

## **Reflections on progress made at the fourth part of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action**

### **Note by the Co-Chairs**

*17 April 2014*

## **I. Introduction**

1. At the fourth part of the second session of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) (March 2014), Parties advanced the work of the ADP by:

- (a) Progressing in the elaboration of the content of the 2015 agreement, with a view to arriving at the elements for a coherent draft negotiating text by the twentieth session of the Conference of the Parties (COP), to be held in Lima, Peru;
- (b) Initiating discussions that facilitate domestic preparations for intended nationally determined contributions;
- (c) Considering practical and realizable opportunities for raising pre-2020 ambition.

2. We welcome the progress and recognize the commitment of Parties to engage and to negotiate. There is a shared understanding that a substantial amount of work remains ahead of us in order to fully realize the mandates given to us by the COP, and that a more formal, interactive, focused mode of negotiations is needed for the ADP. At our last meeting, the ADP established a contact group in order to move into such a mode of work. We have also issued a note<sup>1</sup> containing our suggestions on how the work of the contact group will be conducted at the June session.

## **II. Work towards the 2015 agreement**

3. The March session saw a very concrete and detailed exchange on the content of the elements for a draft negotiating text for the 2015 agreement. The session further enhanced the understanding of how Parties envisage the agreement to be structured and how it could operate. The comprehensive material on the table and the understanding that has been reached provide a solid foundation for the future work of the contact group.

4. In order to facilitate this work, we consider it useful to map out what Parties have expressed and submitted in the course of our negotiations so far. The annex to this note presents this landscape of issues proposed by Parties. It summarizes our understanding of what Parties have elaborated and proposed to see reflected as elements for a draft negotiating text, with the hope that it will facilitate understanding among Parties of the landscape of issues, the content of the elements elaborated so far and the options that are on the table, as proposed by Parties. We have aimed to be inclusive and comprehensive, and ask you to alert us if important ideas or proposals have not been reflected.

5. The annex is organized based on the elements contained in paragraph 5 of decision 1/CP.17 in a manner that attempts to include all the proposals that have been expressed by Parties without prejudice to the ultimate structure of the draft negotiating text or the 2015 agreement. A section on nationally determined contributions has also been included to reflect proposals related to paragraph 2 of decision 1/CP.19. Furthermore, Parties have made proposals on other issues that relate to the agreement as a whole or to multiple elements of our work. These include matters that are general in nature or provide context to the agreement, compliance, assessment, the role of non-State actors, and procedural and institutional provisions. In order to present the proposals as clearly as possible and in an appropriate context, the annex contains separate sections to reflect these proposals.

6. Parties have also made various proposals on general cross-cutting topics and design considerations such as governance, overall architecture of the agreement, differentiation, flexibility and durability, which form a central part of our negotiations and are inherent in many proposals summarized in the annex. Furthermore, many

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<sup>1</sup> ADP.2014.4.InformalNote.

Parties have expressed views on the legal form of the agreement. As you advance the negotiations during the second half of this year, we encourage you to keep these matters in mind.

7. The annex illustrates the richness of the proposals on which we need to draw in shaping the agreement. Our next collective challenge will be to converge on the elements for a draft negotiating text by Lima. As we stated in the closing plenary in March, we are guided by the understanding that the negotiating text will be collectively constructed based on the views expressed by Parties in their submissions and statements and in the negotiations. This in our view is a truly Party-driven process. The preparation of the text, as agreed by Parties, will adhere to the following core principles:

- (a) The process will continue to be Party-driven;
- (b) The process will continue to build on inputs from Parties;
- (c) Any outputs of the process will reflect inputs from Parties.

8. It is clear that Parties wish to begin in June the process of collectively constructing the text with a focus on advancing common understanding and converging through negotiation on topics where differences need to be bridged, including the possible identification of a limited number of options.

9. Regarding inputs, the process is always open to inputs by Parties and observers as per the Doha conclusions of the ADP.<sup>2</sup> Parties and observers can make use of that channel to communicate their views. You can also communicate with us via e-mail through <cadp@unfccc.int>.

10. As you may recall, the ADP was mandated to identify, by COP 20, the information that Parties will provide when putting forward their contributions. At the open-ended consultations in March, and drawing upon submissions from, and views expressed by Parties, we had a detailed exchange on the information and on ways to consider that information, which is reflected in the section of the annex on nationally determined contributions. In addition, at the workshop on domestic preparations, you shared your experiences and lessons learned on approaches, processes, constraints and challenges, including on needs for support for the preparation of such contributions.<sup>3</sup> This issue needs to be further clarified in order to fulfil our mandate by COP 20. In our view the ADP should begin work immediately towards a decision in Lima on this matter.

11. In addition, a briefing by relevant organizations on the support for the domestic preparation of nationally determined contributions was held to facilitate the flow of information on what the needs are, what networks and initiatives exist, what support is available and how to access it.<sup>4</sup> As you are aware, we have asked the secretariat to facilitate the coordination of this support and the secretariat has initiated a dialogue with a wide range of institutions providing support to encourage information sharing and coordination. The contact details of the organizations present at the March session are available on the UNFCCC website to facilitate future interactions and we have requested the secretariat to update that information regularly.<sup>5</sup> We encourage Parties to actively engage with organizations as needed.

12. For example, the United Nations Development Programme is convening a series of regional technical dialogues to consider and discuss the technical basis of these contributions and share related approaches and experiences. We encourage all Parties, in particular developing country Parties, to take advantage of this initiative and to identify specific needs for support which could be addressed by interacting with the organizations that will be participating at these regional dialogues.<sup>6</sup>

### III. Pre-2020 ambition

13. At the March session, we launched a new phase in our effort to build pre-2020 ambition, moving from identification to realization of the vast mitigation potential. The technical expert meetings (TEMs) provided an initial opportunity for Parties to engage with each other and with partner organizations on how to unlock the mitigation potential of renewable energy and energy efficiency improvements. This exchange has triggered activities to be pursued intersessionally with the aim of delivering tangible results by Lima.<sup>7</sup> As was envisaged,

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<sup>2</sup> FCCC/ADP/2012/3, paragraph 22.

<sup>3</sup> <<http://unfccc.int/8106>> .

<sup>4</sup> <<http://unfccc.int/8114>>.

<sup>5</sup> <<http://unfccc.int/8175>>.

<sup>6</sup> See footnote 5 above for contact details of organizations providing support.

