

Technical paper identifying closely related concepts, duplication and possible areas for streamlining in the draft Agreement and draft Decision¹

Note by the secretariat

6 November 2015

Summary

This paper has been issued in response to the request by the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) at the eleventh part of its second session² to the secretariat to prepare a technical paper, which should identify closely related paragraphs and duplications within sections, and possible areas for streamlining.

Closely related paragraphs and duplications as well as possible areas for streamlining are identified in table format, by Article for the draft Agreement and by section for the draft Decision, following a brief summary description of the content of each Article or section provided solely for the orientation of the reader.

As an additional orientation tool, the locations within the text of some key concepts are summarized in an overview table in the annex.

All references and numbering of Articles and paragraphs refer to those contained in the edited version of the *Draft Agreement and draft decision on workstreams 1 and 2 of the Ad Hoc Working Group on the Durban Platform for Enhanced Action, Work of the ADP contact group*, issued as [ADP.2015.11.InformalNote](#) on 6 November 2015.

A. DRAFT AGREEMENT

Preamble

Pp1 – Parties to the UNFCCC

Pp2 – Furthering the objective of the Convention

Pp3 – Recalling decisions 1/CP.17–20, 2/CP.18, 1/CP.19 and 1,CP.20

Pp4 – Taking into account special circumstances

Pp5 – Relationship between climate change, poverty eradication and sustainable development

Pp6 – Urgency of action and science

Pp7 – Outcomes of the 2013–2015 review

Pp8 – Historical responsibility

Pp9 – Action in accordance with evolving economic and emission trends

Pp10 – Rights and climate change action

Pp11 – Security, ecosystem integrity, just transition and climate change action

Pp12 – Land use and safeguarding food security

Pp13 – Role of sinks and reservoirs

Pp14 – Role of education, training and public awareness

Pp15 – Role of carbon pricing

¹ Contained in ADP.2015.11.InformalNote of 6 November 2015.

² The eleventh part of the second session of the ADP was held on 19–23 October 2015 in Bonn, Germany.

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Pp4	Vulnerable countries: Overlapping variants of this concept within Pp4	Potential for streamlining
Pp5, Pp11, Pp12 opts 1 and 2, and Pp13	Multiple provisions on eradication of poverty, eradication of hunger, promotion of food security, social and economic development, sustainable development	Potential for consolidation and streamlining
Pp10 and decision Pp5	Rights and related concepts: Almost identical language with minor additional concepts in Pp10	Could be consolidated in one place
Pp14	Promoting changes in lifestyles	Potential for streamlining
<i>Other comments and observations relevant to the preamble</i>		
Pp8 of the draft Agreement repeats Pp33 of the Convention.		

Article 1 – Definitions

- Art 1.1 – “Parties present and voting”
- Art 1.2 – “Party”
- Art 1.3 – “CMA” (Conference of the Parties serving as the meeting of the Parties to this Agreement)
- Art 1.4 – “Countries in need of support”
- Art 1.5 – “Climate forcers”
- Art 1.6 – “Emission reductions”
- Art 1.7 – “REDD-plus”
- Art 1.8 – “JMA” (Joint Mitigation and Adaptation Mechanism)
- Art 1.9 – “Developed country Party”
- Art 1.10 – “Developing country Party”
- Art 1.11 – “Climate finance”
- Art 1.12 – “Conference of the Parties”
- Art 1.13 – “Convention”
- Art 1.14 – “Party included in Annex I”

Article 2 – Purpose

- Opt I: Art 2.1 – Purpose of Agreement
 - Art 2.2 – Context of implementation (science, equity, CBDR-RC and rights)
- Opt II: No text

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 2.2, Pp10 and Pp11	Principles; rights	Address overlap by adjusting the relevant Pps once operative part (Art 2) is clear

Article 2bis – General

- Opt I: Art 2bis.1 – All Parties communicate and implement individual contributions
 - Art 2bis.2 – All contributions will represent a progression
 - Art 2bis.3 – Developing countries’ implementation is dependent on support
 - Art 2bis.4 – Successive contributions to be communicated prior to the previous contributions’ expiration

Opt II: No text

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 2bis.1 and Art 3.2 opts 1 and 2, Arts 4.7 and 4.8, Art 6.7	Obligation to communicate and implement individual efforts	Options for streamlining: a) Include the obligation in either Art 2bis or in the other substantive articles b) Include common elements of the obligation in Art 2bis and further specific details in the other substantive articles c) Include principles for the obligation in Art 2bis and detail the obligation in substantive articles
<i>Other comments and observations relevant to this Article</i>		
In addition to the obligation to communicate and implement a contribution, the concepts of progression, support and timing are addressed in other substantive Articles (3, 4, 6, 7). A similar approach to that outlined above could be applied to addressing these overlaps.		

Article 3 – Mitigation

Art 3.1 – Collective long-term goal for mitigation

Art 3.2 – Individual obligation for Parties on mitigation (e.g. “individual efforts”)

Art 3.3–3.3quater – Differentiated mitigation efforts, including on the type and level of ambition

Art 3.4 – Progression of mitigation efforts

Art 3.5 – Mitigation efforts to represent the highest possible ambition

Art 3.6 – Information to facilitate the clarity, transparency and understanding of mitigation efforts

Art 3.7 – Features or characteristics of mitigation efforts

Art 3.8 – Timing issues: 1) communication of first efforts; 2) communication of subsequent efforts; 3) consultative period; 4) future timeframe; and 5) adjustments

Art 3.9 – Housing of individual mitigation efforts

Art 3.10 – Accounting of individual efforts

Art 3.11 – Methods and guidance for anthropogenic greenhouse gas emissions and removals

Art 3.12 – Long-term strategies

Art 3.13 – Response measures

Art 3.14 – Unilateral measures

Art 3.15 – Joint communication and implementation of mitigation efforts

Art 3.16 – Cooperation in the implementation of mitigation efforts

Art 3.17 – Support for mitigation efforts

Art 3.18 – Framing principles for action on mitigation

Art 3.19 – Emissions from international transport

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 3.1 opts 2 and 3, Art 3.2 opt 2, Opt 4 Art 3.3bis, Art 3.10 opt 3; Art 3.14, and Art 3.18	Framing of action on mitigation	References to principles, including e.g. CBDR-RC, national circumstances and others, could be brought into a single framing provision
Art 3.2 opts 1 and 2 and Opt I Art 2bis.1	Individual mitigation efforts	The relation between Art 2bis.1 and Art 3.2 should be clarified and could be articulated by connecting the two through appropriate references or through defining a single para on the individual obligation
Art 3.3, Opt 2 Art 3.7, Art 3.8(d) opt 3, Art 3.12, Art 3.14, Art 3.17, and Art 3.18	Differentiation: Concepts related to differentiated mitigation efforts	Art 3.3 could be further narrowed down and the options clarified. Provisions on progression and ambition could be considered together with Arts 3.4 and 3.5 (see below)
Opt 4 Art 3.3ter and Art 3.18	Special circumstances of LDCs and SIDS	Could be streamlined by creating a stand-alone provision

