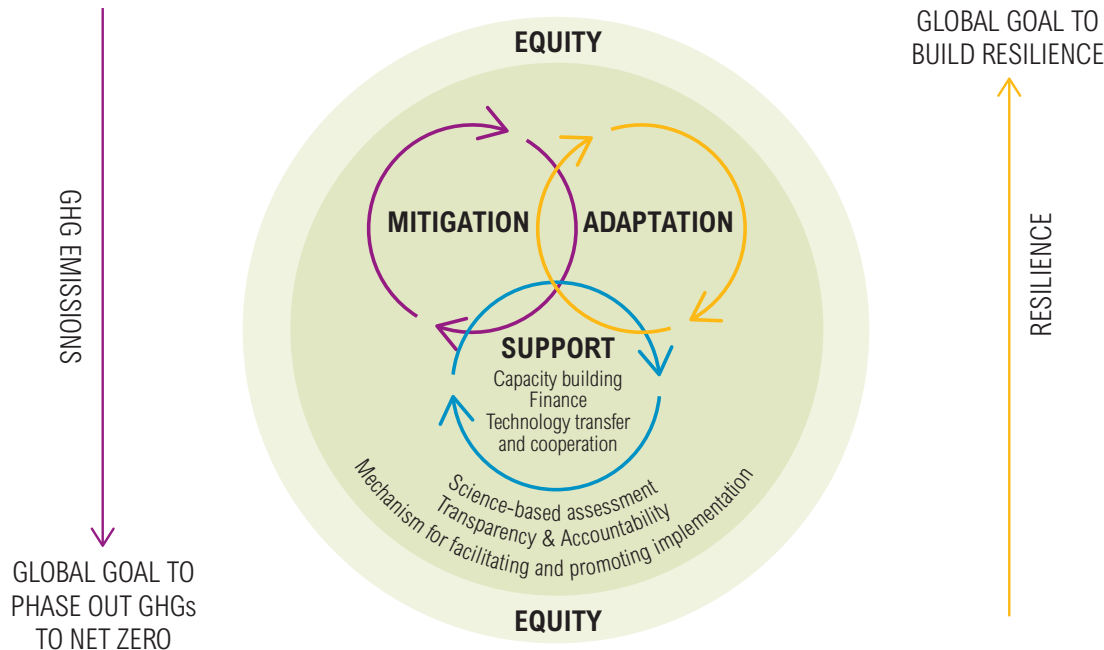
approach centered only on mitigation. The approach is represented graphically below in figure 1.

In order to provide clear signals to government, the private sector, and the public that the low-carbon economy is not simply desirable, but unavoidable, the suggested legal text calls for the following:

- A long-term mitigation goal to phase out all greenhouse gas (GHG) emissions to net zero as early as possible in the second half of this century.
- A long-term adaptation goal to reduce the vulnerability and build the resilience of communities facing climate impacts. The goal should be achieved through collective actions of all countries.

Implementation of each of these goals would be based on “common but differentiated responsibilities and respective capabilities, in light of different national circumstances.” One interpretation of this could be different phase-out timeframes for developed and developing countries.

Figure 1 | Core Components of the 2015 Paris Agreement: Driving Continuous Improvement Toward Long-Term Goals



Five-Year Cycles of Continuous Improvement

The suggested text establishes three five-year cycles related to mitigation, adaptation and support. The cycles are intended to provide predictability by regularly assessing and strengthening countries' actions to reduce emissions, adapt to climate change, and support low-carbon growth in a manner that is fair, equitable and just:

- Every five years, all countries shall commit to strengthening their nationally determined mitigation commitments, until the long-term mitigation goal is achieved. New or enhanced mitigation commitments shall be informed by an independent expert panel, which will promote ways to overcome barriers for enhanced actions and leverage mitigation potential. Enhanced existing or new economic instruments, market-based, and non-market-based mechanisms, will allow countries to cooperate in the implementation of their mitigation commitments.
- Every five years, all countries shall submit statements concerning their adaptation efforts, and the Adaptation Committee will undertake a review of progress toward the long-term adaptation goal, identifying best practices at country or regional level, promoting mutual learning, and facilitating implementation and support. National Adaptation Plans will continue to play an important role, and these plans should take account of different temperature scenarios (temperature increases of 2°C, 3°C, or 4°C).
- The support package comprises finance, increased capacity building, and technology development and transfer to support countries' actions to achieve the long-term mitigation and adaptation goals. Every five years, there will be reviews for each element of the support package.
- For each of these five-year cycles, countries will submit strategies concerning finance in order to catalyze a dynamic process for shifting and scaling-up finance. For all countries, these strategies will cover measures taken to improve national policy and institutional frameworks; for recipient countries, the strategies will project future financial needs and national investment plans; and countries providing and mobilizing finance will indicate plans and channels for scaling up the level of finance. The Standing Committee on Finance will review and make recommendations concerning the financing scale-up and shift underway and the financing needed.

Loss and Damage

The suggested legal text prepared by the consortium recognizes that, even with greatly enhanced global efforts on mitigation and adaptation, the adverse impacts of climate change, including extreme weather events and/or slow-onset events such as sea-level rise, are likely to cause loss and damage in some regions. The text therefore suggests that the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts under the Convention should serve as the platform, under the 2015 Paris Agreement, for enhanced cooperation on loss and damage. Its work shall be accelerated and also be regularly reviewed, starting with the outcome of the review of the mechanism in 2016.

Equity

The suggested legal text recognizes that countries are at different stages of development and proposes various ways to take account of different national circumstances and capabilities. Always consistent with the principle of common but differentiated responsibilities and respective capabilities, and in light of their national circumstances, proposals include the following:

- The focus of nationally determined commitments and efforts is balanced by the creation of a process to determine an equity framework that can more systematically inform climate negotiations in future cycles.
- In light of different national circumstances, least developed countries and small island developing States shall have particular flexibility regarding the scope, stringency, form, type, and frequency of their mitigation commitments.
- Developing country Parties, in particular the least developed countries and small island developing States, shall be eligible for support for the fulfillment of the Agreement's requirements. Half of public finance shall be focused on adaptation.
- In the measurement, reporting and verification framework, developing countries are permitted to implement provisions based on their different capabilities.
- Competent international and non-governmental organizations, as well as subnational authorities, are encouraged to provide input to the five-year cycles, to encourage procedural equity.

Additional Cooperative Actions and Non-Party Actors

Countries that wish to go further faster are enabled to join together in joint agreements around specific issue areas. Cooperative actions can involve the participation of non-state actors as appropriate. Relevant international organizations and expert bodies outside the Convention are encouraged to take action in line with achieving the long-term mitigation and adaptation goals.

Transparency and Accountability

In order to ensure credibility and enhanced transparency, the suggested legal text calls for transparency and accountability to be enhanced as follows:

- Monitoring, Reporting, and Verification (MRV) provisions cut across all the elements of the Agreement and address mitigation, adaptation, and support.
- All Parties aspire, over time, to converge in their efforts to collect and report the most robust and transparent data possible after 2020 and report in a common format after that point, in light of their respective national circumstances and capabilities.
- Developing countries are enabled to participate fully in such an enhanced MRV framework, through the provision of additional financial support, capacity building, and technology development and transfer, as needed, in accordance with varying national circumstances.
- The creation of a facilitative implementation mechanism, which promotes effective implementation with countries in need of additional action and helps to meet their commitments, thereby enhancing accountability under the Agreement.

The full text of the suggested legal text developed by the ACT 2015 consortium can be found after the introduction, below. It is accompanied by an explanatory memorandum that provides additional information on the aims and operation of the proposals presented in the legal text. It is also provided separately in an annex for reference.

INTRODUCTION

The Challenge: A Successful 2015 Agreement in Paris

Many national and multilateral actions and initiatives to address climate change are already under way around the world. Local communities and businesses are also involved. However, current action is inadequate to avoid the worst impacts of climate change.

The aim of the new UN Agreement must be to advance and inspire still greater international cooperation to implement ambitious and fair programs that will speed the transition to a low-carbon, climate-resilient economy. The Ad Hoc Working Group on the Durban Platform for Enhanced Action, or ADP, was established in 2011 at the 17th Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (the Convention). Mandated to “develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties,”² the ADP was faced with the task of producing an instrument that would effectively address significant gaps that exist in global climate change policy through the framework of the Convention. After adoption at the 21st COP in December 2015, the new Agreement will shape international cooperation on climate change from 2020 onwards.

In order to be successful, the Paris Agreement must speak to all countries and constituencies. It must take full account of countries’ very different perspectives, needs and capabilities. This challenge inspired the formation of the Agreement for Climate Transformation (ACT) 2015 consortium, a group of experts who came together with the express purpose of identifying approaches that might help to guide negotiations in Paris to a successful conclusion.

The Approach of the ACT 2015 Consortium

The ACT 2015 consortium, formed in 2013, brought together experts from nine institutes and universities who convened a series of meetings around the world to engage a diverse set of stakeholders in discussions about the possible form and content of the 2015 Agreement. Seventeen convenings were held in Africa, Europe, North and South America, and Asia. Stakeholders included representatives

from governments, NGOs, the business sector, labor and faith groups. The consortium also conducted research and analysis in order to develop ideas on the content of the Agreement, for consideration by the Parties.

In October 2014, the consortium shared a draft paper, “Elements and Ideas for the 2015 Paris Agreement,”³ with governments and other stakeholder representatives at the ADP meeting. This process generated comments and questions that further informed the final publication, which was released in December 2014. After additional input, convenings and analysis, the “Elements and Ideas” paper served as the basis for the more formal legal proposal from the consortium that is contained in this document.

Decision-makers in Paris will be faced with multiple choices, both among the major themes of the Agreement as a whole and at a more detailed level within each Article. In the end, these choices—made by all—will have to represent a balance on multiple levels, in such a way that all Parties believe that their own priorities have been represented and that no fundamental “red lines” have been crossed.

Achieving Balance, Robustness, Broad Participation, Effectiveness and Fairness

Many options exist to create a balanced and fair Agreement. In its work, the consortium had to make judgments about the level of priority of various options and how the pieces could fit together to create an operational Agreement. Certain cross-cutting themes emerged repeatedly, for example, how can the Agreement drive greater action across the board, creating cycles of continuous improvement? How is equity or differentiation treated across and within sections of the Agreement? How can there be “political parity” across the key elements of the Agreement that reassures Parties that their core issues have been addressed? How are effectiveness and robustness enhanced while still ensuring broad participation? The consortium hopes that the choices it made can provide helpful lessons for decision-makers in the final months before Paris.

The following issues encompass some of the key choices and tradeoffs that are embedded in the suggested legal text presented in this document.

“Multilateral vs Nationally-Determined” Approaches

Climate change requires global agreement on certain actions and solutions but it is clear that the 2015 Paris Agreement will have strong roots in national decision-making. In order to provide balance between a wholly nationally driven approach and multilateral rules and norms, the choice was made to include a specific long-term goal for mitigation and a long-term goal for adaptation. These goals are focused on motivating, and providing overarching guidance to, the specific national actions that will be undertaken by Parties individually and collectively.

Another counter-balancing factor to the lack of multilateral rules and norms, which some members of the consortium believe would facilitate greater ambition, was to include a provision to update the commitments regularly through five-year cycles of continuous improvement, combined with a decision that countries not roll back their commitments but rather commit to strengthening them at regular short-term (five-year) intervals. The ACT 2015 suggested legal text proposes three cycles of continuous improvement that apply to different policy areas, but are equally important in the Agreement: mitigation, adaptation, and support.

Creating a balance between having a clear link between the agreement and country INDCs was approached by creating a legally binding obligation on all Parties to implement the mitigation commitments that would be inscribed in a list, kept by the secretariat and made publically available alongside the Agreement.

Universal Participation and Equity

In the Durban outcome, Parties decided that the Agreement will be “under the Convention” and “applicable to all Parties.” Requiring the Agreement to be universal in its application while also maintaining critical elements of equity is extremely challenging. The approach taken by the consortium was to recommend that each of the three cycles of action apply universally to all countries. Each cycle, however, would be applied in different ways and with a variety of approaches to differentiation. In addition, the focus of the Agreement on nationally based commitments is balanced by the creation of a process to determine an equity framework that can more systematically inform the negotiations in future cycles.

Such an equity framework is an important part of the new practice that the Agreement would promote and enhance.

Action and Support

The consortium chose to define “support” as a package that includes finance, capacity building, and technology development and transfer, all of which should be understood together. Views on these matters are very diverse and there is a legacy of distrust on all sides. Developing countries note the lack of delivery of support over many years, and point to the unbalanced distribution of financial support when it is provided. Developed countries note that levels of support have increased, though perhaps not enough, and also point to the lack of enabling environments and project pipelines in many developing countries. Developed countries also highlight the fact that domestic fiscal and political conditions make it almost impossible to do more, particularly when non-Annex I countries with relatively high levels of GDPs are not required to contribute finance.

It is clear that an understanding before Paris and a resulting COP decision on how countries will meet the commitment to mobilize \$100 billion a year in finance by 2020 is fundamental for success at the Paris COP. In the Agreement itself, the support package must provide enough clarity and accountability for developing countries to feel confident that they can meet the mitigation and adaptation measures to which they commit. Developed countries, along with other Parties with high levels of capacity, need to understand the imperative to provide support to developing countries in their efforts to solve and adapt to the climate problem. The support provisions in the suggested legal text therefore include a robust finance cycle aimed at creating a dynamic process linking finance needs with finance mobilization, and encouraging all countries to adapt their national legal and institutional contexts to enable the shift and scaling-up of climate finance and investment.

Transparency and Implementation

Many stakeholders are deeply interested in understanding what countries are doing and whether or not they are meeting their commitments. Transparency assists in building trust among countries; it also provides clarity for investors with respect to the direction that countries are pursuing not only on mitigation, but also on adaptation and support. Regarding MRV of mitigation actions and

support, some developing countries have indicated that they are still working on implementing the relatively new MRV requirements adopted in Copenhagen and Cancun, and that it is too soon to enhance the framework further or consider additional requirements. Maintaining the status quo, however, is not acceptable to developed countries, which have differing views concerning when common guidelines on MRV and accounting should take effect. The choice made by the ACT 2015 consortium is that the UNFCCC should learn from existing systems for the coming five years but that the Paris Agreement should prepare the ground for an MRV and accounting framework in which all parties would aspire, over time, to collect and report the most robust and transparent data possible in a common format after 2020. Further, for developing countries to participate fully in such an enhanced framework, the consortium insists that, in accordance with varying national circumstances, they will require additional financial support, capacity building, and technology transfer.

Purpose of the Suggested Legal Text

The ACT 2015 consortium set itself the goal of developing a suggested legal text that would provide a valuable guide to negotiators and stakeholders in the run-up to Paris. The text is grounded in the ADP negotiating text but it is more ambitious: the consortium believes that the new Agreement needs to go further than the Convention and Kyoto Protocol and this paper aims to define, as concretely as possible, the global role that the new Agreement must play and the objectives that it must meet. The suggested legal text and its explanatory memorandum can then be used as a tool, benchmark, references, not only to navigate complex negotiating options and positions, but also help countries and group of countries identify areas of convergence. The purpose of the suggested legal text is to provide ideas for the consideration by Parties.

Functions of a Successful 2015 Agreement

The details of the suggested legal text were developed on the basis of a strong core of functions that the 2015 Agreement should perform. These functions were first presented in the ACT publication, “Elements and Ideas for the 2015 Paris Agreement.” The focus on functions allowed participants in the consortium convenings to consider the specific roles of the 2015 Agreement, relative to the roles that are (or are not) currently played by other

policies or instruments. The functions, summarized below, constitute a vision of what the Paris Agreement could achieve. If these functions are achieved, then positive change will result.

1. *Send a clear signal to policy makers, businesses, investors and the public that the low-carbon economy is not just essential – it is inevitable.* It is important for governments, investors, corporations and NGOs that the Agreement provides clarity and greater predictability as to the future evolution of the global economy.
2. *Link science with a sense of urgency.* The 2015 Agreement must be crafted in a manner that would ensure that it is informed by and responsive to scientific findings and developments.
3. *Connect the 2015 Agreement to the “real economy” and “real people” while enhancing sustainable development.* It is important to ensure that a disconnect between the multilateral agreement and national and local economic and development policies and measures is avoided. The Agreement should take account of, and link to, national economic and development priorities.
4. *Ensure equity in climate actions and a fair outcome.* Equity must be fully integrated into the entirety of the 2015 Agreement in order to reflect historical responsibilities and responsibilities to future generations, as well as current and future capabilities.
5. *Provide transparency and accountability for country commitments.* Country actions and support should be communicated in a clear and transparent fashion, to address uncertainty around implementation, and to build confidence and trust amongst governments and stakeholders.
6. *Incentivize action.* The 2015 Agreement must incentivize and accelerate the shift in investment to low-carbon and climate-resilient economies and societies, mobilizing, enabling and aligning broader financial flows to long-term goals and providing support to developing countries. The 2015 Agreement must be facilitative, and action must be incentivized

not only with regard to mitigation and adaptation, but also in relation to technology development, innovation and knowledge transfer.

7. *Ensure that vulnerable communities have the capacity to build resilience, manage and adapt to the impacts of climate change.* The 2015 Agreement should emphasize the importance of reducing vulnerability and building resilience to climate impacts, and of integrating these aims with broader development objectives.

The Suggested Legal Text and Elements for COP Decisions

The suggested legal text for the Paris 2015 Agreement, developed by the ACT 2015 consortium on the basis of two years’ stakeholder consultations and research and analysis, is presented on pages 8 to 37.

The consortium also suggests elements of COP decisions which are presented on pages 38 to 40. This is due to the fact that, in many cases, the Articles of the Agreement will not be able to provide the level of detail needed for countries to implement. It would therefore be prudent and efficient to include a set of decisions which would outline what detailed ‘rulemaking’ needs to happen by when in order for Parties to be able to implement the Agreement with rigor.

The Explanatory Memorandum

The Explanatory Memorandum is presented on pages 8 to 37 alongside the suggested legal text to guide the reader and provide explanation.

The Explanatory Memorandum provides commentary and additional explanation regarding the articles in the suggested legal text of the Agreement. It employs less formal language to expand on many of the articles’ paragraphs, provide the rationale behind the new suggestions, and highlight the themes and functions underpinning the entire text.