<sup>7</sup> <<http://unfccc.int/8112>> and <<http://unfccc.int/8113>>.

Parties have used the TEMs to accelerate domestic action and, with the support of international organizations, take forward policy options and tangible initiatives, including efforts to remove barriers to implementation and to scale up and accelerate the delivery of finance, technology and capacity-building support.

14. We are grateful for the efforts of Mr. Youba Sokona (Mali) and Mr. Jun Arima (Japan), the two facilitators of the TEMs during the March session, and wish to share with you the following observations we took away from their feedback to our closing meeting on workstream 2.

15. On energy efficiency, the key policy options expressed included energy pricing, effective regulations, fiscal and financial incentives, information and awareness-raising policies, technology development, and innovative research and development. Participants also shared the challenges that their governments had encountered, in particular the insufficient profile of energy efficiency, complicated governance structures, lack of capacity in designing and implementing effective policies, lack of technical knowledge, energy prices not reflecting true costs, purchasing and investment patterns neglecting long-term savings in energy bills, insufficient financial incentives to stimulate energy efficiency and difficulties in accessing large-scale financing.

16. On renewable energy, the key policy options explored included renewable energy targets, economic instruments, feed-in tariffs and guaranteed access to the power grid, smart grids and smart metering, direct subsidies and tax credits, removal of fossil fuel subsidies and strengthening institutional, legal and regulatory frameworks. It was emphasized that deeper collaboration among national, subnational and international entities is needed. The challenges identified include lack of affordable up-front finance, high costs of technology and high operational and maintenance costs, challenges related to grids, imbalance of supply and demand, lack of tailored research and development, lack of capacity to implement stable policy options, lack of access to information and high transaction costs of small-scale renewable energy systems.

17. The importance of the means and availability of support for the effective implementation of mitigation action on the ground was stressed in nearly every intervention at the TEMs. Participants highlighted a need for a comprehensive approach to the provision of finance, technology and capacity-building support and a policy dialogue between governments and support institutions on enhancing the enabling environment needed for the promotion of energy efficiency and renewable energy. They also emphasized that information on support options, channels and forms should be made easily available through the UNFCCC website and Parties should be able to direct their inquiries to the relevant support and technical organizations. The existing relevant UNFCCC institutions, namely the Technology Mechanism consisting of the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN), as well as the Green Climate Fund (GCF), should actively engage in assisting countries in scaling up the deployment of renewables and energy efficiency policies, initiatives and actions. A proposal was made to invite those institutions to work intersessionally directly with Parties in line with their respective mandates, for instance by putting together a project pipeline linked to GCF and CTCN financing to provide the right signal and guidance to potential investors or by examining through the TEC ways to overcome the policy barriers that Parties face in developing and transferring technologies. We have requested the secretariat to facilitate these follow-up actions, including by making information available on the UNFCCC website<sup>8</sup> on how Parties can access international organizations and resources.

18. The secretariat plans to compile information provided at the TEMs and in submissions to prepare the update of the technical paper on the mitigation benefits of actions, initiatives and options to enhance mitigation ambition.<sup>9</sup> The update will inform the work of the ADP on the technical examination of mitigation opportunities by focusing on those options that catalyse the implementation of actions aimed at achieving high emission reductions in the pre-2020 period. It will follow the objective of the TEMs by informing the work of ADP on the latest available information provided by Parties, specialized technical organizations and partnerships and observers on feasible policies, practices and technologies, barriers and challenges in implementation and ways to overcome them as well as the next steps in the technical examination process. It is our hope that the update of the technical paper will assist Parties in turning the opportunities for mitigation action into reality.

19. We are encouraged that in addition to focusing on practical ways to take forward policies that can enhance ambition, Parties have started engaging with each other on how the technical process can be enhanced throughout the year, how to capture in Lima the results of the TEMs and how the TEM process can be strengthened in 2015. We encourage Parties to continue to bring forward suggestions for a Lima outcome on workstream 2 for an initial discussion at the June session.

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<sup>8</sup> <<http://unfccc.int/8133.php>>

<sup>9</sup> FCCC/ADP/2013/3, paragraph 30(c)(ii); FCCC/TP/2013/8 and Add.1 and 2.

20. During the March session, you raised the implementation by the COP of paragraphs 3 and 4 of decision 1/CP.19. We have brought this exchange to the attention of the COP President. The High-level Ministerial Dialogue on the Durban Platform to be convened in conjunction with the June session could provide a first opportunity for Parties to elaborate on how they are responding to the call of the COP.

## Annex

### Landscape of issues identified by Parties

#### *General*<sup>10</sup>

- The 2015 agreement is to:
  - Be under the Convention and guided by its principles and objective
  - Be applicable to all Parties
  - Be durable, flexible and effective
  - Aim for and incentivize universal/broadest possible participation
  - Strengthen the multilateral rules-based regime
  - Respect/not compromise the right to development, as well as the right to survival
  - Protect the integrity of Mother Earth

#### *Equity and ambition*

- Equity and ambition are:
  - Of central importance for the agreement and need to be reflected in all the elements, including mitigation, adaptation and means of implementation
  - Closely interlinked:
    - Equity is an enabler for ambition
    - Synergy between equity and ambition results in leadership; a win-win solution for sustainable development that benefits not only environmental aspects but also socio-economic aspects
- Equity is a central principle and cornerstone of the Convention; all provisions of any agreement to be adopted will have to ensure equity
- Equity with regard to global public goods and to opportunities and pathways for developing countries to achieve sustainable development and low-carbon societies:
  - Need to understand socio-economic aspects, taking into account poverty alleviation, adequate access to energy and related issues, in order to determine how current societies and pathways can be reformed
  - Support is also required in the endeavour to achieve low-carbon societies
  - The Gini index shows the status of equity
- The agreement must be based on equity and be informed by science:
  - Science and equity underpin the ability of the agreement to deliver an ambitious, fair and effective regime
  - There is a need for robust science; identification of information needs
- Parties to increase their level of ambition over time
- Closing the ambition gap during the pre-2020 period by developed countries is critical for ambition and equity in the post-2020 period; it is not appropriate to redistribute this task to developing countries
- Increasing ambition applies:
  - To mitigation only/primarily
  - To mitigation, adaptation and means of implementation
  - In the context of the 2<sup>nd</sup> commitment period of the Kyoto Protocol (KP) and the Bali Action Plan
- Impacts should be a benchmark for ambition
- The consequence/flipside of the ambition issue are adaptation needs
- Equity to be operationalized by reflecting the Convention principles in the 2015 outcome
- Equity and ambition are to be operationalized in the agreement through a process<sup>11</sup>

#### *Differentiation*

- Common but differentiated responsibilities and respective capabilities (CBDR-RC):
  - To be applied according to the provisions and annexes of the Convention

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<sup>10</sup> Headings and subheadings are only to assist the reader.

