

From Paris to Marrakesh or
the challenge of implementation
Twenty-second Conference of the Parties
to the United Nations Framework
Convention on Climate Change
(COP22, CMP12, CMA1)

Summary for policymakers



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Marrakesh, Morocco
7-18 November 2016

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A few words from the Director of the IFDD

The 22nd session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 22), which will be held in Marrakesh (Morocco) on 7-18 November 2016, is a chance for all stakeholders to identify concrete actions for implementation to provide a targeted and appropriate response to global warming.

On 25 September 2015, the United Nations adopted a sustainable development programme entitled “Transforming our world: the 2030 Agenda for Sustainable Development”. The thirteenth Sustainable Development Goal (SDG) urges “taking urgent action to combat climate change and its impacts”. Thankfully, under the auspices of the United Nations Framework Convention on Climate Change (UNFCCC), the Parties to the Convention adopted an agreement in Paris on 12 December 2015 to stabilise global warming. This goal of this agreement, which was supported by all Parties, is to maintain the rise in temperature below 2 degrees Celsius and for the Parties to continue their efforts to achieve a threshold of 1.5 degrees.

In addition, major progress on adaptation has been made in the Paris Agreement, with the establishment of the global objective of “enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change with a view to contributing to sustainable development...”¹.

This is excellent news for climate stability and all regions of the world which are vulnerable to the adverse effects of climate change. With the Paris Agreement, which entered into force on 4 November 2016, the international community, through its Heads of State and Government, has shown comprehensive consensus on the need to act urgently and measure the climatic disorders of the planet. But what is the Paris Agreement worth without concrete, diligent actions, was it intended to be binding or universal?

During recent weeks (September 2016), the Cotonou Declaration by local and regional elected officials in Africa, the Nantes Declaration by non-State climate players and the Ministerial Meeting of the Least Developed Countries in Kinshasa have unanimously called for enhanced concrete action to plug the gap between the current commitments and the goal of the Paris Agreement.

Readers, the COP 22 in Marrakesh will be undoubtedly, or so we sincerely hope, the COP for action. The Parties must, among other things, operationalise the national mitigation and adaptation contributions, make financing available and accessible and adopt actions to minimise loss and damage, build capacities and clarify the implementation control and monitoring mechanisms to ensure transparency and that these commitments are met.

1. Paris Agreement, Article 7(1).

All stakeholders in the climate negotiations, including the non-State players who will subsequently play an essential role, must continue, during this COP 22, to discuss the ways and means of implementing concrete actions to slow down climate change, by combining them with the initiatives launched in Paris under the Lima-Paris Action Plan.

Readers, the International Organisation of the Francophonie (OIF), through its subsidiary, the *Institut de la Francophonie pour le développement durable* (IFDD – Institute of the French-speaking world for Sustainable Development), will support actions for a transition to a low-carbon economy which creates co-benefits (job creation for young people and women, quality of life, reinforced solidarities) in the member countries.

I hope that the new edition of the Guide to the Negotiations and Summary for Policymakers produced by IFDD will enlighten you on the issues of COP 22. They are designed to keep you advised of progress in the negotiations and on the key points to be discussed during COP 22.

Their production has been made possible through the mobilisation of the French-speaking expertise and of our partners, especially Énergies 2050, who we thank most warmly.

Negotiators and partners, I leave you to explore the Summary and wish you excellent work and a successful outcome in Marrakesh. The moment has come to move from negotiation to action. Pleasant reading!

Jean-Pierre Ndoutoum

How to use this guide

The *Guide to the Negotiations* and the *Summary for policymakers* is enhanced year on year and goes beyond the climate change negotiating structure. Academics, public or private figures and representatives of civil society organisations or international institutions – they are all using the *Guide* and the *Summary* increasingly as an independent, factual and up-to-date source for the negotiations with an exhaustive, dynamic review of issues, challenges and opportunities for action.

Once again this year, the drafting team has attempted to break new ground by boosting the accessibility of information to readers with varying degrees of knowledge about the negotiation process – whether they have in-depth knowledge or knowledge of certain aspects only or are first-time attendees. The aim is still for each individual to access all the information he needs, but also that every person can dip into it based on his priorities and the time he can give to it. With this in mind, efforts have been made to engage with a wider audience. Outreach boxes support the descriptions and detailed analyses of the various questions addressed in the negotiations wherever possible. The notion addressed can thus be grasped immediately. Special emphasis has been placed on creating an iconography that is as detailed and educational as possible. Illustrative diagrams and summary tables round out the whole and aim to give the reader all the keys he needs to understand what is happening within the negotiation chamber.

The *Guide* is once more benefiting this year from input from a group of authors comprising eminent members from different French-speaking countries who have been involved in the climate negotiations for many years. Known and recognised players, their early involvement in the negotiation chamber as well as in implementing policies and measures resulting from climate agreements brings this collective work as close as possible to the negotiation realities and the understanding of major issues and challenges. We are hopeful that the various contributions will make the work even more relevant, productive and fully engaged with the reality of negotiators and actors implementing concrete projects resulting from the negotiations.

Part I proposes a detailed analysis of the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) held in Paris on 30 November-11 December 2015. Beyond the results of COP 21 which culminated in the first universal climate agreement, this part attempts to decipher the negotiation processes and cycles occurring prior to the Conference and which led to this historic result. Deciphering the Paris Agreement and operating modalities emerging from Decision 1/CR.21 is also proposed.