SUGGESTED LEGAL TEXT: PARIS AGREEMENT

The Parties to this Agreement have agreed as follows:

PARIS AGREEMENT

Article 1: Definitionsⁱ

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

1. “Adaptation efforts statement” means a statement on existing and planned national and subnational policies, programs, plans, projects, processes and other measures, including impact, risk, and vulnerability assessments or other studies, which aim to reduce the vulnerability and enhance the resilience of communities to climate change or otherwise to address the impacts of climate change.
2. “Conference of the Parties” means the Conference of the Parties to the Convention.
3. “Convention” means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992.
4. “Intergovernmental Panel on Climate Change” means the Intergovernmental Panel on Climate Change established in 1988 jointly by the World Meteorological Organization and the United Nations Environment Programme.
5. “Long-term adaptation goal of this Agreement” means the long-term adaptation goal specified in paragraph 2 of Article 2 (*General Provisions*).ⁱⁱ
6. “Long-term mitigation goal of this Agreement” means the long-term mitigation goal specified in paragraph 2 of Article 2 (*General Provisions*).
7. “Meeting of the Parties” refers to the Conference of the Parties serving as the Meeting of the Parties to this Agreement.
8. “Mitigation commitments” means quantified emission limitation and reduction objectives, long-term national emissions goals, other relevant quantified objectives, or policies and measures to reduce or limit greenhouse gas emissions and enhance sinks.

EXPLANATORY MEMORANDUM

The consortium did not draft preambular text to the Agreement because it was not considered essential at this stage of the negotiations. However, Parties may wish to include brief language, in line with international practice.

Article 1 (Definitions) follows existing precedent (Kyoto Protocol) and, in addition, includes a number of definitions of novel core terms used in the Agreement, including “Meeting of the Parties,” “mitigation commitments,” “adaptation efforts statements,” “long-term adaptation goal,” “long-term mitigation goal,” and “support.”

ⁱ Titles of articles are included solely to assist the reader.

ⁱⁱ Titles of articles are added in parentheses and italics solely to assist the reader.

PARIS AGREEMENT

9. “Parties present and voting” means Parties present and casting an affirmative or negative vote.
10. “Party” means, unless the context otherwise indicates, a Party to this Agreement.
11. “Phase out net global emissions” means global removals of greenhouse gases by sinks equal or exceed global emissions by sources from a given year onwards.
12. “Support” means, unless the context otherwise indicates, the provision of finance, technology and capacity building in accordance with Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*).

Article 2: General Provisions

1. This Agreement shall be under the Convention and guided by its principles.
2. In order to achieve the objective of the Convention under its Article 2, the Parties shall pursue the following two long-term goals in a holistic and integrated manner, recognizing their interconnectedness and mutual supportiveness:
 - (a) To hold the increase in global average temperature below 2°C or 1.5°C above pre-industrial levels, the long-term mitigation goal of this Agreement is, in accordance with the latest science as reflected in the assessments of the Intergovernmental Panel on Climate Change, to phase out net global greenhouse gas emissions as early as possible in the second half of this century, including an earlier phase-out of net global emissions of carbon dioxide, through the collective actions of all countries based on their common but differentiated responsibilities and respective capabilities, in light of different national circumstances.
 - (b) The long-term adaptation goal of this Agreement is to reduce the vulnerability, and build and ensure the resilience, of communities to climate change impacts, through the collective actions of all countries, including through scaled up support, based on their common but differentiated responsibilities and respective capabilities, in light of different national circumstances.

EXPLANATORY MEMORANDUM

Article 2: General Provisions

Article 2, para. 1 reflects the agreement of the Parties to negotiate a “new protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties.”

Article 2, para. 2 includes two long-term goals for the Agreement. By setting out both a long-term mitigation and adaptation goal, the Parties are acknowledging the mutually reinforcing nature of mitigation and adaptation actions, and that a combination of both provides the best approach to achieving the objective of the Convention. Long-term goals also send clear long-term signals to governments, investors, businesses and other stakeholders, enabling actions and investments towards climate-resilient and low-carbon growth.

The establishment of a “long-term mitigation goal” to phase out all GHG emissions to net zero as early as possible in the second half of this century,⁴ and a long-term adaptation goal to build resilience (formulation), builds upon the decision of governments in 2010, at the Conference of the Parties in Cancun, Mexico, wherein they agreed to limit the increase in the global average temperature to below an average of two degrees Celsius above pre-industrial levels, and recognized the increasing need to adapt to climate change impacts that have already begun to take place.⁵

Both goals are to be achieved by the collective action of all countries, in light of different national circumstances, on the basis of their common but differentiated responsibilities and respective capabilities, as recognized by Article 3 of the UNFCCC.⁶ Hence the consortium recognizes that different timeframes would be expected for developed and developing countries to achieve the phase out goal.

3. Parties shall implement this Agreement in an equitable manner, in accordance with their common but differentiated responsibilities and respective capabilities, in light of different national circumstances. The Meeting of the Parties shall, at its first session, adopt an equity framework to assist and provide guidance to the Parties in implementing this Agreement accordingly.
4. The Parties shall continuously progress their actions under this Agreement, beyond existing undertakings, toward the long-term adaptation and mitigation goals of this Agreement, in parallel and mutually supportive five-year cycles for mitigation, adaptation, and support as specified in paragraph 5 of Article 3 (*Mitigation*), paragraph 4 of Article 4 (*Adaptation and Loss and Damage*) and paragraph 5 of Article 6 (*Finance*), respectively.
5. The implementation and development of this Agreement should be informed by and respond to the latest scientific information as communicated to the Meeting of the Parties by the Intergovernmental Panel on Climate Change.

Article 3: Mitigation

1. In accordance with the provisions of this Article, each Party shall, striving for a comprehensive scope and a high and increasing level of ambition in pursuit of the long-term mitigation goal of this Agreement, prepare, regularly update, and implement mitigation commitments, consistent with its common but differentiated responsibilities and respective capabilities, in light of different national circumstances.
2. Each Party shall implement mitigation commitments through to 2025, as inscribed in a list to be kept by the secretariat and to be made publicly available alongside this Agreement. It may, in addition, implement further mitigation commitments, including through to 2030, as inscribed in the same list. In light of different national circumstances, least developed countries and small island developing States shall have particular flexibility regarding the scope, stringency, form, type, and frequency of their mitigation commitments.

EXPLANATORY MEMORANDUM

Article 2, para. 3 requires the Meeting of the Parties to the Agreement to adopt an equity framework at its first session. This equity framework will guide the implementation of the Agreement, specifically through integration in the five-year cycles for adaptation, mitigation, and support. Work would need to start immediately, mandated by a decision of the Conference of the Parties to the Convention (COP) in Paris, to enable agreement on the framework in the COP by 2017 (see Elements for COP decisions above).

Article 2, para. 4, on Cycles, points to the parallel and mutually supportive five-year cycles for adaptation, mitigation, and support further elaborated in Articles 3 (*Mitigation*) para. 5, 4 (*Adaptation and Loss and Damage*) para. 4, and 6 (*Finance*) para. 5. These cycles help actualize the long-term goals, and, in effect, the objective of the Convention as embodied in Article 2 of the Convention. They allow for durability and the continuous strengthening of the regime, while rendering unnecessary a return to prolonged negotiations at the end of a commitment period. Putting five-year improvement cycles in place would also enable the identification of, and support for, action and leadership, while maintaining predictability and confidence in the process.

Article 2, para. 5 links the Agreement and its outcome to science by ensuring it is informed by and responsive to scientific findings and developments. The consortium envisions the IPCC to continue to play its current role. Like the COP, the Meeting of the Parties will use IPCC data and information as a baseline on the state of knowledge on climate change in making science based decisions.

Article 3: Mitigation

Article 3, para. 1, recognizing the need for urgent action and deep emission cuts in order to achieve the long-term mitigation goal,⁷ sets out the undertaking of mitigation commitments by Parties in a transparent manner. Such commitments must be comprehensive in scope and reflect an increasing level of ambition with no backsliding,⁸ in order to ensure that the goal is met. Mitigation commitments in this Agreement are taken to mean quantified emission limitation and reduction objectives, long-term national emissions goals, other relevant quantified objectives, or policies and measures to reduce or limit greenhouse gas emissions and enhance sinks (see Article 1 on *Definitions*).

Article 3, para. 2 clarifies the scope of the Agreement in relation to mitigation commitments, and the periods to which they may apply and be implemented. Our intent is to provide space for Parties to commit to action towards results rather than results themselves. Parties could take a range of different types of commitments that would be captured in the list. There may be other formulations to achieve this. For the first round, all Parties' commitments are to extend to 2025, although indicative commitments to 2030 and beyond (e.g. 2050) would be also possible or even encouraged. It also makes reference to conditions under which Parties to the Convention may become Parties to the Agreement.

PARIS AGREEMENT

3. Developing countries, including, in particular, least developed countries and small island developing States, shall be eligible for support for the preparation, updating, and implementation of mitigation commitments, and are encouraged to indicate which additional mitigation commitments they could undertake if they receive support, including information on the type and magnitude of support needed.
4. An independent expert panel is herewith established to assist the Meeting of the Parties in assessing, and thereby informing, Parties' mitigation commitments. The Meeting of the Parties shall, at its first session, adopt terms of reference of the panel, including its composition.
5. The ambition of all Parties' mitigation commitments shall be raised in a continuous mitigation cycle every five years, informed by and informing the adaptation cycle under Article 4 (*Adaptation and Loss and Damage*) and the support cycle under Article 6 (*Finance*), until the long-term mitigation goal of this Agreement is met, as follows:
 - (a) By the end of 2020 the Meeting of the Parties shall consider new or upgraded mitigation commitments through to 2030, as submitted by Parties. Every five years thereafter, the Meeting of the Parties shall consider mitigation commitments submitted by Parties extending for a further five years. The mitigation commitments from the Parties shall be considered jointly accepted unless a majority of Parties objects. Upon acceptance, mitigation commitments shall be inscribed in the list referred to in paragraph 2 above, and each Party shall implement its mitigation commitments. If the mitigation commitments are not accepted, each Party shall revisit and resubmit, revised as appropriate, for acceptance at the next session of the Meeting of the Parties.
 - (b) Each Party shall prepare and submit intended mitigation commitments pursuant to sub-paragraph (a) above to the secretariat no later than two years prior to the date by which the Meeting of the Parties is to consider them under sub-paragraph (a) above. Intended mitigation commitments shall:

EXPLANATORY MEMORANDUM

The inscription of mitigation commitments in a list outside the Agreement itself was chosen due to greater support for this approach than others in ACT 2015 consultations. It has the added advantage of facilitating flexible upgrading of listed commitments. The option is made more robust by a commitment to implement the commitments and a clear anchoring in and link to the Agreement's provisions (see on paragraph 7 below). The mitigation commitments initially inscribed by the secretariat will be those commitments that apply through to 2025. **Article 3, para. 5** specifies how the ambition of all Parties' commitments shall be raised in a continuous mitigation cycle every five years.

Paragraph 2 also highlights the need for particular flexibility in the mitigation commitments of least developed countries and small island developing States, to reflect their different national circumstances. This flexibility is reiterated in **Article 3, para. 5 (f)** for future mitigation commitments.⁹

Article 3, para. 3 specifies the call for Parties to recognize the special needs of developing countries, especially least developed countries and small island developing States. In particular, it recognizes developing country Parties' need for support in the preparation, updating, and implementation of mitigation commitments, acknowledging that the availability of support would allow them to undertake more mitigation action, and encourages communication of relevant information to this end.

An expert panel is established in **Article 3, para. 4** to undertake both individual country mitigation assessments and a collective assessment, learning from other international agreements and national institutional frameworks. It was judged that a new expert panel is required because no currently existing institution could carry out these functions. The first Meeting of the Parties is mandated to elaborate terms of reference for the panel, including on its composition. Since the panel should already become operational earlier, the COP should launch a process in Paris, to be concluded in 2016.

Article 3, para. 5 establishes a continuous mitigation cycle for raising the ambition of Parties' mitigation commitments over time. This cycle is to inform and be informed by the adaptation and support cycles established in Article 4 (*Adaptation and Loss and Damage*) and Article 6 (*Finance*), respectively.

The mitigation cycle ensures that the Parties remain on the path toward the achievement of the long-term mitigation goal in an ambitious yet manageable and transparent manner. It institutes a process whereby all Parties put forward strengthened mitigation commitments every five years. A technical review of information and a multilateral assessment by an independent expert panel will provide technical input to individual country mitigation commitments, as well as provide input to collective assessments. To do this, the panel shall continually monitor the "aggregate emission gap," or the gap between the combined effect of the Parties' commitments and the overarching long-term goals of the Agreement.¹⁰

- (i) Represent a progression beyond existing commitments of each Party, taking into account scope, stringency, form, and type; and
 - (ii) Take into account, *inter alia*, (a) information on previous implementation by Parties; (b) information on support available and needed in accordance with Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*), (c) the equity framework under paragraph 3 of Article 2 (*General Provisions*); and (d) a global assessment by the independent expert panel under paragraph 4 above of the consistency of Parties' aggregate existing mitigation commitments with the achievement of the long-term mitigation goal of this Agreement.
- (c) The independent expert panel shall, within one year of the submission of intended mitigation commitments:
- (i) Assess each Party's intended mitigation commitments in order to determine whether they fulfill the requirement of sub-paragraph (b)(i) above, and to provide country-specific advice on ways and means for increasing their ambition; and
 - (ii) Undertake a global assessment of the consistency of Parties' aggregate intended mitigation commitments with the achievement of the long-term mitigation goal of this Agreement.
- (d) Taking into account the advice received under sub-paragraph (c) above, each Party shall submit its mitigation commitments for consideration of the Meeting of the Parties at least three months before the session at which it is proposed for acceptance. The secretariat shall forthwith circulate these proposed mitigation commitments to all Parties and make them available to the public.
- (e) Competent international and non-governmental organizations, as well as subnational authorities, are encouraged to provide input to the mitigation cycle.

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An important component of the mitigation cycle is the requirement that, every five years, the Meeting of the Parties will consider the mitigation commitments submitted by Parties for the next five years. These commitments will not be considered on an individual basis but rather on a collective basis, reflecting the need for the mitigation commitments to reach the collective mitigation goal. These mitigation commitments shall be accepted by the Meeting of the Parties, unless a majority of the Parties object. Including this review enables the Meeting of the Parties to consider the commitments on a collective basis, the progress that has been made toward both the long-term mitigation goal of this Agreement, and the overall objective of the Convention.

Input by non-Party actors, such as competent expert institutions, companies, and others, shall be encouraged in order to bring additional expertise into the process and ensure the robustness of the process and commitments.

The first Meeting of the Parties is mandated to adopt further rules and modalities for the mitigation cycle. Since these rules and modalities should *de facto* already be in place (to guide Parties towards the first round in 2020), the COP should launch a process in Paris, to be concluded by 2017.

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- (f) Least developed countries and small island developing States shall have particular flexibility regarding the frequency of submission of their future mitigation commitments.
 - (j) The Meeting of the Parties shall, at its first session, adopt further rules and modalities for the mitigation cycle and shall regularly review these rules and modalities thereafter.
6. Each Party may, at any time, submit mitigation commitments that are additional to, or upgrades of, mitigation commitments inscribed in the list referred to in paragraph 2 above. The secretariat shall circulate such additional or upgraded mitigation commitments to all Parties and make them available to the public. The additional or upgraded mitigation commitments shall be considered accepted under sub-paragraph 5(a) unless at least one tenth of the Parties object within three months of the circulation by the secretariat.
 7. Mitigation commitments inscribed in the list referred to in paragraph 2 above may be modified only following the procedures provided for in paragraphs 5 and 6 above, as applicable, and respecting the requirements specified therein.
 8. The Implementation Committee under Article 10 (*Mechanism for Facilitating and Promoting Implementation*) shall be responsible for facilitating and promoting submissions of mitigation commitments under paragraphs 5(b) and (d) above, where a Party has not made a submission within six weeks of the applicable deadline.
 9. Parties may cooperate in the implementation of their mitigation commitments, including through market- and non-market-based mechanisms, including the mechanisms established under Articles 6, 12 and 17 of the Kyoto Protocol to the Convention and any new economic mechanism. The Meeting of the Parties shall develop relevant modalities, rules, and guidelines, including those that ensure environmental integrity and avoid double counting.
 10. The Meeting of the Parties shall adopt the decisions necessary for the full implementation of this Article.

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Article 3, para. 6 authorizes the submission of improved mitigation commitments at any time. This seeks to encourage the upgrading of commitments by the Parties in order to close the “aggregate international emission gap” as swiftly as possible, and provides Parties that wish to go further faster with a procedural means to do so.¹¹

Article 3, para. 7 ensures that mitigation commitments that have been inscribed cannot unilaterally be changed by Parties. Any changes have to follow the procedures determined in the article in accordance with the applicable requirements (especially the requirement that changes the need to constitute an upgrading of existing commitments and must not result in their weakening).

Article 3, para. 8 provides guidance on how to ensure the timely submission of mitigation commitments. The Implementation Committee (which serves the entire Agreement) established in Article 10 (*Mechanism for Facilitating and Promoting Implementation*) of this Agreement is mandated to facilitate and promote the submissions containing mitigation commitments under the mitigation cycle.¹²

Market- and non-market-based mechanisms, including the market mechanisms established under the Kyoto Protocol, and new economic mechanisms, are incorporated in **Article 3, para. 9**, which allows the cooperation of Parties in the implementation of mitigation commitments. The existing mechanisms have been acknowledged as having a role in enhancing and promoting the cost-effectiveness of mitigation actions.¹³ However, as emphasized in Decision 1/CP.18, all such mechanisms must “meet standards that deliver real, permanent, additional, and verified mitigation outcomes.”¹⁴ As such, the Article encourages the development of relevant modalities, rules, and guidelines to ensure environmental integrity and avoid double counting, given that the ultimate purpose of these mechanisms is to support, and possibly help overachieve, economy-wide targets and emissions limitations.¹⁵ The Meeting of the Parties is mandated to elaborate relevant modalities, rules and guidelines. In view of the urgency of the matter, the COP should launch a process in Paris, to be concluded in 2017.

Finally, **Article 3, para. 10** mandates the Meeting of the Parties to adopt the decisions necessary in order to ensure the full implementation of Article 3 (*Mitigation*) and the achievement of its objectives.