<sup>11</sup> For proposals for an assessment process, see section below on other issues.

- In the context of historical responsibility and capabilities, taking into account national circumstances
- Bold action is required from all Parties based on their CBDR-RC
- To be applied in a dynamic way; all Parties to participate over time in accordance with their evolving responsibilities and capabilities
- A binary approach is untenable in the light of shifts in countries' emissions and economic profiles; it might place a ceiling on what Parties could do
- Capabilities:
  - Current capacity and responsibilities are important
  - Different levels of capacity and resources are to be considered
  - Capabilities evolve over time
- Leadership:
  - To be taken by developed countries, due to their historical emissions and the wide gap of per capita emissions/due to their capacity and historical responsibility
  - To be global
  - To be taken by those with greatest responsibility and highest capacity

## Mitigation

### *General*

- Participation in mitigation efforts needs to be global/broad to address the scale of the challenge
- Mitigation efforts need to be based on the principles and provisions of the Convention
- The agreement needs to incentivize all Parties to fully realize/maximize their mitigation potential and encourage low-carbon development

### *Long-term and collective aspects of mitigation*

- Collective mitigation efforts should be adequate for staying under 2/1.5 °C of global warming and should combine near-term quantified commitments/contributions with long-term ambition
- The 2015 agreement should include a global goal to limit temperature increase to well below 1.5 °C
- Anchoring the 2 °C long-term global goal in the agreement to increase its status and to use it for future reviews of the adequacy of countries' obligations under the agreement
- A long-term mitigation goal for 2050 should be in line with the pathway to 2 °C based on most recent science
- Identify a global goal for 2025
- Developed countries to identify zero emissions pathways and define a 2050 carbon neutrality goal
- Substantial emission reductions are needed to stay under 2 °C, with negative emissions after 2080; financial and technology support is required
- Use the Brazilian proposal to look at the global temperature goal in terms of the principles and provisions of the Convention

### *Commitments*

- Mitigation commitments could be expressed through a spectrum of efforts, a range or set of options reflecting national circumstances, capacities and historical responsibilities, including:
  - Absolute economy-wide emission reduction targets/commitments for developed countries
  - Absolute economy-wide emission reduction targets/commitments for major economies
  - A set of enhanced actions/nationally appropriate mitigation actions (NAMAs), including: reductions below 'business as usual'; intensity targets; sectoral initiatives; low-emission development strategies and policies and measures for developing countries
  - REDD-plus actions
  - Appropriate actions for the least developed countries (LDCs) and small island developing States (SIDS)
  - Economic diversification plans with mitigation co-benefits
- Mitigation commitments to be differentiated:
  - In accordance with Article 4 of the Convention, with the implementation of Article 4, paragraph 1, as a common responsibility and:
    - Enhanced mitigation commitments by developed countries under Article 4, paragraph 2

- Enhanced mitigation actions by developing countries subject to, enabled and supported by finance and technology by Parties included in Annex II to the Convention (Annex II Parties) under Article 4, paragraphs 3, 5 and 7
- By categories of countries for developed countries; emerging economies; middle-income countries; and most vulnerable countries, based on agreed criteria
- To foster ambition for all Parties and avoid backtracking
  - All Parties need to take mitigation actions and some Parties require support to do so
- By types of contributions
- Across a broad range of all Parties based on a number of factors, including circumstances, level of development, mitigation opportunities, capabilities, etc.
- Mitigation commitments are to:
  - Address 100 per cent of global emissions
  - Be quantified or at least quantifiable
    - A tonne of carbon provides the best metric to quantify mitigation commitments
  - For LDCs and SIDS, be qualitative, with quantified ones to be submitted at a later stage
  - For Annex I Parties, be comparable and be undertaken domestically so that developing countries do not undertake mitigation on their behalf
  - For non-Annex I Parties be determined nationally or should also manifest as adaptation co-benefits
  - Be based on science-based quantification of historical contributions to global temperature rise; historical emissions are a central consideration
  - Take into account past actions, including those of Parties with economies in transition (EITs)
- Need for a rules-based system, to be arrived at through an iterative process, including rules and provisions on:
  - Common accounting metrics
  - Prevention of double counting
  - Methodologies, including in relation to base year, global warming potential (GWP), sectors and gases
  - Use of markets
  - Accounting for emissions and removals from the land-use sector
  - Based on the KP and the Bali Action Plan
- The same commitment period to apply to all, with a length of:
  - 10 years with a mid-term review after 5 years
  - 5-year cycles, with the Intergovernmental Panel on Climate Change (IPCC) process being synchronized
  - Common short-term time frames for countries using markets
- Need to allow for bounded flexibility in the application of rules

*Institutional arrangements, cooperation and coordination*

- Incentive mechanisms:
  - Use of economic instruments, such as carbon markets or carbon taxes, will help to reach the 2/1.5 °C goal
  - Purpose is to facilitate mitigation commitments and not to channel support
  - Non-market systems include:
    - A joint mitigation and adaptation mechanism for integrated management of forests, financed through the Green Climate Fund (GCF)
    - A global feed-in tariff system via a dedicated window in the GCF
    - Product labelling and sustainably managed forest products
    - Strict technology standards and requirements for community-based implementation
  - Market mechanisms:
    - Common accounting rules for use of markets are required
    - Mechanisms need international oversight
    - Existing mechanisms should be incorporated into the agreement, but after being reviewed
    - Mechanisms should:
      - Not be limited to offsetting
      - Generate revenue for adaptation
      - Be designed to allow access for all Parties

- No role for market-based systems; the Convention is a non-market approach
- Response measures/socio-economic context:
  - Build on existing arrangements and in the context of Article 3, paragraph 5, of the Convention
  - Response measures to be considered through support and non-market approaches
  - Need to prevent unilateral measures