Part II presents in detail the execution and challenge of implementing the Paris commitments, by focusing on the issues relating to the permanent subsidiary bodies, namely the Subsidiary Body for Implementation (SBI) (Section II.1), the Subsidiary Body for Scientific and Technological Advice (SBSTA) (Section II.2) and the Ad Hoc Working Group on the Paris Agreement (AWG-APA) (Section II.3).

Part II puts into perspective the major themes debated under COP 21 and included in the Paris Agreement and Decision 1/CP.21. This includes especially the implementation of commitments forming part of the Intended Nationally Determined Contributions (INDC), the ambition, the financing questions and the role of non-State players.

Each theme forms part of what is called the “spirit of Paris” by many people, which must be maintained during COP 22 and over time to take up the challenge of implementation and convert the ambitions of the international community into reality. The insufficient national mitigation commitments given the target of limiting global warming to less than 2°C are naturally the overriding question in this context.

The authors have attempted to offer an overview and then detailed analyses for all three parts, featuring the main climate negotiation issues and the challenges in achieving the objectives set by the Paris Agreement. Numerous synthetic diagrams figure in the body of the document. These are designed to give the reader an educational overview of the various topics addressed.

The outlook within each section on the expectations of the COP 22 is presented in terms of execution and operationalisation of major issues. Terminology sheets relating to the French and equivalent English vocabulary specific to the climate change negotiations and the abbreviations and acronyms currently used under the negotiations are also provided.

Readers are referred to other sections of the document and to the source documents the length of the text so that they can broaden their understanding of a topic if they so wish. Note that only the document listings are quoted when reference is made to UNFCCC documents. These listings, designed to make reading easier, can furthermore be used to find the documents referred to very easily on the UNFCCC Internet site². A table has been added so that each individual can understand the UNFCCC and Kyoto Protocol document listings³.

We hope that the guide and its summary will meet readers’ expectations. We ask them to share their assessment and suggestions with us by filling in the form at the end of the guide.

The guide and its accompanying Summary for policymakers were updated on 5 October 2016.

Climate change is an universal issue where the effects are very real for an increasing proportion of the world population. More than ever there is an urgent need for action and the negotiations, even if they are still the remit of the UNFCCC States-signatory Parties, must not remain within the restricted enclave of specialists. This *Guide to the Negotiations* and its accompanying *Summary for policymakers* augment the firm commitment to give every reader the keys to act.

2. <http://unfccc.int/documentation/items/2643.php>

3. A.4 *UNFCCC and Kyoto Protocol document listings*

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Introduction

From Paris to Marrakesh... The challenge of implementation

The anthropogenic origin of climate change is now acknowledged virtually unanimously. Scientific analyses highlight gradual disruptions and a global rise in temperatures over the last two centuries, at an increasing pace during recent decades⁴. They are mainly caused by greenhouse gas emissions (GHG) associated with our consumption and production modes, with consequences that could quickly prove irreversible⁵. In spite of international negotiations, it has to be recognised that the progress made in combating climate change has remained very modest in comparison with the many challenges.

The fifth Report of the Intergovernmental Panel on Climate Change (IPCC) restated in 2013 the anthropogenic (human) origin of this phenomenon. It henceforth deems the link between the rise in temperatures noted since 1950 and human activities as “extremely likely⁶” (that is a probability of over 95%). According to this report, the increase in average temperatures could be between +2.6°C and +4.8°C between now and 2100, which is well below the political targets set by the international community. This increase would have major impacts, in particular changes to rainfall systems, melting ice, rising sea levels (from 26 to 85 cm by the end of the century, depending on scenarios), the salinisation of soils, advancing desertification, ocean acidification or increasing extreme climatic events. These consequences would make already complex environmental, economic and social issues more pronounced, particularly in developing countries⁷.

The negotiation process put into place to face up to this global challenge is a pioneering experiment in the history of our societies. For the first time ever, the governments of almost all countries are working together in the framework of a complex process which questions our model of organisation and our economies and makes the environment, human development or solidarity among people central concerns once again. The only precedent is the Montreal Protocol adopted in 1985 on the emission of substances that impoverish the ozone layer, which was, by comparison, simplicity personified in relation to the complex processes relating to climate change and GHG emissions. The world agreement on the ozone layer must, however, be a source of optimism, as thanks to the international mobilisation that united most nations around a same table, the ozone layer is now recovering⁸.

4. IPCC, 2013

5. IPCC, 2013

6. IPCC, 2013

7. Source: IPCC, quoted in ENERGIES 2050, 2016a

8. WMO and UNDP, 2014

We can only hope for the same success of the negotiation process under the United Nations Framework Convention on Climate Change (UNFCCC). After all, we must remember the overwhelming size of the challenge – no more and no less than protecting present and future generations from the multiple, devastating consequences potentially generated by too rapid a rise in Earth’s temperatures. The responsibility weighing on the shoulders of negotiators and policymakers is therefore huge. It has not yet been assumed, as demonstrated by the failures of the conferences in the Hague in 2000 and in Copenhagen in 2009. Nevertheless, the international process has quite clearly always been reinvigorated, which finally resulted in the adoption of a new agreement during COP 21. In a context in which each individual defends the legitimate interests of his country, delays in implementing significant actions have consequences for everyone. These consequences will be very unevenly spread, placing a burden particularly on the poorest countries, which are, however, only slightly or not responsible for the current situation.

