

## Non-paper

### Note by the Co-Chairs

5 October 2015

#### A. DRAFT AGREEMENT

[ The Parties to this Agreement,

Pp1 *Being* Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as “the Convention”,

Pp2 *[In furtherance] [In pursuit]* of the objective of the Convention as set out in its Article 2,

*In accordance with the principles of the Convention as set out in its Article 3, including in particular the principles of equity and common but differentiated responsibilities.*

*Recalling the provisions of the Convention, including in particular the commitments undertaken by Parties under the Convention in accordance with its Article 4,*

Pp3 *Recalling* decision 1/CP.17, whereby the Conference of the Parties to the Convention decided to adopt a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties at its twenty-first session,

Pp4 *Recognizing* the intrinsic relationship between climate change, poverty eradication and sustainable development, *[and taking into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties;*

Pp5 *Emphasizing* the need for universal and sustained action by all to respond to the urgent threat of climate change based on the best available scientific knowledge,

Pp6 *Taking account* of the particular vulnerabilities and specific needs of developing country Parties, especially the least developed country (LDC) Parties,

Pp7 *Noting that the largest share of historical global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,*

*[Additional preambular paragraphs as may be decided during the course of the negotiations; e.g., Parties may consider elements of the sixth preambular paragraph of the draft Decision for inclusion in the Agreement.]*

Have agreed as follows:

#### **Article 1** *(DEFINITIONS)*

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

1. “Parties present and voting” means Parties present and casting an affirmative or negative vote;
2. “Party” means a Party to this Agreement;
3. “CMA” means the Conference of the Parties serving as the meeting of the Parties to this Agreement;

*[Further definitions may be required at a later stage in the negotiating process.]*

## **Article 2** *(PURPOSE)*

1. The purpose of this Agreement is to enhance the [full, effective and sustained] implementation [of the objective] [principles and provisions] of the Convention [and strengthen and support the global response to the urgent threat of climate change by further addressing its causes and by further increasing resilience and the ability to adapt to its adverse impacts, with a view to promoting the global transformation to low-emission and climate-resilient societies and economies] [in order to achieve the objective of the Convention as set out in its Article 2]. It [is in full accordance with the principles and provisions of the Convention, in particular the principles of equity and common but differentiated responsibilities and respective capabilities, reflecting the differentiation between developed and developing country Parties] [reflects common but differentiated responsibilities and respective capabilities, in light of different national circumstances].
2. Parties recognize that [deep cuts in global greenhouse gas emissions] [enhanced actions to address climate change and its adverse effects] are urgently required, [with a view to reducing such emissions so as to hold] [mindful of holding] the increase in the global average temperature [below 2 °C][below 2 or 1.5 °C] above pre-industrial levels, [in the context of sustainable development, protecting the integrity of Mother Earth, and adaptation,] without prejudice to adjusting the global long-term temperature goal on the basis of the best available scientific knowledge.
3. Nothing in this Agreement or its ensuing decisions shall threaten in any way food production and distribution .

## **Article 2bis** *(GENERAL)*

1. All Parties shall regularly prepare, communicate and implement their [intended] nationally determined contributions towards achieving the objective of the Convention as set out in its Article 2, in accordance with Article 4 of the Convention.
2. Each Party's [intended] nationally determined contribution will represent a progression in light of Parties' differentiated responsibilities and commitments under the Convention.
3. The extent to which developing country Parties will effectively implement this Agreement will depend on the effective implementation by developed country Parties of their commitments on provision of finance, technology development and transfer and capacity-building.
- 3.4. Successive [intended] nationally determined contribution will be communicated before the expiry of the previous [intended] nationally determined contribution by that Party

## **Article 3** *(MITIGATION)*

1. Parties aim to reach by [X date] [long-term] [a peaking of global greenhouse gas emissions][zero net greenhouse gas emissions][a[n] X per cent reduction in global greenhouse gas emissions][global low-carbon transformation][global low-emission transformation][carbon neutrality][climate neutrality] [in the context of sustainable development and equitable access to atmospheric space].
- 1bis To achieve this, policies and measures should be in accordance with the principles and provisions of the Convention as set out in its Article 3 and 4. They should also be nationally determined and comprehensive, covering relevant sources, sinks and reservoirs of GHGs and adaptation, as well as finance, technology development and transfer including of cost-effective technologies and capacity building, in accordance with historical responsibilities of developed countries and different socio-economic contexts and development stages of developed and developing country Parties.

2. **Option 1:** Each Party [shall][should][other] regularly communicate a nationally determined mitigation [contribution][commitment][other] that it [shall][should][other] implement.
- Option 2:** All Parties shall enhance the implementation of Article 4, paragraph 1 of the Convention, including through formulating, implementing, publishing and regularly updating programmes containing measures to mitigate climate change;
- 2.1. In accordance with Article 4, paragraph 2, of the Convention, developed country Parties and other Parties included in Annex I of the Convention shall undertake quantified economy-wide absolute emission reduction commitments/targets, which are comparable, measurable, reportable and verifiable, covering all GHGs and implemented domestically without any conditions;
- 2.2. In accordance with Article 4, paragraphs 1, 3, 4, 5 and 7, of the Convention, developing country Parties should undertake diversified enhanced mitigation actions/efforts in a measurable, reportable, and verifiable manner, in the context of sustainable development and supported and enabled by the provision of adequate finance, technology and capacity-building by developed country Parties.
3. **Option 1:** Each Party's nationally determined mitigation [contribution][commitment][other] [shall][should][other] reflect a progression beyond its previous efforts, noting that those Parties that have previously communicated economy-wide efforts should continue to do so in a manner that is progressively more ambitious and that all Parties should aim to do so over time. Each mitigation [contribution][commitment][other] [shall][should][other] reflect the Party's highest possible ambition, in light of its national circumstances, and:
- (a) [Be quantified or quantifiable;]
- (b) [Be unconditional, at least in part;]
- (c) [Other].
- Option 2:** Developed country Parties' post-2020 economy-wide absolute emission reduction commitments/targets shall be progressively more ambitious over time. Developing country Parties' post-2020 diversified enhanced mitigation actions/efforts will be more ambitious than compared to their pre-2020 actions under the Bali Action Plan, supported and enabled by enhanced finance, technology development and transfer and capacity-building by developed country Parties over time.
4. Each Party, when communicating its nationally determined [mitigation] [contribution][commitment][other] [shall][should][other] provide the information necessary for clarity, transparency and understanding, in accordance with [decision 1/CP.21 and any subsequent decisions by the CMA] [Article 12 of the Convention and the relevant arrangement for reporting information adopted by the COP including those resulting from the Bali Action Plan and the information listed in decision 1/CP.20].
5. **Option 1:** The rules and guidance related to accounting that are set forth in decision 1/CP.21, including with respect to land use, will apply along with any subsequent decisions by the CMA-;
- Option 2:** No text on accounting and land use.
6. Successive nationally determined mitigation [contributions][commitments][other] will be communicated every five years, unless decided otherwise by the CMA.
7. The secretariat shall [maintain in a public registry] [publish on the UNFCCC website] Parties' nationally determined [mitigation] [contributions][commitments][other].
8. Parties, including regional economic integration organizations and their member States, may jointly communicate and/or implement their nationally determined mitigation [contributions][commitments] [other]. Parties may also cooperate in the implementation of mitigation activities.
9. Parties acknowledge the importance of economic diversification and cooperation to reduce the adverse impacts of the implementation of response measures [, including through the institutional arrangements as defined in decision 1/CP.21].
- 9bis** Developed country Parties shall not resort to any form of unilateral measures against goods and services from developing country Parties on any grounds related to climate change, recalling the principles and provisions of the Convention, in particular its Article 3, paragraphs 1, 4 and 5, and Article 4, paragraphs 3, 5, 7, 8, 9 and 10, taking into account the principles of equity, common but differentiated responsibilities, and the obligations of developed

country Parties to provide financial resources, transfer of technologies and capacity-building support to developing country Parties

10. The CMA shall facilitate the enhancement of the clarity, transparency and understanding of the nationally determined mitigation contributions communicated by Parties.
11. Parties are invited to formulate and communicate longer-term low-emission development strategies in accordance with the modalities to be decided by the CMA at its first session.
12. Developing country Parties are eligible for support in the implementation of this Article.
13. The implementation of the provisions of this Article should reflect [\[national circumstances\]](#) [\[differentiation between developed and developing country Parties\]](#).