Opt 2 Art 3.3ter and Opt 2 Art 3.3quater, Opt 4 Art 3.3bisopt (a), Art 3.4; Art 3.8(e) opt 1; also decision (INDC) Opt I para 19ter; and Opt I Art 2bis.2	Progression	Could be streamlined by creating a stand-alone provision
Opt 4 Art 3.3bisand Art 3.5	Highest ambition	Could be streamlined by creating a stand-alone provision
Art 3.6 and decision para 27	Ex ante information	Relation/connection between Agreement and decision text could be clarified by, for example, establishing a general provision on guidance for mitigation efforts in the Agreement and including specific provisions in the decision Para 27 of the decision could be streamlined by addressing the following duplications: - (e) and (m); - (g) and (n)
Arts 3.7 and 3.10 opt 3 (b)	Features of individual mitigation efforts	Features of mitigation efforts could be separated from accounting rules and principles and the latter be brought to provisions on accounting (for example, the following sub paragraphs of Article 3.7 opt 1 may relate to accounting: (e), (f), (g), (h), (i), (j) and (o)) Relation/connection between Agreement and decision text could be clarified by, for example, establishing a general provision on guidance for mitigation efforts in the Agreement and including specific provisions in the decision
Art 3.8(a) and decision para 25 opt 1 (cross-reference that is redundant)	Communication of first mitigation efforts	All provisions on the communication of first mitigation efforts may be brought together. Placement in the decision, after the provisions relating to INDCs, should be considered
Art 3.8(b), Opt I Art 2bis.4, and decision para 34	Communication of subsequent mitigation efforts	All provisions on the communication of subsequent mitigation efforts could be brought together. Placement in the decision could be considered
Art 3.8(e), decision (INDC) para Opt I 19bis	Adjustment	The options could be clarified and their placement be decided
Art 3.9, Art 3.8(a) opt 1 and Art 3.8(b) opt 1 (iii)	Housing	All provisions on housing could be brought into a single Art/para. Specific aspects of implementation, including request to the secretariat, could be placed in the decision
Art 3.10, Art 3.7, Art 3.11 opt 1, and decision paras 27, 37–42	Accounting (Methods)	Features of mitigation efforts could be separated from accounting rules and principles and the latter be brought together in a single provision (see above) The relation/connection between the provisions could be clarified by creating a general provision on accounting in the Agreement and specifying detailed provisions in the decision Aspects related to REDD-plus could be brought together
Art 3.10 opt 3 (b)(v), Art 3.16 opt 2, and decision para 37	Accounting (Principles for transfer of outcomes)	See above
Art 3.14 and decision para 45 (middle set of square brackets)	Unilateral measures	Unilateral measures could be separated from response measures in the decision
Art 3.15 and decision para 35	Regional economic integration organizations (REIOs)	These provisions could be connected by including a general provision in the Agreement and specifying details in the decision
Art 3.16 opt 2 and Art 3.10 opt 3 (b)(v)	Cooperative approaches	These provisions could be connected by including a general provision on cooperation in the Agreement and specifying details in the decision
Opt 2 Art 3.3bis and Art 3.3quater, Art 3.4, Opt 2 Art 3.7bis(a), Art 3.8(e) opt 2, and Art 3.17; Opt I Art 2bis.3	Support for implementation and implementation dependent on support	Could be streamlined by a single provision which brings together all aspects of support for mitigation
Decision paras 16 opt 1 and 33	Process to enhance clarity	All related provisions could be brought together and options be clarified

Decision paras 18 and 33(b)	Synthesis report	Could be brought into a single paragraph
<i>Other comments and observations relevant to this Article</i>		
Some paragraphs use language that is typically found in decisions, such as “invite”; for example see Art 3.12.		

Article 3bis – REDD-plus

- Art 3bis.1 – Establishes a mechanism relating to forests
- Art 3bis.2 – What constitutes the mechanism
- Art 3bis.3 – Purpose of the mechanism
- Art 3bis.4 – Establishes a joint mitigation and adaptation mechanism (JMA)

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 3bis.4, Opt 2 Art 3.7(m) and Opt 2 Art 3.7bis(n), and decision Opt II para 46(c)	Joint mitigation and adaptation approaches	All related provisions could be brought together into a single paragraph

Article 3ter – Mechanism to support sustainable development

- Opt I: Art 3ter.1 – Establishes the mechanism and defines its supervision and objectives
Art 3ter.2 – Development of modalities for the mechanism
- Opt II: Recommends the establishment of the mechanism and defines its supervision and objectives
- Opt III: Use of certified units under the new market-based mechanism referred to in decision 2/CP.17
- Opt IV: Establishes a mechanism for holistic and integrated approaches to sustainable development and defines its supervision and objectives
- Opt V: No Article 3ter

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 3ter, and decision Opts I and II paras 46 and 46bis	Mechanism to support sustainable development	Relation/connection between these provisions could be clarified by including a general provision in the Agreement and specifying details in the decision
<i>Other comments and observations relevant to this Article</i>		
Some paragraphs do not include a subject, e.g. first sentence in Options II and IV. Also, some paragraphs use language that is typically found in decisions, e.g. first sentence in Option II.		

Article 4 – Adaptation

- Art 4.1 – Global goal or vision for adaptation
- Art 4.2 – Adaptation-mitigation relationship/global goal or vision
- Art 4.3 – Approach to adaptation action
- Art 4.4 – Support for adaptation, recognition of most vulnerable
- Art 4.5 – Enhanced cooperation
- Art 4.6 – Individual adaptation efforts by Parties
- Art 4.7 – Elements of adaptation communications/undertakings
- Art 4.8 – Manner and timing of adaptation communication/undertakings
- Art 4.9 – Registry of adaptation communications/undertakings
- Art 4.10 – High-level event/global stocktake
- Art 4.11 – Anchoring institutions
- Art 4.12 – Support for adaptation

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 4.1 opts 1 and 2 and Art 4.2 opt 2; Also decision para 43(b)	(Global) goal/long-term vision	Opt 1 and opt 2 contain similar language and could be streamlined
Art 4.1 opt 1, Art 4.4, Art 4.6, Art 4.12 opt 2, and decision para 58(a); Also relates to Art 2	UNFCCC principles and provisions	References to principles, including, e.g. CBDR-RC and others, could be brought into a single framing provision
Art 4.1 opt 1, Art 4.3 opts 1 and 2, Art 4.4, Arts 4.6 (a) and (b), 4.12 opt 2, and decision paras 47(c) and (d), 48, and 52(f)	References to most vulnerable Parties	References could be made consistent across the text. References could be concentrated in fewer places. For instance, some references in the decision might not be needed if there is a reference in the Agreement in the same context
Arts 4.2 opt 1 and 4.2 opt 2 (c)	Link between mitigation and adaptation	Opt 1 and opt 2(c) contain similar language and could be streamlined
Art 4.2 opt 2 (b), 4.10 opt 1 and decision para 50	Recognition of adaptation efforts of developing countries	Could consider building one operational paragraph for recognition of efforts
Art 4.3 opts 1 and 2; Also Pp10 and Art 2	Principles for adaptation action	Opt 1 and opt 2 contain similar language and could be streamlined
Art 4.4, Art 4.5 (b) and (e), Art 4.5 (f), Art 4.7(b) and (c), Art 4.12 opts 1 and 2, and decision paras 47(f), 49, 51, 52(c) and (e), and 55; Also relates to Arts 6–9	Finance, technology and capacity-building support	Related provisions could be brought together into a single paragraph
Art 4.2(a) opt 2, Art 4.5(d), Art 4.10 opt 1, and decision para 52(c); Also relates to Arts 6 to 9	Assessment of the adequacy of support	Concepts could be concentrated e.g. in para 5(d), which is more operational. Clarify how the assessment of adequacy of support relates to the request to the AC to evaluate information on support (para 52(c)) and streamline accordingly
Art 4.6; Also relates to decision paras 17 and 27	Individual adaptation efforts	
Arts 4.5(a) and 4.7	Sharing information, good practices, experiences and lessons learned	
Arts 4.7, 4.8, and decision paras 56–57; Also relates to Art 9, decision para 43(b), and Opt 4 para 100(a) (vi–vii) (Transparency)	Communicating and capturing efforts	Clarify how the functions of the registry relate to the request to other bodies to record/compile communicated priorities and needs (57) and streamline accordingly
Art 4.10; relates to Art 10 and decision para 101 opt 1 (Global stocktake)	High-level event/stocktake	<i>(see also comment on Art 10)</i>
Art 4.11; Also relates to Art 6.17	Anchoring institutions	<i>(see also annex and comment on Art 15)</i>
<i>Other comments and observations relevant to this Article</i>		
Some paragraphs use non-operative language, e.g. Art 4. 2, Art 4.3 and Art 4.4. Also, some paragraphs refer to “CMP”, which appears to be inconsistent with Art 1.3 and Art 12.1.		