The agreement reached in Paris in 2015 is of critical importance to the progress of the climate negotiations. Fruit of a process started in 2011 with the launch of the Ad Hoc Working Group on the Durban Platform for Enhanced Action, which had the principal mandate of achieving an agreement for 2015⁹, it makes a reality of the hope for a global commitment by States and a boosting of measures taken to face up to climate change. This Agreement obligates all State Parties to the UNFCCC to significantly reduce their GHG emissions, but also addresses the implementation of necessary measures to increase the resilience of Man and of its environment to deal with climate disruption. The next stage must be implementation.

The Paris Agreement plots the road map for the years to come. For the first time, it gathered all the Parties to the UNFCCC. The Parties committed themselves through this universal agreement to a common guideline for long-term, resilient and low-carbon development strategies. The Paris Agreement thus takes into account Parties’ necessary mitigation efforts, with a view to achieving the goal of holding the temperature increase “well below” 2°C above pre-industrial levels, while indicating a wish to undertake efforts to limit the increase to 1.5°C. The concerns of developing countries were also incorporated, and adaptation is now one of the central issues, in the same way as mitigation, in the Paris Agreement and Decision 1/CP.21, which operationalises it.

The establishment of the Paris Agreement is the result of an innovative bottom-up approach from the UNFCCC, as each Party has had to set out their own commitments through the intended nationally determined contributions (INDC). Through this inclusive and participatory process, the Convention’s founding principles – common but differentiated responsibilities and respective capabilities, in the light of different national circumstances – are fully reaffirmed, and are also endorsed in the Paris Agreement. Even if commitments must be increased every five years, this momentum does, however, run the risk that the amount of national commitments is not enough to reach the target of 1.5°C/2°C. It should be recalled

9. Decision 1/CP.17

that, despite repeated warnings from the IPCC, which was already calling on developed countries in 2007 to collectively reduce their greenhouse gas (GHG) emissions from 25 to 40% by 2020 compared with levels in 1990¹⁰, global anthropogenic GHG emissions have not stopped rising¹¹. The temperature of our planet has already risen by 0.85°C since the pre-industrial period and the effect is accelerating: the IPCC has reported that half of this rise has occurred during the last four decades¹². A report of 2 May 2016 produced by the UNFCCC Secretariat, taking into account the INDC communicated by Parties by 4 April 2016, confirmed that States' commitments would not be enough to put our societies on a pathway that is consistent with a temperature increase of below 2°C¹³. Given that for the majority of Parties that have ratified the Paris Agreement, the INDC ("intended" contributions) have merely been "copied" to become the Nationally Determined Contributions (NDC), an opportunity for raising the level of ambition has already been lost. Ensuring that the level of ambition is continuously raised is therefore a major challenge. International cooperation provides initial leverage, such as the mobilisation of all stakeholders in the process. This already led to the adoption of the first universal climate agreement that has become legally binding¹⁴.

COP 21 also provided non-state stakeholders with the occasion to reaffirm their commitment and to stress their central position above and beyond their simple role as observers of United Nations negotiations. The Paris Agreement thus calls for the mobilisation of all States, and also all stakeholders and individuals, by recognising the important and essential role that each individual must play in this collective structure.

It is now expected that the major progress enabled by COP 21 will be confirmed at the Conference in Marrakesh. An important aspect will be the definition of the regulation for market mechanisms that will help to reduce the costs involved in achieving the mitigation targets included in the NDC.

In addition, real progress on adaptation regarding institutional coherence and financing are also among the key subjects of negotiation for COP 22.

At this conference, the Parties should also show real progress on the Pre-2020 Agenda, significant effort in capacity-building, a boost in support for developing countries and technology transfer, or improved access to sources of finance. The issues of maintaining and monitoring international cooperation, commitment, financing, technology transfer and capacity-building will also be core subjects. It is essential for the "spirit of Paris" to be kept alive in Marrakesh, and for the international community's ambition to be based on trust and sustained, more so now than ever, given that the Paris Agreement has officially entered into force.

10. IPCC, 2007

11. IPCC 2014a, p. 6

12. IPCC 2014a

13. UNFCCC, 2016d

14. The requirements for the entry into force of the Paris Agreement (55 Parties – 55% of global emissions) were met from 5 October 2016, with, on the same date, the official ratification by 72 Parties accounting for 56.75% of global emissions.

A Guide to the Negotiations and a Summary for policymakers to understand, share and increase the opportunities to act

The *Guide to the Negotiations* and its accompanying *Summary for policymakers* falls under the wider context of the support provided by the *Institut de la Francophonie pour le développement durable*, a subsidiary body of the International Organisation of La Francophonie (OIF), to French-speaking countries in the international climate change negotiations.

With the aim of helping readers to gain a better understanding of the challenges of COP 22, this *Summary for policymakers* looks back, in Part I, on the progress made in Paris. Part II is an analysis of the issues concerning the achievement of targets, through the prism of the mandates of the permanent subsidiary bodies. The major issues at stake are then presented in Part III. Diagrams have been added throughout the text in this 2016 edition to clarify certain notions or throw light on specific issues. Boxes on specific points enrich the document.

We hope that it will be a useful tool for all delegates and that it will make an effective contribution to facilitating the search for a consensus for an ambitious and realistic Marrakesh agreement that is in line with the challenges.

Part I.

The analysis of Paris

1.1 Conclusions of the Durban Platform

Established within the framework of COP 17, the objective of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) was to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties¹⁵, and also to raise the level of mitigation ambition for the pre-2020 period¹⁶, in line with the latest scientific information provided by the Fifth IPCC assessment report.