## **Adaptation**

### *General*

- Adaptation is a country-driven process
- Addressing adaptation is a matter of collective responsibility, even if adaptation action is taken at the local level
- The agreement to define a framework of overarching provisions which would help to accelerate the implementation of adaptation
- Links with mitigation:
  - Mitigation and adaptation are mutually supportive; developing countries depend on support for adaptation in order to engage in mitigation activities
  - All efforts made to anticipate, prevent or minimize the causes of climate change through early mitigation increase the likelihood that adaptation efforts will be successful and that ecosystems can adapt naturally in a timely manner
  - Look at win-win situations and trade-offs between mitigation and adaptation; such co-benefits could increase the overall level of ambition
  - Mitigation and adaptation to be institutionally linked
- Ambitious domestic climate policies, strategies and frameworks will stimulate both action and support

### *Long-term and collective aspects of adaptation*

- Aggregating climate impacts at the national, regional or global levels to estimate adaptation costs is possible
- Develop a global goal for adaptation based on the level of mitigation which would determine the level of means of implementation required to meet the costs of impacts under different temperature scenarios (in line with Article 4 obligations of developed country Parties)
- Costs and respective support needs could be identified through national adaptation plans (NAPs)
- The process of allocating costs and defining them ex ante is difficult and the operationalization and utility of it for enhancing action on the ground is questionable
- An alternative and simple goal for adaptation could be reflected in the common commitment of all Parties to ensure resilience to the adverse effects of climate change by integrating adaptation into their policies and programmes
- Anchoring the long-term global goal of 2 °C in the agreement, building on the guiding force of the existing objective of the Convention

### *Commitments*

- The 2015 agreement to re-emphasize the commitment of all Parties to work towards climate-resilient development, and to cooperate
- Individual commitments by Parties include adaptation; commitments related to adaptation should be in the form of NAPs

### *Institutional arrangements, cooperation and coordination*

- Existing institutional arrangements:
  - Existing institutional architecture should be anchored explicitly in the agreement
  - Ad-hoc multilateral arrangements such as the Cancun Adaptation Framework to be effectively articulated within the 2015 agreement, by establishing a functional link between the two
  - It is more important to ensure the implementation of existing arrangements for adaptation through sufficient support than to anchor new adaptation provisions in the legally binding agreement
  - NAPs provide the essential basis for all countries to assess vulnerabilities, identify adaptation options and define responses:



- The agreement to ensure that the process to formulate and implement NAPs is being undertaken in all interested developing countries
- Monitoring and evaluation as well as reporting on adaptation and learning from plans, policies and programmes (e.g. through national communications (NCs)) to be strengthened and/or institutionalized:
  - The agreement could provide the authority to the Conference of the Parties (COP) to adopt further guidance on such reporting and further facilitate sharing of progress and experiences in preparing and implementing adaptation actions
- Support the synthesis and sharing of information, knowledge and lessons learned about good adaptation practices
- Address the gap in the implementation of adaptation
- New institutional arrangements:
  - A registry to record national adaptation actions/programmes, seeking:
    - To enhance international cooperation for finance, technology and capacity-building support for such adaptation actions and programmes and/or
    - To monitor and identify progress and gaps in adaptation from a global perspective
  - An adaptation assessment framework:
    - to enhance the evidence base for assessing and quantifying Parties' levels of vulnerability and exposure, adaptation options and the costs of adaptation actions, with a view to identifying the most cost-effective, 'no regrets' or win-win alternatives
- Cooperation and stakeholder engagement:
  - Enhance cooperation among Parties and stakeholder engagement; options to involve the private sector to be better understood and assessed and barriers to be reduced
  - More attention should be directed to subnational, regional and cross-border activities and cooperation

#### *Loss and damage*

- The new agreement should include provisions for loss and damage for cases where mitigation and adaptation will not be sufficient
- The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts:
  - Should be developed under the process established in Warsaw
  - Should be anchored in the agreement

## **Finance, technology and capacity-building**

#### *General*

- Provision of support to:
  - Be effective and predictable for developing countries in the medium and long term; the agreement to provide all that is required for a transformation at scale in the way in which both public and private investments are made
  - Be organized in a coordinated, holistic and coherent manner based on programmatic system-wide approaches
  - Build on lessons learned, existing mechanisms under the Convention and best practices from other processes
  - Promote country ownership
  - Attribute a greater role to national and subnational entities
  - Be considered within the broader package
- Finance, technology and capacity-building – as all elements of decision 1/CP.17 – are to be treated independently and equally, also in terms of legal bindingness
- Need to define the relationship between the compliance mechanism and support
- Adequate access to support in the pre-2020 period is important; pre-2020 implementation is essential for confidence-building

#### *Commitments*

- Implementation of the provision of finance, technology and capacity-building to be enhanced in accordance with Article 4 of the Convention:

- Only Annex II/developed country Parties have commitments to provide support, due to historical responsibilities, equity and CBDR-RC
- All Parties in a position to do so to have commitments to provide support, based on:
  - Today's capacity
  - The polluter pays principle
  - Historical responsibility, equity and CBDR-RC:
    - Historical emissions might not be the right basis to determine commitments on provision of means of implementation in an equitable manner
- Commitments on the provision of support to include relevant road maps and targets
- Means of implementation should be adequately provided to implement the activities identified in paragraph 70 of decision 1/CP.16

*Institutional arrangements, cooperation and coordination*

- Further develop/strengthen existing institutional arrangements for support
- New agreement to facilitate and enhance coordination among contributors within and outside the Convention
- Coordination and cooperation between institutions to be assessed periodically, and amendments made accordingly
- Incentive mechanisms:
  - Agreement must put in place the right incentives for ambitious action by all Parties in a position to do so
  - Incentivize and acknowledge front-runners that have already taken action
  - Create incentives for action by the broadest range of stakeholders and mobilize the widest range of potential investments for climate benefits through:
    - A balanced approach between market and non-market approaches
    - Exploring how best to mainstream climate into our economies and involve the private sector
    - Use non-market systems only

**Finance**

*General*

- Developing country needs and concerns are central
- Gender and LDC issues need to be reflected
- Allocation:
  - Balanced allocation between mitigation and adaptation
  - Prioritize adaptation
  - An allocation formula should be in place
- Need to address concerns about access:
  - Simplified and improved access, including direct access to finance in the context of country-driven approaches and on the basis of agreed fiduciary standards and environmental safeguards
  - Particularly vulnerable countries will need greater access
- Need to ensure that climate finance is effective