#### **Article 4** *(ADAPTATION)*

1. Parties share the goal of increasing resilience and reducing vulnerability to climate change, recognizing that adaptation is a challenge faced by all, with local, national, regional and international dimensions, and that it is a key component of and contribution to the long-term global response to climate change to protect people, livelihoods and ecosystems.
2. Parties recognize that, the greater their mitigation efforts, the less adaptation will be needed.
3. Parties acknowledge that adaptation action should follow a country-driven, gender-sensitive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional and indigenous knowledge, with a view to integrating adaptation into relevant social, economic and environmental policies and actions, where appropriate.
4. Parties further recognize the importance of international cooperation and support for adaptation efforts and the importance of taking into account the needs of those developing countries that are particularly vulnerable, recognizing the particular vulnerabilities of LDCs and small island developing States (SIDS).
5. Parties [\[shall\]](#)[\[should\]](#)[\[other\]](#) enhance their cooperation, including with respect to:
  - (a) Sharing information, best practices, experiences and lessons learned;
  - (b) Strengthening institutional arrangements to support the synthesis of relevant information and knowledge as well as the provision of technical guidance and support;
  - (c) Early warning and emergency response preparedness.
6. Each Party [\[shall\]](#)[\[should\]](#)[\[other\]](#) engage in a national adaptation planning process and enhance its adaptation plans, policies and actions. Such plans, policies and actions will vary depending on each Party's national circumstances and priorities, and could include:
  - (a) Undertaking assessments of climate change impacts and vulnerability;
  - (b) Prioritizing action with respect to the people, places, ecosystems and sectors that are most vulnerable to climate impacts;
  - (c) Strengthening governance and enabling environments for adaptation;
  - (d) Monitoring, reporting, evaluating, and learning from, adaptation plans, policies, programmes and actions.
7. Each Party [\[shall\]](#)[\[should\]](#)[\[other\]](#) submit an adaptation communication that:
  - (a) May include its plans, priorities and/or needs;
  - (b) May be submitted independently or in conjunction with another communication;
  - (c) May be updated every [\[X\]](#) years in accordance with a decision of the CMA.
8. The adaptation communications referred to in paragraph 7 above shall be recorded in a registry made publicly available by the secretariat in accordance with modalities to be decided by the CMA at its first session.
9. Developing country Parties are eligible for support in the implementation of this Article.
10. There shall be a high-level session on adaptation every [\[X\]](#) years, the modalities of which are to be decided by the CMA at its first session.
11. The Adaptation Committee and the Least Developed Countries Expert Group shall serve this Agreement.

## **Article 5** *(LOSS AND DAMAGE)*

Parties acknowledge the importance of addressing loss and damage associated with climate change impacts and recognize the need for international cooperation and solidarity[, including through the institutional arrangements as defined in [this Agreement][decision 1/CP.21]].

## **Article 6** *(FINANCE)*

1. Over time, all finance flows should promote the transformation to low-emission and climate resilient societies and economies.
2. [Developed country Parties should take the lead and][Developed country Parties and Parties in a position to do so] [shall][should][other] provide support to assist developing country Parties with respect to both mitigation and adaptation.
3. [Developed country Parties][Developed country Parties and Parties in a position to do so] [shall][should][other] periodically communicate information on the projected levels of public climate finance.
4. The Parties recognize the desirability of a wide variety of sources, public and private, bilateral and multilateral, including alternative sources, noting the need for a diversity of sources and instruments to fit recipients' changing economic circumstances.
5. The mobilization of climate finance [shall][should][other] be scaled up [from USD 100 billion per year] from 2020.
6. Parties should strive to balance adaptation support relative to mitigation support, bearing in mind country-driven strategies, priorities and needs, including in relation to forests, technology transfer and capacity-building.
7. Parties should strive to improve the predictability of finance flows.
8. Parties should strive to improve domestic enabling environments to attract low-emission, climate-resilient investment, noting that cooperative action and support may enhance such efforts.
9. The Parties [shall][should][other] take appropriate steps to:
  - (a) Prioritize the provision of grant-based and concessional finance to the poorest, most vulnerable and/or those with the least ability to mobilize other resources, including for adaptation;
  - (b) Integrate climate considerations, including resilience, into international development assistance;
  - (c) Reduce international support for high-emission and maladaptive investments;
  - (d) Explore options for simplifying procedures for accessing support, in particular for the LDCs and SIDS.
10. The Financial Mechanism established by Article 11 of the Convention, including its operating entities shall serve as the financial mechanism of this Agreement. The CMA shall decide on the operating entities' policies, programme priorities, and eligibility criteria related to this Agreement.
11. The Standing Committee on Finance established under the Convention shall serve this Agreement. Its biennial assessment of climate finance flows shall utilize, inter alia, information drawn from relevant submissions from Parties.
12. A High-Level Segment on Climate Finance shall be held biennially, as part of the sessions of the CMA, to consider the biennial assessment of the Standing Committee on Finance and make recommendations, as appropriate, to the CMA.

## **Article 7** *(TECHNOLOGY DEVELOPMENT AND TRANSFER)*

1. All Parties, noting the importance of technology to support the implementation of mitigation and adaptation efforts under this Agreement and recognizing existing deployment and dissemination efforts, [shall][should][other] strengthen cooperative action to promote and enhance technology development and transfer, improve enabling environments for and address barriers to the dissemination and uptake of technology, and foster cooperative approaches to research and development.

1alt. Developed country Parties and other developed country Parties included in Annex II of the Convention shall provide support for the research, development and application of environmentally sound technologies and facilitate the

transfer of and access to such technologies for developing country Parties, including inter alia strengthening cooperative action, providing financial resources to address barriers caused by the absence of domestic research and development capability and innovations and enhancing access to environmentally sound technologies and know-how.

1bis The [CMA] shall, at its first session, establish a global goal for technology development and transfer, under which developed country Parties shall regularly prepare, communicate and implement their commitments on provision of developed country Parties' ready-for-transfer technologies and know-how as well as providing financial resources for collaborative research and development of environmentally sound technologies and enhancing accesses of developing countries to such technologies, that match developing country Parties' technology needs, in order to progressively scale up the support and cooperation for technology development and transfer, taking into account the limit to global average temperature increase referred to in paragraph 2 of Article 2 of the agreement.

2. The CMA shall, at its first session, consider and adopt a technology framework in accordance with the guidelines contained in decision 1/CP.21. Such a technology framework [would be intended to provide direction and overarching guidance to the work of the existing institutions in the medium and long term and to strengthen them.
3. The Technology Mechanism, including the Technology Executive Committee and the Climate Technology Centre and Network, shall serve this Agreement.
4. Developing country Parties are eligible for support in the implementation of this Article.