Article 5 – Loss and damage

Opt I: Art 5.1 – Defines an international mechanism on loss and damage

Art 5.2 – Purpose of the mechanism

Art 5.3 – Linkages with the relevant existing arrangements under and outside of the Convention

Art 5.4 – Governance of the mechanism

Art 5.5 – A climate change displacement coordination facility

Art 5.6 – A process related to addressing irreversible and permanent damage

Opt II: No reference to loss and damage as an article

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Opt I Art 5.1 and 5.4, and decision Opt 1 para 65quater	Permanence of the mechanism for addressing L&D	These could be combined under one umbrella
Opt I Art 5.5 and 5.6, and decision Opt 1 paras 65–65ter, Opt 1 65quinquies–septies and Opt 2 para 65–65quinquies; Also Opt I Art 2.1(c), Opt 2 Art 6.1 and 6.15	Further provisions for addressing L&D	Options could potentially be further narrowed by separating the new mandates for the Warsaw International Mechanism and its Executive Committee, from other provisions
<i>Other comments and observations relevant to this Article</i>		
Some paragraphs refer to “CMP”, which appears to be inconsistent with Art 1.3, and Art 12.1.		

Article 6 – Finance

Art 6.1 – Opt 1 (*Art 6.1– 6.1quater*):

Art 6.1 – Transformation to low-emission and climate-resilient societies and economies

Art 6.1bis – Actions by Parties regarding the mobilization of climate finance

Art 6.1ter – Dynamism of actions to be taken

Art 6.1quater – Provision of support

Opt 2: (*Art 6.1*): Provision and mobilization of financial resources by developed country Parties and Annex II Parties

Art 6.2 – Steps and actions to be taken by Parties

Art 6.3 – Options for simplifying access procedures

Art 6.4 – Pricing of greenhouse gas emissions

Art 6.5 – Scale

Art 6.6 – Sources

Art 6.7 – Ex-ante communication of information on finance

Art 6.8 – Short-term collective quantified goal by developed country Parties

Art 6.9 – Communication of finance efforts in relation to the stocktake referred to in Article 10

Art 6.10 – [*Placeholder: outcome on discussion on MRV and Article 9 on transparency*]

Art 6.11 – [*Placeholder: notion of avoiding double counting*]

Art 6.12 – Allocation between adaptation and mitigation finance

Art 6.13 – Financing for adaptation

Art 6.14 – Various principles related to the provision of financial resources

Art 6.15 – Support to the International Mechanism to address Loss and Damage as defined in Article 5

Art 6.16 – Transfer of mitigation outcomes (*Placement proposal: mitigation Article of the Agreement section*)

Art 6.17 – Financial Mechanism

Art 6.18 – Standing Committee on Finance (SCF)

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Opt 1 Art 6.1quater, Opt 2 Art 6.1, and Art 6.2(a); Also Art 3.17 opt 2, Art 4.12 opt 2, Art 7.4 opt 1, and Art 11.2 opt 2	Provision of support	Potential for streamlining, e.g. if provisions referring to this concept could be consolidated in one place

Opt 1 Art 6.1bis, Opt 2 Art 6.1 and Art 6.2 chapeau and (a)	Mobilization of financial resources	Potential for streamlining, e.g. if provisions referring to this concept could be consolidated in one place within Article 6
Art 6.5 opts 1–3; Also Arts 4.4 and 4.12 opt 2, Art 8.3 opt 1, Art 8.4 opt 1	Notion of scaling up	Potential for streamlining, e.g. if provisions referring to this concept could be consolidated in one place
Art 6.6 opts 1 and 2, and Art 6.2 chapeau	Sources (identical language contained in both options)	Potential for streamlining, e.g. if provisions referring to this concept could be consolidated in one place within Article 6
Art 6.7 opts 1 and 2; Also Art 7.2 opt 1, Art 8.4 opt 1	Ex ante communication of information on climate finance (identical language contained in both options)	Potential for streamlining of Art 6.7; consider relation to Art 8.4 (e.g. whether could be consolidated in one place)
Art 6.5 opt 2, and Art 6.10; Also Art 9, and Art 9.3 (c), decision paras 60 and 61 Arts 6.11 and 6.14; Also decision Opt 2 para 70 and Opt 2 para 81, and Art 9.3(e)	Notion of MRV and transparency Double counting	Potential for streamlining, e.g. if provisions referring to this concept could be consolidated in one place
Art 6.9; and Art 10	Notion of stock take	Note: Provisions are linked by cross-reference
Arts 6.13 and 6.2(c)	Financing for adaptation	Potential for streamlining, e.g. if provisions could be consolidated in one place within Article 6
Opt 2 Art 6.1, and Arts 6.3 and 6.14	Access and readiness	Potential for streamlining, e.g. if provisions referring to these concepts could be consolidated in one place within Article 6
Art 6.14 and Art 6.1 Opt II para 1	Notion of adequacy and predictability	Potential for streamlining, e.g. if provisions could be consolidated in one place within Article 6
Art 6.17; Also decision para 66, Art 4.11 opt 1, and Art 15.1	Institutional arrangements: Anchoring of the AF, GCF LDCF, SCCF in the Agreement	Potential for streamlining, e.g. if provisions referring to this concept could be consolidated in one place
Art 6.18; Art 12.4(a)	Establishment of bodies for the implementation of the Agreement	Potential for streamlining, e.g. if provisions could be consolidated in one place (<i>see also annex</i>)
Art 6.17 and Art 6.18; Also decision paras 66 and 67, and Art 15	Convention institutions to serve the Agreement	Potential for streamlining, e.g. if provisions referring to this concept could be consolidated in one place (<i>see also annex and comment on Art 15</i>)
<i>Other comments and observations relevant to this Article</i>		
Legal and institutional questions arise with respect to the reference to bodies and institutions of the Kyoto Protocol, such as the Adaptation Fund and its Board, in particular the proposed designation of the Adaptation Fund Board as an operating entity entrusted with the operation of the Financial Mechanism of the Convention.		

Article 7 – Technology development and transfer

Art 7.1 – Strengthen cooperative action on technology development and transfer

Art 7.2 – Establish a global goal for technology development and transfer

Art 7.3 – Technology framework and its role

Art 7.4 – Provision of support to address barriers/IPR and facilitate technology access and deployment

Art 7.5 – Anchor institutional arrangements for technology

Art 7.6 – Provision of support for strengthening cooperative action and implementation of the technology framework

Art 7.7 – Provision of support for research, development and application, and facilitation of technology transfer and access

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 7.1, Art 7.2 opt 1, Art 7.6 opt 2 and 7.7 opt 1	Reference to strengthening/scaling up cooperative action/cooperation	References to strengthening/scaling up cooperative actions could be brought into one place
Art 7.1, Art 7.3 opt 2, Art 7.4 and Art 7.7 opt 1	Reference to addressing barriers	References to addressing barriers could be brought into one place
Art 7.1, Art 7.2 opt 1, Art 7.5 opt 2 and Art 7.7 opt 1	Reference to research, development and demonstration	References to RD&D could be brought into one place
Art 7.2 opt 1, Art 7.4, Art 7.6 opts 1 and 2; and Art 7.7 opt 1; Also Art 6.1, in Opt 2, and Art 6.14	Reference to provision of support (including financial support)	Potential for streamlining, e.g. if provisions could be consolidated in one place
Art 7.1, Art 7.2 opt 1, Art 7.3 opt 2, Art 7.4 and Art 7.7 opt 1	Reference to enhancing/facilitating access	References to enhancing/facilitating access could be brought into one place
Art 7.3 opts 1 and 2	Guidance and direction to institutions: Duplicated language: ... <i>provide direction and overarching guidance to ... the work of the existing institutions / Technology [Mechanism] [institutions] [under this Agreement] in the medium and long term and strengthen them.</i>	Could be consolidated by addressing overlapping language in the two options

Article 8 – Capacity-building

Art 8.1 – Objective of capacity-building

Art 8.2 – Principles

Art 8.3 – Provision of support

Art 8.4 – Reporting

Art 8.5 – Institutional arrangements

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 8.1 opts 1 and 3	References to: <ul style="list-style-type: none"> • vulnerable countries • principles/provisions of the Convention • various actions 	References to vulnerable countries, principles/provisions of the Convention and actions could be brought together in one place/paragraph <i>Possible streamlining:</i> Capacity-building under this Agreement should facilitate the enhancement of ability and capacity in all areas of climate change for developing country Parties, particularly vulnerable developing countries such as LDCs, SIDS and countries in Africa, and other Parties in need of support, including countries with economies in transition, in accordance with the principles and provisions of the Convention, to identify, design and implement adaptation and mitigation actions; facilitate technology development and the absorption of technology; facilitate access to finance; facilitate relevant aspects of education, training and public awareness; and facilitate the transparent, timely and accurate communication of information
Art 8.1 opts 2 and 4	Objective and references to actions for different groups of Parties	References to objective and references to actions for different groups of Parties could be brought together in one place/paragraph <i>Possible streamlining:</i> The objective of capacity-building under this Agreement is to enhance the capacities of Parties, in particular [Parties in need] [vulnerable developing countries, including LDCs and SIDS], to effectively implement this Agreement