*Commitments*

- Clear provision of new, additional, adequate and predictable finance, including clarity on the level of support
- Acknowledge the need for adequacy of financial flows mobilized from various sources, public and private, in the context of meaningful mitigation action and transparency of implementation
- Provision of support by:
  - Annex II/developed country Parties based on criteria and a burden-sharing mechanism, including reference to historical responsibility
  - Broadening of contributors/all countries in a position to do so, according to CBDR-RC
- Form of support:
  - Financial support to be without conditions, i.e. as grants
  - Will vary widely by country and sector, including grants, concessional loans, non-concessional loans, risk mitigation instruments, technical assistance, and other forms

- Sources:
  - Financial support coming primarily from public funding, financing from the private sector to be supplementary
  - Need for clarity on the role of public funding, especially for adaptation, as well as the contributions of the various sources (public, private and others)
  - Specific sources, especially public ones, need to be identified for adaptation
    - Engagement of diverse resources, including the private sector, should be encouraged in order to provide sustainable financial support for adaptation
  - Both public and private finance efforts will play a role post 2020:
    - Public climate finance support continues to play an important role, including for adaptation
    - Public financing could leverage private finance and other sources but should remain the primary vehicle
    - Need for financial provisions to be able to adapt to future changing environmental and economic realities
    - Need for greater diversity of finance tools, channels and instruments, also in the light of their evolving nature, and innovative sources
    - Need to capture the cooperative dimension of climate finance
    - Important to send a signal on catalysing private finance; central to address how to mobilize/incentivize the private sector:
      - Acknowledge the role of public interventions for mobilizing private investment through efficient use of public resources and effective public policies
      - Further enhance the mobilization of climate finance; should be used to shift development towards a low-emission climate-resilient path
      - Mechanism to attract the private sector to invest in projects
- National responsibility of all countries to mobilize and invest in climate-friendly actions at the national and subnational levels:
  - Importance of mainstreaming climate change in investments
  - Acknowledge the relevance of climate-friendly private investments
- Importance of enabling environments:
  - Commitment by all Parties to prepare for efficient and effective investment environments stimulating the mobilization of private and public climate finance
  - Barriers to private-sector investment in adaptation need to be reduced
  - Should be supported and strengthened in developing countries, including access of REDD-plus credits to international markets and other potential sources of finance
- Nature of financial commitments:
  - Is to be legally binding
  - Is political
- Specifics of commitments:
  - Concrete annual levels of public funding by Annex II Parties:
    - With USD 100 billion as floor and leading to enhanced commitments for post 2020; USD 100 billion is not enough, especially if loss and damage is also included
    - Commensurate with the climate financing needs of non-Annex I Parties, and have an increasing trend over time
    - An ex ante process committed to quantified support commensurate with the required effort reflected in the adaptation and mitigation goals
  - The agreement should include:
    - A goal for climate finance that reflects the 2 °C goal
    - A concrete road map, target, timelines and sources, or pathways for finance, to be included in an attachment to the agreement
    - Assessed contributions, but also mandatory commitments
    - Provision of finance to EITs
    - A request to strengthen the existing provision of climate finance and enhance it significantly to achieve the maximum level of ambition possible
    - A provision to enhance the implementation by Annex II Parties of their commitments to provide financing to address the impacts on developing countries of the implementation of response measures

- A specific commitment to provide support for financing and operationalization of the Warsaw International Mechanism for Loss and Damage
    - An explicit commitment by developed countries to the realization of the USD 100 billion goal
  - Process for finance is not necessarily the same as for mitigation: no quantified commitments for the post-2020 period on climate finance
  - Funding to be provided to the GCF:
    - Developed countries to provide 1 per cent of their gross domestic product (GDP) per year from 2020 to the GCF
    - Annex II Parties to provide a list of specific amounts to be provided to the GCF subject to review
    - Annex II Parties to provide a list with percentages reflecting required share of climate financing to be provided to the GCF, with the total amount to be based on financing needs
  - A mechanism for the full implementation of REDD-plus activities supported with adequate, additional and predictable finance from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources such as market-based mechanisms, to contribute to the scaling-up of REDD-plus actions and finance and to secure long-term sustained effort
- Pre-2020 finance:
    - Specific annual targets shall be achieved: USD 40 billion for 2014, USD 50 billion for 2015, USD 60 billion for 2016, USD 70 billion for 2017, USD 80 billion for 2018, USD 90 billion for 2019 and USD 100 billion for 2020; Annex II Parties to provide clarity and a defined pathway for public climate financing with specific targets, timelines and sources (decision 3/CP.19) to be made operational; and a clear aggregate public climate financing commitment by Annex II Parties of USD 70 billion per year by 2016 rising to USD 100 billion per year by 2020 as floor
    - Pre-2020 implementation as confidence builder; by 2015, the financial mechanism (FM) must be made more robust; urgent need to reach an agreement that provides appropriate, transparent and predictable funding in the pre-2020 time frame
    - Public and private finance efforts are ongoing and will have an impact through to 2020 and beyond

*Institutional arrangements, cooperation and coordination*

- Continue to further develop, build on and strengthen existing climate finance institutions and processes, within and outside the Convention:
  - Strengthen and anchor existing institutions
  - Consider how to anchor new and existing elements of climate finance
  - Establish a relationship with existing institutions and mechanisms
  - Expect arrangements for climate finance support to grow and strengthen beyond 2020
- Need for regulation to govern private financing
- Reform the governance of climate finance to maximize adaptation and mitigation benefits in developing countries
- Role of the FM:
  - The FM of the Convention to serve as the FM of the 2015 agreement
  - Financial commitments to be channelled through the operating entities (OEs) of the FM
  - The GCF as the main entity of the FM, core vehicle for climate finance up to and beyond 2020, and linked to contributions; transparency on priorities for financing and distribution of finance of the GCF needed
  - The FM to be made more robust
  - The FM and replenishment for OEs should be linked to IPCC scientific assessment
  - The COP to be provided with the authority to adopt any further guidance to the OEs following the implementation of the agreement
  - Set up a new financial mechanism
- Institutional arrangements governing REDD-plus assisting developing country Parties in receiving adequate and predictable financial support for all phases, and coordinating and providing guidance to all existing REDD-plus finance related activities within and outside the Convention

## **Technology development and transfer**

### *General*

- Enhance technology development and transfer to support action on both adaptation and mitigation
- All Parties to enhance cooperation in order to promote technology development and transfer and know-how