Article 4: Adaptation and Loss and Damage

1. In accordance with the provisions of this Article and in pursuit of the long-term adaptation goal of this Agreement, each Party shall, taking into account the need for collective mitigation action to minimize the need for additional adaptation action, work toward strengthening and advancing international cooperation on adaptation, and shall prepare, regularly update, and implement adaptation efforts, consistent with its common but differentiated responsibilities and respective capabilities, in light of different national circumstances, and building on existing adaptation initiatives and activities under the Convention.
2. The Parties shall take into account that, in light of their different national circumstances, developing country Parties, in particular those that are particularly vulnerable, including least developed countries and small island developing States, shall be eligible for support in pursuing the long-term adaptation goal of this Agreement.
3. As a central element of its adaptation efforts, each Party shall undertake a process to formulate, implement, and continuously update a national adaptation plan in accordance with the Cancun Adaptation Framework established by decision 1/CP.16 and national adaptation plan process elaborated in decision 5/CP.17.
4. The adaptation efforts of each Party shall be enhanced, communicated, and updated in a continuous adaptation cycle, informed by and informing the mitigation cycle under Article 3 (*Mitigation*), joint agreements under Article 5 (*Additional Cooperative Action*) and the support cycle under Article 6 (*Finance*) in pursuit of the long-term adaptation goal of this Agreement, as follows:
 - (a) The Meeting of the Parties shall, every five years starting in 2020 and based upon the status report by the Adaptation Committee under sub-paragraph (d) below, consider ways and means to enhance adaptation action under this Agreement and Parties' adaptation efforts, and take further measures, as may be required, to achieve the long-term adaptation goal of this Agreement.

Article 4: Adaptation and Loss and Damage

Article 4, para. 1 highlights the important role of collective mitigation and international cooperation on adaptation in order to achieve the long-term adaptation goal of the Agreement. In order to ensure that the long-term adaptation goal is met, Parties are tasked to regularly update and implement adaptation efforts, building upon existing adaptation initiatives.

Article 4, para. 2 reiterates the call for parties to recognize the special needs of developing countries. It acknowledges that support, in the form of financing, technology, and capacity building, is necessary to these States in order for them to be able to complete and implement the long-term adaptation goal.¹⁶

Article 4, para. 3 builds upon the existing National Adaptation Plan processes, and requires each Party to formulate, implement, and regularly update such plans. These NAPs are a means of identifying medium- and long-term adaptation needs and developing and implementing strategies and programs to address those needs.¹⁷

To ensure that the long-term adaptation goal is achieved, **Article 4, para. 4** establishes a continuous adaptation cycle, to inform and be informed by the mitigation and support cycles established in Article 3 (*Mitigation*) and Article 6 (*Finance*), respectively. It sets out the process and duration of the assessment cycle and would allow Parties to review international adaptation efforts statements and address gaps in the areas of support and implementation.¹⁸ It is important to establish such a cycle in order to create regular, five-year moments to check on the effectiveness of both implementation and support of adaptation, which is why each Party has an obligation to submit adaptation efforts statements every five years. Parties that have included an adaptation component in their INDCs or otherwise communicated their undertakings in adaptation planning to the secretariat may draw upon these communications in their initial adaptation efforts statements. Recognizing that Parties have different levels of capacity to undertake the development of adaptation efforts statements, **Article 4, para. 5** provides for related support to developing country Parties.

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- (b) Each Party shall, no later than two years prior to the first consideration by the Meeting of the Parties referred to in sub-paragraph (a) above, based on, *inter alia*, its national adaptation planning under paragraph 3 above, any other relevant national policies, reports or plans, and the equity framework under paragraph 3 of Article 2 (*General Provisions*), submit its initial adaptation efforts statement to the secretariat, including information on the type and magnitude of support needed beyond domestic resources, as appropriate. Each Party shall submit a new or updated adaptation efforts statement every five years thereafter. The Meeting of the Parties shall, by 2020, decide on the way in which adaptation efforts statements shall be publicly recorded.
- (c) The Adaptation Committee shall, upon the submission of adaptation efforts statements under sub-paragraph (b) above, every five years undertake a review of progress towards the long-term adaptation goal of this Agreement, with the aim of identifying ways and means to enhance adaptation action under this Agreement as well as adaptation efforts by Parties. The review shall encompass a focus on identifying best practices at country or regional level, promoting mutual learning and facilitating implementation, including the facilitation of support for the implementation of adaptation efforts in accordance with Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*) by developing country Parties. In addition to the submitted adaptation efforts statements, the review shall be based, *inter alia*, on (i) the synthesis and aggregate analysis of the Standing Committee on Finance under paragraph 5 of Article 6 (*Finance*), (ii) the equity framework under paragraph 3 of Article 2 (*General Provisions*), (iii) other relevant national reports and plans and, (iv) relevant scientific input.
- (d) The Adaptation Committee shall, as a result of the recurrent review under sub-paragraph (c) above, issue a status report, including lessons learned, and make recommendations to the Meeting of the Parties on ways and means to enhance the adaptation action under this Agreement and Parties' adaptation efforts every five years, starting in 2020.

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Recognizing the importance of avoiding duplication and the creation of new bodies, paragraph 4 furthermore expands the existing mandate of the Adaptation Committee, identifying it as the main body tasked to review the progress being made towards the long-term adaptation goal at every cycle, with a view to enhancing the adaptation cycle and Parties' adaptation efforts statements. To ensure that separate cycles continue to inform and reinforce each other, the review shall take into account the analysis of the Standing Committee on Finance, and other relevant reports, policies, plans, and scientific findings, to produce an integrated report and robust recommendations. The equity framework established under the Agreement will continue to guide Parties' implementation of the Agreement. An assessment of the gap between adaptation needs and the resources that have been mobilized to address them must necessarily be included in the review.

To ensure the robustness of the process, input from competent international and non-governmental organizations, as well as subnational authorities, is encouraged.

This paragraph also authorizes the submission of improved adaptation efforts statements at any time to encourage the constant progression of adaptation efforts and attain the long-term adaptation goal at the earliest possible time.¹⁹

- (e) Each Party may, at any time, submit new or updated adaptation efforts statements that are additional to those under sub-paragraph (b) above. These shall be publicly recorded as determined by the Meeting of the Parties under sub-paragraph (b) above.
 - (f) Competent international and non-governmental organizations, as well as subnational authorities, are encouraged to provide input to the adaptation cycle.
 - (g) The Meeting of the Parties shall, at its first session, adopt further rules and modalities for the adaptation cycle, and shall regularly review these rules and modalities thereafter.
5. In light of their different national circumstances, developing country Parties, in particular those that are particularly vulnerable, including least developed countries and small island developing States, shall be eligible for support for the formulation, implementation, and regular updating of national adaptation plans under paragraph 3 above, and for the submission of adaptation efforts statements under paragraph 4(b) above. Such support shall be available in accordance with Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*).
 6. Relevant international organizations and expert bodies outside the Convention are encouraged to cooperate and invited to report regularly on their actions and activities to achieve the long-term adaptation goal of this Agreement to the Meeting of the Parties. The Meeting of the Parties shall develop further guidelines, as appropriate.
 7. The Adaptation Committee established under decision 1/CP.16 and other institutions and bodies addressing adaptation under the Convention shall serve this Agreement. The Meeting of the Parties, in cooperation with the Conference of the Parties, as appropriate, shall regularly review the outcome of the work of, and provide guidance to, the Adaptation Committee and the other institutions and bodies.
 8. The implementation committee under Article 10 (*Mechanism for Facilitating and Promoting Implementation*) shall be available for facilitating and promoting the submission of adaptation efforts statements under paragraph 4 above.

Article 4, para. 5 provides for enhanced support for developing country Parties, in line with Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*), in the formulation, implementation, and updating of their National Adaptation Plans, and the submission of their adaptation efforts statements. This provision recognizes that such countries have less capacity to undertake effective adaptation efforts on their own, and seeks to ensure broad and scaled up participation in achieving the global adaptation goal.

Article 4, para. 6 emphasizes the importance of working with international organizations and expert bodies, that are especially knowledgeable about adaptation, to ensure the development of more effective adaptation actions. This includes bodies such as the World Health Organization, the Food and Agriculture Organization, the UN High Commissioner for Refugees, and the UN Council on Human Rights.²⁰ The Meeting of the Parties is mandated to elaborate further guidelines, as appropriate. The related process should be initiated by the COP in Paris with a target date of 2019.

Article 4, para. 7 anchors and builds upon the Adaptation Committee established during the 16th COP,²¹ as well as other bodies and/or institutions under the Convention that deal with adaptation, mandating them to serve the Agreement. This shall be done under the supervision of the Meeting of the Parties to the Agreement, in cooperation with the Conference of the Parties to the Convention.

The Implementation Committee established in Article 10 (*Mechanism for Facilitating and Promoting Implementation*) is made available to Parties that seek support in **Article 4, para. 8**, to facilitate and promote the submission of adaptation efforts statements.

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9. The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts under the Convention, established by decision 3/CP.18, shall serve as the platform under this Agreement for enhanced cooperation on loss and damage associated with the adverse effects of climate change. The Meeting of the Parties, in cooperation with the Conference of the Parties, as appropriate, shall regularly review the outcome of the work of, and provide guidance to, the Mechanism.
10. The Meeting of the Parties shall adopt the decisions necessary for the full implementation of this Article.

Article 5: Additional Cooperative Action

1. In pursuit of the long-term mitigation and adaptation goals of this Agreement, groups of Parties may prepare, communicate, and implement joint agreements concerning specific actions, including policies, measures, and other cooperative schemes that are in addition to, and represent a progression beyond, Parties' undertakings under other articles of this Agreement. The Meeting of the Parties shall adopt further guidelines for the recognition of such joint agreements as appropriate. Additional cooperative actions may involve participation by non-State actors, particularly those in a position to contribute substantively to them.
2. Parties shall work through and with other relevant international organizations and agreements, *inter alia* the International Civil Aviation Organization, the International Maritime Organization, and the Montreal Protocol on Substances that Deplete the Ozone Layer, in accordance with their internal rules and procedures, so as to ensure that these organizations and agreements contribute fully and increasingly to achieving the long-term mitigation and adaptation goals of this Agreement, including through the mobilization of technical and financial support and capacity building, as appropriate.
3. The Meeting of the Parties shall also adopt guidelines for the recognition of contributions by subnational and non-State actors.

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Article 4, para. 9 identifies the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts as the platform under the 2015 Agreement for enhanced cooperation on loss and damage. Guidance shall be provided by the Meeting of the Parties to the Agreement, in cooperation with the Conference of the Parties, and the outcome of the work of the mechanism shall be reviewed by the same. In Paris, related work should be enhanced through means of a COP decision (see Elements for COP decisions above).

Article 4, para. 10 mandates the Meeting of the Parties to the Agreement to adopt the decisions necessary to ensure the full implementation of Article 4 (*Adaptation and Loss and Damage*) and the achievement of its objectives.

Article 5: Additional Cooperative Action

During the consultation process, participants expressed interest in how domestic action by Parties and non-State actors could be further mobilized, through existing and new incentives. The consortium focused on the incentives inherent to climate action, through additional cooperation between Parties.²² This would allow the agreement to minimize the risk of inaction and maximize the benefits inherent to climate action.

Article 5 para. 1 acknowledges the preparation, communication, and implementation of joint agreements concerning specific actions, including policies and measures that represent progression beyond their undertakings in this Agreement. Non-State actors in a position to contribute substantively to these additional cooperative actions may be involved, with the aim of reaching the long-term goals of this Agreement. The adoption of guidelines by the Meeting of the Parties to this process is mandated under this Article as well. The COP in Paris should additionally adopt further guidance (or launch a process for doing so – see Elements for COP decisions above).

Article 5, para. 2, on the other hand, directs the Parties to collaborate with relevant international organizations, such as the International Civil Aviation Organization, the International Maritime Organization, and the Montreal Protocol on Substances that Deplete the Ozone Layer, to ensure that these organizations and agreements are in line with this Agreement's aim of reaching the long-term goals inscribed therein.

Article 5, para. 3, recognizes the fact that many sub-national actors such as cities and states are acting as are non-State actors such as companies and civil society. The emission reductions from these actions can be formally captured in Party reporting, but it was deemed important to recognize these efforts in the Paris Agreement as part of the overall efforts to address climate change. Accordingly, the Meeting of the Parties is mandated to elaborate arrangements for such recognition.

Article 6: Finance

1. Parties shall shift and scale up investments for low-carbon and climate-resilient development, in line with countries' national priorities and sustainable development objectives, in order to meet the long-term mitigation and adaptation goals of this Agreement, in particular through the mobilization, in a transparent manner, of increasing amounts of new, additional, adequate, and predictable climate finance from a variety of sources, including international and national, public and private sources, and in particular for the benefit of developing countries.
2. Developed country Parties shall make financial contributions and mobilize finance at an increasing scale from a floor based on current undertakings and commitments, through various channels, including but not restricted to, multilateral and bilateral channels. Other Parties, regularly determined by the Meeting of the Parties, in accordance with the principle of common but differentiated responsibilities and respective capabilities, and in light of different national circumstances, shall also provide financial contributions and mobilize finance, including among developing country Parties.
3. Parties shall aim to ensure that the allocation of public climate finance is balanced between adaptation and mitigation, with the aim of achieving at least an equal allocation of public finance for adaptation from the total amount of finance provided by Parties under this Agreement.
4. All Parties shall improve their national policy and institutional frameworks for climate finance and adapt their relevant legal and policy frameworks in support of the shift and scale-up of investment referred to in paragraph 1 above.
5. Every five years, until the long-term mitigation and adaptation goals of this Agreement are met, the provision of climate finance under this Article shall be scaled up as part of a continuous support cycle that also includes the reviews of technology development and transfer under Article 7 (Technology Development and Transfer) and the capacity-building

Article 6: Finance

Article 6, para. 1 requires Parties to scale up and shift all investments, both public and private, to be low-carbon and climate-resilient, and to ensure that they are aligned with national sustainable development objectives of all countries. It also emphasizes the need to mobilize new, additional, adequate, and predictable climate finance from a variety of sources, in line with previous COP decisions.²³ It also recognizes that the entire financial system needs to be transformed so that all investments become low-carbon and climate-resilient, in order to address the scale of the climate change challenge.²⁴

Article 6, para. 2 specifies which Parties will make financial contributions. In line with Article 4 of the Convention and subsequent COP decisions, developed countries are required to make financial contributions and to mobilize finance.²⁵ The paragraph provides the Meeting of the Parties authority to undertake a process to clarify which other Parties will make financial contributions and mobilize finance, which can be in the form of contributions between developing countries. This seeks to broaden the pool of contributors over time, guided by the principles of the Convention and national circumstances.²⁶

Recognizing the importance of ensuring adequate finance for adaptation,²⁷

Article 6, para. 3 asserts the aim to achieve a balance between mitigation and adaptation in overall public climate finance allocation. The aim is focused on public finance because, while it may be necessary to increase private sector involvement in adaptation finance over time, the majority of adaptation finance currently comes from public sources, and these are the flows about which there is greatest certainty and over which Parties can exercise the most direction.

In order to support the aim of shifting all financial flows to be low-carbon and climate-resilient, **Article 6, para. 4** mandates all Parties to improve their national policy and institutional frameworks for climate finance and ensure that their legal and policy frameworks promote this aim.

Article 6, para. 5 establishes the finance elements of the continuous support cycle. Every five years, all Parties shall submit strategies regarding finance, aligned to the adaptation and mitigation cycles explained in Article 3 (*Mitigation*), para. 5, and Article 4 (*Adaptation and Loss and Damage*), para. 4.²⁸ The first strategies regarding finance will be due in 2018 and will cover the period 2025-2030. All Parties shall report on national efforts to shift and scale up their investments as set out in Article 6 (*Finance*), para. 1; Parties receiving climate finance will include information on their national investment plans and any gaps and needs; and contributor Parties, as determined under Article 6 (*Finance*), para. 2, will include information on their plans and channels for scaling up climate finance for developing countries. The Standing Committee on Finance (SCF) will then produce a

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mechanism under Article 8 (*Capacity Building*) and that is informed by and informs the mitigation cycle under Article 3 (*Mitigation*) and the adaptation cycle under Article 4 (*Adaptation and Loss and Damage*), as follows:

- (a) The Meeting of the Parties shall, by the end of 2020 and every five years thereafter, review progress toward the aim referred to in paragraph 1 above, in parallel with the reviews of technology development and transfer under Article 7 (*Technology Development and Transfer*) and the capacity-building mechanism under Article 8 (*Capacity Building*), and take further measures as may be required to achieve the aim referred to in paragraph 1 above.
- (b) Two years prior to the date referred to in subparagraph (a) above, each Party shall prepare and submit strategies regarding finance towards 2030. Every five years thereafter, each Party shall submit updated strategies regarding finance extending for a further five years.
- (c) Building on information available in national communications submitted in accordance with Article 9 (*Transparency and Accountability*) and other relevant inputs, and taking into account the equity framework under paragraph 3 of Article 2 (*General Provisions*), strategies regarding finance shall:
 - (i) Address measures to improve national policy and institutional frameworks as well as measures to adapt relevant legal and policy frameworks in support of the shift and scale-up of investments referred to in paragraph 1 above;
 - (ii) For Parties receiving climate finance, include, in particular, a projection of future financial needs and national investment plans;
 - (iii) For those Parties providing financial contributions and mobilizing finance pursuant to paragraph 2 above, include, in particular, climate finance pathways indicating plans and channels for scaling up climate finance.

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synthesis and aggregate analysis of Parties' strategies regarding finance, no later than nine months prior to the date when the Meeting of Parties is due to consider the adaptation efforts under **Article 6, para. 5(a)**, which can also draw on other submissions by Parties and other relevant information, including the Biennial Assessment and Overview of Climate Finance Flows. The anchor point of the support cycle is a review, conducted by the Meeting of the Parties every five years starting in 2020, of progress towards the aim of scaling up and shifting all investments to be low-carbon and climate-resilient as set out in Article 5, para. 1 above. This review should result in the Meeting of the Parties taking further measures, as appropriate.

A regularly scheduled cycle is important to build trust among Parties that support is being provided, and that the support is being managed and implemented effectively. This approach promotes country ownership, while ensuring accountability and transparency in terms of both provision and deployment of finance from contributor and recipient countries. Requiring Parties to submit strategies regarding finance two years ahead of agreeing the mitigation commitments and adaptation efforts for the corresponding cycle can help foster ambition by providing clear signals regarding the levels of support that will be available.