Art 8.2 opts 1 and 2	References to guiding principles and approaches	References to principles and approaches could be brought together in one place/paragraph <i>Possible streamlining:</i> Capacity-building should be [country-driven,] based on and [respond] [responsive] to national needs and foster country ownership [of Parties, in particular of developing country Parties] [by developing country Parties], including at the national, subnational and local levels. Capacity-building should be guided by lessons learned [, including under the Convention,] and should be an effective, iterative process that is participatory, [country-driven,] cross-cutting and gender-responsive
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Article 8bis

Opt 1: Parties shall cooperate to implement policies/plans on climate change education to enhance action under the Agreement

Opt 2: Parties [shall][should] cooperate to enhance climate change education to enhance action under the Agreement

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 8bis opts 1 and 2	Cooperation and actions on education, training and public awareness	References to actions on education, training and public awareness could be brought together in one place/paragraph <i>Possible streamlining:</i> Art 8bis: Parties [shall][should] cooperate and take appropriate measures to [enhance] [develop, adopt and implement policies, strategies, regulations and/or action plans on] climate change education, training, public awareness, public participation and public access to information so as to enhance actions under this Agreement

Article 9 – Transparency of Action and Support

Art 9.1 – Establishment of a transparency system under this Agreement

Art 9.2 – Purpose of the system for transparency of action

Art 9.3 – Purpose of the system for transparency of support

Art 9.4 – Elements of information to be communicated

Art 9.5 – Manner in which information shall be communicated by Parties and process for the subsequent consideration of the communicated information; Option 3 also includes provisions to ensure transparency of support

Art 9.6 – Mandate to develop and adopt modalities, procedures and guidelines

Art 9.7 – Guiding principle for the transparency system

Art 9.8 – Transition period for developing country Parties

Art 9.9 – Application of rules and guidance related to accounting

Art 9.10 – Request to the secretariat to maintain a registry of mitigation efforts

Art 9.11 – Mandate to the CMA to facilitate understanding of nationally determined [contributions] communicated by Parties

Art 9.12 – Cooperation between the CMA and the COP to avoid overlap and duplication

Art 9.13 – Support to developing country Parties to implement this Article

Art 9.14 – Provision of support

Art 9.15 – Provision of support

Art 9.16 – Mandate to the CMA to review and update its decisions

Art 9.17 – Role of the transparency arrangements under the Convention in this Agreement

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 9.1 opt 1 and Art 9.17	Concepts relating to the continuation of the existing MRV arrangements:	The two paragraphs could be merged
Art 9.6 opts 1 and 2, and Art 9.7	Development of modalities, procedures, and guidelines, including guiding parameters for such development: Provisions overlap	<i>Possible streamlining:</i> 6. The CMA shall at its first session, building on lessons learned [from reporting under the Convention] and elaborating on the provisions above, adopt [common] modalities, procedures and guidelines, [as appropriate, for transparency of action and support.] [for the reporting and review of the information as set out in paragraph 4]. It shall take into account, inter alia: (a) The principles and provisions of the Convention (b) The need for flexibility in the light of capability; (c) The importance of facilitating improved reporting and transparency over time; (d) The need to avoid undue burden and duplication [to developing countries], taking into account the particular situation of small States Parties with limited administrative capacities; (e) The facilitative, non-intrusive, and non-punitive nature of [review][transparency system] and respectful of national sovereignty; (f) The need to ensure no backsliding; (g) The need to ensure no double counting; (h) The need to ensure environmental integrity.]
Art 9.10 and Art 3.9 opt 1	Reference to housing of NDCs	Substantive overlap. The provision regarding the housing of NDCs could be brought together in one place
Art 9.11 and Art 3.6	Role of CMA in facilitating the clarity and understanding of NDCs	Substantive overlap. The provision regarding the role of CMA in facilitating the clarity and understanding of NDCs could be brought together in one place
Art 9.14 and 9.15	Support to be provided to developing countries in implementing Article 9	Substantive overlap. <i>Possible streamlining:</i> [Developed country Parties,] [the operating entities of the Financial Mechanism and any other organizations in a position to do so] [shall][should][other] provide support to developing country Parties in the implementation of this Article, including [allocating financial resources] for the building of transparency-related capacity of developing country Parties in need, on a continuous basis.

Article 10 – Global stocktake

Art 10.1 – Purpose of the global stocktake

Art 10.2 – Scope of the global stocktake

Art 10.3 – Inputs to the global stocktake

Art 10.4 – Timing of the global stocktake

Art 10.5 – Resources for participation in the global stocktake

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 10 and Art 4.10 opt 1	Global stocktake with regard to adaptation – Overlap in concepts: Art 4.10 opt 1 refers to a global stocktake on adaptation and its periodicity; while Art 10.2 envisages adaptation to be part of a global stocktake under Art 10	Concepts relating to undertaking a global stocktake could be contained in one provision
<i>Other comments and observations relevant to this Article</i>		
Note: Art 3.7, Art 3.8, Art 4.10 opt 2, Art 6.9, Art 9.2 and Art 9.3 make a direct cross-reference to the global stocktake in Art 10		

Article 11 - Facilitating implementation and compliance

Opt I:

Art 11.1 – Establishment of an implementation and/or compliance mechanism/process/committee

Art 11.2 – Objective and scope

Art 11.3 – Nature

Art 11.4 – Structure, membership and decision-making

Art 11.5 – Basis for considering issues

Art 11.6 – Measures to be applied or actions to be taken by the mechanism/process/committee

Art 11.7 – Relationship of compliance mechanism/process/committee to the CMA

Opt II: Establishment of an International Tribunal of Climate Justice

Opt III: No reference to facilitating implementation and compliance (no Article 11)

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Opt I Art 11.2 opts 1–3	Objective: All options refer to facilitating implementation and either promoting compliance or addressing non-compliance	The concepts described in the “Concepts” column could be the starting point for a provision on the objective of the mechanism/process/committee
Opt I Art 11.3 opts 1 and 2	Nature: Both options speak of the committee/mechanism/process being facilitative, non-punitive, non-adversarial and non-judicial	The descriptions of the nature of the mechanism/process/committee referred to in the “Concepts” column could be a starting point for a statement on its nature
Opt I Art 11.2 opts 1–3 and Art 11.4 opts 2 and 4	Scope: The options for Art 11.2 define the scope of the work of the mechanism/process/committee Art 11.4 opts 2 and 4 indicate which commitments or actions of Parties would fall under the responsibility of each branch or mechanism	Concepts relating to the scope of the mechanism/process/committee, including its branches or mechanisms, if any, could be combined into one provision
Opt I Art 11.4 opts 2 and 4	Structure: Both options seek to reflect differentiation through the structure of the mechanism/process/committee	The concept of differentiation as reflected in the structure of the mechanism/process/committee could be captured in a combined option
Opt I Art 11.4 opts 1 and 3	Membership: Both options speak of equitable representation in the membership of the mechanism/process/committee	Concepts relating to membership could be combined into one provision
Opt I Art 11.2 opt 3 and Art 11.6 opt 2	Consequences: Both provisions refer to considerations that need to be taken into account, either in developing an indicative list of consequences (Art 11.2 opt 3) or in applying these (Art 11.6 opt 2)	Concepts relating to the development of an indicative list of consequences or their application could be combined into one provision
Opt I Art 11.7	Relationship to CMA: The first two sentences of this paragraph both provide for annual reporting to the CMA	<i>Possible streamlining:</i> 7. [The [process][mechanism][Committee] [, including the Committee] shall [be under the authority of and] report annually to the CMA [and shall operate under modalities and procedures agreed by the CMA at its first session]. [It shall elaborate its rules of procedure which shall be subject to approval by the second session of the CMA.]