1.1.1 Pre-2020 enhanced action (ADP Workstream 2)

Implemented within the framework of the Durban platform for enhanced action, Workstream 2 (WS2) aims to correct the gap between the needs in terms of mitigation and the promises of emissions reduction for the pre-2020 period in the optic of contributing without waiting to maintaining the increase of temperatures to 1.5 or 2°C compared with pre-industrial levels. Apart from the aim of raising mitigation ambition, discussions under WS2 also addressed financial, technological and capacity-building support for the mitigation measures.

The creation of WS2 is the consequence of a feeling of urgency in face of the increase in temperatures whose consequences could be disastrous in developing countries in general, and in particular for those that are more vulnerable. This feeling is today accentuated by the recent publication of the 5th assessment report of the Intergovernmental Panel on Climate Change (IPCC)¹⁷ and the 2015 Report by the United Nations Environment Programme (UNEP). The latter stressed the need for all countries, and particularly the largest greenhouse gas (GHG) emitters, to go as far as possible in meeting their commitments made in Cancún for 2020 (and, ideally, to surpass them)¹⁸.

15. Decision1/CP.17, para. 2 “Workstream 1” (WS1)

16. Decision1/CP.17, para. 6 “Workstream 2” (WS2)

17. IPCC, 2014

18. UNEP, 2015a

The decisions taken in Paris, relating to WS2, include a series of provisions aimed at increasing not only mitigation efforts and means of implementation, but also adaptation efforts. These decisions include the ratification of the Doha amendment, delivering on the commitments under the Cancún Agreements, the technical review process and facilitation dialogue, and the consideration of adaptation measures and means of implementation.

a. Ratification of the Doha Amendment

COP 21 decided to ensure that mitigation efforts were taken to the highest possible level before 2020, in particular by urging all Parties to the Kyoto Protocol that have not already done so to ratify and implement the Doha Amendment to the Kyoto Protocol¹⁹.

b. Commitments under the Cancún Agreements

In Paris, COP 21 decided to ensure that mitigation efforts were taken to the highest possible level before 2020, in particular by urging all Parties that have not already done so to make and implement a mitigation pledge under the Cancún Agreements²⁰. COP 21 urged all Parties to participate in the existing measurement, reporting and verification processes (MRV) under the Cancún Agreements, in a timely manner, with a view to demonstrating progress made in the implementation of their mitigation pledges²¹.

c. Technical Examination Process (TEP) on Mitigation

After the extension of the TEP on mitigation from 2015 to 2020 by the Conference of the Parties at its twentieth session²², the Parties to the Convention strengthened it, given the importance of having a revision and evaluation mechanism on the efficiency of the process, and taking into account the latest scientific knowledge²³.

d. Facilitative dialogue

COP 21 decided to establish a facilitative dialogue at the same time as the twenty-second session of the Conference of Parties, to establish the progress achieved in the implementation of paragraphs 3 and 4 of Decision 1/CP.19 and to identify possibilities to increase the financial resources provided, including for the development and transfer of technology and capacity-building, with a view to examining ways to raise all Parties' level of mitigation ambition, in particular by identifying the possibilities of increasing the contribution and mobilisation of support and to introduce appropriate frameworks.

19. Decision 1/CP.21, para. 105a

20. Decision 1/CP.21, para. 105b

21. Decision 1/CP.21, para. 105e

22. FCCC/CP/2014/10/Add.1, para. 19

23. Decision 1/CP.21, para. 109

e. Technical Examination Process on Adaptation

The decision which accompanies the Paris Agreement provides for the launching of a technical examination process on adaptation measures in the period 2016-2020, with the aim of improving its efficiency²⁴. This technical examination process will, as far as possible, identify concrete opportunities for strengthening resilience, reducing vulnerabilities, and increasing the understanding and implementation of adaptation actions. The introduction of this new TEP on adaptation was welcomed by many developing countries in which adaptation is as important as mitigation. Some viewed these institutional links as potentially moving the TEPs beyond “talk shops” and into “solutions spaces” where technologies and practices for both mitigation and adaptation become globally disseminated²⁵.