- (d) Developing country Parties, in particular least developed countries and small island developing States, shall be eligible for support from the capacity-building mechanism under Article 8 (Capacity Building) for the preparation of their strategies regarding finance.
 - (e) Upon the submission of strategies regarding finance, the Standing Committee on Finance shall forthwith prepare and provide to the Meeting of the Parties, no later than nine months prior to the date referred to in sub-paragraph (a) above, a synthesis and aggregate analysis of the strategies submitted, reports submitted by national and international financial institutions under paragraph 10, and information contained in national communications submitted in accordance with Article 9 (*Transparency and Accountability*), taking into account any other relevant information and submissions, and shall provide recommendations in light of the aim in paragraph 1 and the long-term mitigation and adaptation goals of this Agreement.
 - (f) The Meeting of the Parties shall take into account the synthesis, aggregate analysis and recommendations provided by the Standing Committee on Finance in its review and consideration of further measures pursuant to sub-paragraph (a) above.
 - (g) Competent international and non-governmental organizations, as well as subnational authorities, are encouraged to provide input to the support cycle.
6. The Meeting of the Parties shall, at its first session, adopt further rules and modalities for the support cycle pursuant to paragraph 5 above, including further guidelines for strategies regarding finance, and shall regularly review these rules and modalities thereafter. To this end, the Meeting of the Parties may draw on the input of the Standing Committee on Finance.
7. The financial mechanism under Article 11 of the Convention shall serve as the financial mechanism of this Agreement and the Green Climate Fund shall be the main operating entity of the financial mechanism of this Agreement.
- Article 6, para. 6** focuses on ensuring that the support cycle set out in paragraph 5 functions effectively, by mandating the Meeting of the Parties to adopt further rules and modalities at its first session and conduct a regular review process of these rules, with the assistance of the SCF as necessary. Preparatory work should be launched immediately by the Conference of the Parties in Paris (see COP decisions above).
- Article 6, para. 7** carries over the financial mechanism of the Convention to serve also as the financial mechanism of the agreement, and affirms the Green Climate Fund as the main operating entity of the financial mechanism. This recognizes the need to maintain coherence and continuity in the financial mechanism, and reiterates Parties' vision that the Green Climate Fund should evolve over time to become the main global fund for climate change finance.²⁹

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8. In order to ensure that the level of financial contributions to the Green Climate Fund continuously and significantly increases, the Standing Committee on Finance shall provide recommendations regarding the overall level of financial contributions to the Green Climate Fund in each replenishment cycle.
9. The Standing Committee on Finance established by decision 1/CP.16 of the Conference of the Parties shall provide assistance to the Meeting of the Parties on issues pertaining to climate finance. In so doing, it shall regularly report on the availability and use of measures to shift and scale up investments referred to in paragraph 1, including, *inter alia*, legal measures such as disclosure requirements, investment instruments, special banking facilities, and institutional reforms and regulatory measures.
10. The Parties shall work with and through national and international financial institutions in order to align investment decisions and policies with the long-term mitigation and adaptation goals of this Agreement. To this end, the Parties shall facilitate and work toward regular assessments of the investment portfolios and plans of these institutions to identify specific risks involved in investments not aligned with the long-term mitigation and adaptation goals of this Agreement. The Meeting of the Parties shall, at its first session, adopt guidance for such assessments and take appropriate steps towards their application. Parties and relevant national and international financial institutions are invited to report regularly on their activities under this paragraph. The Standing Committee on Finance shall take these reports into account in its reporting under paragraph 9 above.
11. All Parties shall work with and through relevant international organizations, such as the International Civil Aviation Organization and the International Maritime Organization, as well as non-governmental and private institutions and initiatives, in order to catalyze additional sources of climate finance.

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Article 6, para. 8 establishes the Standing Committee on Finance's role in providing recommendations on the overall level of contributions to the Green Climate Fund for each replenishment cycle, recognizing that contributions should be significantly scaled up over time. It provides recommendations on the basis of which targets for future GCF replenishment processes may be determined through COP decisions (see Article 6 (*Finance*), para. 13). Triggers for, and timing of, replenishment cycles will be determined by the GCF Board, with guidance from the COP, with the first replenishment process to take place once 60 percent of contributions from the Initial Resource Mobilization have been approved, likely to occur by the end of June 2017.³⁰

Article 6, para. 9 expands the SCF's role to allow it to provide assistance to the Meeting of the Parties. This aligns the SCF's original mandate to assist the COP in exercising its functions with respect to the financial mechanism with the fact that the financial mechanism of the Convention will also serve as the financial mechanism of the Agreement, as set out in Article 6 (*Finance*), para. 7 above.³¹ Specifically, the SCF is to regularly report on measures to shift and scale-up investments for low-carbon and climate-resilient development.

Article 6, para. 10 supports the aim of Article 6, para. 1, which is to align all investments with the goals of the Agreement. It introduces the concept of regular assessments of the investment portfolios of national and international financial institutions to identify climate-related risks. These risks arise from both climate change impacts and from stranded investments in carbon-intensive assets. Assessments could include climate change stress testing of cross-country financial flows and benchmarking to measure progress towards the long-term mitigation and adaptation goals of the agreement, including the goals of phasing out GHG emissions to net zero as early as possible in the second half of this century and building the climate resilience of all communities.³² Further guidance for the methodology and application of these assessments would be furnished by the Meeting of the Parties at its first session, but relevant work should be effectively launched in Paris (see COP decisions below). Furthermore, Parties and relevant institutions are invited to report on their related activities, which shall be taken into account in the SCF's regular reports.

Article 6, para. 11 pertains to mobilizing additional and innovative sources of climate finance. It notes the wide range of potential sources and catalysts for additional climate finance, including international organizations, non-governmental organizations and the private sector. Particular attention is given to the International Civil Aviation Organization and the International Maritime Organization. These organizations have already made undertakings to explore levies or other mechanisms for addressing emissions associated with international aviation and shipping respectively, which may yield significant revenues with the potential to be classed as climate finance.³³

12. The Implementation Committee under Article 10 (*Mechanism for Facilitating and Promoting Implementation*) shall be responsible for facilitating and promoting the submission of strategies regarding finance under paragraph 5 above, where a Party required to make financial contributions under paragraph 2 above has not made a submission within six weeks of the applicable deadline.
13. The Meeting of the Parties shall adopt the decisions necessary for the full implementation of this Article.

Article 7: Technology Development and Transfer

1. Technology development and transfer under this Agreement aims to enhance global cooperation to accelerate the development, dissemination and diffusion of, and to facilitate access to, climate technologies, including through engagement of external institutions and the private sector, in order to meet the long-term mitigation and adaptation goals of this Agreement.
2. Parties shall strengthen and advance global cooperation on the development and transfer of climate technologies in order to, *inter alia*, increase international diffusion of climate technologies; materially increase public funding for research, development, and demonstration of climate technologies; enhance national policy and institutional frameworks in developing countries to foster endogenous climate technology absorption, development, and transfer; and achieve appropriate cost reductions for developing countries in accessing and applying climate technologies.
3. Each Party shall include information on progress in the implementation of this Article in its national reports under Article 9 (*Transparency and Accountability*), in accordance with guidance adopted by the Meeting of the Parties thereunder.
4. In light of their different national circumstances, developing country Parties, in particular least developed countries and small island developing States, shall be eligible for support under Articles 6 (*Finance*) and 8 (*Capacity Building*) for the fulfillment of the requirements under this Article.

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Article 6, para. 12, provides guidance on how to ensure the timely submission of strategies regarding finance by donor countries. The Implementation Committee (which serves the entire Agreement) established in Article 10 (*Mechanism for Facilitating and Promoting Implementation*) of this Agreement is mandated to facilitate and promote the submission of strategies regarding finance under the support cycle.

Lastly, **Article 6, para. 13** mandates the Meeting of the Parties to adopt the decisions necessary to ensure the full implementation of Article 6 on Finance and the achievement of its objectives.

Article 7: Technology Development and Transfer

At this juncture in the climate change debate, it is clear that serious measures are needed in order to avoid serious impacts. Innovation and technology transfer must play a large role in our efforts if we are to succeed. Research shows that the global diffusion rate of climate technology must be doubled by the year 2025 if we are to have any chance of achieving the Convention's objectives under Article 2 thereof.³⁴ **Article 7, para. 1** aims to operationalize the Agreement's attempt to respond to this need. External institutions and the private sector are engaged in order to direct more expertise toward the end of achieving the long-term mitigation and adaptation goals of the Agreement.

Parties are called upon in **Article 7, para. 2** to strengthen global cooperation, not only to achieve an overall increase in the global diffusion rate of climate technology, but also to provide support to developing countries in terms of funding for research and development, enhancement of national enabling environments, and the achievement of appropriate cost reductions in the access to and application of climate technologies. This is imperative given the recognition that new models for resilience and methods for managing shocks are needed to adapt to escalating climate change impacts.³⁵

As mandated under **Article 7, para. 3**, the implementation of these mechanisms shall be monitored in conjunction with the national reports to be submitted under Article 9 (*Transparency and Accountability*), in accordance with guidance adopted by the Meeting of the Parties thereunder. As authorized by Article 6 (*Finance*), para. 5, developing countries, in particular least developed countries and small island developing States, shall have assistance under Articles 8 (*Capacity Building*) and 6 (*Finance*) in compliance with this process.

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5. The technology mechanism established pursuant to decision 1/CP.16 of the Conference of the Parties shall serve this Agreement. The Meeting of the Parties shall, in collaboration with the Conference of the Parties, provide guidance to the technology mechanism in order to advance technology development and transfer in accordance with paragraph 1 above.
6. Relevant international organizations and expert bodies outside the Convention are encouraged to collaborate and address barriers that limit the absorption, development, and transfer of climate technology by and for developing countries, in order to meet the long-term mitigation and adaptation goals of this Agreement.
7. The Meeting of the Parties shall adopt the decisions necessary for the full implementation of this Article. It shall assess and review the progress of technology development and transfer under this Article every five years, in conjunction with the support cycle under Article 6 (*Finance*) and the assessment and review of the capacity-building mechanism under Article 8 (*Capacity Building*), inter alia based on national reports and their assessment under Article 9 (*Transparency and Accountability*), and shall take action to further enhance technology development and transfer under this Agreement, as appropriate.

Article 8: Capacity Building

1. A capacity-building mechanism is hereby defined.
2. It shall function under the guidance of, and be accountable to, the Meeting of the Parties.

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To undertake these objectives, the Technology Mechanism established under 1/CP.16, composed of the Technology Executive Committee and the Climate Technology Centre and Network,³⁶ will serve this Agreement pursuant to **Article 7, para. 5**. The Meeting of the Parties, in collaboration with the COP, shall provide guidance to this Mechanism in order to advance technology development and transfer, and ensure coordination between this Agreement and the Convention. In addition, **Article 7, para. 6** also authorizes collaboration with relevant international organizations such as the World Trade Organization and the World Intellectual Property Organization and expert bodies to address the current limitations in the absorption, development, and transfer of climate technology by and for developing countries. In this manner, global cooperation is encouraged and all resources are recognized.

In order to ensure that the aims of this Article are achieved, **Article 7, para. 7** mandates the Meeting of the Parties to adopt appropriate rules and guidelines for the implementation of the obligations contained herein, subject to a systematic review every five years in conjunction with the support cycle under Article 6 (*Finance*) and the related periodic review of the Capacity-building Mechanism under Article 8 (*Capacity Building*).

Article 8: Capacity Building

As members of the global climate change community, it is the concern of all States to ensure that all Parties have the ability to contribute to the fulfillment of the objectives of the Agreement through proper compliance and adherence to their commitments herein.³⁷ The Agreement, through this Article, seeks to give proper support to the Parties by providing a sustainable and substantial capacity-building mechanism.³⁸ A new mechanism is proposed to address existing gaps and consolidate the existing provisions, into a framework that ensure that capacity building under the Agreement is undertaken in a coordinated, integrated, and sustained manner. A separate institution can more effectively make the long-term interventions necessary to assist all Parties to achieve the objective of the Convention. Such a mechanism is established and defined in **Article 8, para. 1**.

Under **Article 8, para. 2**, this mechanism shall function under the guidance of, and be accountable to, the Meeting of the Parties to the Agreement.

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3. The capacity-building mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.
4. The capacity-building mechanism shall assist developing country Parties in the implementation of this Agreement in a sustained, predictable, and effective manner, including by fulfilling the following functions:
 - (a) Ensure adequate capacity building for an effective implementation of the requirements under Articles 3 (*Mitigation*), 4 (*Adaptation and Loss and Damage*), 6 (*Finance*), 7 (*Technology Development and Transfer*) and 9 (*Transparency and Accountability*), including the preparation of national reports and national communications, analysis and assessment, development of policies, plans and options, and activities associated with monitoring and reporting. Appropriate methodologies, guiding, and training materials shall be developed to this end.
 - (b) Support developing country Parties to strengthen their relevant national institutional and legal frameworks.
 - (c) Regularly assess the financial and technical assistance received for capacity building and the effectiveness of the delivery of such assistance.
 - (d) Collaborate with institutions and mechanisms under and outside the Convention to enhance coordination and effectiveness of capacity-building efforts.
 - (e) Identify opportunities to integrate capacity building at the national and regional levels, involving both governmental and broader societal initiatives.
 - (f) Provide guidance and recommendations to the Meeting of the Parties.

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Under **Article 8, para. 3**, all Parties must be represented within this mechanism in an equitable and balanced manner within a transparent system of governance. This is critical to ensure that the mechanism has the trust and confidence of all Parties and the necessary support to carry out its functions effectively.

This capacity-building mechanism will focus on providing support to States that need it the most: the developing country Parties. This recognizes the fact that only through global cooperation will it be possible to achieve the long-term goals of this Agreement.³⁹ Under **Article 8, para. 4**, therefore, the mechanism shall ensure adequate capacity-building for an effective implementation of the developing country Parties' commitments under Articles 3 (*Mitigation*), 4 (*Adaptation and Loss and Damage*), 6 (*Finance*), 7 (*Technology Development and Transfer*), and 9 (*Transparency and Accountability*). Moreover, it shall undertake the regular assessment of the financial and technical assistance being received for capacity building and ensure that such assistance is being utilized in the most effective way possible. The mechanism shall also seek to widen the scope and impact of capacity-building programs by collaborating with expert institutions under and outside the Convention, facilitating capacity building at the national and regional levels, and providing guidance and counsel to the Meeting of the Parties.

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5. The Meeting of the Parties shall, at its first session, adopt institutional arrangements, modalities, and guidelines to enable the capacity-building mechanism to fulfil its functions. These arrangements, modalities, and guidelines shall ensure that the capacity-building mechanism is adequately capitalized, including through the financial mechanism, to secure a long-term approach and prioritize strategic investments in building capacity.
6. The Meeting of the Parties shall assess and review the capacity-building mechanism every five years, in conjunction with the support cycle under Article 6 (*Finance*) and the assessment and review of technology development and transfer under Article 7 (*Technology Development and Transfer*).

Article 9: Transparency and Accountability

1. Parties shall aim to build confidence and trust by:
 - (a) Ensuring high and continuously increasing levels of transparency, accountability, consistency, comparability, completeness and accuracy of information (hereinafter referred to as “transparency”) provided by Parties on action and support toward their individual commitments and the long-term global mitigation and adaptation goals of this Agreement, taking into account common but differentiated responsibilities and respective capabilities, in light of different national circumstances;
 - (b) Enabling effective tracking of progress towards the achievement of the objective of the Convention under its Article 2 and the long-term mitigation and adaptation goals of this Agreement; and
 - (c) Supporting enhanced cooperation on mitigation and adaptation.

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In order to ensure that the aims of the Article are achieved, **Article 8, paras. 5 and 6** mandate the first Meeting of the Parties to adopt institutional arrangements, modalities, and guidelines to operationalize the mechanism and ensure its adequate capitalization, recognizing that the financial mechanism will play a core role in this regard. These arrangements, modalities, and guidelines shall be subject to assessment and review every five years, in conjunction with the assessment and review cycles under Article 6 (*Finance*) and Article 7 (*Technology Development and Transfer*). Their elaboration should be initiated immediately by the COP in Paris with a target date of 2017.

Article 9: Transparency and Accountability

Under this Article, the principle of common but differentiated responsibilities and respective capabilities, that significantly shapes the design of the existing MRV system, continues to be reflected as follows:

- Common direction of travel: continuous improvement of the transparency, accuracy, consistency, completeness, and comparability of data over time
- Common type of national reports and assessment processes (two-phase) would be in place after 2020
- Acknowledgement that the quality of the information would not be expected to be the same for all countries, taking into account differing national capabilities and circumstances, but reporting guidance could be crafted after Paris in a way that enables all Parties to aspire to more robust and credible data over time
- Differentiation in the content and frequency (every two years and every four years) of the reports, based on the relevance of the information required (for example, the reported information could be different if a country provides support, receives support, or does both)
- Availability of support for developing countries (finance, capacity building, technology development and transfer) for fulfilling the requirements under this article, in particular for least developed countries and small island developing States

Article 9, para. 1 establishes the aim of all Parties to achieve transparency and accountability in the pursuit of the long-term adaptation and mitigation goals. In line with the overall approach developed for the agreement, Parties would work toward continuous improvement of the quality of information

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2. All Parties shall work towards improving transparency under this Agreement in a continuous and sustained manner over time, taking into account their national capabilities and circumstances. The existing rules, methodologies, and guidelines under the Convention shall provide the minimum requirements and starting points for Parties' efforts to this end.
3. Developing country Parties, in particular least developed countries and small island developing States, shall be eligible for support for the fulfillment of the requirements under this Article.
4. Every two years, each Party shall submit a national report to the secretariat that includes information on progress towards implementation of its mitigation commitments under Article 3 (*Mitigation*), support provided or received, as appropriate, under Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*), and the information referred to in paragraphs 10 and 12 below. Parties may also include information on their adaptation efforts.
5. Every four years, the national report submitted under paragraph 4 shall take the form of a more comprehensive national communication that shall also include information on, *inter alia*:
 - (a) The progress in implementation of the Party's adaptation efforts and other adaptation activities and planning, including national adaptation plans pursuant to paragraph 3 of Article 4 (*Adaptation and Loss and Damage*);
 - (b) The progress in improving national policy and institutional frameworks to facilitate the implementation of requirements, and adapting national legal and policy frameworks in accordance with paragraph 4 of Article 6 (*Finance*);
 - (c) How the implementation of mitigation commitments under Article 3 (*Mitigation*) and adaptation efforts under Article 4 (*Adaptation and Loss and Damage*) has contributed to the achievement of sustainable development objectives;

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provided to enhance understanding, track progress against the long-term goals, and build trust among countries and the wider international community. This article also recognizes that MRV can spur improvement of government actions on climate change by identifying transformational and sustainable policies, enhancing credibility concerning data and actions, and, as a result, facilitating the decision-making process and cooperation among countries.