Article 12 – CMA

Art 12.1–12.4 (a) and 12.5–12.8: Provisions on the CMA similar to provisions on the CMP in Art 13 of the Kyoto Protocol

12.4 (b) – Opt 1: CMA to adopt its own rules of procedure; Opt 2: CMA to apply the rules of procedure of the COP

12.4 (c) – Opt 1: CMA to perform other functions as may be required; Opt 2: Some specific functions defined

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 12.4(c) opts 1 and 2	Functions of the CMA: Both options note that the CMA may exercise other functions generally and specifically	These two options could be combined

Article 13 – Secretariat

Convention secretariat to serve as secretariat of this Agreement; functions

Article 14 - SBSTA and SBI

Subsidiary bodies of the Convention to serve as subsidiary bodies of this Agreement; decision-making only by Parties to the Agreement; replacement of bureau members; similar provisions as those in Article 15 of the Kyoto Protocol\

Article 15 – Bodies and institutional arrangements to serve Agreement

Art 15.1 – Anchoring of subsidiary bodies or other institutional arrangements established by or under the Convention

Art 15.2 – CMA to provide further guidance to those subsidiary bodies and institutional arrangements

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 15.1 and Art 15.2	Guidance by the CMA to Convention bodies and institutions: The two sub-paragraphs appear to address similar concepts on guidance by the CMA to the Convention’s SBs and institutional arrangements when serving the Agreement	The two sub-paragraphs could be combined, and some operational details included in the decision, as necessary
<i>Other comments and observations relevant to this Article</i>		
Given that Art 15.1 provides for bodies or other institutional arrangements to serve under this Agreement, there would be no need, from a legal perspective, to further specify these bodies in the text. Parties may consider specifying those bodies and other institutional arrangements in the Decision adopted in Paris.		

Article 16 – Signature and instruments of ratification, acceptance, approval or accession

Art 16.1 – Agreement to be open for signature from 22 April 2016 to 21 April 2017

Art 16.2 – REIO obligations with or without its members States being a Party to this Agreement

Art 16.3 – REIOs to declare extent of their competence with respect to the matters governed by this Agreement

Article 17 – Further requirements and decision-making rights

Opt 1: Further requirements: 17.1 – Submit a mitigation commitment or contribution to the secretariat in order to become Party to this Agreement; 17.2 – Have a mitigation commitment or contribution in order to participate in decision-making under the Agreement.

Opt 2: No further requirements

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Opt I Art 17.1 and Art 3.8(a) opt 1	Further requirements to become Party to the Agreement: Both provisions address the communication of a nationally determined [mitigation] contribution/commitment when a Party deposits its instrument of ratification or acceptance to the Agreement, and appears to be duplicative	The two provisions may be combined and streamlined, with consideration of final placement

Article 18 – Entry into force

Art 18.1 – Requirements for entry into force: number of Parties and/or percentage of total global greenhouse gas emissions; placeholder for start and end date of Agreement

Art 18.2 – Source of total global greenhouse gas emissions

Art 18.3 – Ratification specificities for REIOs

Art 18.3 – REIO instrument of ratification not counted as additional to those of member States.

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 18.1	Threshold for entry into force: Provision contains closely related concepts	The conditions for entry into force to the Agreement could be further streamlined

Article 19 – Amendments

Art 19.1 – Provisions of Article 15 of the Convention to apply mutatis mutandis for amendments to the Agreement

Art 19.2 – Procedure for adjustment of mitigation commitment

Art 19.3 – Procedure for adjustment of mitigation commitment

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 19.2 and Art 19.3, Art 20, and Art 3.8(e) opt 1	Adjustment of mitigation commitment: Articles 3.8(e) opt 1 and Articles 19.2 and 19.3 address adjustment of nationally determined [mitigation] [contribution][commitment], which may be inscribed in an annex to the Agreement. Article 20 addresses the procedures for amendment of annexes	Articles 3.8(e) opt 1 and Articles 19.2 and 19.3 could be streamlined, with consideration of placement as Article 20 addresses procedures for the amendment of annexes

Article 20 – Annexes

Art 20.1 – Annexes to the Agreement form an integral part to the Agreement

Art 20.2 – Provisions of Article 16 of the Convention to apply mutatis mutandis for annexes to the Agreement, except for annexes with regard to commitments

<i>Other comments and observations relevant to this Article</i>
There may be an incoherence between the options in Art 3.9, which refer to annex(es), and Art 20.1, which restricts annexes to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character. If the option of an annex in Art 3.9 is chosen then Art 20.1 may need to be adjusted.

Article 21 – Settlement of disputes

Art 21 – Provisions of Article 14 of the Convention to apply mutatis mutandis for settlement of disputes under the Agreement

Article 22 – Voting

Art 22.1 – Each Party shall have one vote

Art 22.2 – A REIO’s vote equals number of member States that are Parties to the Agreement

Art 22.3 – Decision by consensus. If no consensus, then decision by three-fourths majority vote

Art 22.4 – Definition of ‘Parties present and voting’

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Art 22.4 and Art 1.1	Voting: Both provisions define the term “Parties present and voting”, which is duplicative	Art 22.4 could be streamlined in view of the definition contained in Art 1.1

Article 23: Depositary:

The Secretary-General of the United Nations is the Depositary of the Agreement

Article 24: Reservations:

No reservation to the Agreement. [*Placeholder* for further text on reservation]

Article 25: Withdrawal:

Art 25.1 – A Party may withdraw after three years from entry into force of the Agreement

Art 25.2 – Taking effect of the withdrawal

Art 25.3 – Withdrawal from the Convention considered a withdrawal from the Agreement

Article 26: Languages:

Arabic, Chinese, English, French, Russian and Spanish texts are all equally authentic originals of the Agreement.

B. DRAFT DECISION

The Conference of the Parties,

- Pp1 Recalling Decision 1/CP.17 on the establishment of the ADP
- Pp2 Recalling Decisions 2/CP.18, 1/CP.19, and 1/CP.20
- Pp3 "Transforming our world: the 2030 Agenda for Sustainable Development"
- Pp4 Urgency and irreversibility of climate change and requirement for deep cuts
- Pp5 Rights and climate change actions

I. ADOPTION OF THE [PARIS AGREEMENT] [PARIS IMPLEMENTING AGREEMENT UNDER THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE]

1. Decision to adopt the [Paris Implementing] Agreement under the UNFCCC
2. Secretary-General of the United Nations to be the Depositary of the Agreement
3. Secretary-General to convene a high-level signature ceremony for the Agreement
4. Invitation for all Parties to the Convention to sign the Agreement at the ceremony to be convened by the Secretary-General
5. Provisional application of the provisions of the Agreement pending its entry into force

Option 1 (paras 6–10):

6. Termination of the ADP
7. Establishment of an Intergovernmental Preparatory Committee (IPC) to prepare for entry into force
8. COP oversees the implementation of the work programme
9. Requests the IPC to report regularly to the COP on the progress of its work
10. IPC1 to be held in conjunction with the first session of the SBSTA and the SBI in 2016

Option 2 (paras 6–10):

6. Completion of ADP mandate and decision to continue under mandate contained in paragraphs 7-9 below
7. Prepare for the entry into force of the Agreement and the convening of the first CMA1 and to conduct this work
8. COP oversees the implementation of the work programme
9. ADP to report regularly to the COP on the progress of its work
10. ADP first session of 2016 to be held in conjunction with the first session of the SBSTA and the SBI in 2016

Option 3 (paras 6–10):

6. Termination of the ADP
7. The SBSTA and the SBI to prepare for the entry into force of the Agreement and the convening of CMA1
8. COP oversees the implementation of the work programme
9. Requests the SBSTA and the SBI to report regularly to the COP on the progress of their work
10. The SBSTA and the SBI at their first session in 2016 to organize their work on the implementation of the work programme

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Para 5	The term "all of the provisions of" appears to be duplicative with reference to the term "the Agreement"	The term "all the provisions of" could be deleted
<i>Other comments and observations relevant to this section of the decision</i>		
Once Parties agree on the body/bodies that will prepare for entry into force, the consequential changes will be required in the decision to reflect that choice in a coherent way. Note: In cases in which the COP undertakes work itself, the respective paragraph would be phrased as a task that the COP <i>decides</i> to do, rather than as a request (see, e.g., para 109).		