### **Article 8** *(CAPACITY-BUILDING)*

1. Capacity-building under this Agreement should facilitate the ability of Parties, particularly developing countries, to identify, design and implement adaptation and mitigation actions; facilitate technology development and the absorption of technology and finance; and facilitate the transparent, timely and accurate communication of information.
2. Capacity-building should be guided by lessons learned on capacity-building under the Convention and should be an effective, iterative process that is participatory, country-driven and cross-cutting. Capacity-building should respond to national needs and foster country ownership, including at the national, subnational and local levels.
3. Parties [shall][should][other] scale up cooperation to enhance the capacity of Parties in need of support to implement this Agreement, including through regional, bilateral and multilateral approaches.
4. **[Option 1:** The capacity-building institutional arrangements established under the Convention shall serve this Agreement and shall be enhanced and their work intensified, as appropriate, within their respective mandates.]  
**[Option 2:** An international capacity-building mechanism shall be established to serve this Agreement with the intention of enhancing the planning and implementation of mitigation and adaptation actions, including by improving coordination and coherence in the provision of capacity-building and by identifying gaps and needs.]

### **Article 9** *(TRANSPARENCY)*

1. Building on the Convention arrangements and with a view to promoting confidence and effective implementation, a [unified][robust][differentiated] transparency system covering both action and support, applicable to all Parties in a flexible manner [and taking into account their differing capacities][reflecting the differentiation between developed and developing country Parties], is hereby established.
2. The purpose of the system for transparency of action is to:
  - (a) Provide the clearest possible understanding of the emissions of individual Parties and of global aggregate emissions in the light of the global temperature goal;
  - (b) Ensure clarity and tracking of progress made in implementing and achieving individual Parties' respective nationally determined mitigation [contributions][commitments][other] under Article 3, as well as tracking progress in implementing adaptation actions under Article 4.

(b alt) [Provide clear understanding of climate change actions in the light of the objective as set by Article 2 and consistent with the principles and commitments of Articles 3 and 4 of the Convention]



3. The purpose of the system for transparency of support is to:
    - (a) Enhance the tracking of support provided and received;
    - (b) Provide, to the extent possible, a full overview of support provided and received.
    - (c) Ensure that the provision of the financial resources, development and transfer of technology and capacity-building for enhanced climate actions by developed country Parties and other developed Parties included in Annex II, shall be measured, reported and verified through modalities established under the Convention by relevant subsidiary bodies of the Convention;
    - (d) Ensure that there shall be no double counting of financial resources provided and ensuring environmental integrity of this agreement.
  4. Each Party [shall][should][other] regularly provide complete and accurate information in relation to:
    - (a) Its national inventory of anthropogenic emissions by sources and removals by sinks of greenhouse gases, using comparable methodologies [to be][as] agreed on by the [CMA][COP];
    - (b) Progress made in implementing and achieving its nationally determined mitigation [contribution][commitment][other];
    - (c) Information on vulnerability to climate change impacts and actions taken to build resilience and reduce vulnerability;
    - (d) Support provided, efforts to improve domestic enabling environments, and support received, including the use, impact and estimated results thereof.
  5. *[Further discussion is needed on: the relationship between the system and existing arrangements; the nature of flexibility, including whether there should be a “transition” period; the potential role of ‘nationally determined’; and the potential role of technical expert review/facilitative examination.]*
- 5bis. Developed country Parties and other developed Parties included in Annex II shall ensure transparency of support by:
- (a) Providing clear information in national communications and biennial reports;
  - (b) Providing a clear road map with individual annual commitments for public funding, technology transfer and capacity building support in the post-2020 period;
  - (c) Drawing on the work according to the mandate of the Standing Committee on Finance under the COP to assist the COP in exercising its functions with respect to the MRV of support provided to developing country Parties;
  - (d) Drawing on the work of the Subsidiary Body for Scientific and Technological Advice (SBSTA) on methodologies for the reporting of financial information.
6. The CMA shall at its first session, building on lessons learned and elaborating on the provisions above, adopt modalities, procedures and guidelines, as appropriate, for promoting environmental integrity. It shall take into account, inter alia:
    - (a) The need for flexibility in the light of capability;
    - (b) The importance of facilitating improved reporting and transparency over time;
    - (c) The need to avoid undue burden and duplication;
    - (d) The facilitative, non-intrusive nature of review.
  7. The CMA shall cooperate with the Conference of the Parties to avoid overlap and duplication.
  8. Developing country Parties shall be eligible for support to assist in the implementation of this Article.
  9. The CMA shall periodically review its decisions and update them, as appropriate.

### **Article 10** (GLOBAL STOCKTAKE)

1. The CMA shall take stock of the implementation of this Agreement to assess [aggregate][overall] progress towards achieving the objective of the Convention in a comprehensive and facilitative manner. The stocktaking shall consider the [aggregate][overall] effect of the efforts by Parties [, covering mitigation, adaptation, finance, technology

[development and transfer and capacity-building and taking into account Parties' differentiated responsibilities and commitments under the Convention](#)], as well as assessments of the best available science, with a view to enhancing the implementation of the [Convention](#) [Agreement].

2. The CMA shall undertake its first stocktaking in [2023][2024][[after the review of the accelerating the pre-2020 implementation and the review of adequacy of post-2020 finance support by developed country Parties.](#)] on the basis of the modalities to be adopted by the CMA at its first session, and shall conduct stocktakings thereafter at regular intervals to be decided by the CMA.

### **Article 11** *(FACILITATING IMPLEMENTATION AND COMPLIANCE)*

1. ***Option 1:*** A [process][mechanism] is hereby established to facilitate implementation of [and promote compliance with] the provisions of this Agreement. The [process][mechanism] shall be facilitative, non-punitive, non-adversarial and non-judicial.

***Option 2:*** [A compliance mechanism is hereby established to address cases of non-compliance of the commitments of developed countries on mitigation, adaptation, provision of finance, technology development and transfer and capacity-building and transparency of action and support, including through the development of an indicative list of consequences, taking into account the cause, type, degree and frequency of non-compliance.](#)

[A facilitative mechanism is hereby established to facilitate implementation by developing countries for enhanced action on mitigation, adaptation and transparency of action. The mechanism shall be facilitative, non-punitive, non-adversarial and non-judicial.](#)

2. The [process][mechanism] shall be under the authority of the CMA. The [body referred to in paragraph 3 of this Article] shall consider matters relating to the implementation of [and compliance with] the provisions of this Agreement and shall report annually to the CMA.
3. Pursuant to this Article [and decision 1/CP.21], the CMA shall, at its first session, adopt additional modalities and procedures for the [process][mechanism] referred to in paragraph 1 of this Article. Those modalities and procedures shall, inter alia, define the functions of the [process][mechanism], [establish the body that will carry out those functions,] and set out the measures to facilitate implementation [and promote compliance].

### **Article 12** *(CMA)*

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Agreement.
2. Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Agreement. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, decisions under this Agreement shall be taken only by those that are Parties to this Agreement.
3. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Agreement, shall be replaced by an additional member to be elected by and from among Parties to this Agreement.
4. The CMA shall keep under regular review the implementation of this Agreement and shall make within its mandate the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Agreement and shall:
  - (a) Establish such subsidiary bodies as deemed necessary for the implementation of this Agreement;
  - (b) ***Option (a):*** Adopt its own rules of procedure at its first session;  
***Option (b):*** [The rules of procedure of the COP apply mutatis mutandis, except as otherwise decided by consensus by the CMA;](#)
  - (c) Exercise such other functions as may be required for the implementation of this Agreement.
5. The financial procedures applied under the Convention shall be applied mutatis mutandis under this Agreement, except as may be otherwise decided by consensus by the CMA.