Article 9, para. 2 builds upon the existing rules, methodologies, and guidelines under the Convention and establishes them as baseline commitments in ensuring transparency. This article reiterates the need to acknowledge the different capabilities and circumstances of Parties, recognizing that some States may require flexibility in the implementation of their commitments, while at the same time promoting a cycle of improvement.⁴⁰ It therefore establishes the direction of travel for all countries, building on the progress made over the past few years and on lessons learned, with a view to ensuring that post-2020 requirements should not be less than those that currently exist.

Article 9, para. 3 recognizes that the pathway to a more robust MRV framework requires commensurate financial and technical support to remove current capacity barriers that prevent developing countries from fulfilling their MRV requirements. The paragraph also emphasizes the special needs of countries with fewer capabilities.

Article 9, para. 4 requires all Parties to submit a national report every two years, providing information on progress towards the implementation of their mitigation commitments in relation to Article 3 (*Mitigation*) and support received or provided in relation to Articles 6 (*Finance*), 8 (*Capacity Building*), and 7 (*Technology Development and Transfer*). It gives Parties the option of also reporting on the implementation of their adaptation efforts in relation to Article 4 (*Adaptation and Loss and Damage*).

Article 9, para 5 requires all parties to submit a more comprehensive national report every four years. In addition to the information requirements for the national reports under para. 4, these reports would, among other things detailed in paragraph 5, also include information on implementation of adaptation efforts and national adaptation planning processes pursuant to Article 4 (*Adaptation and Loss and Damage*), efforts on research and observation and efforts to raise awareness, education and access of information. This would build on the experience of producing the current national reports agreed upon in Durban.⁴¹

Relevant to the reporting requirements of **Article 9, paras. 4 and 5**, is **para. 13**, which requires the Meeting of the Parties to develop appropriate rules and guidelines for the national reports. These guidelines may be designed in a way that would allow countries to provide more transparent, accurate, consistent, complete, and comparable information over time,

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- (d) The efforts made to increase awareness, education, climate-related research, and observation and engagement with national stakeholders; and
 - (e) The technology needs, and progress made, in technology development and transfer, in accordance with Article 7 (*Technology Development and Transfer*).
6. Developed country Parties and other Parties in a position to do so shall annually submit greenhouse gas emission inventory reports to the secretariat.
 7. Reports under paragraphs 4, 5, and 6 above shall be submitted as part of relevant submissions due under the Convention. The first such reports shall be due at the due date of the first related submissions under the Convention after the entry into force of this Agreement for the Party concerned.
 8. Each Party's reports submitted under paragraphs 4 and 5 above shall be subject to a two-phase assessment process that consists of a technical evaluation of individual reports, followed by a multilateral appraisal based on the output of the technical evaluation. The two-phase process shall include the participation of, and consider any relevant inputs from, non-governmental organizations.
 9. The Implementation Committee under Article 10 (*Mechanism for Facilitating and Promoting Implementation*) shall be responsible for facilitating and promoting the timely submission and transparency of the reports under paragraphs 4 to 6 above, taking into account the outcome of the two-phase assessment process under paragraph 8 above, as appropriate, as well as different national capacities and circumstances.
 10. To preserve environmental integrity and prevent double counting:
 - (a) All Parties shall follow a common global accounting framework that includes, *inter alia*, the land sector and the use of transferable emission units, taking into account different national circumstances.

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as Parties' capacity to do so increases. Such a system would result in a streamlined reporting framework and increase its effectiveness, ensuring that national commitments are always progressing and that the actions undertaken by Parties to comply with and implement their obligations are properly assessed.⁴²

Article 9, para. 6 requires developed country Parties, and other Parties in a position to do so, to submit annual greenhouse gas emission inventory reports to the Secretariat, in an effort to prevent backsliding.

Because countries are already required to submit national reports under the Convention, and given that from 2020 onwards such reports would be the result of enhanced guidelines currently under revision,⁴³ **Article 9, para. 7** suggests that the timing for the submission of national reports under the Agreement should be in conjunction with that process currently under revision under the Convention. This paragraph prevents multiple, and potentially duplicative, reports being prepared under the Convention and the Agreement, reducing the extra burden on countries' resources.

These submissions shall undergo an organized system of verification and assessment to ensure that environmental integrity, consistency, and comparability of efforts are maintained.⁴⁴ This system, as outlined in **Article 9, para. 8**, includes a two-phase process comprising a technical evaluation and a multilateral appraisal with non-State actors, building on lessons from the International Consultations and Analysis (ICA) and International Assessment and Review (IAR).⁴⁵ The inclusion of non-State actors would be new, but has been effective in other regimes, and could enhance the robustness of this one. Although the outcome of the two-phase process may vary in light of Parties' different national circumstances and different types of countries' commitments, procedures could still be reviewed to streamline the assessment process and make it more effective, with a focus on capacity building for developing countries.

Article 9, para. 9 employs the Implementation Committee under Article 10 (*Mechanism for Facilitating and Promoting Implementation*) for the submission and facilitation of the required national reports, establishing the link between the reporting and verification framework and the implementation mechanism (also referred to as a facilitative compliance regime). It also highlights the role of the Implementation Committee to facilitate and promote the timely submission and transparency of the reports, based on the outcome of the two-phase assessment process, and taking into account different national capacities and circumstances.

As seen in Article 3 (*Mitigation*), the use of market- and non-market-based mechanisms, as well as new economic mechanisms, is encouraged, but

- (b) All Parties shall use common metrics and inventory methodologies for estimating emissions of greenhouse gases from sources and removals by sinks.
 - (c) All Parties using market- or non-market-based approaches shall include information on the use of these approaches in their national reports under paragraph 4 above, in order to demonstrate that this use delivers real, additional, verified, transparent, and permanent emission reductions and addresses the risk of leakage.
 - (d) Parties including the land sector in their mitigation commitments shall include, in their national reports under paragraph 4 above, information on the use of a minimum threshold for coverage of emissions and removals in the sector, and implementation of environmental, governance, and social safeguards, including the recognition of the rights of indigenous peoples and community land rights.
- 11.** To facilitate the integration of climate change into development planning, and in pursuit of the long-term adaptation goal of this Agreement, all Parties shall use common metrics and methodologies for assessing risks and vulnerability to climate change impacts and undertaking impact assessments. In so doing, Parties shall take into consideration climate change scenarios of a 2°C, 3°C, and 4°C temperature increase.
- 12.** To strengthen the transparency of support:
- (a) All Parties shall use common metrics and methodologies for tracking and reporting on financial flows.
 - (b) Parties shall include information in their national reports under paragraph 4 on the support received, needed, provided, and expected to be provided, based on standardized format tables, including details on the nature, scope, recipients and implementing organizations, sources and channels of funding.

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only to the extent that environmental integrity is upheld and double counting is prevented. **Article 9, para. 10** provides for safeguards to ensure this. Such safeguards include the use of common metrics, methodologies, and accounting frameworks in the submission of national emissions reports. The objective of these safeguards in relation to mitigation is to encourage more transparent, accurate, complete, and comparable data that would allow for a clearer pathway in achieving the long-term mitigation goal. Also included is the provision of general guidance and principles for reporting and accounting for the land-use sector and for Parties using market-based approaches, in order to guide the elaboration of more detailed rules and guidelines after Paris.

Article 9, para. 11 sets out specific requirements in relation to adaptation and focuses on the need to develop methodologies for undertaking scenario analysis, as well as assessments of risks and vulnerability to climate impacts. This would advance adaptation plans and convert them into more effective tools for building resilience. Greater robustness will assist both in domestic implementation and in attracting greater support. This paragraph relates to the concept of monitoring and evaluation used by practitioners and negotiators on adaptation.

Common metrics, methodologies, and accounting frameworks must also be used in the area of support and finance. **Article 9, para. 12** sets out specific requirements in relation to support and focuses on the need for developing and using common methodologies to track and report financial flows, as well as information on the support needed, received, provided, or expected to be provided under paras. 4 and 5 of this article, based on standardized format tables that are to be developed. This would avoid duplication of effort and ensure that the funds provided by developed countries are acknowledged and used appropriately.

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13. Guided by the aims contained in paragraph 1 above, the Meeting of the Parties shall, at its first session and building on relevant guidelines under the Convention, adopt appropriate rules and guidelines for:

- (a) National reports under paragraphs 4 to 6, including standardized reporting formats;
- (b) The assessment process under paragraph 8 above; and
- (c) The use of common metrics and methodologies and a common global accounting framework according to paragraphs 10 to 12 above.

The Meeting of the Parties shall adopt and subsequently review these rules and guidelines every four years, as appropriate. It shall cooperate with the Conference of the Parties in order to avoid overlap and duplication and ensure, to the extent possible, uniform guidelines and processes so as to realize an integrated system of transparency.

Article 10: Mechanism for Facilitating and Promoting Implementation

- 1.** A mechanism to facilitate and promote implementation, including an implementation committee, is herewith established.
- 2.** The mechanism and its implementation committee shall have an equitable and balanced representation of Parties and effective decision-making procedures and shall be based on the following:
 - (a) The mechanism shall be non-adversarial and facilitative and shall aim at facilitating and promoting compliance with, as well as effective implementation of, this Agreement.
 - (b) The implementation committee shall address questions of implementation raised by Parties with respect to themselves, or with respect to other Parties, as well as questions of implementation arising from the assessment process under Article 9 (*Transparency and Accountability*).

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Article 9, para. 13 mandates the first Meeting of the Parties to adopt appropriate rules and guidelines for the implementation of the obligations contained herein, subject to a systematic review every four years, as appropriate. This review is meant to streamline the process and make it more effective, and Parties are to cooperate with the COP to realize an integrated system of transparency. Given the need to elaborate appropriate rules and guidelines early on, the COP in Paris should launch a process that should result in adoption of rules and guidelines for the different sub-items starting in 2016 and ending in 2019 (see elements for COP decisions above).

Article 10: Mechanism for Facilitating and Promoting Implementation

The ACT 2015 Consortium heard, from many stakeholders, that transparency alone is not adequate, and that an accountability system is also required. As repeatedly stressed, the 2015 Agreement must engage all Parties in an atmosphere of trust and confidence in order to achieve its objectives. In the end, domestic political interests cannot be the primary determinant of action; rather nations must come together to raise the world's climate change ambitions.⁴⁶ In order to achieve this, the 2015 Agreement must include a mechanism for facilitating and promoting implementation that will mobilize support from governments as well as from business and all economic actors.⁴⁷ **Article 10, para. 1**, therefore establishes a mechanism for facilitation and promoting compliance, including an implementation committee.

Article 10, para. 2 establishes the governance arrangements for the mechanism, requiring that it have an equitable and balanced representation of Parties and possess effective decision-making procedures. As to its nature, the mechanism shall function in a facilitative and non-adversarial manner. This combination of facilitation and non-adversarial operation is seen as the most politically feasible manner of promoting compliance.⁴⁸ The article furthermore clarifies how proceedings before the implementation committee can be triggered and stipulates that the committee shall function independently and have effective measures available.⁴⁹

- (c) The implementation committee shall be able to issue its findings independently and shall have effective measures available, including recommendations, advice, warnings, cautions, and the facilitation of support. It shall be subject to general guidance by the Meeting of the Parties.
3. The Meeting of the Parties shall, at its first session, adopt further modalities and procedures for the mechanism, taking into account relevant work and experience under the Convention and related instruments, including the multilateral consultative process under Article 13 of the Convention. It shall regularly review these modalities and procedures thereafter.

Article 11: Review

At the request of at least two fifths of the Parties, but no earlier than three years after the entry into force of this Agreement, the Meeting of the Parties shall review this Agreement in light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social, and economic information. Based on these reviews, the Meeting of the Parties shall take appropriate action.

Article 12: Meeting of the Parties

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the Meeting of the Parties.
2. **Except as otherwise provided for in Article 21 (Non-Parties),ⁱⁱⁱ** Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceedings of any session of the Meeting of the Parties. Decisions under this Agreement shall be taken only by Parties to this Agreement.
3. When the Conference of the Parties serves as the Meeting of the Parties, 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.

Finally, **Article 10, para. 3** mandates the Meeting of the Parties to adopt, at its first session, further modalities and procedures for the mechanism and the implementation committee. These modalities and procedures will need to be elaborated by the COP prior to 2020. Accordingly, the COP in Paris should launch a process for the early elaboration of such modalities and procedures by 2017 in order to further clarify and fulfill the needs of the Agreement in terms of implementation and compliance.

Articles 11-25: Miscellaneous Provisions

Completing the proposed text are provisions that support the substantive portions that have been discussed above. These provisions appear in the interpretation and implementation of the Agreement, covering several aspects including participation of non-Parties and entry into force.

Article 11 (Review) provides for the explicit possibility of launching a review of the Agreement, beyond the regular mitigation, adaptation, and support cycles, under their respective articles, which shall be based on the best available scientific information and assessment on climate change and its impact, as well as relevant technical, social, and economic information. This will ensure the continued relevance of the commitments contained in this Agreement to the long-term goals and objectives of the Parties.

Article 12 (Meeting of the Parties) provides for the Conference of the Parties to serve as the Meeting of the Parties to this Agreement. Recognizing that Parties to the Convention and Parties to the Agreement might not be the same, **Article 12, para 2** establishes that those Parties to the Convention that are not Parties to the Agreement may participate as observers but shall not be entitled to participate in decisions under the Agreement. Accordingly, it furthermore establishes: (1) that the Meeting of the Parties will, at its first session, establish its own rules of procedure and financial rules (enabling it to adopt rules of procedure including a voting rule) and (2) clarifies that non-Parties that fulfil the core requirements of the Agreement may, in accordance with Article 21 (*Non-Parties*), participate in the Meeting of the Parties more fully than as observers. The list of functions is not necessarily finalized, but allows for additions to be made as necessary to the full implementation and effectiveness of this Agreement.

ⁱⁱⁱ Here as well as in the following, bold text indicates deviations from established standard wording. Bold text is intended solely for the assistance of the reader.

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4. The Meeting of the Parties 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) **Adopt, at its first session, its own rules of procedure and financial procedures;**
 - (b) Make recommendations on any matters necessary for the implementation of this Agreement;
 - (c) Establish such subsidiary bodies as are deemed necessary for the implementation of this Agreement;
 - (d) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and inter-governmental and non-governmental bodies; and
 - (e) Exercise such other functions as may be required for the implementation of this Agreement, and consider any assignment resulting from a decision by the Conference of the Parties.
5. The first session of the Meeting of the Parties 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 the entry into force of this Agreement. Subsequent ordinary sessions of the Meeting of the Parties shall be held every year, and in conjunction with ordinary sessions of the Conference of the Parties, unless otherwise decided by the Meeting of the Parties.
6. Extraordinary sessions of the Meeting of the Parties shall be held at such other times as may be deemed necessary by the Meeting of the Parties, 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.
7. The United Nations, 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 Meeting of the Parties 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 Meeting of the Parties 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, as referred to in paragraph 4 above.

Article 13: 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 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.

Article 14: Subsidiary Bodies

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 as, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement. The provisions relating to the functioning of these two bodies under the Convention 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.

Article 13 (Secretariat) mandates the Secretariat of the Convention to fulfill the same functions under this Agreement as it does for the UNFCCC, and provides the scope of its powers and responsibilities.

Article 14 (Subsidiary Bodies) follows existing precedent (Kyoto Protocol), but clarifies that non-Parties that fulfil the core requirements of the Agreement may, in accordance with Article 21 (*Non-Parties*), participate in the Subsidiary bodies more fully than as observers.

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2. **Except as otherwise provided for in Article 21 (Non-Parties)**, 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.

Article 15: Settlement of Disputes

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

Article 16: Amendments to the Agreement

1. Any Party may propose amendments to this Agreement.
2. Amendments to this Agreement shall be adopted at an ordinary session of the Meeting of the Parties. The text of any proposed amendment to this Agreement shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and signatories to the Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

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Article 15 (Settlement of Disputes) adopts the process for the settlement of disputes, in case any should arise between the Parties in the interpretation of this Agreement, as contained in the Convention.

Article 16 (Amendments to the Agreement) follows standard language and practice as to the process for making amendments to the Agreement, but also clarifies that the provisions of this article are without prejudice to the procedures for updating mitigation commitments in accordance with Article 3 (*Mitigation*) para. 6, and adaptation efforts statements in accordance with Article 4 (*Adaptation and Loss and Damage*) para. 4. Hence, it is clarified that these procedures for updating apply irrespective of the provisions of this article.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force, for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Agreement.
5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.
6. **The provisions of this Article are without prejudice to the provisions of Article 3 (*Mitigation*), paragraph 6, and Article 4 (*Adaptation and Loss and Damage*), paragraph 5.**

Article 17: Adoption and Amendments of Annexes

1. Annexes to this Agreement shall form an integral part thereof and, unless otherwise expressly provided, a reference to this Agreement constitutes at the same time a reference to any annexes thereto. Any annexes adopted after the entry into force of this Agreement shall be restricted to lists, forms, and any other material of a descriptive nature that is of a scientific, technical, procedural, or administrative character.
2. Annexes to this Agreement and amendments to annexes to this Agreement shall be proposed and adopted in accordance with the procedure set forth in Article 16, paragraphs 1, 2, and 3.
3. An annex or amendment to an annex that has been adopted in accordance with paragraph 2 above shall enter into force for all Parties six months after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall enter into force for Parties which

Article 17 (*Adoption and Amendment of Annexes*) follows standard language and practice as to the process for adopting, and making amendments to, Annexes of the Agreement.