### *Commitments*

- Commitments on technology development and transfer, consistent with the relevant provisions of the Convention and linked to a measurable, reportable and verifiable (MRV) system
- A platform for commitments in the agreement, with ex ante commitments on technology development and transfer, addressing:
  - Financial support for technology development and transfer
  - Domestic policy commitments by Annex II Parties, covering property rights, through licences and agreement, using existing institutions
  - Delivering on commitments
- Provide support on research, development, demonstration and deployment, including on endogenous technologies, and support to build and strengthen endogenous capacities in countries

### *Institutional arrangements, cooperation and coordination*

- No need to create new institutions and rather build on and strengthen existing ones
- Technology Mechanism:
  - Anchor the Technology Mechanism (Technology Executive Committee (TEC) and Climate Technology Centre and Network (CTCN)) in the agreement and strengthen it by:
    - Ensuring predictable and sustainable funding – both the private and the public sector are important in mobilizing finance for technology
    - Providing space for the private sector in the Technology Mechanism given its importance in technology development and transfer
    - Providing for assessments of the effectiveness of the Technology Mechanism
    - Emphasizing the expert role of the TEC and the implementation role of the CTCN
    - Linking policy recommendation with action on the ground by sharing best practices
    - Demonstrating greater flexibility to respond to the needs of all Parties
- Enhance collaboration/synergy/linkage between the Technology Mechanism and other institutional arrangements under the Convention, in particular the financial mechanism
- Enabling environments and barriers:
  - Need to address/remove barriers to technology development and transfer, including those related to small markets/countries and national circumstances
  - Address financial barriers, e.g., through a funding window for technology in the financial mechanism
  - Create enabling environments in recipient countries, including the necessary regulatory framework, institutions and capacity, to attract investments in technology
  - Address intellectual property rights (IPR) by:
    - Establishing a facilitative regime or an international mechanism on IPR
    - Creating a dedicated funding window under the GCF and/or the financial mechanism
    - Having a conversation on how to address IPR, including a workshop
  - IPR protection is an enabling environment, not a barrier. It is:
    - Needed for innovation
    - Being addressed:
      - Through numerous discussions in the TEC
      - By the competent international organizations (World Intellectual Property Organization and World Trade Organization)
  - Find ways to facilitate access to and deployment of technology while promoting innovation
- Technology needs assessments (TNAs):
  - Have provisions or a process to ensure the implementation of outcomes of TNAs and technology action plans
  - TNAs could be linked with NAMAs and NAPs

## **Capacity-building**

### *General*

- Capacity-building to be:
  - Featured prominently as a separate chapter in the 2015 agreement
  - Mainstreamed in all aspects of the 2015 agreement
- Clear, predictable, effective, demand-driven, sustainable and long-term support for capacity-building, responding to national needs and fostering country ownership, is key to the 2015 agreement
- Capacity-building support to:
  - Follow a gender-sensitive approach
  - Be guided by the findings and outcomes of the Durban Forum on capacity-building
  - Ensure development of climate policies, mobilization of private-sector capital and public engagement
  - Identify, design and implement adaptation and mitigation actions
  - Enable domestic development and absorption of technologies
- Need for public awareness and education, strengthening of domestic institutions and creation of enabling environments to support Parties in taking effective climate action
- Need to build capacity at the national, subnational and local levels, create multiplier effects and engage the private sector and other stakeholders

### *Commitments*

- Clear and predictable targets and outcomes for capacity-building
- Specific and quantified commitments by Annex II Parties to provide adequate, predictable and sustainable financing for capacity-building through a dedicated window under the GCF

### *Institutional arrangements, cooperation and coordination*

- Establish:
  - An international capacity-building mechanism, linked to technology and adaptation institutions, funded by the GCF:
    - To enhance the provision of skills development and institution building
  - An evaluation mechanism:
    - To assess the effectiveness of the delivery of capacity-building
  - A capacity-building committee, with clearly defined relationships to other bodies established under the Convention, to be made operational well before 2020:
    - To ensure that lack of capacity does not become a barrier to implementing the 2015 agreement
  - Regional centres for capacity-building
  - An ad hoc working group on capacity-building:
    - To discuss what kind of capacity-building is required by developing countries and how it should be delivered
- Capacity-building support to be built on, and enhance, existing arrangements, such as the Durban Forum on capacity-building
- Bodies established under the Convention to intensify their work relating to capacity-building
- Clearly define arrangements for capacity-building and their linkages to other bodies and institutions under the Convention
- Importance of the role and potential of the private sector in supporting capacity-building

## **Nationally determined contributions<sup>12</sup>**

### *Scope and character of contributions*

- The Convention, as well as decisions from Doha and Durban, provide the framework for intended nationally determined contributions
- Each Party to assess domestically the best way to contribute based on its capacities and circumstances
- Contributions are:
  - The best efforts that countries can put forward without conditions:
    - To be supported for countries that wish to go beyond their capacity

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<sup>12</sup> For brevity, “nationally determined contributions” are referred to in this annex as “contributions”.

- For developing countries: dependent on adequate provision of support and based on clarity on the provision of support
- To be nationally determined and not to be imposed or determined by way of top-down allocation or international negotiation
- Not to set new obligations for Parties
- Intended and therefore provisional
- Contributions cover:
  - All elements considered under the ADP
  - Mitigation for all Parties:
    - Focus should be on mitigation since this is where a collective effort is needed
    - Adaptation contributions cannot be a substitute for mitigation contributions; there could be adaptation contributions in addition to mitigation contributions, developed according to specific guidance different from the rules for mitigation contributions
  - For developed countries: mitigation and means of implementation:
    - Contributions do not include support
- Contributions will be:
  - The basis for legally binding commitments
  - Of the same legal force for all Parties
  - Legally binding for developed countries, voluntary for developing countries
  - Options for legal force to be considered:
    - Legally binding at the international level
    - Legal obligation to put forward a contribution
    - Recognize domestic legally binding character