6. The first session of the CMA shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties that is scheduled after the date of entry into force of this Agreement. Subsequent ordinary sessions of the CMA shall be held in conjunction with ordinary sessions of the COP, unless otherwise decided by the CMA.
7. Extraordinary sessions of the CMA shall be held at such other times as may be deemed necessary by the CMA or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.
8. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the CMA 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 CMA as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure referred to in paragraph 4(b) of this Article.

### **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 and by the CMA.

### **Article 14** *(SBSTA AND SBI)*

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

### **Article 15** *(BODIES AND INSTITUTIONAL ARRANGEMENTS TO SERVE AGREEMENT)*

1. Subsidiary bodies or other institutional arrangements established by or under the Convention, in addition to those subsidiary bodies and institutional arrangements explicitly referred to in this Agreement, [may][shall also] serve this Agreement [upon a decision of the CMA. Such decision shall specify the functions to be exercised by such bodies or arrangements].
2. The CMA may provide further guidance [., if required.] to those subsidiary bodies and institutional arrangements.

**Article 16** *(SIGNATURE AND INSTRUMENTS OF 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 that are Parties to the Convention. It shall be open for signature at the United Nations Headquarters in New York, the United States of America, from [21 March 2016] to [20 March 2017]. Thereafter, the Agreement shall be open for accession from the day following the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary;
2. Any regional economic integration organization that becomes a Party to this Agreement without any of its member States being a Party shall be bound by all the obligations under this Agreement. In the case of regional economic integration organizations with one or more member States that are Parties to this Agreement, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Agreement. In such cases, the organization and the member States shall not be entitled to exercise rights under this Agreement concurrently.
3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Agreement. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

**Article 17** *(FURTHER REQUIREMENTS AND DECISION-MAKING RIGHTS)*

*[Further discussion needed on whether there should be preconditions to join the Agreement and to exercise decision-making rights.]*

**Article 18** *(ENTRY INTO FORCE)*

1. This Agreement shall enter into force on the thirtieth day after the date on which at least [X] number of Parties to the Convention have deposited their instruments of ratification, acceptance, approval or accession[.], with such Parties to the Convention accounting for X per cent of total global greenhouse gas emissions in [1990][2000][2010].]
2. [For the purposes of paragraph 1 of this Article, “total global greenhouse gas emissions” means the total global greenhouse gas emissions as estimated by the Intergovernmental Panel on Climate Change in its Fifth Assessment Report.]
3. For each State or regional economic integration organization that ratifies, accepts or approves this Agreement or accedes thereto after its entry into force in accordance with paragraph 1 of this Article, this Agreement shall enter into force on the thirtieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
4. For the purposes of paragraph 1 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by its member States.

**Article 19** *(AMENDMENTS)*

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

**Article 20** *(ANNEXES)*

1. Annexes to this Agreement shall form an integral part thereof and, unless otherwise expressly provided for, a reference to this Agreement constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

2. The provisions of Article 16 of the Convention on the adoption and amendment of annexes to the Convention shall apply mutatis mutandis to this Agreement.

**Article 21** ([SETTLEMENT OF DISPUTES](#))

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

**Article 22** ([VOTING](#))

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

**Article 23** ([DEPOSITARY](#))

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

**Article 24** ([RESERVATIONS](#))

No reservations may be made to this Agreement.

**Article 25** ([WITHDRAWAL](#))

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

**Article 26** ([LANGUAGES](#))

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

## B. DRAFT DECISION

[ *The Conference of the Parties,*

Pp1 *Recalling* decision 1/CP.17 on the establishment of the Ad Hoc Working Group on the Durban Platform for Enhanced Action,

Pp2 *Also recalling* decisions 2/CP.18, 1/CP.19, and 1/CP.20,

Pp3 *Welcoming* the outcome of the “Transforming our world: the 2030 Agenda for Sustainable Development,” in particular its goal 13,

Pp4 *Also welcoming* the outcome of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

Pp5 *Recognizing* the important role that subnational and local authorities play in addressing climate change;

Pp6 *Emphasizing* the importance of respecting and taking into account human rights, gender equality, the rights of indigenous peoples, intergenerational concerns, [protection of the integrity of Mother Earth, the right to development](#), and the needs of particularly vulnerable groups, including women, children, [migrants](#), and persons with disabilities, when taking action to address climate change, as well as of aligning actions with the goal of promoting food security, restoration of degraded lands, national health policies, participation in environmental decision-making by civil society and individuals, and a just transition of the workforce and creation of decent work and quality jobs in accordance with nationally defined development priorities and strategies;

[*Additional preambular paragraphs as may be decided during the course of the negotiations, e.g., a reference to Mother Earth.*]

### I. ADOPTION OF THE [PARIS AGREEMENT]

- .1 *Decides* to adopt the Agreement under the United Nations Framework Convention on Climate Change (UNFCCC), (hereinafter referred to as the Agreement) as contained in the annex to this decision;
- .2 *Requests* the Secretary-General of the United Nations to be the Depositary of the Agreement and to open it for signature in New York, United States of America, from [21 March 2016] to [20 March 2017];
- .3 *Invites* the Secretary-General to convene a high -level signature ceremony for the Agreement in early 2016;
- .4 *Also invites* all Parties to the Convention to sign the Agreement at the ceremony to be convened by the Secretary-General or at their earliest opportunity, and to deposit their respective instruments of ratification, acceptance or approval, or instruments of accession where appropriate, as soon as possible;
- .5 *Recognizes* that Parties to the Convention may provisionally apply the Agreement pending its entry into force, and *requests* Parties to provide notification of any such provisional application to the Depositary;
- .6 *Notes* that in accordance with decision 1/CP.17, paragraph 4, the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action has been completed and decides that it is therefore terminated;
- .7 *Decides* to establish an Intergovernmental Preparatory Committee (IPC) to prepare for the entry into force of the Agreement and the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to this Agreement (CMA);
- .8 *Requests* the IPC to oversee the implementation of the work programme resulting from the relevant requests in sections III and IV of this decision and authorizes the IPC to guide the work of the Subsidiary Body for Scientific and

Technological Advice (SBSTA), the Subsidiary Body for Implementation (SBI) and other Convention bodies in relation to the work programme, where appropriate, and in accordance with their respective mandates;

.9 *Also requests* the IPC to report regularly to the COP on the progress of its work;

## II. INTENDED NATIONALLY DETERMINED CONTRIBUTIONS

.10 *Welcomes* the intended nationally determined contributions (INDCs) that have been communicated by Parties in accordance with decision 1/CP.19, paragraph 2(b);

.11 *Reiterates* its invitation to all Parties that have not done so to communicate to the secretariat their INDCs towards achieving the objective of the Convention as set out in its Article 2 as soon as possible and well in advance of the twenty-second session of the Conference of the Parties, and in a manner that facilitates the clarity, transparency and understanding of INDCs;

.12 *Requests* the secretariat to continue to publish INDCs as communicated by Parties on the UNFCCC website;

.13 *Reiterates* its call to developed country Parties, the operating entities of the Financial Mechanism and any other organizations in a position to do so to provide support for the preparation and communication of the INDCs of Parties that may need such support;