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withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

Article 18: Right to Vote

1. Each Party shall have one vote, except as provided for in paragraphs 2 and 3 below.
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.
3. **Any Party that does not prepare, regularly update, and implement mitigation commitments in accordance with Article 3 (Mitigation) shall not be entitled to exercise its right to vote and shall lose such other rights and privileges as may be determined by the Meeting of the Parties.**

Article 19: Signature, Ratification, Acceptance, Approval, or Accession

1. This Agreement shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations which are Parties to the Convention **and have mitigation commitments inscribed in the list referred to in Article 3 (Mitigation), paragraph 2**. It shall be open for signature at United Nations Headquarters in New York from [day month] 2016 to [day month] 2017. This Agreement shall be open for accession from the day after 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 which 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 such organizations, one or more of whose member States is a Party to this Agreement, the organization and its

EXPLANATORY MEMORANDUM

Article 18 (Right to Vote) establishes Parties' voting rights, but also stipulates that a Party that fails to prepare, regularly update, and implement mitigation commitments in accordance with Article 3 (*Mitigation*) loses its right to vote and such other rights and privileges as may be decided by the Meeting of the Parties. This stresses the need for enhanced global participation between the Parties in ensuring that the long-term goals of this Agreement are achieved.

Article 19 (Signature, Ratification, Acceptance, Approval, or Accession), on signature and ratification of the Agreement, follows standard language and practice as to the process of attaining membership to this Agreement, but also clarifies that only Parties with an established mitigation commitment under the Agreement can sign the Agreement.

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.

Article 20: Entry into Force

1. This Agreement shall enter into force **on the ninetyeth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession by a Party to the Convention with mitigation commitments inscribed in the list referred to in Article 3 (Mitigation), paragraph 2.**
2. For each State or regional economic integration organization that ratifies, accepts, or approves this Agreement or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval, or accession, the Agreement shall enter into force on the ninetyeth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval, or accession, **provided that the State or regional economic integration organization has current mitigation commitments inscribed in the list referred to in Article 3 (Mitigation), paragraph 2. States and regional economic integration organizations may avail themselves of the procedure in Article 3 (Mitigation), paragraph 6, applied *mutatis mutandis*, to inscribe their mitigation commitments in the list referred to in Article 3 (Mitigation), paragraph 2.**
3. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

EXPLANATORY MEMORANDUM

The requirements for entry into force of the Agreement under **Article 20 (Entry into Force)** aim at establishing a low threshold, which is justified in view of the national determination of the core obligations. This threshold echoes that of the Framework Convention itself, which identified the ninetyeth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval, or accession.

Early entry into force will create an incentive for other Parties to the Convention to ratify the Agreement. Any Party to the Convention wishing to join the Agreement needs to have established mitigation commitments. Parties that have not yet established their mitigation commitments by the time of the adoption of the Agreement, can do so by using the procedure laid out in paragraph 6 of Article 3 (*Mitigation*), to be applied *mutatis mutandis*.

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EXPLANATORY MEMORANDUM

Article 21: Non-Parties

Any Party to the Convention that is not a Party to this Agreement but is in full compliance with Articles 3, 4, 6, 7, 8, 9, and 10, as determined by the Meeting of the Parties, shall be entitled to participate fully in the proceedings of the Meeting of the Parties and all open-ended subsidiary bodies, and shall enjoy such other rights and privileges, with the exception of the right to vote, as may be determined by the Meeting of the Parties, for as long as it continues to be in full compliance with the aforementioned Articles.

In keeping with the participatory spirit and aims of the Paris Agreement, **Article 21 (Non-Parties)** makes an attempt to allow non-Parties that implement the core requirements of the Agreement to participate in the international process.

Article 22: Reservations

No reservations may be made to this Agreement.

Article 22 (Reservations) states that no reservations can be made to this Agreement. This should ensure full cooperation and firm commitment from the Parties to the objectives of this Agreement.

Article 23: 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. **Any such withdrawal shall take effect upon expiry of the mitigation commitments the Party had under this Agreement at the time of the written notification of withdrawal and after having discharged itself from all duties connected to these commitments, or on such later date as may be specified in the notification of withdrawal.**
2. **Subject to paragraph 1 above**, any Party that withdraws from the Convention shall be considered as also having withdrawn from this Agreement.

Article 23 (Withdrawal) provides for the process of withdrawing from this Agreement, but also provides for withdrawing Parties to be obliged to abide by their existing mitigation commitments until these have been fulfilled (that is, withdrawal takes effect only for future mitigation commitments). This Article seeks to prevent Parties from avoiding compliance with their previously agreed mitigation commitments, thereby strengthening the overall ambition and drive of this Agreement.

Article 24: Depositary

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

Articles 24 (Depositary) and 25 (Authentic Texts) establish the Secretary-General of the United Nations as the Depositary and provides that the versions of the Agreement in the six languages of the United Nations define are equally authentic.

Article 25: Authentic Texts

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

DONE at Paris this [day] day of December, two thousand and fifteen.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have affixed their signatures to this Agreement on the dates indicated.

ELEMENTS FOR COP DECISIONS ACCOMPANYING THE ADOPTION OF THE PARIS AGREEMENT

In addition to a strong legal agreement, decisions by the Conference of the Parties (COP decisions) will be an important element of the 2015 Paris Agreement package. COP decisions help operationalize the core Agreement and provide further guidance on implementation. They typically include the development of further rules and modalities and, to this end, establish a work program for the time prior to entry into force. They can also elaborate on the substance of specific provisions of the Agreement. This section outlines elements that were identified as important during the engagement activities of the ACT 2015 consortium but were typically either too technical or detailed to be included in the suggested legal text, or were thought to benefit from improvement over time so that their inclusion in COP decisions would facilitate their dynamic adaptation without renegotiating the whole agreement. The further elaboration of these elements in COP decisions is key to ensuring optimal implementation and balance of the suggested legal text.

Overarching and General Provisions

- *Agreement to apply the Agreement immediately, prior to entry into force*
- *Clarify that the procedure laid out in paragraph 6 of Article 3 (Mitigation) will also be available for inscribing mitigation commitments prior to entry into force of the Agreement*
- *Launch process for elaboration of equity framework to be adopted in 2017*

Mitigation

- *Launch process to elaborate further rules and modalities for the cycle (by 2016), and composition and terms of reference of the independent expert panel, including scheduling of its inputs (first global assessment in 2017) (by 2016)*
- *Elaboration of guidance on information to be provided by Parties when submitting intended new or upgraded mitigation commitments, including information on long-term, deep decarbonization pathways*

- *Launch process to elaborate relevant modalities, rules, and guidelines for market- and non-market-based mechanisms (by 2017), including any economic mechanism*

Adaptation and Loss and Damage

- *Launch process to elaborate further rules and modalities for adaptation cycle, including standard format for submitting adaptation efforts statements (by 2017), regarding review of progress towards the long-term adaptation goal by Adaptation Committee (by 2017) and the public recording of adaptation efforts statements (by 2020)*
- *Initiate additional work (under the Warsaw International Mechanism), in collaboration with relevant organizations, to explore options for dealing with loss and damage resulting from, among other causes, extreme weather and slow onset events. Provide further guidance to Mechanism/Executive Committee to accelerate work*
- *Launch process to develop further guidelines for cooperation with other relevant international organizations and expert bodies in accordance with paragraph 6 of Article 4 (Adaptation and Loss and Damage) (by 2019)*

Additional Cooperative Action

- *Elaborate guidance for establishing joint agreements and define their relationship to the Agreement and commitments by Parties*
- *Set requirements for application of transparency and accountability provisions and provide guidelines for reporting procedures*
- *Promote the implementation of joint action, and further encourage and support Parties participating in joint agreements, including through appropriate incentives*
- *Develop guidelines for the recognition of contributions by subnational and non-State actors*

Finance

- *Set target for next replenishment period of Green Climate Fund, for example, doubling of initial resource mobilization, guided by the recommendation of the Standing Committee on Finance as set out in Article 6 (Finance) paragraph 8*
- *Launch processes to elaborate rules and modalities for the support cycle (including further guidelines for strategies regarding finance and the review by the Meeting of the Parties) (by 2017), guidance for assessments of investments by financial institutions (by 2017)*
- *Define the pathway towards \$100 billion*
- *Determine which additional Parties should contribute to international climate finance in accordance with paragraph 2 of Article 6 (Finance) (by 2017)*
- *Mandate the Standing Committee on Finance to provide recommendations for promoting coherence among operating entities and other relevant funds*
- *Mandate the Standing Committee of Finance to review the current reporting guidelines on finance and update them.*
- *In addition, a Political Declaration could be concluded including a long-term political target for international public climate finance and recognition of non-State actor finance initiatives*

Technology Development and Transfer

- *Mandate the Green Climate Fund as one of the operating entities of the financial mechanism under Article 6 (Finance) to allocate sufficient resources to facilitate technology development and transfer through the Technology Mechanism. The Meeting of the Parties shall provide guidance to the Green Climate Fund in this respect and in conformity/accordance with guidance by the Conference of the Parties*
- *Specify that the purpose of funding by the Green Climate Fund is to make funds available to developing countries for climate technology absorption, development and transfer activities including those to address barriers, and to clarify the process for applying for funding from this source*

- *Elaborate the enhanced role of the Technology Mechanism in order to strengthen and advance global participative collaboration on the development and transfer of climate technology to improve the capacity for absorption, development and transfer, including access to and application of climate technology in developing countries*
- *Mandate the Technology Mechanism to engage with relevant external institutions including the World Intellectual Property Organization and the World Trade Organization to address barriers that limit the development, transfer, and absorption of climate technology by and for developing countries*

Capacity Building

- *Elaborate further arrangements, modalities and guidelines of the capacity-building mechanism by 2017 in accordance with Article 8 (Capacity Building)*
- *Agree by 2017 how the financial mechanism under Article 6 (Finance) should contribute to the capacity-building mechanism, including guidance to the financial mechanism for an early implementation of the capacity-building requirements of the Agreement, including the allocation of sufficient resources, significantly increased from current levels in line with need*

Transparency and Accountability

- *Launch process(es) for elaborating rules and guidelines for national reports, national communications and the two-phased assessment process, building on, revising, and integrating existing guidelines (by 2019); Standing Committee on Finance to provide input as regards reporting on support/finance, especially in relation to paragraph 12.b of Article 9 (Transparency and Accountability)*
- *Launch process(es) for developing common metrics and methodologies for estimating emissions of greenhouse gases from sources and removals by sinks (by 2016), for assessing risks and vulnerability to climate change impacts (by 2018), and for tracking and reporting financial flows (by 2017)*

- *Launch process for developing common metrics and methodologies for assessing the impact of mitigation commitments (by 2016)*
- *Agreement on basic rules and guidelines and launching of process for finalizing detailed rules and guidelines for a common accounting framework, including for different commitment types as needed, for the land sector, and for the use of market mechanisms (by 2016)*
- *Recommend that the Standing Committee on Finance conduct further work to harmonize the reporting of climate finance among operating entities, in collaboration with the OECD and international financial institutions*
- *Launch process to elaborate relevant modalities, rules and guidelines for the land use sector, including for measurement, reporting and verification (including accounting) of emission reductions, with a goal of achieving convergence and harmonization of the existing LULUCF and REDD+ rules. The new harmonized rules should be guided by a set of principles including: environmental integrity, environmental, governance, social safeguards, and comparability and transparency of the rules*

Mechanism for Facilitating and Promoting Implementation

- Launch process for elaboration of modalities and procedures for the mechanism by 2017

ANNEX

SUGGESTED LEGAL TEXT: PARIS AGREEMENT

The Parties to this Agreement have agreed as follows:

Article 1: Definitionsⁱ

For the purposes of this Agreement, the definitions contained in Article 1 of the Convention shall apply.

In addition:

1. “Adaptation efforts statement” means a statement on existing and planned national and subnational policies, programs, plans, projects, processes and other measures, including impact, risk, and vulnerability assessments or other studies, which aim to reduce the vulnerability and enhance the resilience of communities to climate change or otherwise to address the impacts of climate change.
2. “Conference of the Parties” means the Conference of the Parties to the Convention.
3. “Convention” means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992.
4. “Intergovernmental Panel on Climate Change” means the Intergovernmental Panel on Climate Change established in 1988 jointly by the World Meteorological Organization and the United Nations Environment Programme.
5. “Long-term adaptation goal of this Agreement” means the long-term adaptation goal specified in paragraph 2 of Article 2 (*General Provisions*).ⁱⁱ
6. “Long-term mitigation goal of this Agreement” means the long-term mitigation goal specified in paragraph 2 of Article 2 (*General Provisions*).
7. “Meeting of the Parties” refers to the Conference of the Parties serving as the Meeting of the Parties to this Agreement.
8. “Mitigation commitments” means quantified emission limitation and reduction objectives, long-term national emissions goals, other relevant quantified objectives, or policies and measures to reduce or limit greenhouse gas emissions and enhance sinks.

9. “Parties present and voting” means Parties present and casting an affirmative or negative vote.
10. “Party” means, unless the context otherwise indicates, a Party to this Agreement.
11. “Phase out net global emissions” means that global removals of greenhouse gases by sinks equal or exceed global emissions by sources from a given year onwards.
12. “Support” means, unless the context otherwise indicates, the provision of finance, technology and capacity building in accordance with Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*).

Article 2: General Provisions

1. This Agreement shall be under the Convention and guided by its principles.
2. In order to achieve the objective of the Convention under its Article 2, the Parties shall pursue the following two long-term goals in a holistic and integrated manner, recognizing their interconnectedness and mutual supportiveness:
 - (a) To hold the increase in global average temperature below 2°C or 1.5°C above pre-industrial levels, the long-term mitigation goal of this Agreement is, in accordance with the latest science as reflected in the assessments of the Intergovernmental Panel on Climate Change, to phase out net global greenhouse gas emissions as early as possible in the second half of this century, including an earlier phase-out of net global emissions of carbon dioxide, through the collective actions of all countries based on their common but differentiated responsibilities and respective capabilities, in light of different national circumstances.
 - (b) The long-term adaptation goal of this Agreement is to reduce the vulnerability, and build and ensure the resilience, of communities to climate change impacts, through the collective actions of all countries, including through scaled up support, based on their common but differentiated responsibilities and respective capabilities, in light of different national circumstances.

ⁱ Titles of articles are included solely to assist the reader.

ⁱⁱ Titles of articles are added in parentheses and italics solely to assist the reader.

3. Parties shall implement this Agreement in an equitable manner, in accordance with their common but differentiated responsibilities and respective capabilities, in light of different national circumstances. The Meeting of the Parties shall, at its first session, adopt an equity framework to assist and provide guidance to the Parties in implementing this Agreement accordingly.
 4. The Parties shall continuously progress their actions under this Agreement, beyond existing undertakings, toward the long-term adaptation and mitigation goals of this Agreement, in parallel and mutually supportive five-year cycles for mitigation, adaptation, and support as specified in paragraph 5 of Article 3 (*Mitigation*), paragraph 4 of Article 4 (*Adaptation and Loss and Damage*) and paragraph 5 of Article 6 (*Finance*), respectively.
 5. The implementation and development of this Agreement should be informed by and respond to the latest scientific information as communicated to the Meeting of the Parties by the Intergovernmental Panel on Climate Change.
- ing, and implementation of mitigation commitments, and are encouraged to indicate which additional mitigation commitments they could undertake if they receive support, including information on the type and magnitude of support needed.
4. An independent expert panel is herewith established to assist the Meeting of the Parties in assessing, and thereby informing, Parties' mitigation commitments. The Meeting of the Parties shall, at its first session, adopt terms of reference of the panel, including its composition.
 5. The ambition of all Parties' mitigation commitments shall be raised in a continuous mitigation cycle every five years, informed by and informing the adaptation cycle under Article 4 (*Adaptation and Loss and Damage*) and the support cycle under Article 6 (*Finance*), until the long-term mitigation goal of this Agreement is met, as follows:
 - (a) By the end of 2020 the Meeting of the Parties shall consider new or upgraded mitigation commitments through to 2030, as submitted by Parties. Every five years thereafter, the Meeting of the Parties shall consider mitigation commitments submitted by Parties extending for a further five years. The mitigation commitments from the Parties shall be considered jointly accepted unless a majority of Parties objects. Upon acceptance, mitigation commitments shall be inscribed in the list referred to in paragraph 2 above, and each Party shall implement its mitigation commitments. If the mitigation commitments are not accepted, each Party shall revisit and resubmit, revised as appropriate, for acceptance at the next session of the Meeting of the Parties.
 - (b) Each Party shall prepare and submit intended mitigation commitments pursuant to sub-paragraph (a) above to the secretariat no later than two years prior to the date by which the Meeting of the Parties is to consider them under sub-paragraph (a) above. Intended mitigation commitments shall:

Article 3: Mitigation

1. In accordance with the provisions of this Article, each Party shall, striving for a comprehensive scope and a high and increasing level of ambition in pursuit of the long-term mitigation goal of this Agreement, prepare, regularly update, and implement mitigation commitments, consistent with its common but differentiated responsibilities and respective capabilities, in light of different national circumstances.
2. Each Party shall implement mitigation commitments through to 2025, as inscribed in a list to be kept by the secretariat and to be made publicly available alongside this Agreement. It may, in addition, implement further mitigation commitments, including through to 2030, as inscribed in the same list. In light of different national circumstances, least developed countries and small island developing States shall have particular flexibility regarding the scope, stringency, form, type, and frequency of their mitigation commitments.
3. Developing countries, including, in particular, least developed countries and small island developing States, shall be eligible for support for the preparation, updat-

- (b) Each Party shall prepare and submit intended mitigation commitments pursuant to sub-paragraph (a) above to the secretariat no later than two years prior to the date by which the Meeting of the Parties is to consider them under sub-paragraph (a) above. Intended mitigation commitments shall:

- (i) represent a progression beyond existing commitments of each Party, taking into account scope, stringency, form, and type; and
 - (ii) take into account, *inter alia*, (a) information on previous implementation by Parties; (b) information on support available and needed in accordance with Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*), (c) the equity framework under paragraph 3 of Article 2 (*General Provisions*); and (d) a global assessment by the independent expert panel under paragraph 4 above of the consistency of Parties' aggregate existing mitigation commitments with the achievement of the long-term mitigation goal of this Agreement.
- (c) The independent expert panel shall, within one year of the submission of intended mitigation commitments:
- (i) assess each Party's intended mitigation commitments in order to determine whether they fulfill the requirement of sub-paragraph (b)(i) above, and to provide country-specific advice on ways and means for increasing their ambition; and
 - (ii) undertake a global assessment of the consistency of Parties' aggregate intended mitigation commitments with the achievement of the long-term mitigation goal of this Agreement.
- (d) Taking into account the advice received under sub-paragraph (c) above, each Party shall submit its mitigation commitments for consideration of the Meeting of the Parties at least three months before the session at which it is proposed for acceptance. The secretariat shall forthwith circulate these proposed mitigation commitments to all Parties and make them available to the public.
- (e) Competent international and non-governmental organizations, as well as subnational authorities, are encouraged to provide input to the mitigation cycle.
- (f) Least developed countries and small island developing States shall have particular flexibility regarding the frequency of submission of their future mitigation commitments.
- (j) The Meeting of the Parties shall, at its first session, adopt further rules and modalities for the mitigation cycle and shall regularly review these rules and modalities thereafter.
6. Each Party may, at any time, submit mitigation commitments that are additional to, or upgrades of, mitigation commitments inscribed in the list referred to in paragraph 2 above. The secretariat shall circulate such additional or upgraded mitigation commitments to all Parties and make them available to the public. The additional or upgraded mitigation commitments shall be considered accepted under sub-paragraph 5(a) unless at least one tenth of the Parties object within three months of the circulation by the secretariat.
 7. Mitigation commitments inscribed in the list referred to in paragraph 2 above may be modified only following the procedures provided for in paragraphs 5 and 6 above, as applicable, and respecting the requirements specified therein.
 8. The Implementation Committee under Article 10 (*Mechanism for Facilitating and Promoting Implementation*) shall be responsible for facilitating and promoting submissions of mitigation commitments under paragraphs 5(b) and (d) above, where a Party has not made a submission within six weeks of the applicable deadline.
 9. Parties may cooperate in the implementation of their mitigation commitments, including through market- and non-market-based mechanisms, including the mechanisms established under Articles 6, 12 and 17 of the Kyoto Protocol to the Convention and any new economic mechanism. The Meeting of the Parties shall develop relevant modalities, rules, and guidelines, including those that ensure environmental integrity and avoid double counting.
 10. The Meeting of the Parties shall adopt the decisions necessary for the full implementation of this Article.