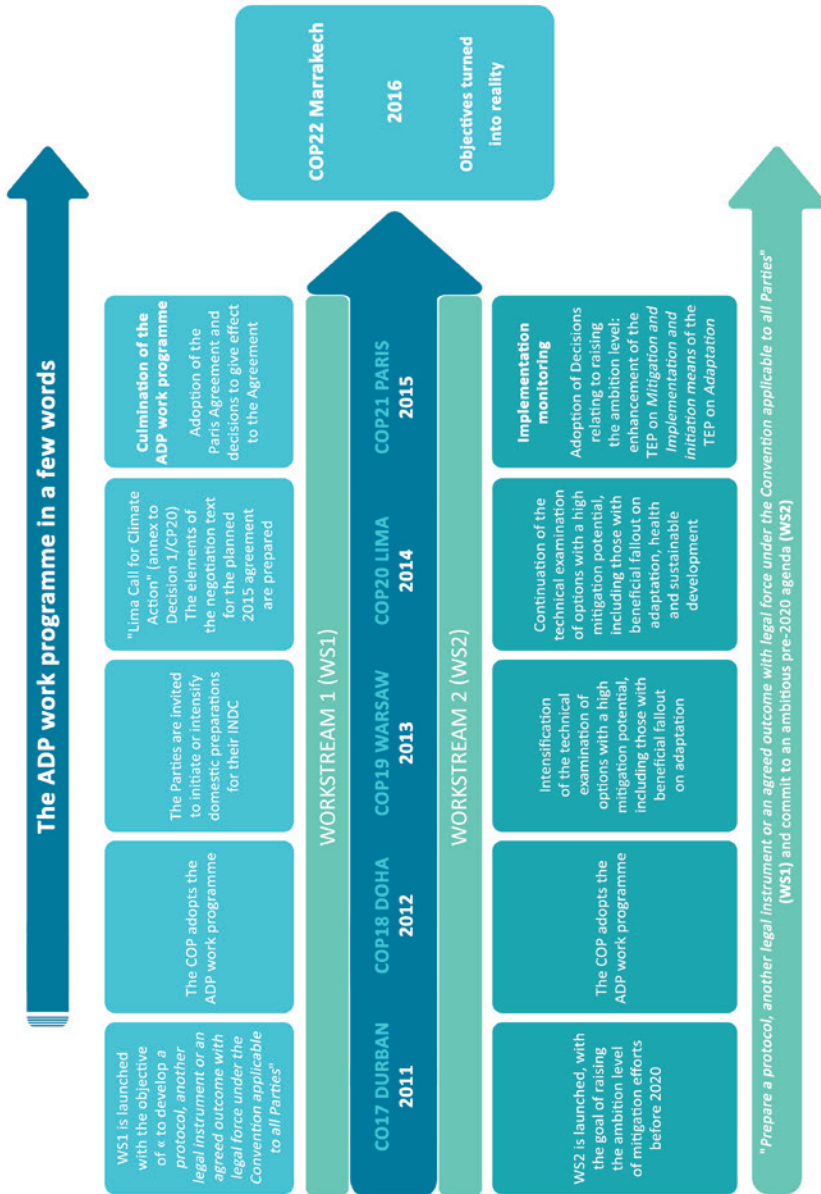
COP 21 instructed the Adaptation Committee to engage with and explore ways to take into account, synergise with and build on the existing arrangements for adaptation-related work programmes, bodies and institutions under the Convention so as to ensure coherence and maximum value²⁶.

24. Decision 1/CP.21, para. 124

25. IISSD, 2015a, p.50

26. Decision 1/CP.21, para. 130

Diagram 1. The ADP work programme in a few words²⁷



27. © ENERGIES 2050, October 2016

1.1.2 The Paris Agreement – form and legal implications

Created in Durban in 2011, the ADP began its work in 2012 and its main mandate is to develop for 2015 a new protocol, another legal instrument or an agreed outcome with legal force under the Convention that will apply to all the Parties, through Workstream 1 (WS1).

In contrast to the Kyoto Protocol (KP), which includes quantified legally binding commitments for the Annex B Parties, the Paris Agreement calls on all Parties to take internal measures with a view to achieving self-determined goals. Several disputes drew the limelight with respect to the Agreement's legal or legally binding nature, which was not clear enough when the text of the Agreement was analysed. According to statements by some delegates, the KP had the best of intentions, but its goals were modest. It also lacked the participation of key countries. While the intended nationally determined contributions (INDC) represent significant participation, their non-legally binding character raised concerns over their low collective ambition²⁸.

One way to increase ambition, which many sought in Paris, was a legally-binding agreement. Yet specifying that an agreement is legally binding does not guarantee implementation and may reduce both ambition and participation. However, a number of considerations bear witness to the legal force of the Paris Agreement:

- It is an international treaty by virtue of the Vienna Convention, submitted for signature and national ratification processes to guarantee its effectiveness. Furthermore, its general structure is similar to that of a protocol, even if it has not been clearly defined as such,
- Similarly to the majority of international legal texts, it contains both clauses with legal force and non-legally binding provisions, which are able to be defined through the different language used to translate the obligations: “must” or “should”,
- Several clear legal requirements appear through the interdependent elements and processes of the Agreement's architecture, in relation to long-term objectives; Parties' individual obligations; national reports and reviews; the process of aligning the NDC time frames towards a common timetable; the transparency and accounting system; and the mechanism aimed at facilitating implementation and promoting the fulfilment of Parties' obligations. The set of provisions results in a certain number of obligations for Parties to the international community.

Thus, the Paris Agreement is built on a more open and gradual approach. However, given that the Agreement must be ratified unreservedly as a whole, a number of analysts have reached the conclusion that its legal form is globally binding once it has entered into force, although it does contain some non-binding elements²⁹.