.14 [*Requests* the SBI to clarify in a facilitative, non-intrusive and consultative manner the information provided by Parties when communicating their INDCs. The SBI shall report on progress made to the IPC at its second session;]

.15 *Takes note* of the synthesis report on the aggregate effect of INDCs contained in document FCCC/CP/2015/7;

.16 *Requests* the secretariat to update the synthesis report referred to in paragraph 15 above so as to cover INDCs communicated by Parties by [1 October 2016], and make it available by [1 November 2016];

.17 *Invites* all Parties to consider enhancing the ambition of their mitigation efforts before they submit their nationally determined mitigation [contribution][commitment][other] [in accordance with the provisions of Article [17] of the Agreement on the preconditions for joining the Agreement];

17bis *Notes that a developing country Party may adjust its INDC when severely affected by an extreme natural event, force majeure, or when adequate finance, technology development and transfer, and capacity building support is not available;*

~~.17.18~~ [**Option 1:** [*Decides*][*Invites* the President of the COP] to convene a facilitative dialogue among Parties to take stock of the collective efforts of Parties in [2018][2019];]<sup>1</sup>

[**Option 2:** No such facilitative dialogue prior to 2020;]

## III. DECISIONS TO GIVE EFFECT TO THE AGREEMENT

### GENERAL

~~.18.19~~ *Welcomes* the efforts of all actors to address climate change, including those by civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and indigenous peoples;

~~.19.20~~ *Invites* the actors referred to in paragraph 19 above to scale up their efforts and support further actions by Parties to reduce [and/or avoid] emissions and/or to build resilience and decrease vulnerability to the adverse effects of climate change;

~~.20.21~~ *Also invites* the actors referred to in paragraph 19 above to demonstrate their continued efforts to address climate change through the Non-State Actor Zone for Climate Action (NAZCA);<sup>2</sup>

<sup>1</sup> This paragraph is similar to paragraph 76 in section IV (workstream 2). Parties may wish to consider whether these paragraphs overlap, and if so whether to reconcile them.

<sup>2</sup> Available at: <<http://climateaction.unfccc.int>>.

*MITIGATION*

~~21.22~~ *Decides* that Parties shall submit their first nationally determined mitigation [contributions][commitments][other] in accordance with Article 3 of the Agreement;

~~23~~ *Also decides* that the information to be provided by Parties when communicating their first nationally determined mitigation [contributions][commitments][other] [shall][may] include, inter alia, the information listed in decision 1/CP.20, paragraph 14;

~~24~~ **Option 1 - Acknowledges** that Parties may adjust the submission of their first nationally determined mitigation [contribution][commitment][other] to make them consistent with the rules and guidance for accounting for anthropogenic greenhouse gas emissions and removals pursuant to Article 3, paragraph 5, of the Agreement;

**Option 2 – No text for adjustment, land use and accounting**

~~22.25~~ *Requests* the [SBI] to develop modalities and procedures for the operation and use of the registry referred to in Article 3, paragraph 7, of the Agreement, for consideration by the IPC at its [X] session, with a view to the IPC making a recommendation thereon to the CMA at its first session;

~~23.26~~ *Requests* the secretariat to make available an interim registry in the first half of 2016 for the recording of nationally determined mitigation [contribution][commitment][other] submitted in accordance with Article 3 of the Agreement pending the adoption by the CMA of the modalities and procedures referred to in paragraph 25 above;

~~24.27~~ *Recommends* that the CMA consider, at its first session, in regard to Article 3, paragraph 4 of the Agreement, whether any additional information shall be included by Parties when communicating their nationally determined mitigation [contribution][commitment][other];

~~25.28~~ *Requests* the IPC to make a recommendation to the CMA regarding paragraph 27 above;

~~26.29~~ *Decides*, in relation to Parties, including regional economic integration organizations, implementing their nationally determined [contributions][commitments][other] jointly under Article 3, paragraph 8, of the Agreement that:

(a) Parties, including regional economic integration organizations, that have reached an agreement to implement their nationally determined mitigation [contributions][commitments][other] jointly shall notify the secretariat of the terms of such an agreement on the date of deposit of their instruments of ratification, acceptance or approval of this Agreement, or accession thereto;

(b) The secretariat shall inform the Parties to this Agreement [and Parties to the Convention] of the terms of the agreement to implement jointly referred to in paragraph 29(a) above;

**(c)** Any alteration to the composition of the Parties, including regional economic integration organizations, implementing jointly shall not affect any then current nationally determined mitigation [contribution(s)][commitment(s)][other] and shall become applicable for the purposes of this Agreement for the next nationally determined mitigation [contribution][commitment][other] submitted by that organization, by Parties implementing jointly with Parties that have become members of that organization, or by Parties implementing jointly;

**Option 1**

~~27.30~~ *Also decides* that the rules and guidance for accounting referred to in Article 3, paragraph 5 of the Agreement, for consideration and adoption by the CMA at its first session, should ensure that:

(a) Parties ensure methodological consistency between the communication of nationally determined mitigation [contributions][commitments][other] and their implementation;

(b) Parties include an explanation for the exclusion from their nationally determined mitigation [contribution][commitment][other] of any key categories of emissions and removals, and strive to include these over time;

(c) Parties, once a source, sink or activity is accounted for in a nationally determined mitigation [contribution][commitment][other], continue to include it or provide an explanation of why it has been excluded;



(d) Parties use common metrics and methodologies adopted by the Intergovernmental Panel on Climate Change (IPCC) for the estimation of greenhouse gas emissions and removals;

(e) [Internationally transferred mitigation outcomes used by any Party to meet its nationally determined mitigation [contribution][commitment][other] are supplemental to domestic action;]

~~28.~~31 Requests the SBSTA to develop methodologies and approaches with regard to accounting in accordance with Article 3, paragraph 5, of the Agreement and paragraph 30 above, for consideration by the IPC at its [X] session;

32 Also requests the IPC to elaborate the methodologies and approaches for accounting referred to in paragraph 31 above, taking into account the methodologies and approaches developed by the SBSTA, with a view to the IPC making recommendations thereon to the CMA at its first session;

**Option 2 - For paragraphs 30 to 32, no text**

~~29.~~33 [*Provision on response measures.*] *[to be replaced by languages from the G77 and China]*

~~30.~~34 **[Option 1:**

*Recommends* that the CMA at its first session consider establishing a mechanism to support sustainable development to be available to assist Parties in fulfilling their nationally determined mitigation [contributions][commitments] [other]. This mechanism would be under the authority and guidance of the CMA and be supervised by a body designated by the CMA, and would aim to:

(α) Enhance mitigation ambition and the mobilization of financing for climate action;

(β) Incentivize and enable participation in cost-effective mitigation action by public and private entities acting under the responsibility of a Party;

*Requests* the SBSTA to elaborate modalities and procedures for the mechanism for sustainable development referred to in paragraph 34 above and report to the IPC at its [X] session with a view to the IPC making recommendations, for consideration and adoption by the CMA at its first session, that inter alia:

(a) Provide, where desired by the participating Parties, for the creation and issuance of real, permanent, additional and verified mitigation outcomes that may be used to meet nationally determined [contributions] [commitments][other] in a manner that is supplementary to domestic action, is consistent with the rules and guidance for accounting, and provides for a share of proceeds for adaptation;

(b) Deliver, where desired by participating Parties, a net decrease or avoidance of emissions;

(c) Build on the mechanism defined in Article 12 of the Kyoto Protocol and related decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol;]