*Information to accompany the contributions*

- Information should be provided with a view to:
  - Understanding overall and individual efforts towards the global goal
  - Ensuring that commitments are transparent, quantifiable, comparable, verifiable and ambitious
  - Building trust and providing guidance for preparing contributions
  - Allowing Parties to explain why contributions are fair and ambitious
  - Allowing for aggregation to determine the overall level of ambition
  - Assessing overall ambition and fairness
  - Comparing contributions and the effort behind the contributions
  - Helping to build the transparency framework
- Build on experiences in the clarification of pre-2020 pledges
- Provision of information should be differentiated following the Bali approach:
  - Developed countries through the common tabular format that emerged from the Bali Action Plan
  - Developing countries through NCs
- A common template:
  - For all, to be developed
  - Only for developed countries
- Information to be provided includes:
  - Type of commitment/contribution
  - Time frame or base year/period
  - Baseline emissions
  - Peaking year
  - Coverage in terms of:
    - Greenhouse gases and sectors
    - Geographical boundaries
    - Percentage of total/national emissions
  - Methodologies, emission factors and metrics used (e.g. GWP)
  - Expected emission reductions to be achieved
  - Expected use of market mechanisms
  - Approach to accounting for the land-use sector
  - Additional specific information depending on the type of commitment/contribution
  - Indicators relating to fairness and ambition
  - Information on support/means of implementation

- For adaptation contributions: assessment and assumptions of climate impacts; analysis of vulnerable sectors; technology, investment and capacity needs; adaptation options and their costs; quantification of own investments; reflection of existing programmes and projects (all per sector)

*Process*<sup>13</sup>

- A process is needed to:
  - Inform/guide the preparation of contributions
  - Present the contributions
  - Consider/assess/review contributions
- With the purpose of:
  - Enhancing transparency, in order to understand contributions, but not to negotiate commitments:
    - Providing an opportunity for Parties to analyse and pose clarifying questions regarding the contributions before they are finalized
  - Understanding the environmental effectiveness of the contributions and their aggregation; determining the individual and overall level of ambition
  - Considering, assessing and/or reviewing contributions ex ante/upfront:
    - In the light of equity/fairness and ambition/adequacy
    - In a transparent and comparable manner, based on science, and guided by consideration of evolving capability and responsibility
    - Against a collective perception of fairness/fairness of contributions with regard to mitigation, adaptation and means of implementation
    - In terms of the global ambition and efforts of all Parties in view of the 2 °C goal
  - Enhancing action through fostering collaboration
  - Adjusting contributions:
    - Automatic upward adjustment of contributions as part of an ex post assessment
    - Allowing Parties to increase ambition according to their national circumstances/providing an opportunity for Parties to adjust their contributions if they so choose, before finalizing them
- In the form of:
  - An initial review under the ADP
  - An assessment under a review panel
  - An international review mechanism
  - A dynamic, flexible and robust mechanism
  - A dynamic framework
  - A consultative process
  - A combination of upfront assessment and a transparent and consultative process
  - An ex ante multilateral assessment in a non-intrusive non-prescriptive manner
  - An ex ante assessment of contributions regarding means of implementation based on needs assessment
  - As part of a principle-based reference framework
- To be conducted/start:
  - For the contributions presented by Parties in 2015:
    - Following the establishment of a multilateral ex ante assessment process in Lima
    - In 2015
    - In 2016
    - In 2020
  - After Parties accounting for 75 per cent of global emissions have submitted their contribution
- Contributions to be formalized and anchored/captured:
  - In schedules
  - Separately from the adopted instrument, for example in a decision
  - In an annex/attachment to the agreement

*Support*

- Need for provisions to support developing countries to prepare and implement their contributions, including through establishing a mechanism:
  - Support is already being provided to developing countries

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<sup>13</sup> See also process-related proposals with regard to periodic assessment below (section on other issues).



## **Transparency of action and support**

### **Transparency of action**

#### *General features*

- Build on existing arrangements
- MRV, accounting rules and compliance to underpin future transparency framework
- MRV to encompass mitigation and adaptation
- KP is the main reference for transparency rules
- System to be efficient and streamlined

#### *Differentiation and flexibility*

- One common system, single set of guidelines with built-in flexibility
- Application of CBDR-RC
- All Parties to enhance the implementation of Article 4, paragraph 1(a) and (j), and Article 12, paragraph 1
- Different requirements/rules for developed and developing countries, in accordance with Articles 4 and 12; two sets of rules for Annex I and non-Annex I Parties, which are different in nature:
  - Developed countries to enhance MRV of support, based on NCs, biennial reports (BRs), international assessment and review (IAR) and KP rules, using common templates for all developed countries
  - Developing countries to increase transparency of enhanced actions through NCs, biennial update reports (BURs), registry and international consultation and analysis (ICA) in a non-intrusive, non-punitive manner and respecting national sovereignty
- MRV for developed countries to be enhanced
- Same rules for all Parties will delay action
- Differentiated based on capacity to evolve over time into a common system
- Allow MRV of developing countries to progress gradually
- Choice of different tiers in IPCC methodologies
- Different tiers of IPCC methodologies and stringency for SIDS and LDCs

#### *Accounting*

- Common accounting rules for land use, land-use change and forestry and use of market mechanisms
- Common accounting rules with built-in flexibility
- Common accounting rules for Annex I Parties only
- Difficult to comply with common accounting rules due to different capabilities
- Accounting rules should apply to all
- Accounting rules important to understand contributions
- Should not be used as an excuse to delay submission of upfront information

### **Transparency of support**

#### *General features*

- Build on existing arrangements
- Need for international oversight to better track the implementation of commitments, including on support
- Need for information on support provided and received
- Need for harmonization and coordination of existing data systems

#### *Differentiation and flexibility*

- Common MRV of support system which:
  - Reflects progress made and lessons learned in the existing MRV system
  - Recognizes special circumstances of countries and allows for the evolution of countries within the system
  - Provides for differentiation in reporting and common international review of reports
  - Takes into account further COP guidance
  - Allows for the incorporation of a growing number of contributors
  - Places greater emphasis on effectiveness
- Transparency requirements to be differentiated in accordance with Article 12:

- Developed countries to enhance MRV of support, based on NCs, BRs, IAR and KP rules, using common templates for all developed countries
- Developing countries to increase transparency of enhanced actions through NCs, BURs, registry and ICA in a non-intrusive, non-punitive manner and respecting national sovereignty

#### *Accounting*

- Need for accounting mechanism for support
- Common templates and accounting rules for all developed countries
- Need for accounting rules for climate finance
- MRV proposal by Ecuador<sup>14</sup> and ongoing work of the Standing Committee on Finance as a basis for discussions