Article 4: Adaptation and Loss and Damage

1. In accordance with the provisions of this Article and in pursuit of the long-term adaptation goal of this Agreement, each Party shall, taking into account the need for collective mitigation action to minimize the need for additional adaptation action, work toward strengthening and advancing international cooperation on adaptation, and shall prepare, regularly update, and implement adaptation efforts, consistent with its common but differentiated responsibilities and respective capabilities, in light of different national circumstances, and building on existing adaptation initiatives and activities under the Convention.
2. The Parties shall take into account that, in light of their different national circumstances, developing country Parties, in particular those that are particularly vulnerable, including least developed countries and small island developing States, shall be eligible for support in pursuing the long-term adaptation goal of this Agreement.
3. As a central element of its adaptation efforts, each Party shall undertake a process to formulate, implement, and continuously update a national adaptation plan in accordance with the Cancun Adaptation Framework established by decision 1/CP.16 and national adaptation plan process elaborated in decision 5/CP.17.
4. The adaptation efforts of each Party shall be enhanced, communicated, and updated in a continuous adaptation cycle, informed by and informing the mitigation cycle under Article 3 (*Mitigation*), joint agreements under Article 5 (*Additional Cooperative Action*) and the support cycle under Article 6 (*Finance*) in pursuit of the long-term adaptation goal of this Agreement, as follows:
 - (a) The Meeting of the Parties shall, every five years starting in 2020 and based upon the status report by the Adaptation Committee under sub-paragraph (d) below, consider ways and means to enhance adaptation action under this Agreement and Parties' adaptation efforts, and take further measures, as may be required, to achieve the long-term adaptation goal of this Agreement.
 - (b) Each Party shall, no later than two years prior to the first consideration by the Meeting of the Parties referred to in sub-paragraph (a) above, based on, *inter alia*, its national adaptation planning under paragraph 3 above, any other relevant national policies, reports or plans, and the equity framework under paragraph 3 of Article 2 (*General Provisions*), submit its initial adaptation efforts statement to the secretariat, including information on the type and magnitude of support needed beyond domestic resources, as appropriate. Each Party shall submit a new or updated adaptation efforts statement every five years thereafter. The Meeting of the Parties shall, by 2020, decide on the way in which adaptation efforts statements shall be publicly recorded.
 - (c) The Adaptation Committee shall, upon the submission of adaptation efforts statements under sub-paragraph (b) above, every five years undertake a review of progress towards the long-term adaptation goal of this Agreement, with the aim of identifying ways and means to enhance adaptation action under this Agreement as well as adaptation efforts by Parties. The review shall encompass a focus on identifying best practices at country or regional level, promoting mutual learning and facilitating implementation, including the facilitation of support for the implementation of adaptation efforts in accordance with Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*) by developing country Parties. In addition to the submitted adaptation efforts statements, the review shall be based, *inter alia*, on (i) the synthesis and aggregate analysis of the Standing Committee on Finance under paragraph 5 of Article 6 (*Finance*), (ii) the equity framework under paragraph 3 of Article 2 (*General Provisions*), (iii) other relevant national reports and plans and, (iv) relevant scientific input.
 - (d) The Adaptation Committee shall, as a result of the recurrent review under sub-paragraph (c) above, issue a status report, including lessons learned, and make recommendations to the Meeting of the Parties on ways and means to

enhance the adaptation action under this Agreement and Parties' adaptation efforts every five years, starting in 2020.

- (e) Each Party may, at any time, submit new or updated adaptation efforts statements that are additional to those under sub-paragraph (b) above. These shall be publicly recorded as determined by the Meeting of the Parties under sub-paragraph (b) above.
 - (f) Competent international and non-governmental organizations, as well as subnational authorities, are encouraged to provide input to the adaptation cycle.
 - (g) The Meeting of the Parties shall, at its first session, adopt further rules and modalities for the adaptation cycle, and shall regularly review these rules and modalities thereafter.
5. In light of their different national circumstances, developing country Parties, in particular those that are particularly vulnerable, including least developed countries and small island developing States, shall be eligible for support for the formulation, implementation, and regular updating of national adaptation plans under paragraph 3 above, and for the submission of adaptation efforts statements under paragraph 4(b) above. Such support shall be available in accordance with Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*).
 6. Relevant international organizations and expert bodies outside the Convention are encouraged to cooperate and invited to report regularly on their actions and activities to achieve the long-term adaptation goal of this Agreement to the Meeting of the Parties. The Meeting of the Parties shall develop further guidelines, as appropriate.
 7. The Adaptation Committee established under decision 1/CP.16 and other institutions and bodies addressing adaptation under the Convention shall serve this Agreement. The Meeting of the Parties, in cooperation with the Conference of the Parties, as appropriate, shall regularly review the outcome of the work of, and provide guidance to, the Adaptation Committee and the other institutions and bodies.
 8. The implementation committee under Article 10 (*Mechanism for Facilitating and Promoting Imple-*

mentation) shall be available for facilitating and promoting the submission of adaptation efforts statements under paragraph 4 above.

9. The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts under the Convention, established by decision 3/CP.18, shall serve as the platform under this Agreement for enhanced cooperation on loss and damage associated with the adverse effects of climate change. The Meeting of the Parties, in cooperation with the Conference of the Parties, as appropriate, shall regularly review the outcome of the work of, and provide guidance to, the Mechanism.
10. The Meeting of the Parties shall adopt the decisions necessary for the full implementation of this Article.

Article 5: Additional Cooperative Action

1. In pursuit of the long-term mitigation and adaptation goals of this Agreement, groups of Parties may prepare, communicate, and implement joint agreements concerning specific actions, including policies, measures, and other cooperative schemes that are in addition to, and represent a progression beyond, Parties' undertakings under other articles of this Agreement. The Meeting of the Parties shall adopt further guidelines for the recognition of such joint agreements as appropriate. Additional cooperative actions may involve participation by non-State actors, particularly those in a position to contribute substantively to them.
2. Parties shall work through and with other relevant international organizations and agreements, *inter alia* the International Civil Aviation Organization, the International Maritime Organization, and the Montreal Protocol on Substances that Deplete the Ozone Layer, in accordance with their internal rules and procedures, so as to ensure that these organizations and agreements contribute fully and increasingly to achieving the long-term mitigation and adaptation goals of this Agreement, including through the mobilization of technical and financial support and capacity building, as appropriate.
3. The Meeting of the Parties shall also adopt guidelines for the recognition of contributions by subnational and non-State actors.

Article 6: Finance

1. Parties shall shift and scale up investments for low-carbon and climate-resilient development, in line with countries' national priorities and sustainable development objectives, in order to meet the long-term mitigation and adaptation goals of this Agreement, in particular through the mobilization, in a transparent manner, of increasing amounts of new, additional, adequate, and predictable climate finance from a variety of sources, including international and national, public and private sources, and in particular for the benefit of developing countries.
2. Developed country Parties shall make financial contributions and mobilize finance at an increasing scale from a floor based on current undertakings and commitments, through various channels, including but not restricted to, multilateral and bilateral channels. Other Parties, regularly determined by the Meeting of the Parties, in accordance with the principle of common but differentiated responsibilities and respective capabilities, and in light of different national circumstances, shall also provide financial contributions and mobilize finance, including among developing country Parties.
3. Parties shall aim to ensure that the allocation of public climate finance is balanced between adaptation and mitigation, with the aim of achieving at least an equal allocation of public finance for adaptation from the total amount of finance provided by Parties under this Agreement.
4. All Parties shall improve their national policy and institutional frameworks for climate finance and adapt their relevant legal and policy frameworks in support of the shift and scale-up of investment referred to in paragraph 1 above.
5. Every five years, until the long-term mitigation and adaptation goals of this Agreement are met, the provision of climate finance under this Article shall be scaled up as part of a continuous support cycle that also includes the reviews of technology development and transfer under Article 7 (*Technology Development and Transfer*) and the capacity-building mechanism under Article 8 (*Capacity Building*) and that is informed by and informs the mitigation cycle under Article 3 (*Mitigation*) and the adaptation cycle under Article 4 (*Adaptation and Loss and Damage*), as follows:
 - (a) The Meeting of the Parties shall, by the end of 2020 and every five years thereafter, review progress toward the aim referred to in paragraph 1 above, in parallel with the reviews of technology development and transfer under Article 7 (*Technology Development and Transfer*) and the capacity-building mechanism under Article 8 (*Capacity Building*), and take further measures as may be required to achieve the aim referred to in paragraph 1 above.
 - (b) Two years prior to the date referred to in subparagraph (a) above, each Party shall prepare and submit strategies regarding finance towards 2030. Every five years thereafter, each Party shall submit updated strategies regarding finance extending for a further five years.
 - (c) Building on information available in national communications submitted in accordance with Article 9 (*Transparency and Accountability*) and other relevant inputs, and taking into account the equity framework under paragraph 3 of Article 2 (*General Provisions*), strategies regarding finance shall:
 - (i) Address measures to improve national policy and institutional frameworks as well as measures to adapt relevant legal and policy frameworks in support of the shift and scale-up of investments referred to in paragraph 1 above;
 - (ii) For Parties receiving climate finance, include, in particular, a projection of future financial needs and national investment plans;
 - (iii) For those Parties providing financial contributions and mobilizing finance pursuant to paragraph 2 above, include, in particular, climate finance pathways indicating plans and channels for scaling up climate finance.
 - (d) Developing country Parties, in particular least developed countries and small island developing States, shall be eligible for support from the capacity-building mechanism under Article 8 (*Capacity Building*) for the preparation of their strategies regarding finance.
 - (e) Upon the submission of strategies regarding finance, the Standing Committee on Finance shall forthwith prepare and provide to the Meeting of

the Parties, no later than nine months prior to the date referred to in sub-paragraph (a) above, a synthesis and aggregate analysis of the strategies submitted, reports submitted by national and international financial institutions under paragraph 10, and information contained in national communications submitted in accordance with Article 9 (*Transparency and Accountability*), taking into account any other relevant information and submissions, and shall provide recommendations in light of the aim in paragraph 1 and the long-term mitigation and adaptation goals of this Agreement.

- (f) The Meeting of the Parties shall take into account the synthesis, aggregate analysis and recommendations provided by the Standing Committee on Finance in its review and consideration of further measures pursuant to sub-paragraph (a) above.
 - (g) Competent international and non-governmental organizations, as well as subnational authorities, are encouraged to provide input to the support cycle.
6. The Meeting of the Parties shall, at its first session, adopt further rules and modalities for the support cycle pursuant to paragraph 5 above, including further guidelines for strategies regarding finance, and shall regularly review these rules and modalities thereafter. To this end, the Meeting of the Parties may draw on the input of the Standing Committee on Finance.
 7. The financial mechanism under Article 11 of the Convention shall serve as the financial mechanism of this Agreement and the Green Climate Fund shall be the main operating entity of the financial mechanism of this Agreement.
 8. In order to ensure that the level of financial contributions to the Green Climate Fund continuously and significantly increases, the Standing Committee on Finance shall provide recommendations regarding the overall level of financial contributions to the Green Climate Fund in each replenishment cycle.
 9. The Standing Committee on Finance established by decision 1/CP.16 of the Conference of the Parties shall provide assistance to the Meeting of the Parties on issues pertaining to climate finance. In so doing, it shall regularly report on the availability and use of

measures to shift and scale up investments referred to in paragraph 1, including, inter alia, legal measures such as disclosure requirements, investment instruments, special banking facilities, and institutional reforms and regulatory measures.

10. The Parties shall work with and through national and international financial institutions in order to align investment decisions and policies with the long-term mitigation and adaptation goals of this Agreement. To this end, the Parties shall facilitate and work toward regular assessments of the investment portfolios and plans of these institutions to identify specific risks involved in investments not aligned with the long-term mitigation and adaptation goals of this Agreement. The Meeting of the Parties shall, at its first session, adopt guidance for such assessments and take appropriate steps towards their application. Parties and relevant national and international financial institutions are invited to report regularly on their activities under this paragraph. The Standing Committee on Finance shall take these reports into account in its reporting under paragraph 9 above.
11. All Parties shall work with and through relevant international organizations, such as the International Civil Aviation Organization and the International Maritime Organization, as well as non-governmental and private institutions and initiatives, in order to catalyze additional sources of climate finance.
12. The Implementation Committee under Article 10 (*Mechanism for Facilitating and Promoting Implementation*) shall be responsible for facilitating and promoting the submission of strategies regarding finance under paragraph 5 above, where a Party required to make financial contributions under paragraph 2 above has not made a submission within six weeks of the applicable deadline.
13. The Meeting of the Parties shall adopt the decisions necessary for the full implementation of this Article.

Article 7: Technology Development and Transfer

1. Technology development and transfer under this Agreement aims to enhance global cooperation to accelerate the development, dissemination and diffusion of, and to facilitate access to, climate technologies, including through engagement of external

institutions and the private sector, in order to meet the long-term mitigation and adaptation goals of this Agreement.

2. Parties shall strengthen and advance global cooperation on the development and transfer of climate technologies in order to, *inter alia*, increase international diffusion of climate technologies; materially increase public funding for research, development, and demonstration of climate technologies; enhance national policy and institutional frameworks in developing countries to foster endogenous climate technology absorption, development, and transfer; and achieve appropriate cost reductions for developing countries in accessing and applying climate technologies.
3. Each Party shall include information on progress in the implementation of this Article in its national reports under Article 9 (*Transparency and Accountability*), in accordance with guidance adopted by the Meeting of the Parties thereunder.
4. In light of their different national circumstances, developing country Parties, in particular least developed countries and small island developing States, shall be eligible for support under Articles 6 (*Finance*) and 8 (*Capacity Building*) for the fulfillment of the requirements under this Article.
5. The technology mechanism established pursuant to decision 1/CP.16 of the Conference of the Parties shall serve this Agreement. The Meeting of the Parties shall, in collaboration with the Conference of the Parties, provide guidance to the technology mechanism in order to advance technology development and transfer in accordance with paragraph 1 above.
6. Relevant international organizations and expert bodies outside the Convention are encouraged to collaborate and address barriers that limit the absorption, development, and transfer of climate technology by and for developing countries, in order to meet the long-term mitigation and adaptation goals of this Agreement.
7. The Meeting of the Parties shall adopt the decisions necessary for the full implementation of this Article. It shall assess and review the progress of technology development and transfer under this Article every five years, in conjunction with the support cycle under Article 6 (*Finance*) and the assessment and review of the capacity-building mechanism under Article

8 (*Capacity Building*), *inter alia* based on national reports and their assessment under Article 9 (*Transparency and Accountability*), and shall take action to further enhance technology development and transfer under this Agreement, as appropriate.

Article 8: Capacity Building

1. A capacity-building mechanism is hereby defined.
2. It shall function under the guidance of, and be accountable to, the Meeting of the Parties.
3. The capacity-building mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.
4. The capacity-building mechanism shall assist developing country Parties in the implementation of this Agreement in a sustained, predictable, and effective manner, including by fulfilling the following functions:
 - (a) Ensure adequate capacity building for an effective implementation of the requirements under Articles 3 (*Mitigation*), 4 (*Adaptation and Loss and Damage*), 6 (*Finance*), 7 (*Technology Development and Transfer*) and 9 (*Transparency and Accountability*), including the preparation of national reports and national communications, analysis and assessment, development of policies, plans and options, and activities associated with monitoring and reporting. Appropriate methodologies, guiding, and training materials shall be developed to this end.
 - (b) Support developing country Parties to strengthen their relevant national institutional and legal frameworks.
 - (c) Regularly assess the financial and technical assistance received for capacity building and the effectiveness of the delivery of such assistance.
 - (d) Collaborate with institutions and mechanisms under and outside the Convention to enhance coordination and effectiveness of capacity-building efforts.
 - (e) Identify opportunities to integrate capacity building at the national and regional levels, involving both governmental and broader societal initiatives.

- (f) Provide guidance and recommendations to the Meeting of the Parties.
- 5. The Meeting of the Parties shall, at its first session, adopt institutional arrangements, modalities, and guidelines to enable the capacity-building mechanism to fulfil its functions. These arrangements, modalities, and guidelines shall ensure that the capacity-building mechanism is adequately capitalized, including through the financial mechanism, to secure a long-term approach and prioritize strategic investments in building capacity.
- 6. The Meeting of the Parties shall assess and review the capacity-building mechanism every five years, in conjunction with the support cycle under Article 6 (*Finance*) and the assessment and review of technology development and transfer under Article 7 (*Technology Development and Transfer*).