28. IISD, 2015a, p. 50

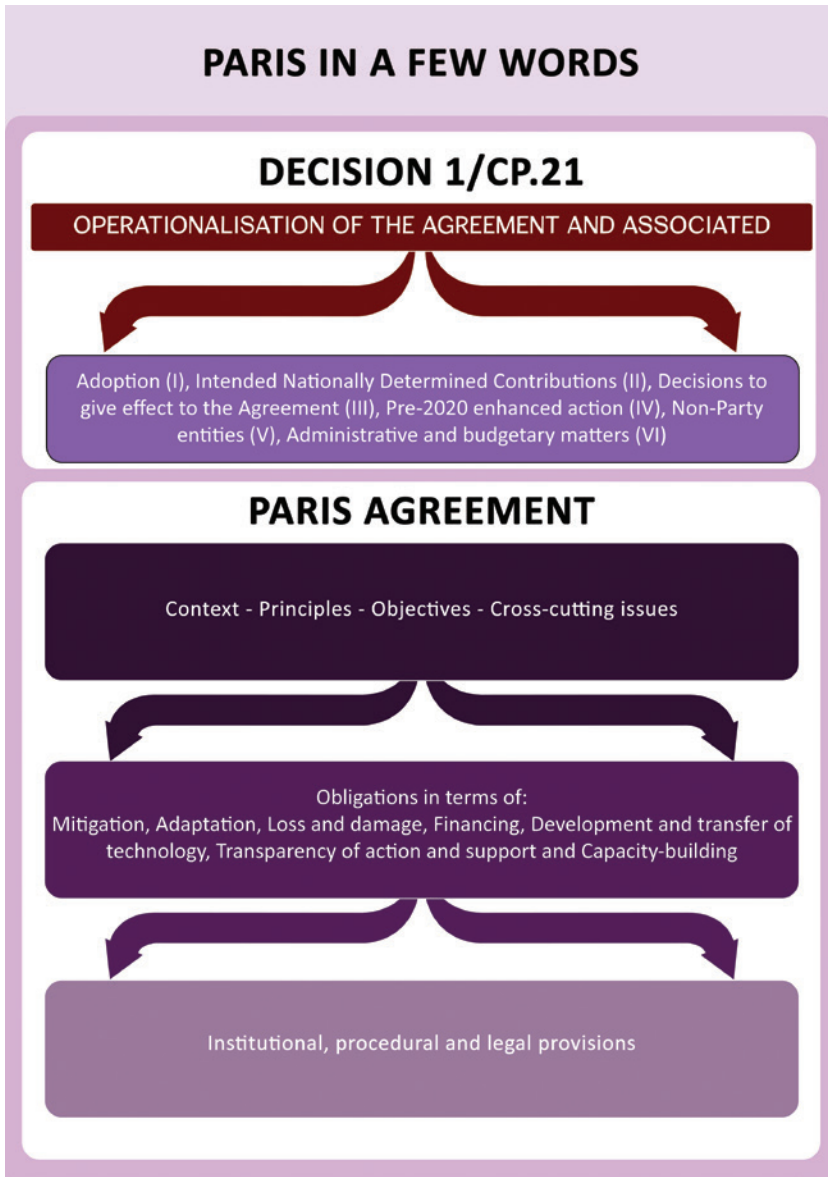
29. Bodle, Donat, & Duwe, 2016 and Jeyaratnam, Whitmore, Hokpin, & Mountain, 2015

1.2 Detailed analysis of the Paris Agreement and its operational modalities pursuant to Decision 1/CP.21

The Paris Agreement, which is a result of talks held under the Durban Platform launched in 2011, consists of 29 articles, which may be organised into three parts:

- The context, principles and objectives of the Agreement, addressing the treatment of cross-cutting issues;
- The main obligations in accordance with the Durban mandate, relating to substantive issues, in particular mitigation, adaptation, financing, the development and transfer of technology, transparency of action and support, and capacity-building;
- Institutional, procedural and legal issues.

Diagram 2. Paris in a few words³⁰



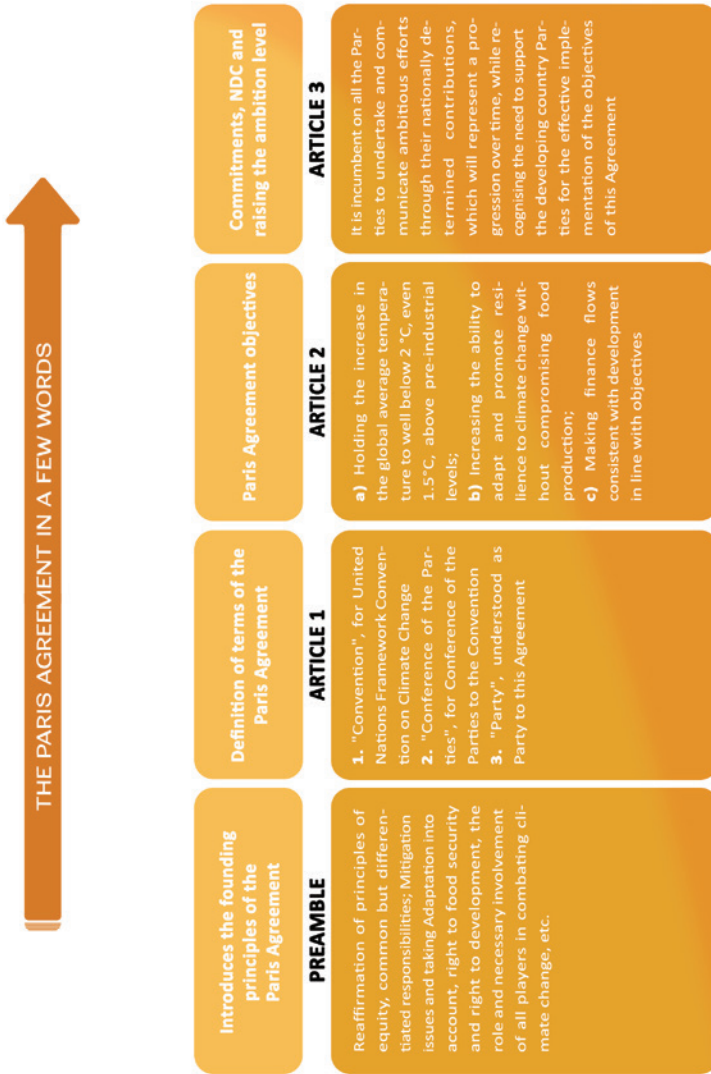
30. © ENERGIES 2050, October 2016

Diagram 3. Articles of the Paris Agreement³¹



31. © ENERGIES 2050, October 2016

Diagram 4. The Paris Agreement in a few words³²



Acronyms: CC: Climate change; NDC: Nationally Determined Contributions; LDC: Less Developed Countries