#### *Specifics on MRV of support*

- Finance:
  - Need for a definition of climate finance
  - Need for accounting rules for climate finance, including for the private sector
  - Need for information on:
    - Sources, scale, channels and instruments
    - Private and South–South flows
    - Private sector reported separately
    - Enabling environments
    - As outlined in the MRV proposal by Ecuador<sup>15</sup>
- Capacity-building:
  - 2015 agreement to contain a clear system for MRV of capacity-building:
    - Possibly as part of MRV of support
  - Need for a clear definition of capacity-building activities and contributions
  - Effectiveness of capacity-building support to be measured:
    - Based on impact and knowledge created within countries
    - Against clear performance indicators at the national level, by a capacity-building committee
    - Supported by the Durban Forum on capacity-building and the Consultative Group of Experts on National Communications from Parties not included in Annex I to the Convention (CGE)

#### **Support for implementing MRV**

- Support for implementing transparency requirements is needed
- Capacity of developing countries to be built to implement MRV at the national level

#### **Other issues raised by Parties**

##### **Compliance**

###### *General*

- Compliance should be part of the 2015 agreement and include consequences for non-compliance
- Premature to speak of compliance until the ADP has discussed substance

###### *Purpose*

- Ensure proper implementation of commitments and build trust by ensuring that a Party is accountable for its commitments and knows that other Parties are carrying out their commitments
- Promote international oversight of effective implementation of commitments resulting from the Convention and related instruments, including on support; determine compliance of Annex I Parties
- Promote environmental integrity and equity, and comparability of efforts among Parties

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<sup>14</sup> FCCC/AWGLCA/2012/CRP.1 (submission by Ecuador at the fifteenth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention: draft decision on the issue of MRV of support).

<sup>15</sup> FCCC/AWGLCA/2012/CRP.1.

*Features and functions*

- KP compliance system as the starting point: similar to the KP system and/or at least not lower than it; the facilitative branch of the KP compliance system and the CGE process serve as good models
- Based on climate justice
- System of facilitating implementation
- Review the MRV of mitigation effort/mitigation commitments of Annex I Parties
- Review the MRV of financial support/compliance with financial obligations/compliance mechanism for support

*Modalities and structure*

- Measures should range from assistance to sanctions
- An enforcement branch/punitive measures for developed country Parties/compelling measures, different set of elements for different sets of Parties
- A facilitative branch/incentive measures to assist developing country Parties/facilitative measures
- Should involve expert review teams to review MRV of mitigation effort and financial support
- Define the relationship of the compliance mechanism with contributions in terms of means of implementation

**Assessment<sup>16</sup>**

- Need to provide for an assessment process/mechanism with the purpose of:
  - Ensuring that the mitigation efforts remain adequate over time
  - Determining what pathways are required to get to 2/1.5 °C and a corresponding global effort on emission reduction in 2020, 2025 and 2030
  - Closing the ambition gap
  - Assessing/reviewing:
    - Commitments/contributions over time as science evolves, based on the IPCC Fifth Assessment Report and future IPCC assessments and the 2013–2015 review
    - Targets of Annex I Parties under Article 4, paragraph 2(d), of the Convention
    - Aggregate commitments to determine their environmental effectiveness/aggregate contributions aiming at maintaining the goal of under 2 °C
    - Whether we are on track to the 1.5 °C goal and progress is made on technical and financial support
    - Adequacy in a non-intrusive non-prescriptive manner
    - Adequacy and fairness, in response to science
    - The effectiveness or impacts of the adaptation contributions
  - Addressing deficits in the light of the ambition required
  - Resulting in upward adjustment of individual and collective mitigation commitments
  - Allowing Parties to increase ambition according to their national circumstances/adjust their contributions, taking into account changing conditions and science
- In the form of:
  - A regular/periodic assessment:
    - Involving a review panel to do analytical work
    - With a built-in process to monitor how commitments are being implemented
  - An international review mechanism with compliance elements
  - A mechanism to periodically review contributions (on all issues) based on science and respective capacities
  - A principle-based reference framework, including:
    - An assessment of adequacy and fairness of commitments:
      - That will be evaluated against the temperature goal as well as metrics of historical responsibility, current capability and development needs
      - In a non-intrusive non-prescriptive manner
    - A mid-term review, and
    - An ex post review
  - A dynamic framework/a dynamic, flexible and robust mechanism/a mechanism to raise the contributions over time

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<sup>16</sup> See also the section on nationally determined contributions for process-related views expressed by Parties in the context of contributions.

- A series of steps that should be referred to in the agreement
- With regard to finance, specifically, need to provide for:
  - An assessment by the COP to determine what is needed to implement the Convention (as per the Global Environment Facility memorandum of understanding and GCF arrangements)
  - The COP to determine, every five years, a total new and additional amount for Annex II Parties to collectively provide to non-Annex I Parties that are below both the median GDP and the median per capita GDP values; amount of financial support by each Annex II Party also to be determined based on proposals provided by the Subsidiary Body for Implementation (proposed breakdown to follow specific proposed formula)
  - Updating and reviewing finance target/pathways over time, based on developing country needs or in proportion with action to be taken
  - A mechanism for the regular assessment of resources needed to achieve the 2 °C goal
  - NAMAs and national adaptation programmes of action /NAPs to reflect support required
- With regard to capacity-building, specifically: need for regular review and update of commitments on capacity-building
- With regard to transparency, specifically: need for an ex post assessment to refine the MRV system

#### **Role of non-State actors**

- Need to consider how the work of local governments, subregional entities and the private sector can be taken into account
- On adaptation, the agreement should strengthen the linkages with organizations and institutions outside the Convention, in particular the private sector
- Private-sector resources and action should be leveraged and mobilized by public-sector actions

#### **Procedural and institutional provisions**

- Need to consider institutional arrangements:
  - Role of the secretariat, the COP and other bodies:
    - Such provisions could generally mirror the institutional provisions of the KP with respect to the COP, secretariat and subsidiary bodies
    - Clarify that the subsidiary bodies of the Convention will serve the 2015 agreement
  - Need to ensure a coherent institutional framework
- Need to include procedural provisions/final clauses, including:
  - Signature, ratification, approval
  - Entry into force:
    - Should be neither over- nor under-inclusive
  - Provisions for the participation of regional economic integration organizations
  - Amendment:
    - Give particular consideration to amendment procedures
  - Transitional arrangements/provisions, including potential prompt start or early application
  - Could use standard final clauses in many cases
- Agreement to include definitions of important terms used in the agreement
- Need to consider the role of non-Parties