Opt 2 para 7 (“conduct this work”) is unclear and should be rephrased. It could read, e.g.: “conduct the work programme referred to in paragraph 8 below”.

II. INTENDED NATIONALLY DETERMINED CONTRIBUTIONS

11. Welcomes intended nationally determined contributions (INDCs)
12. Invitation to submit INDCs to Parties that have not yet done so
13. Developed country Parties to communicate INDC on support
14. Secretariat to continue to publish the INDCs
15. Developed country Parties to provide support for INDCs
16. The SBI to clarify INDCs
17. Welcomes synthesis report on INDCs
18. Secretariat to update synthesis report
19. Parties to consider enhancing ambition before they submit NDCs
- 19bis. Conditions for developing country Parties to adjust their INDCs
- 19ter. Level of effort in NDC shall be at least equal to that in INDC
- 19quater. Developed country Parties to enhance ambition on mitigation and support
- 19quinquies. Enhancement of the INDCs of developing country Parties premised upon support
20. Facilitative dialogue among Parties
21. IPCC to develop special report on warming above 1.5 °C

III. DECISIONS TO GIVE EFFECT TO THE AGREEMENT

GENERAL

22. Welcomes the efforts of all actors to address climate change, including non-State actors
23. Invitation for non-State actors to scale up efforts
24. Invitation for non-State actors to demonstrate continued efforts via NAZCA portal

MITIGATION

25. Communication of first NDC; development of modalities relating to a global carbon budget
26. Mitigation actions consistent with all relevant obligations
27. Information to be provided when communicating mitigation NDCs
28. Adjustment of first NDCs
29. Development of modalities and procedures for registry
30. Secretariat to make available interim registry
31. Additional information on NDMC
32. IPC to consider Information on NDCs
33. Enhancement of the clarity, transparency and understanding of successive or revisited/recommunicated INDCs
34. Communication of successive or [revisited/recommunicated] INDC
35. Joint implementation of NDCs
36. Principles and guidelines for the land sector
37. International transfer of mitigation outcomes
38. Accounting for REDD-plus
39. Additional accounting methodologies and approaches
40. Accounting for international transfers of mitigation outcomes
41. Methodologies and approaches for accounting
42. Elaboration of methodologies and approaches for accounting

43. The SBSTA to review IAR and ICA guidelines
44. The SBSTA to develop accounting for support
45. Response measures
46. Mechanism to support sustainable development

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
<i>See table on Article 3 of the Agreement (Mitigation)</i>		

ADAPTATION

47. Nature of activities under Art 4.6
48. Modalities to assist developing countries to assess adaptation needs
49. Methodologies to ensure that level of support meets adaptation needs
50. Methodologies to recognize adaptation efforts of developing countries
51. Financial Mechanism and developed countries to support adaptation needs assessments
52. Requests to the Adaptation Committee
53. Reporting by the Adaptation Committee on priority areas of concern for regions.
54. Modalities for the operation of the registry in Art 4.9 Opt 1.
55. GCF to establish programmes for expedited support for LDCs for formulation of NAPs
56. Interim registry of adaptation communications
57. Recording priorities and needs communicated by Parties
58. Technical and knowledge platform
59. Operationalizing the technical and knowledge platform
60. Review of institutional arrangements for adaptation under the Convention
61. Providing information on climate resilience
62. Strengthening regional cooperation on adaptation, including regional centres
63. Recommendations regarding Art 4.7
64. Recommendations regarding Art 4.10

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Paras 52(a) and 60	Review on institutional arrangements	Consider how the two reviews relate to each other
Paras 47(f) opts 1 and 2	Nature of activities referred to in Article 4, paragraph 6	Opt 1 and 2 could be consolidated

LOSS AND DAMAGE

Option 1

65. Recall *two* decisions on the WIM
- 65bis. All Parties to reduce the risk of and address loss and damage
- 65ter. Early warning systems and comprehensive risk management planning
- 65quater. The WIM as the mechanism for loss and damage
- 65quinquies. Development of guidance for a comprehensive approach to climate risk management
- 65sexies. A clearinghouse for risk transfer
- 65septies. A climate change displacement coordination facility

Option 2

65. Early warning systems and risk management plans
- 65bis. Development of guidelines for a comprehensive approach to climate risk management

- 65ter. A financial technical panel under the WIM which shall explore approaches (a–c)
65quater. A climate change displacement coordination facility
65quinquies. A clearing house for risk transfer with functions (a–c)

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
<i>See table on Article 5 of the Agreement (Loss and Damage)</i>		

FINANCE

66. Operating entities of the Financial Mechanism and Funds
67. Guidance for the Financial Mechanism
68. *[Placeholder referring to Art 6.18 of Agreement text]*
69. Process for the consideration of new and alternative sources of finance
70.–71. Process to consider progress in relation to efforts
72. *[Placeholder for language on thematic funding]*
73. Enhancement of effectiveness of climate finance
74. Ex-ante communication referred to in paragraph 7 of the Agreement text
75. Mobilization of financial resources pre-2020
76. Mobilization of financial resources for adaptation pre-2020
77. New multilateral funding for climate change
78. Financial resources for the implementation of REDD-plus activities
79. Determination and reporting of needs and country programming priorities of developing countries
80. Process to review the reports of developing countries in the light of efforts to scale up provision of financial support
81.–82. MRV of support
83. *[No provision on market mechanism]*

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Paras 72 and 78	References to REDD-plus financing	Substantive overlap. Potential for streamlining if provisions relating to this concept could be consolidated in one place
Paras 66 and 67; Arts 6.17 and 6.18	Institutional arrangements	Substantive overlap. Potential for streamlining if provisions relating to this concept could be consolidated in one place
Para 79; also Art 4.5(e) Decision para 48	Needs assessment	Substantive overlap. Potential for streamlining, e.g. if the provisions relating to this concept could be consolidated in one place
Paras 81 and 82; also Art 9.3(c); and Opt 3 paras 100 and 100bis	MRV of support	Potential for streamlining, e.g. if the provisions relating to this concept could be consolidated in one place
Para 75	Mobilization of financial resources pre 2020	Related to para 115 (workstream 2): Consider whether the provisions relating to this concept could be consolidated in one place
Para 76	Mobilization of finance for adaptation pre 2020	Related to para 116 (workstream 2): Consider whether the provisions relating to this concept could be consolidated in one place

TECHNOLOGY DEVELOPMENT AND TRANSFER

84. Strengthen the TNA process

85. Elaboration by the TEC of the means of strengthening the TNA process
86. Strengthen the Technology Mechanism through dedicated RD&D platform
87. Improve enabling environments for and address barriers to technology development and transfer
88. Review and elaboration of the technology framework
89. Reporting line and strengthening of, and provision of guidance to institutional arrangements for technology
90. Review/periodic assessment of the institutional arrangements for technology

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Para 87 opts 1 and 2; and para 88 opt 2(g)	Reference to addressing barriers & creating/strengthening enabling environments	References with regard to addressing barriers and creating/strengthening enabling environment could be brought together in one place
Para 86, para 87 opt 1(a) opt (b) 1	Reference to research, development and demonstration	References with regard to RD&D could be brought together in one place
Para 87 opt 2(c), para 88 opt 2(f), placeholder in para 72 (of finance section)	Reference to provision of support (including financial support)	Consider addressing in one place
Para 87 opt 1(a),(b),(d), and opt 2; para 88 opt 2(b)	Reference to enhancing/facilitating access (including on IPRs)	References with regard to enhancing/facilitating access could be brought together in one place
Para 87 opt 1 (a) opt (a) and opt 2 (a)	References to policy frameworks: Duplicated language: “ <i>Establishing and strengthening policy frameworks</i> ”	Could be streamlined by addressing overlapping language in these two options
Para 87 opt 1 (b) and opt 2 (b)	References to private sector investments: Overlapping language: “ <i>Leverage... private sector investments... public sector technology...</i> ”	Could be streamlined by addressing overlapping language in these two options

CAPACITY-BUILDING

91. Opt 1: Outcome of 3rd review of the framework of capacity building for developing countries, institutional arrangements
Opt 2: Work programme on capacity-building
92. Institutional arrangements
93. Education, training and public awareness efforts
94. Modalities and procedures for education, training and public awareness