32. © ENERGIES 2050, October 2016



THE PARIS AGREEMENT IN A FEW WORDS

<p>Mitigation and raising the ambition</p> <p>Peaking of emissions as soon as possible to achieve the long-term temperature goal laid down in Article 2</p>	<p>Forests</p> <p>Preserve and strengthen the GHG sinks and reservoirs, mainly the forests</p>	<p>Mécanismes</p> <p>General framework for the cooperation activities, mitigation and adaptation activities, sustainable development and environmental integrity</p>	<p>Adaptation</p> <p>Enhance adaptive capacity, increase resilience, reduce vulnerability to climate change and sustainable development</p>	<p>Loss and damage</p> <p>Avoid and reduce as much as possible the loss and damage from the effects of climate change and remedy it, mainly in a sustainable development framework</p>	<p>Financing</p> <p>Financial resources for mitigation and adaptation for developing countries for implementation of objectives</p>	<p>Technology</p> <p>Development and transfer of technologies to increase resilience and reduce GHG emissions</p>	<p>Capacity building</p> <p>Contribute and improve the capacities of developing countries, mainly the most vulnerable, faced with the effects of climate change</p>	<p>Education and awareness</p> <p>Contribute to the awareness of the importance of measures to combat climate change</p>	<p>Transparency</p> <p>Build up mutual trust and promote effective implementation</p>
<p>ARTICLE 4</p> <p>Each Party must establish its NDC corresponding to its highest possible ambition level; Reviewable every five years, always upwards; Each Party is required to communicate long-term Strategies</p>	<p>ARTICLE 5</p> <p>Pursuing and enhancing arrangements adopted by virtue of the Convention; promote the adoption of non-carbon-related measures</p>	<p>ARTICLE 6</p> <p>Cooperative approach; transfer of results of mitigation; mechanisms to contribute to mitigation and support sustainable development</p>	<p>ARTICLE 7</p> <p>Strengthening support and international cooperation, mainly in favour of developing countries; Communication of national adaptation measures</p>	<p>ARTICLE 8</p> <p>Enhancing the Warsaw International Mechanism; Cooperation and facilitation of action and support</p>	<p>ARTICLE 9</p> <p>Mobilisation of resources by developed countries on voluntary basis; from a broad spectrum of sources; Biennial communications on financing</p>	<p>ARTICLE 10</p> <p>Creation of a Technology Mechanism by virtue of the Convention; Strengthening of cooperation; Technical and financial support for innovation</p>	<p>ARTICLE 11</p> <p>Cooperation; development and deployment of technologies; access to financing; communication of capacity-building activities</p>	<p>ARTICLE 12</p> <p>The Parties cooperate in taking measures to enhance climate change education, training, public awareness, public participation and public access to information</p>	<p>ARTICLE 13</p> <p>Creation of an enhanced transparency framework of measures (mitigation and adaptation) and support for developing countries; Technical review by experts</p>

Acronyms: NDC: Nationally Determined Contributions ; GHG: Greenhouse effect

THE PARIS AGREEMENT IN A FEW WORDS

<p>Five-year global stocktake</p> <p>ARTICLE 14</p> <p>First global stocktake in 2023 and every five years thereafter, to update and enhance the measures, as for international cooperation in achieving objectives</p>	<p>ARTICLE 15</p> <p>Creation of a facilitation mechanism for implementation of the Agreement and its provisions: formed by a committee of experts, acting in a transparent, non-adversarial and non-punitive manner</p>	<p>ARTICLE 18</p> <p>The Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention serve, respectively, as the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement</p>	<p>ARTICLE 19</p> <p>Subsidiary bodies or other institutional arrangements established by or under the Convention help to implement the Paris Agreement; the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement specifies their functions and may provide further guidance to such subsidiary bodies and institutional arrangements</p>	<p>Directives for subsidiary bodies</p> <p>ARTICLE 20</p> <p>The Paris Agreement is open for signature from 22 April 2016 to 21 April 2017 and is 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 Secretary General of the United Nations, taken to be the Depository</p>	<p>ARTICLE 21</p> <p>The Paris Agreement will enter into force on the 30th day following deposit date of ratification, acceptance or accession instruments of 55 Parties, representing at least 55% of total global GHG emissions</p>	<p>Signature and ratification</p> <p>ARTICLE 21</p> <p>The Paris Agreement will enter into force on the 30th day following deposit date of ratification, acceptance or accession instruments of 55 Parties, representing at least 55% of total global GHG emissions</p>	<p>Entry into force</p> <p>ARTICLE 21</p> <p>The Paris Agreement will enter into force on the 30th day following deposit date of ratification, acceptance or accession instruments of 55 Parties, representing at least 55% of total global GHG emissions</p>
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Acronyms: GHG: Greenhouse gas

1.2.1 Preamble

The Paris Agreement's preamble, which provides the agreement's basic structure, contains some important and sometimes innovative issues, some of which were nevertheless difficult to include in the operative text³³.

The Paris Agreement recognises the importance of nature as the necessary foundation for the survival and development of human society. It also stresses that human societies must play their role in the climate solution, to the extent that rights, responsibilities and equity were considered in the response to climate change.