**[Option 2:** No text on this mechanism;]

*ADAPTATION*

35 *Decides* that the process to formulate and implement national adaptation plans (NAPs), national adaptation planning processes, and/or other adaptation strategies, plans or priorities should:

(χ) Not be prescriptive or result in the duplication of efforts;

(δ) Facilitate country-owned and country-driven action;

(ε) Involve and facilitate the participation of relevant stakeholders, in particular women and indigenous peoples, in planning, decision-making, and monitoring and evaluation, and give priority to the poorest and most vulnerable communities and people;

(φ) Be participatory and inclusive, building on existing community-driven and traditional adaptation efforts, in all interested developing countries, in particular in the least developed countries, small island developing States and countries in Africa;

(γ) Promote climate resilience and sustainable development trajectories;

(η) Not be a prerequisite for financial, technological or capacity-building support for adaptation actions;

36 *Requests* the [SBSTA][Adaptation Committee] to develop modalities and procedures for the operation of the registry referred to in Article 4, paragraph 8 of the Agreement with a view to making recommendations to the IPC at its

[second] session. In developing these modalities and procedures, the [SBSTA][Adaptation Committee] should take into account paragraph 35 above;

- .37 *Requests* the secretariat to make available an interim registry in the first half of 2016 for the recording of adaptation communications, in accordance with Article 4 of the Agreement, pending the adoption by the CMA of the modalities and procedures referred to in paragraph 36 above;
- .38 *Establishes* a technical and knowledge platform under the Nairobi work programme on impacts, vulnerability and adaptation to climate change in order to:
- (a) Disseminate and enhance the use of climate change scenarios and of methods and tools for assessing impacts and vulnerability, as well as information on the outcomes and effectiveness of adaptation;
  - (b) Develop and strengthen global, regional, national and local capacities, as well as social capacities, to address adaptation concerns and to use adaptation metrics;
  - (c) Promote, coordinate and strengthen adaptation knowledge platforms, centres and networks at all levels in order to fill adaptation knowledge gaps;
  - (d) Scale up adaptation benefits, practices and outcomes;
  - (e) Incorporate the sustainable management of ecosystems into adaptation planning and actions;
  - (f) Enhance the understanding of the global implications of adaptation actions, of interlinkages among local, national and global adaptation actions, and of progress made in reducing vulnerability at all levels and in achieving the global goal for adaptation;
- .39 *Requests* the Adaptation Committee to operationalize the technical and knowledge platform referred to in paragraph 38 above;
- .40 *Invites* all relevant United Nations institutions and international, regional and national financial institutions to provide information to Parties through the UNFCCC secretariat on how their development assistance programmes and finance incorporate climate-proofing and climate resilience measures;
- .41 *Requests* the IPC to prepare a recommendation to the CMA regarding Article 4, paragraph 7, of the Agreement;
- .42 *Also requests* the IPC to prepare a recommendation to the CMA regarding Article 4, paragraph 10, of the Agreement;

#### *LOSS AND DAMAGE*

- .43 [*Recalls* decisions 2/CP.19 and 2/CP.20 on the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts;]

*[There has been significant progress on the subject of loss and damage, most notably general acceptance that it needs to be included in the Paris outcome. At the end of ADP 2.10<sup>3</sup>, two proposals were put forward that show growing understanding and progress. Questions remain about content and placement that require further discussion by Parties.]*

#### *FINANCE*

- .44 *Decides* that the operating entities of the Financial Mechanism (the Green Climate Fund and the Global Environment Facility), the Least Developed Country Fund and the Special Climate Change Fund shall serve the Agreement, and that the CMA has the authority to modify this list;
- .45 *Decides* to establish a process for the consideration of new and alternative sources of finance beyond existing bilateral and multilateral sources, in accordance with the terms of reference to be developed by the COP at its twenty-second session, with a view to the COP taking a decision on this matter at its twenty-third session;
- .46 *Requests* the IPC to prepare a recommendation to the CMA regarding the creation of a process, which should include biennial in-session workshops, to consider progress in relation to the efforts referred to in Article 6, paragraphs 8 and 9, of the Agreement;

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<sup>3</sup> Tenth part of the second session of the ADP, held in Bonn, Germany, from 31 August to 4 September 2015 (ADP 2.10, <<http://unfccc.int/9056>>).

.47 *Also requests* the secretariat to organize and prepare a summary of the biennial in-session workshops referred to in paragraph 46 above for consideration by the CMA;

*TECHNOLOGY DEVELOPMENT AND TRANSFER*

.48 *Decides* to strengthen the technology needs assessment (TNA) process taking into account existing efforts, including under the Poznan strategic programme on technology transfer, by enhancing:

- (a) The implementation of the results of the TNA process through, inter alia, technology action plans and project proposals;
- (b) The synergy between the TNA process and other arrangements related to the implementation of mitigation and adaptation actions, as appropriate;

.49 *Requests* the Technology Executive Committee (TEC) to elaborate the means of strengthening the TNA process referred to in paragraph 48 above taking into account ongoing work relating to this matter, for consideration and adoption by the COP at its twenty-third session;

.50 *Encourages* Parties to take steps to improve enabling environments and address barriers for technology development and transfer by:

(a) Establishing and strengthening policy frameworks, institutions and capacity to build country ownership and innovation;

(a alt) Arrangements shall be established to address IPRs, such as collaborative research and development, shareware, commitments related to humanitarian or preferential licensing, fully paid-up or joint licensing schemes, preferential rates and patent pools

~~(a)~~(b) Leveraging and attracting private sector investments and promoting access to public sector technology;

(c) Strengthening the development and enhancement of endogenous capacities and technologies;

~~(b)~~(d) In accordance with Article 4.5 of the Convention, developed country Parties shall provide financial resources to address barriers created by intellectual property rights (IPRs) and facilitate access to and the deployment of technology, including, inter alia, by utilising the Financial Mechanism and/or establishing a funding window under the GCF to meet the full costs of IPRs of environmentally sound technologies and know-how, and such technologies will be provided to developing country Parties free of cost in order to enhance their actions to address climate change

.51 *Requests* the IPC to develop recommendations regarding the technology framework referred to in Article 7, paragraph 2, of the Agreement, for consideration and adoption by the CMA at its first session, taking into account the need to avoid duplication and the opportunity to create synergies. The IPC should consider, inter alia, the relationship between this framework and the technology transfer framework established by decision 4/CP.7, as well as the functions of the former and its linkage to the Technology Mechanism;

.52 *Decides* that the TEC and the Climate Technology Centre and Network shall report to the CMA through the subsidiary bodies on their activities relating to the implementation of the Agreement;

*CAPACITY-BUILDING*

.53 *Decides* to launch a work programme to enhance the implementation of the framework for capacity-building in developing countries established by decision 2/CP.7;

.54 *Also decides* that the work programme should address, inter alia:

- (a) Gaps and needs, current and emerging, in the delivery of capacity-building, in particular at the national level;
- (b) Ways and means to enhance coordination and coherence in the provision of capacity-building, including within existing institutional arrangements;

.55 *Requests* the SBI to develop recommendations concerning the work programme referred to in paragraphs 53 and 54 above for consideration by the COP at its twenty-third session;

.56 **Option 1:** *Requests* the IPC to prepare a recommendation to the CMA for the enhancement and intensification of the work of the institutional arrangements on capacity-building;]

**Option 2:** *Requests* the IPC to develop modalities and procedures for the capacity-building mechanism established in Article 8, paragraph 4, of the Agreement;]

.57 *Recalls* the importance of education, training and public awareness reflected in Article 6 of the Convention;