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Opt 2 paras 91bis(b) and 91ter(b)	Reference to coherence	Could be streamlined to avoid duplication of references to coherence
Opt 3 paras 92bis.(b), (d), (j)	References to synergies, dialogue, coherence, coordination	Could be streamlined to avoid duplication of references to synergies, dialogue, coherence, coordination

TRANSPARENCY OF ACTION AND SUPPORT

95. Operating entities of the Financial Mechanism to allocate financial resources for transparency-related capacity
96. SCF to propose ways to provide financial resources for transparency-related capacity, designed to: (a–c)
97. A Capacity-Building Reporting Initiative should be established to enhance Parties' capacity to report pursuant to Article 9
98. Global Environment Facility to support the establishment and operation of this Initiative as a reporting priority need
99. Opt 1: Develop recommendations for modalities, procedures and guidelines

Opt 2: Develop recommendations for modalities, procedures and guidelines taking into account guiding parameters (a–d)

Option I:

100. Reporting and conclusion of the work programme

100bis. First biennial communications shall be submitted in 2022

100ter. Review of reporting shall commence three months after the submission of biennial communications

100quater. MRV established by decisions 1/CP.16, and 2/CP.17 to be superseded by the common system of transparency

Option II:

100. Establishes a work programme for transparency readiness under the SBI to assist developing countries to implement Art 9

100bis. The SBI to agree on activities to be undertaken under the work programme

100ter. The SBI to report to each COP to seek guidance for further actions

Option III:

100. Continue and further strengthen the mandate of multilateral assessment for provision of support to developing countries during the IAR process for developed country Parties no later than 2016.

100bis. Developed country Parties shall report on provision of support

Option IV:

100. IPC and SBSTA to develop recommendations for modalities for a common framework for transparency of action and support in accordance with Art 9, paras 2, 3, 4 and 6, and based on the following characteristics: (i)-(vii)

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Opt 1 para 99 and Opt 2 para 99	Mandate to develop modalities, procedures and guidelines	Opt II chapeau and Opt I can be consolidated
Opt 4 para 100(a)(i)–(v)	Key principles on accounting of action	Duplicates the concepts contained in para 42 opt 1 and Art 10.3

GLOBAL STOCKTAKE

101. Opt 1: Design of the stocktaking, including ten parameters; Opt 2: no text

102. Opt 1: Request to the SBSTA on how the IPCC can inform the stocktaking, Opt 2: no text

103. Opt 1: IPC to develop modalities for the stocktaking with additional guidance, Opt 2: IPC to develop modalities for the stocktaking

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Para 101 opt 1 (c) and (d)	Both sub-paragraphs refer to the state of adaptation efforts	<i>Possible streamlining:</i> [Consider] [Take into account] the state of adaptation [experiences] efforts [and priorities][in the light of mitigation trajectories];
<i>Other comments and observations relevant to this section of the decision</i>		
Opt 4 para 100(a)(vii) and (b)(iv) (on Transparency) make a direct cross reference to the global stocktake in Article 10.		

FACILITATING IMPLEMENTATION AND COMPLIANCE

104. Request for development of modalities and procedures for the Committee/process/mechanism/International Climate Justice Tribunal

PROCEDURAL AND INSTITUTIONAL PROVISIONS

105. Opt 1: Request to develop the rules of procedure of the CMA; Opt 2: No text

IV. [WORKSTREAM 2]

[A. Preamble]

- Pp1 Decisions [1/CP.16], 1/CP.17–1/CP.20
Pp2 Convention, equity and CBDR
Pp3 Urgency of accelerating implementation of the Convention and its Kyoto Protocol
Pp4 Gap between emission reduction levels by 2020 and those required to hold the temperature increase
Pp5 Importance of cooperation
Pp6 Enhanced pre-2020 ambition that can enhance post-2020 ambition
Pp7 International cooperation on adaptation
Pp8 Policies by developed country Parties should be comprehensive and in accordance with historical responsibilities
Pp9 Legitimate needs for sustained economic growth and the eradication of poverty
Pp10 Enduring benefits of ambitious and early action
Pp11 Need to scale up quick-start opportunities
Pp12 Conclusions of the forty-second session of the SBI

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Pp1 of WS2 decision text; Pp3 of Agreement; Pp1 and Pp2 of WS1 decision text	Recalling decisions	Paras recall same decisions with the exception of 1/CP.16, which only appears in WS2 decision

[B. Mitigation]

106. Ensuring the highest possible mitigation efforts, by: (a-e)
107. Voluntary cancellation of emissions units issued under the Kyoto Protocol
108. Transparent reporting of internationally transferred mitigation outcomes to avoid double counting
109. Voluntary mitigation actions and their co-benefits
110. Strengthening the existing technical examination process (TEP) on mitigation, by: (a-e)
111. Organization of the above-mentioned TEP by the secretariat by: (a-d)
112. Continuation of the TEP until 2020
113. Assessment of the TEP

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Para 111(a)	References to cooperation with TEC (in relation to its role in the TEMs)	Duplication of reference to TEC could be removed

[C. Support]

114. Recognition of the need for and urgency of enhanced provision of support
115. Path for developed country Parties to increase their level of financial support towards the USD 100 billion goal
116. Path for developed country Parties to achieve the USD 100 billion goal, including allocation for adaptation

117. Reemphasis of request to developed country Parties for clarity on provision of support, with greater emphasis on transparency and predictability of financial flow
118. Reiteration of SCF's mandate to explore how it can enhance MRV
119. Provision of financial support by the operating entities of the Financial Mechanism for the development and transfer of environmentally sound technologies and know-how, including the removal of barriers to their access.
120. Review of the gaps in implementation of pre-2020 mitigation and provision of support

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Paras 115 and 75	Path for developed country Parties to increase financial support	Consider whether the provisions relating to this concept could be consolidated in one place
Paras 116 and 76	Allocation of financial support for adaptation	Consider whether the provisions relating to this concept could be consolidated in one place

[D. Accelerated implementation]

Option 1 (paragraphs 121-121bis):

121. Launch of a process for accelerating implementation in 2016-2020, by: (a)–(g)
- 121bis. Actions by the accelerated implementation process, (a)–(e)

Option 2 (paragraphs 121-121ter):

121. Launch of a process/dialogue to accelerate implementation by 2020, including: (a)–(b)
- 121bis. Submissions of views by Parties, accredited observers, and Convention bodies on the matter above
- 121ter. Provision of expert inputs by Convention bodies on the matter above

Option 3 (paragraph 121):

121. No text

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Opt 1 para 121bis(e) and Opt 2 para 121ter	Expert inputs from the Convention bodies on acceleration of implementation	Option 1 and Option 2 could be streamlined
Opt 2 para 121 and para 20 opt 1	Facilitative dialogue	It could be considered whether and how these two dialogues relate to each other

[E. Non-Party stakeholder engagement]

122. Results of the Lima–Paris Action Agenda
123. Efforts of non-Party stakeholders
124. Invitation to non-Party stakeholders to demonstrate their climate actions via NAZCA platform
125. Close work of Parties with non-Party stakeholders to catalyse efforts
126. Encouraging non-Party stakeholders to increase their engagement
127. Declaration of the World People's Conference on Climate Change and the Defence of Life
128. Establishing a platform for supporting and strengthening the knowledge of indigenous peoples

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Opt 1 para 121(e), para 128, and para 129(d)	Providing space for exchanging/strengthening knowledge, practices and technologies of indigenous peoples and local communities	This concept appears in the context of AIM, non-Party stakeholder engagement and high-level dialogue/event. Note: However references are in different contexts.
Paras 123 and 22	Welcoming efforts of all actors, including civil society, the private	The same groups of actors are welcome and mentioned in the context of the general section under the decisions to

	sector, financial institutions, cities and other subnational authorities, local communities and indigenous people	give effect to the Agreement and in the context of non-Party stakeholder engagement under workstream 2
Paras 123 and 23	Invitation to scale up efforts by actors and non-Party stakeholders	Concept appears in the context of the general section under section III (decisions to give effect to the Agreement – General) and in the context of non-Party stakeholder engagement under workstream 2
Paras 124, 123 and 24	Invitation to demonstrate commitments via NAZCA portal	Concept appears in the context of section III (General) and in the context of non-Party stakeholder engagement under workstream 2