Article 9: Transparency and Accountability

1. Parties shall aim to build confidence and trust by:
 - (a) Ensuring high and continuously increasing levels of transparency, accountability, consistency, comparability, completeness and accuracy of information (hereinafter referred to as “transparency”) provided by Parties on action and support toward their individual commitments and the long-term global mitigation and adaptation goals of this Agreement, taking into account common but differentiated responsibilities and respective capabilities, in light of different national circumstances;
 - (b) Enabling effective tracking of progress towards the achievement of the objective of the Convention under its Article 2 and the long-term mitigation and adaptation goals of this Agreement; and
 - (c) Supporting enhanced cooperation on mitigation and adaptation.
2. All Parties shall work towards improving transparency under this Agreement in a continuous and sustained manner over time, taking into account their national capabilities and circumstances. The existing rules, methodologies, and guidelines under the Convention shall provide the minimum requirements and starting points for Parties’ efforts to this end.
3. Developing country Parties, in particular least developed countries and small island developing States, shall be eligible for support for the fulfillment of the requirements under this Article.
4. Every two years, each Party shall submit a national report to the secretariat that includes information on progress towards implementation of its mitigation commitments under Article 3 (*Mitigation*), support provided or received, as appropriate, under Articles 6 (*Finance*), 7 (*Technology Development and Transfer*) and 8 (*Capacity Building*), and the information referred to in paragraphs 10 and 12 below. Parties may also include information on their adaptation efforts.
5. Every four years, the national report submitted under paragraph 4 shall take the form of a more comprehensive national communication that shall also include information on, *inter alia*:
 - (a) The progress in implementation of the Party’s adaptation efforts and other adaptation activities and planning, including national adaptation plans pursuant to paragraph 3 of Article 4 (*Adaptation and Loss and Damage*);
 - (b) The progress in improving national policy and institutional frameworks to facilitate the implementation of requirements, and adapting national legal and policy frameworks in accordance with paragraph 4 of Article 6 (*Finance*);
 - (c) How the implementation of mitigation commitments under Article 3 (*Mitigation*) and adaptation efforts under Article 4 (*Adaptation and Loss and Damage*) has contributed to the achievement of sustainable development objectives;
 - (d) The efforts made to increase awareness, education, climate-related research, and observation and engagement with national stakeholders; and
 - (e) The technology needs, and progress made, in technology development and transfer, in accordance with Article 7 (*Technology Development and Transfer*).
6. Developed country Parties and other Parties in a position to do so shall annually submit greenhouse gas emission inventory reports to the secretariat.

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7. Reports under paragraphs 4, 5, and 6 above shall be submitted as part of relevant submissions due under the Convention. The first such reports shall be due at the due date of the first related submissions under the Convention after the entry into force of this Agreement for the Party concerned.
8. Each Party's reports submitted under paragraphs 4 and 5 above shall be subject to a two-phase assessment process that consists of a technical evaluation of individual reports, followed by a multilateral appraisal based on the output of the technical evaluation. The two-phase process shall include the participation of, and consider any relevant inputs from, non-governmental organizations.
9. The Implementation Committee under Article 10 (*Mechanism for Facilitating and Promoting Implementation*) shall be responsible for facilitating and promoting the timely submission and transparency of the reports under paragraphs 4 to 6 above, taking into account the outcome of the two-phase assessment process under paragraph 8 above, as appropriate, as well as different national capacities and circumstances.
10. To preserve environmental integrity and prevent double counting:
- (a) All Parties shall follow a common global accounting framework that includes, *inter alia*, the land sector and the use of transferable emission units, taking into account different national circumstances.
 - (b) All Parties shall use common metrics and inventory methodologies for estimating emissions of greenhouse gases from sources and removals by sinks.
 - (c) All Parties using market- or non-market-based approaches shall include information on the use of these approaches in their national reports under paragraph 4 above, in order to demonstrate that this use delivers real, additional, verified, transparent, and permanent emission reductions and addresses the risk of leakage.
 - (d) Parties including the land sector in their mitigation commitments shall include, in their national reports under paragraph 4 above, information on the use of a minimum threshold for coverage of emissions and removals in the sector, and implementation of environmental, governance, and social safeguards, including the recognition of the rights of indigenous peoples and community land rights.
11. To facilitate the integration of climate change into development planning, and in pursuit of the long-term adaptation goal of this Agreement, all Parties shall use common metrics and methodologies for assessing risks and vulnerability to climate change impacts and undertaking impact assessments. In so doing, Parties shall take into consideration climate change scenarios of a 2°C, 3°C, and 4°C temperature increase.
12. To strengthen the transparency of support:
- (a) All Parties shall use common metrics and methodologies for tracking and reporting on financial flows.
 - (b) Parties shall include information in their national reports under paragraph 4 on the support received, needed, provided, and expected to be provided, based on standardized format tables, including details on the nature, scope, recipients and implementing organizations, sources and channels of funding.
13. Guided by the aims contained in paragraph 1 above, the Meeting of the Parties shall, at its first session and building on relevant guidelines under the Convention, adopt appropriate rules and guidelines for:
- (a) National reports under paragraphs 4 to 6, including standardized reporting formats;
 - (b) The assessment process under paragraph 8 above; and
 - (c) The use of common metrics and methodologies and a common global accounting framework according to paragraphs 10 to 12 above.
- The Meeting of the Parties shall adopt and subsequently review these rules and guidelines every four years, as appropriate. It shall cooperate with the Conference of the Parties in order to avoid overlap and duplication and ensure, to the extent possible, uniform guidelines and processes so as to realize an integrated system of transparency.

Article 10: Mechanism for Facilitating and Promoting Implementation

1. A mechanism to facilitate and promote implementation, including an implementation committee, is herewith established.
2. The mechanism and its implementation committee shall have an equitable and balanced representation of Parties and effective decision-making procedures and shall be based on the following:
 - (a) The mechanism shall be non-adversarial and facilitative and shall aim at facilitating and promoting compliance with, as well as effective implementation of, this Agreement.
 - (b) The implementation committee shall address questions of implementation raised by Parties with respect to themselves, or with respect to other Parties, as well as questions of implementation arising from the assessment process under Article 9 (*Transparency and Accountability*).
 - (c) The implementation committee shall be able to issue its findings independently and shall have effective measures available, including recommendations, advice, warnings, cautions, and the facilitation of support. It shall be subject to general guidance by the Meeting of the Parties.
3. The Meeting of the Parties shall, at its first session, adopt further modalities and procedures for the mechanism, taking into account relevant work and experience under the Convention and related instruments, including the multilateral consultative process under Article 13 of the Convention. It shall regularly review these modalities and procedures thereafter.

Article 11: Review

At the request of at least two fifths of the Parties, but no earlier than three years after the entry into force of this Agreement, the Meeting of the Parties shall review this Agreement in light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social, and economic information. Based on these reviews, the Meeting of the Parties shall take appropriate action.

Article 12: Meeting of the Parties

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the Meeting of the Parties.
2. **Except as otherwise provided for in Article 21 (*Non-Parties*)**,ⁱⁱⁱ Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceedings of any session of the Meeting of the Parties. Decisions under this Agreement shall be taken only by Parties to this Agreement.
3. When the Conference of the Parties serves as the Meeting of the Parties, 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 Meeting of the Parties 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) **Adopt, at its first session, its own rules of procedure and financial procedures;**
 - (b) Make recommendations on any matters necessary for the implementation of this Agreement;
 - (c) Establish such subsidiary bodies as are deemed necessary for the implementation of this Agreement;
 - (d) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and inter-governmental and non-governmental bodies; and
 - (e) Exercise such other functions as may be required for the implementation of this Agreement, and consider any assignment resulting from a decision by the Conference of the Parties.
5. The first session of the Meeting of the Parties shall be convened by the secretariat in conjunction with

ⁱⁱⁱ Here as well as in the following, bold text indicates deviations from established standard wording. Bold text is intended solely for the assistance of the reader.

the first session of the Conference of the Parties that is scheduled after the date of the entry into force of this Agreement. Subsequent ordinary sessions of the Meeting of the Parties shall be held every year, and in conjunction with ordinary sessions of the Conference of the Parties, unless otherwise decided by the Meeting of the Parties.

6. Extraordinary sessions of the Meeting of the Parties shall be held at such other times as may be deemed necessary by the Meeting of the Parties, 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.
7. The United Nations, 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 Meeting of the Parties 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 Meeting of the Parties 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, as referred to in paragraph 4 above.

Article 13: 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 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.

Article 14: Subsidiary Bodies

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 as, respectively, the Subsidiary Body for

Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement. The provisions relating to the functioning of these two bodies under the Convention 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. **Except as otherwise provided for in Article 21 (Non-Parties)**, 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.

Article 15: Settlement of Disputes

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

Article 16: Amendments to the Agreement

1. Any Party may propose amendments to this Agreement.
2. Amendments to this Agreement shall be adopted at an ordinary session of the Meeting of the Parties. The text of any proposed amendment to this Agreement shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and signatories to the Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.
4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force, for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Agreement.
5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.
6. **The provisions of this Article are without prejudice to the provisions of Article 3 (*Mitigation*), paragraph 6, and Article 4 (*Adaptation and Loss and Damage*), paragraph 5.**

Article 17: Adoption and Amendments of Annexes

1. Annexes to this Agreement shall form an integral part thereof and, unless otherwise expressly provided, a reference to this Agreement constitutes at the same time a reference to any annexes thereto. Any annexes adopted after the entry into force of this Agreement shall be restricted to lists, forms, and any other material of a descriptive nature that is of a scientific, technical, procedural, or administrative character.
2. Annexes to this Agreement and amendments to annexes to this Agreement shall be proposed and adopted in accordance with the procedure set forth in Article 16 (Amendments to the Agreement), paragraphs 1, 2, and 3.
3. An annex or amendment to an annex that has been adopted in accordance with paragraph 2 above shall enter into force for all Parties six months after the

date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

Article 18: Right to Vote

1. Each Party shall have one vote, except as provided for in paragraphs 2 and 3 below.
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.
3. **Any Party that does not prepare, regularly update, and implement mitigation commitments in accordance with Article 3 (*Mitigation*) shall not be entitled to exercise its right to vote and shall lose such other rights and privileges as may be determined by the Meeting of the Parties.**

Article 19: Signature, Ratification, Acceptance, Approval, or Accession

1. This Agreement shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations which are Parties to the Convention **and have mitigation commitments inscribed in the list referred to in Article 3 (*Mitigation*), paragraph 2.** It shall be open for signature at United Nations Headquarters in New York from [*day month*] 2016 to [*day month*] 2017. This Agreement shall be open for accession from the day after 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 which 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 such organizations, one or more of whose member States is a Party 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.

Article 20: Entry into Force

1. This Agreement shall enter into force **on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession by a Party to the Convention with mitigation commitments inscribed in the list referred to in Article 3 (Mitigation), paragraph 2.**
2. For each State or regional economic integration organization that ratifies, accepts, or approves this Agreement or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval, or accession, the Agreement shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval, or accession, **provided that the State or regional economic integration organization has current mitigation commitments inscribed in the list referred to in Article 3 (Mitigation), paragraph 2. States and regional economic integration organizations may avail themselves of the procedure in Article 3 (Mitigation), paragraph 6, applied *mutatis mutandis*, to inscribe their mitigation commitments in the list referred to in Article 3 (Mitigation), paragraph 2.**
3. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Article 21: Non-Parties

Any Party to the Convention that is not a Party to this Agreement but is in full compliance with Articles 3, 4, 6, 7, 8, 9, and 10, as determined by the Meeting of the Parties, shall be entitled to participate fully in the proceedings of the Meeting of the Parties and all open-ended subsidiary bodies, and shall enjoy such other rights and privileges, with the exception of the right to vote, as may be determined by the Meeting of the Parties, for as long as it continues to be in full compliance with the aforementioned Articles.

Article 22: Reservations

No reservations may be made to this Agreement.

Article 23: 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. **Any such withdrawal shall take effect upon expiry of the mitigation commitments the Party had under this Agreement at the time of the written notification of withdrawal and after having discharged itself from all duties connected to these commitments, or on such later date as may be specified in the notification of withdrawal.**
2. **Subject to paragraph 1 above,** any Party that withdraws from the Convention shall be considered as also having withdrawn from this Agreement.

Article 24: Depositary

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

Article 25: Authentic texts

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

DONE at Paris this [*day*] day of December, two thousand and fifteen.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have affixed their signatures to this Agreement on the dates indicated.

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ENDNOTES

1. The ACT 2015 consortium is a group of the world's top climate experts and institutions from developing and developed countries: Ateneo School of Government, the Philippines; E3G (Third Generation Environmentalism), the U.K.; Ecofys, Germany; Energeia, Latin America; Institute for European Studies, Vrije Universiteit Brussel, Belgium; PBL Netherlands Environmental Assessment Agency, the Netherlands; New Climate Institute, Germany; Tsinghua University, China; and the World Resources Institute, Global.
2. United Nations Framework Convention on Climate Change (UNFCCC). 2011. Decision 1/CP.17, Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, para. 2.
3. Morgan, J. Y. Dagnet, D. Tirpak. 2014a. "Elements and Ideas for the 2015 Paris Agreement." Washington, D.C.: Agreement for Climate Transformation 2014 (ACT 2015). Working Paper.
4. Phase out of net greenhouse gas emissions means that anthropogenic emissions of greenhouse gases into the atmosphere decrease to a level equal to or smaller than anthropogenic removals of greenhouse gases from the atmosphere. This would require that emissions from energy, industry, agriculture, forestry, and waste are reduced to a bare minimum and compensated by emission removals from for example forest growth and carbon capture and storage (CCS).
5. Morgan, J., Y. Dagnet, N. Höhne, S. Oberthür, L. Li. 2014b. "Race to the Top: Driving Ambition in the Post-2020 International Climate Agreement." Washington, D.C.: Agreement for Climate Transformation 2015 (ACT 2015). Working Paper, page 2.
6. United Nations (UN). 1992. "United Nations Framework Convention on Climate Change," UNFCCC, Article 3 (1).
7. UNFCCC. 2011. Decision 2/CP.17, Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, page 2.
8. On backsliding. See Morgan, J. et al. 2014a, page 4.
9. Morgan, J. et al. 2014a, page 3.
10. Morgan, J. et al. 2014a, page 13.
11. Ibid.
12. The Implementation Mechanism will facilitate and promote not only submissions containing mitigation actions, but also other efforts on adaptation, and more broadly, the fulfillment of the requirements under this agreement, including transparency and accountability requirements.
13. UNFCCC. 2011. Decision 2/CP.17, page 17.
14. UNFCCC. 2011. Decision 1/CP.18, page 9.
15. Morgan, J. et al. 2014a, page 12.
16. Okereke, C., P. Baral, Y. Dagnet. 2014. "Options for Adaptation and Loss and Damage in a 2015 Climate Agreement." Washington, DC: Agreement for Climate Transformation 2015 (ACT 2015). Working paper, page 12.
17. UNFCCC. 2010. Decision 1/CP.16, "The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention," page 5.
18. Morgan, J. et al. 2014a, page 16.
19. Morgan, J. et al. 2014a, page 18.
20. Morgan, J. et al. 2014a, page 19.
21. UNFCCC. 2010. Decision 1/CP.16, page 5.
22. Garibaldi, J. A., G. Arias, M. T. Szauer. 2014, pages 4, 6-11.
23. UNFCCC. 2010. Decision 1/CP.16, page 16.
24. Morgan, J. et al. 2014a, pages 23-24.
25. UN. 1992, Article 4 (3).
26. Morgan, J. et al. 2014a, page 25.
27. Ibid.
28. Morgan, J. et al. 2014a, page 26.
29. UNFCCC. 2011. Decision 3/CP.17, Launching the Green Climate Fund, page 62.
30. Green Climate Fund (GCF). 2014. Decisions of the Board: Eighth Meeting of the Board, 14-17 October 2014... Annex XIX, page 100.
31. UNFCCC. 2010. Decision 1/CP.16, page 18.
32. Morgan, J. et al. 2014a, page 26.
33. UNFCCC. 2012. FCCC/SBSTA/2012/MISC.20. Information relevant to emissions from fuel used for international aviation and maritime transport. Submissions from international organizations.
34. Morgan, J. et al. 2014a, page 30.
35. Ibid.
36. UNFCCC. 2010. Decision 1/CP.16.
37. Morgan, J. et al. 2014a, page 27.
38. Morgan, J. et al. 2014a, page 28.
39. Morgan, J. et al. 2014a, page 27.
40. Morgan, J. et al. 2014a, page 33.
41. UNFCCC. 2011. Decision 1/CP.17.
42. Dagnet, Y., T. Fei, C. Elliott, Y. Qiu. 2014. "Improving Transparency and Accountability in the Post-2020 Climate Regime: A Fair Way Forward." Washington, D.C.: Agreement for Climate Transformation 2015 (ACT 2015). Working Paper, page 6.
43. Parties are required to revise the reporting guidelines for the Biennial Reports and Biennial Update Reports, as well as ICA and IAR in 2016 and 2017 (see UNFCCC. 2011. 1/CP.17).
44. Morgan, J. et al. 2014a, page 32.
45. The current MRV system does not envisage the participation of non-State actors in the multilateral assessment and consultation process, which is a shortcoming that the consortium suggests should be addressed in the future regime.
46. Gallagher, L. 2014. "Political Economy of the Paris Climate Agreement." Agreement for Climate Transformation 2015 (ACT 2015), page 4.
47. Gallagher, L. 2014, page 6.
48. Oberthür, S. 2014. "Options for a Compliance Mechanism in a 2015 Climate Agreement." Washington, D.C.: Agreement for Climate Transformation 2015 (ACT 2015). Working Paper, page 4.
49. Oberthür, S. 2014, page 6.

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WRI is a global research organization that works closely with leaders to turn big ideas into action to sustain a healthy environment—the foundation of economic opportunity and human well-being.

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The Institute for European Studies (IES) at the Vrije Universiteit Brussel (VUB) is an academic Jean Monnet Centre of Excellence and a policy think tank that focuses on the European Union in an international setting. The Institute advances academic education and research in various disciplines, and provides services to policy-makers, scholars, stakeholders and the general public.

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ABOUT ACT 2015

The Agreement on Climate Transformation 2015 (ACT 2015) consortium is a group of the world's top climate experts from developing and developed countries that have come together to catalyze discussion and build momentum toward reaching a global climate agreement at the forthcoming UN Framework Convention on Climate Change (UNFCCC) summit in 2015.

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