#### *TRANSPARENCY OF ACTION AND SUPPORT*

.58 *Requests* the operating entities of the Financial Mechanism of the Convention to allocate financial resources for the building of transparency-related capacity of developing country Parties in need, on a continuous basis;

.59 *Also requests* the IPC to develop recommendations for modalities, procedures and guidelines in accordance with Article 9, paragraph 6, of the Agreement for adoption at the first session of the CMA;

*[Potential paragraphs related to Article 9, paragraph 5, of the Agreement.]*

#### *GLOBAL STOCKTAKE*

.60 *Decides* that the stocktaking referred to in Article 10 of the Agreement shall be designed to:

(a) Take into account the information on the implementation of the individual and collective efforts under the Agreement;

(b) Be informed by the reports of the IPCC;

(c) Take into consideration the lessons learned from the 2013–2015 review;

~~.60~~.61 *Requests* the SBSTA to provide advice on how the assessments of the Intergovernmental Panel on Climate Change can inform the stocktaking of the implementation of the Agreement pursuant to its Article 10, paragraph 1, and to report to the IPC on this matter at its [second] session;

.62 *Also requests* the IPC to develop modalities for the stocktaking, referred to in Article 10, paragraph 2, of the Agreement, and make recommendations to the CMA for consideration and adoption at its first session. The IPC should be guided by paragraph 60 above and Article 10, paragraph 1, of the Agreement, take into account the advice of the SBSTA referred to in paragraph 61 above, and consider the following when developing the modalities:

(a) The arrangements for the stocktaking including the institutional arrangements and the relationship with other Agreement and Convention processes and procedures;

(b) The operational processes and procedures, including relevant time frames;

(c) The form and nature of the outcomes of the stocktaking;

#### *FACILITATING IMPLEMENTATION AND COMPLIANCE*

~~.61~~.63 *Requests* the IPC to develop the modalities and procedures for the [process][mechanism] referred to in Article 11 of the Agreement with a view to completing its work on this matter for consideration and adoption by the CMA at its first session;

#### *PROCEDURAL AND INSTITUTIONAL PROVISIONS*

.64 **Option 1** *Requests* the IPC to develop the draft rules of procedure of the CMA, including procedures for decision-making and voting by Parties to the Agreement, in accordance with Article 12, paragraph 4, of the Agreement, with a view to the IPC making recommendations on this matter to the CMA at the first session of the CMA;

**Option 2 – no text**

**IV. [WORKSTREAM 2]<sup>4</sup>**

- Pp1* Recalling decisions 1/CP.17, 2/CP.18, 1/CP.19 and 1/CP.20,
- Pp2* Resolving to uphold and promote international cooperation and to mobilize stronger climate action by all,
- Pp3* Noting that enhanced pre-2020 ambition can serve to increase post-2020 ambition and that actions taken to enhance pre-2020 ambition could be applicable in a post-2020 context,
- Pp4* Stressing the urgency of accelerating pre-2020 mitigation ambition,
- Pp5* Emphasizing the enduring benefits of taking early action,
- Pp6* Urging Parties to act with the highest possible ambition in the interest of promoting the transition to a low-emission global economy,
- ~~62.65~~ Invites each Party that has not already done so to ratify the Doha Amendment to the Kyoto Protocol;
- ~~63.66~~ Urges each Party that has not already done so to make a pre-2020 mitigation pledge under the Cancun Agreements;
- 67 Reiterates its resolve as set out in 1/CP.19, paragraphs 3 and 4, to accelerate the full implementation of the decisions constituting the agreed outcome pursuant to decision 1/CP.13 and enhance ambition in the pre-2020 period in order to ensure the highest possible mitigation efforts under the Convention by all Parties;
- 67bis Decides to launch a process for accelerating pre-2020 implementation in the period of 2016-2020, including inter alia, the following tasks: [placeholder for tasks to be further elaborated and discussed during the negotiations]
- ~~64.68~~ Promotes the voluntary cancellation of certified emission reductions, without double counting, by Parties and non-Party stakeholders, including of certified emission reductions issued under the clean development mechanism;
- ~~65.69~~ Resolves to strengthen, in the period 2016–2020, the technical examination of opportunities with high mitigation potential, including those with adaptation, health and sustainable development co-benefits, with a focus on accelerating the implementation of actions, including by:
- (a) Encouraging Parties, Convention bodies, international organizations, international cooperative initiatives and non-Party stakeholders to engage actively and effectively in this process and to cooperate in facilitating the implementation of policies, practices and actions identified during this process, including in accordance with national sustainable development priorities;
  - (b) Striving to improve access to and participation in this process by developing country Party experts;
  - (c) Requesting the Technology Executive Committee and the Climate Technology Centre and Network, in accordance with their respective mandates, to:
    - (i) Engage in the technical expert meetings in order to enhance the effective coordination and provision of support;
    - (ii) Enhance their efforts to facilitate and support Parties in scaling up the implementation of policies, practices and actions identified during this process;
  - (d) Encouraging Parties to make effective use of the Climate Technology Centre and Network in order to support the development of economically, environmentally and socially viable project proposals in the high potential areas identified in this process;
- ~~66.70~~ Requests the secretariat to facilitate the technical examination referred to in paragraph 69 above and disseminate its results, including by:
- (a) Organizing regular technical expert meetings focusing on specific policies, practices and actions representing best practice and with the potential to be scalable and replicable;

<sup>4</sup> A draft decision on workstream 2, with identical content as included here in section IV, is also presented separately as [ADP.2015.9.InformalNote](#). For clarity, the preambular paragraphs related to workstream 2 are maintained at the beginning of section IV. Parties may further wish to consider how the content of section IV may relate to other sections of this draft decision.

- (b) Updating on an annual basis, following the meetings referred to in paragraph 70(a) above and in time to serve as input to the summary for policymakers referred to in paragraph 70(c) below, a technical paper on the mitigation benefits of policies, practices and actions to enhance mitigation ambition;
- (c) Preparing a summary for policymakers and publishing it well in advance of each meeting of the Conference of the Parties as input for the high-level dialogues referred to in paragraph 82 below;
- (d) Strengthening intra-convention cooperation and coordination, such as by organizing meetings with representatives of relevant Convention bodies to consider ways to accelerate the implementation of policies, practices and actions identified during this process and the provision of support necessary for their implementation;

~~67.71~~ *Decides* that the technical examination referred to in paragraph 69 above should be continued under the [COP] and occur on an ongoing basis until 2020;

~~68.72~~ *Decides* to conduct, in 2018, an assessment of the technical examination referred to in paragraph 69 above with the aim of improving its effectiveness;

~~73~~ *Recognizes* the need to enhance finance, technology and capacity-building support to the efforts of developing country Parties related to pre-2020 action;

*73bis Urges developed country Parties to increase their level of financial support to USD70 billion in 2016, USD85 billion in 2018, in order to achieve the USD100 billion per year goal by 2020 while ensuring that [X percent of the][main] source comes from public funding; and address barriers and access to, development, diffusion, transfer and deployment of environmentally-sound technologies and innovations to developing countries by using the existing Financial Mechanism of the Convention.*

~~69.74~~ *Reiterates* its request to the Standing Committee on Finance to explore how it can enhance its work on the measurement, reporting and verification of support on the basis of the best available information on the mobilization of various resources, including private and alternative resources, through public interventions;