[F. High-level dialogue/events]

129. Convening, in conjunction with each COP from 2016 to 2020, a high-level event that: (a–e)
130. Appointment of two high-level champions to facilitate the scaling up of efforts by: (a–c)
131. High-level champions’ term of two years, such that: (a–c)
132. Invitation to all interested Parties and relevant organizations to provide support for the work of the champions
133. Request to the secretariat, in consultation with the current and incoming presidents of the COP, to make arrangements facilitating the provision of support referred to above

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Para 128 and para 129(d); Opt 1 para 121(e)	See above (non-Party stakeholder engagement, 1 st row)	See above

[G. Adaptation]

Opt 1 (paragraphs 134–134septies):

134. The launching of a TEP on adaptation, taking into account: (a)–(c)
- 134bis. Scope and activities of the TEP: (a)–(j)
- 134ter. Request to the Adaptation Committee to prepare a yearly synthesis report on the progress of initiatives under the process
- 134quater. Request to the secretariat to facilitate the process referred to in paragraph 134 opt 1 above and to disseminate its results, taking into account the work of, inter alia, the Adaptation Committee, the LEG, and activities under the Nairobi work programme, including by: (a)–(d)
- 134quinquies. Continuation of the TEP until 2020
- 134sexties. Assessment of the process
- 134septies. Taking note of lessons learned from the mitigation TEP and replication of applicable processes

Opt 1 Alt (paragraphs 134–134quater):

134. Launch of a TEP on adaptation
- 134bis. Convening of a high-level event to strengthen engagement on adaptation
- 134ter. Request to the Adaptation Committee to prepare an annual report on the progress of the initiatives under the process
- 134quater. Request to the secretariat to facilitate the process and to disseminate its results

Opt 2 (paragraph 134):

134. Taking note of lessons learned from the mitigation TEP and replication of applicable processes

<i>Closely related paragraphs and duplications</i>	<i>Concepts</i>	<i>Possible areas for streamlining, comments and observations</i>
Opt 1 paras 134–134septies, and Opt 1 Alt paras 134–134quater	Both options address the adaptation TEP proposal	Opt 1 and Opt 1 Alt could be streamlined

Para 129(a) and Opt 1 Alt para 134bis	Strengthen high-level engagement on implementation of policy options and actions	It should be ensured that these concepts are complementary, consistent and duplication avoided
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135. Budgetary implications of the activities to be undertaken

V. ADMINISTRATIVE AND BUDGETARY MATTERS

136. Requirement for additional resources

137. Urgency of making additional resources available

138. Request to Parties to make voluntary contributions

139. Request to the Executive Secretary to provide an estimate of the budgetary implications

Annex:

Overview table – additional orientation regarding the locations of some key concepts

The table below provides a mapping across both the draft Agreement and the draft decision of a number of recurring and cross-cutting concepts. Inclusion in this table does NOT suggest that there is duplication or overlap as such, as the concepts are treated within the different Articles and paragraphs in which they appear in a manner appropriate to the context. This table is rather designed to allow Parties to have an overview of where some essential cross-cutting issues may be dealt with during the negotiations and therefore act as an aid to their planning for the session.

Articles and related decision paragraphs		Preamb.	Art 2	Art 2 bis	Art 3	Art 4	Art 5	Art 6	Art 7	Art 8	Art 9	Art 10	Art 12–26	WS 2	Other provisions of the Decision
Direction of travel	Long term goals/signals	Pp11 Pp14	2.1		3.1 opts 1&2 3.12	4.1 opt 1 4.1 opt 2		Opt I 6.1	7.2 opt 1						
	Progression			2bis 2	Opt II 3.3 ter Opt IV 3.3 bis opt 1 Opt II 3.3 quater Opt IV 3.3 bis opt 2 Opt IV 3.3 ter 3.4 3.5 3.8(e) opt 1 Para 28 opt 1			Opt I 6.1ter 6.5 opts 1, 2, 3 Para 80		8.4 opt 1	9.1 opt 3 9.6 opt 1	10.1			Para Opt I19 Para Opt I19ter
	Temperature limit		2.1		3.1 opts 1&2 3.8(c) opt 1 Para 27	4.1 opt 1		6.5 opt 2	7.2 opt 1		9.2 opt 1	Para 101 opt 1		Pp4	Para 17

Articles and related decision paragraphs		Preamb.	Art 2	Art 2 bis	Art 3	Art 4	Art 5	Art 6	Art 7	Art 8	Art 9	Art 10	Art 12–26	WS 2	Other provisions of the Decision
Reference to the Convention	Principles and provisions	Pp2	2.2		3.1 opt 1 Opt I 3.7 Opt II 3.7 Opt II 3.7bis 3.14 opt 1	4.1 opt 1 4.12 opt 2	Opt I 5.1	Opt II 6.1	7.1	8.1 opt 1 8.1 opt 3	Opt III 9.5 9.7			Pp2 Pp8	
	CBD/RC or Convention Annexes	Pp2	2.2		3.2 opt 2 Opt II 3.3 Opt III 3.3 Opt IV 3.3bis opts 1&2 3.10 opt3 3.10 opt 1 3.17	4.4	Opt I 5.1 Para Opt II 70	Opt II 6.1 Opt II 6.5 opt 2	7.7 opt 1 Para 87 opt 2		9.1 opt 1 Opt III 9.5 and 9.5bis Para Opt III 100 Para Opt III 100bis			Pp2	
	Article 4	Pp3		2bis.1	Opt II 3.3 bis 3.14 opt 1	4.4 4.6 Para 58			7.1			10.1		Pp8 Para Opt I 134bis	
Support for implementation	Support for action			2bis.3	Opt II 3.3 bis Opt II 3.3 quarter 3.4 Opt I 3.7 Opt II 3.7 Opt II 3.7bis 3.17 opt 1 3.17 opt 2 3.18	4.2 opt 2(a) 4.4 4.5 (d) 4.7 (b-c) 4.12 opt 1 4.12 opt 2 Para 47 Para 48 Para 49 Para 51 Para 52 (b), (c) and (e) Para 55		Opt I 6.1bis Opt I 6.1quater Opt II 6.1 6.2 (a)	7.4 opt 1 7.6 opts 1 and 2 7.7 opt 1 Para 87 opt 1 (d), opt 2(c) Para 88 opt 2(f)		9.13 9.14 9.15	10.5		Para 114 Para 115 Para 116 Para 117 Para 119	Para Opt I 19quinquies
	Conditions for action	Pp3 Pp5 Pp12 opt 2			Opt II 3.3 Opt IV 3.3 opt 1 Opt IV 3.3 ter Para 44 Para 45 opt 1	4.3			Para 89 opt 2	8.1 opt 1 8.1 opt 2 8.1 opt 3 8.1 opt 4 8.3 opt 2 8.4 opt 2	9.3 Opt I 9.5 9.7 9.8		Opt I 17.1 Opt I 17.2	Pp7 Pp8 Pp9	Para Opt I 19bis

Articles and related decision paragraphs	Preamb.	Art 2	Art 2 bis	Art 3	Art 4	Art 5	Art 6	Art 7	Art 8	Art 9	Art 10	Art 12–26	WS 2	Other provisions of the Decision
Utilization of existing institutions				3.6 3.13 opt 1 3.17	4.5 4.11 opt 1 4.11 opt 2 Para 48 Para 52 (a) Para 53 Para 54 Para 58 Para 59 Para 60	Opt I 5.3 Opt I 5.4	6.17 6.18 66	7.3 opt 2 7.4 opt 1 7.5 7.6 opt 2 Para 84, 85 Para 86 Para 88 Para 89	8.3 opt 1 8.5 opt 1 8.5 opt 2	9.1 opt 1 9.1 opt 3 9.1 opt 4 Opt III 9.5 9.15 9.17		12.3 13 14 15.1	Para 110 Para 111 Para 114 Para 116 Para 118 Para 119 Para 121 Para Opt 1 121 & 121bis(e) Para Opt 2 121ter Para Opt 1 134ter Para Opt 1 134quarter Para Opt 1Alt 134 Para Opt 1Alt 134ter Para Opt 1Alt 134quater	