~~70.75~~ *Reemphasizes* its request to developed country Parties, in preparing their updated biennial submissions on strategies and approaches for scaling up climate finance for the period 2016–2020, to enhance the available quantitative and qualitative elements of a pathway, placing greater emphasis on the transparency and predictability of financial flows;

~~71.76~~ [*Decides* to conduct a facilitative and exploratory dialogue in conjunction with the twenty-third session of the Conference of the Parties (2017) with a view to identifying ways to accelerate the implementation of commitments under the Convention in the pre-2020 period, including:

- (a) Opportunities to enhance the ambition of mitigation efforts by all Parties;
- (b) Opportunities to enhance the provision and mobilization of finance, technology and capacity-building support to developing country Parties in a holistic manner;]<sup>5</sup>

~~72.77~~ [*Invites* Parties and accredited observer organizations to submit to the secretariat by [x date] their views on the matter referred to in paragraph 76 above;]

~~73.78~~ [*Also invites* Convention bodies to provide expert inputs on the matter referred to in paragraph 76 above;]

~~74.79~~ *Welcomes* the efforts of non-Party stakeholders, including civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and indigenous peoples, to scale up their climate actions and provide further opportunities for Parties to reduce [and/or avoid] emissions and/or to build resilience and decrease vulnerability to the adverse effects of climate change;

~~75.80~~ *Invites* non-Party stakeholders to demonstrate their climate actions through mechanisms such as the Non-State Actor Zone for Climate Action (NAZCA) platform;

~~76.81~~ *Acknowledges* with appreciation the results of the Lima–Paris Action Agenda, which build on the climate summit convened on 23 September 2014 by the United Nations Secretary-General;

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<sup>5</sup> This paragraph is similar to paragraph 18 above (section II). Parties may wish to consider whether these paragraphs overlap, and if so whether to reconcile them.



~~77~~.82 *Agrees* to convene, in conjunction with each meeting of the Conference of the Parties from 2016 to 2020 and building on the Lima–Paris Action Agenda and the event referred to in paragraph 83(a) below, high-level dialogues that:

- (a) Provide an opportunity for announcing efforts, voluntary initiatives and coalitions of Parties and non-Party stakeholders, including policies, practices and actions arising from the technical examinations referred to in paragraph 69 above and presented in the summary for policymakers referred to in paragraph 70(b) above;
- (b) Take stock of progress and recognize the efforts, voluntary initiatives and coalitions referred to in paragraph 82(a) above;
- (c) Provide meaningful and regular opportunities for the effective engagement of experts from Parties, international organizations, international cooperative initiatives and non-Party stakeholders;

~~78~~.83 [*Decides* that two high-level champions shall be appointed to facilitate, through strengthened high-level engagement, the scaling up and launching of initiatives, including those that implement policies, practices and actions arising from the technical examinations referred to in paragraph 69 above, including by:

- (a) Working with the Executive Secretary and the current and incoming presidents of the Conference of the Parties to coordinate the annual high-level event on enhancing the implementation of climate action pursuant to decision 1/CP.20, paragraph 21, and the high-level dialogues referred to in paragraph 82 above;
- (b) Coordinating with the secretariat on the organization of technical expert meetings referred to in paragraph 70(a) above;
- (c) Engaging intensively with Parties and non-Party stakeholders to further the activities referred to in paragraph 69 above;]

~~79~~.84 [*Also decides* that each incoming presidency of the Conference of the Parties shall appoint one of the champions referred to in paragraph 83 above to serve for a two-year term such that their terms overlap for a full year in the interest of promoting continuity and a smooth transition, and, accordingly:

- (a) Invites the host of the twentieth meeting of the Conference of the Parties to appoint one champion, who shall serve from the date of the appointment until the first day of the twenty-second meeting of the Conference of the Parties (2016);
- (b) Invites the host of the twenty-first meeting of the Conference of the Parties to appoint one champion, who shall serve from the date of the appointment until the first day of the twenty-third meeting of the Conference of the Parties (2017);
- (c) Invites the host of the twenty-second meeting of the Conference of the Parties to appoint one champion, who shall serve from the first day of the twenty-second meeting of the Conference of the Parties until the first day of the twenty-fourth meeting of the Conference of the Parties (2018);]

~~80~~.85 [*Invites* interested Parties and relevant organizations to provide support for the work of the champions referred to in paragraph 83 above;]

~~81~~.86 [*Requests* the secretariat, in consultation with the current and incoming presidents of the Conference of the Parties, to make arrangements facilitating the provision of support referred to in paragraph 85 above;]

~~82~~.87 *Notes* the estimated budgetary implications of the activities to be undertaken by the secretariat referred to in this decision and requests that the actions of the secretariat called for in this decision be undertaken subject to the availability of financial resources.

*[Further discussion is needed on whether and how to address adaptation in the context of workstream 2. Potential concepts and language follow, for consideration by Parties:*

- *Decides to conduct, in the period 2016–2020, a technical examination of opportunities to enhance adaptation action and*
- *support, including those with mitigation co-benefits, address gaps in implementation, knowledge, technology, capacity and finance, share best practices, and accelerate action on the ground, building on the lessons learned from the technical examination of opportunities with high mitigation potential, recognizing the unique characteristics,*

*stakeholders, and needs of cooperative action on adaptation, and also recognizing the need to build on work, without duplication, being conducted under existing arrangements and institutions under the Convention;*

- *Requests the secretariat to facilitate the technical examination referred to in paragraph X above and disseminate its results, taking into account the work of, inter alia, the Adaptation Committee, Least Developed Countries Expert Group and activities under the Nairobi work programme, including by:*
  - (a) Organizing regular technical expert meetings focusing on specific policies, practices and actions representing good practice and with the potential to be scalable and replicable;
  - (b) Preparing, on an annual basis, following the meetings referred to in paragraph (a) above and in time to serve as input to the summary for policymakers referred to in paragraph (c) below, a technical paper on opportunities to enhance adaptation action and support;
  - (c) Preparing a summary for policymakers and publishing it well in advance of each session of the Conference of the Parties as input for the high-level dialogues referred to in paragraph 82 above;
  - (d) Strengthening intra-convention cooperation and coordination to consider ways to accelerate the implementation of policies, practices and actions identified during this process and the provision of support necessary for their implementation;]

## **V. INTERIM INSTITUTIONAL ARRANGEMENTS**

- | ~~83.88~~ *Decides* that the IPC shall meet in conjunction with the first session of the SBSTA and SBI in 2016 to organize its work on the implementation of the work programme referred to in paragraph 8 above and to prepare draft decisions to be recommended to the CMA for consideration and adoption at its first session;
- | ~~84.89~~ *Also decides* that the IPC shall report and make recommendations to the Conference of the Parties on the implementation of the work programme referred to in paragraph 8 above;

## **VI. ADMINISTRATIVE AND BUDGETARY MATTERS**

- | ~~85.90~~ *Takes note* of the requirement for additional resources for the implementation of the relevant actions referred to in this decision;
- | ~~86.91~~ *Emphasizes* the urgency of making additional resources available for the implementation of the relevant actions, including actions referred to in this decision, and the implementation of the work programme referred to in paragraph 8 above by the IPC from 2016;
- | ~~87.92~~ *Urges* Parties to make voluntary contributions for the timely implementation of this decision, noting the estimated budget requirement for 2016 of USD [X];
- | ~~88.93~~ *Requests* the Executive Secretary to provide an estimate of the budgetary implications of the actions requested in this decision to be undertaken in 2017 for consideration by the SBI at its forty-fourth session, with a view to the SBI making a recommendation thereon to the COP at its twenty-second session. ]