As regards recognition of the specific needs of developing countries, the Agreement focuses on those which are particularly vulnerable to the adverse effects of climate change, as provided for by the Convention, with regard to financing and technology transfer.

The preamble to the Paris Agreement also refers to the principles of equity and common but differentiated responsibilities and respective capabilities (CBDR-RC), the interpretation of which has not always been a matter of consensus and which will continue to spark debate in the discussions under the Ad Hoc Working Group on the Paris Agreement (APA). The Paris Agreement leaves scope for new discussions to continue on its definition of these principles of equity, CBDR-RC, in the light of different national situations.

1.2.2 Article 2: Aims

The Paris Agreement is based on three main objectives, which are defined in Article 2 and are part of the broader context of the implementation of the UNFCCC, sustainable development and combating poverty:

- a) Hold the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels;
- b) Increase the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production;
- c) Make finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.

Mitigation

One of the main commitments reached in Paris regards the long-term goal of limiting the temperature rise compared with pre-industrial levels from now until 2100, which allows for levels between 1.5°C and 2°C. The Agreement's references to pursuing efforts to limit the global average temperature rise to 1.5 °C, coupled with references to peaking emissions as soon as possible, and achieving a balance between anthropogenic emissions and removals by sinks, are significantly more ambitious than many expected before COP 21³⁴.

33. Bodle, Donat, & Duwe, 2016

34. IISD, 2015a, p.50

However, in order to shed further light on the question of the 1.5°C, Decision 1/CP.21 invited the Intergovernmental Panel on Climate Change (IPCC) to provide a special report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and on related GHG emission scenarios. The IPCC has meanwhile accepted this invitation (see also section III.1).

Is the target of 2°C the safe limit which would avoid dangerous climate change?

The target of 2°C has long been presented as a safe limit identified by scientists, which would avoid dangerous climate change. According to Knutti, Rogelj, Sedláček and Fischer³⁵, this perception is incorrect, as no scientific assessment has clearly justified or defended the 2°C target as a safe level of warming.

As regards the feasibility of the 1.5°C target, some studies have shown that the two scenarios of 1.5°C and 2°C are economically and technologically feasible at present³⁶. It has been shown that in the context of quick action, identical technologies are required for both options, with the only difference being that achieving the target of 1.5°C would require faster deployment around ten years earlier than for the achievement of the 2°C target³⁷. For both scenarios there is a high economic incentive to undertake concrete initiatives as soon as possible. In fact, the earlier efforts are made in implementing appropriate technology, the lower the costs will be.

1.2.3 Article 3: NDC

The scope of the INDC was one of the most extensively discussed topics in the negotiations from Warsaw to Paris. The Paris Agreement allows Parties to submit their NDC within the meaning of Articles 4 (mitigation), 7 (adaptation), 9 (finance), 10 (development and transfer of technology), 11 (capacity-building) and 13 (transparency). The implementation of the NDC at national level is one of the first steps to achieve in order to guarantee the effectiveness of the agreement. Once the first NDC have been reported, strong expectations are placed on the countries to ensure implementation and the preparation of the subsequent reporting cycles for future NDC. The implementation of NDC and low-carbon and climate-resilient development strategies requires the commitment of all Parties, in addition to international cooperation. It requires converting the NDC into policies, strategies, programmes, projects, measures and initiatives that can contribute to the achievement of the targets related to the NDC.

35. Knutti, Rogelj, Sedláček, & Fischer, 2015

36. Climate Analytics, 2016

37. Climate Analytics, 2016

The Paris Agreement provides for an assessment of the collective progress towards achieving the purpose of this Agreement through periodic global stocktakes. The first global stocktake is scheduled for 2023 and should be undertaken every five years thereafter, unless otherwise decided by the COP.

1.2.4 Article 4: Mitigation

With a view to achieving the long-term temperature goal laid down in Article 2, the Paris Agreement seeks to lead Parties to reach peaking of global GHG emissions as soon as possible and to make reductions rapidly thereafter, in accordance with the best scientific data available, in order to reach a balance between anthropogenic emissions by sources and anthropogenic removals by sinks of GHG in the course of the second half of the century, on the basis of equity and in the context of sustainable development and efforts to eradicate poverty.

Obligations in reducing GHG emissions

The Agreement obligates Parties to communicate their NDC every five years and to pursue mitigation measures at national level in order to make their contributions. They should not always progress in line with previous efforts, but should also be adjusted to take into account the results of the global stocktake, which will evaluate and aggregate the global progress. For the purpose of aligning the NDC timescales, the Decision accompanying the Paris Agreement calls on those Parties whose INDC submission contains a time frame up to 2025 to communicate a new NDC, and those Parties whose INDC contains a time frame up to 2030 to at least update them and to do so every five years thereafter, pursuant to Article 4, paragraph 9, of the Agreement.

The Agreement gives very limited detail of the elements of the NDC; it calls upon developed countries to continue taking the lead by undertaking economy-wide absolute emission reduction targets, while developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards reduction targets. The Ad Hoc Working Group on the Paris Agreement (APA) was requested to develop further guidance on features of the NDC for “consideration and adoption” by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) at its first session.

Low GHG emission development strategies

The Agreement also invites all Parties to work towards formulating and reporting long-term low GHG emission development strategies, taking into account their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances, keeping in mind the three main objectives defined in Article 2 of the Convention.

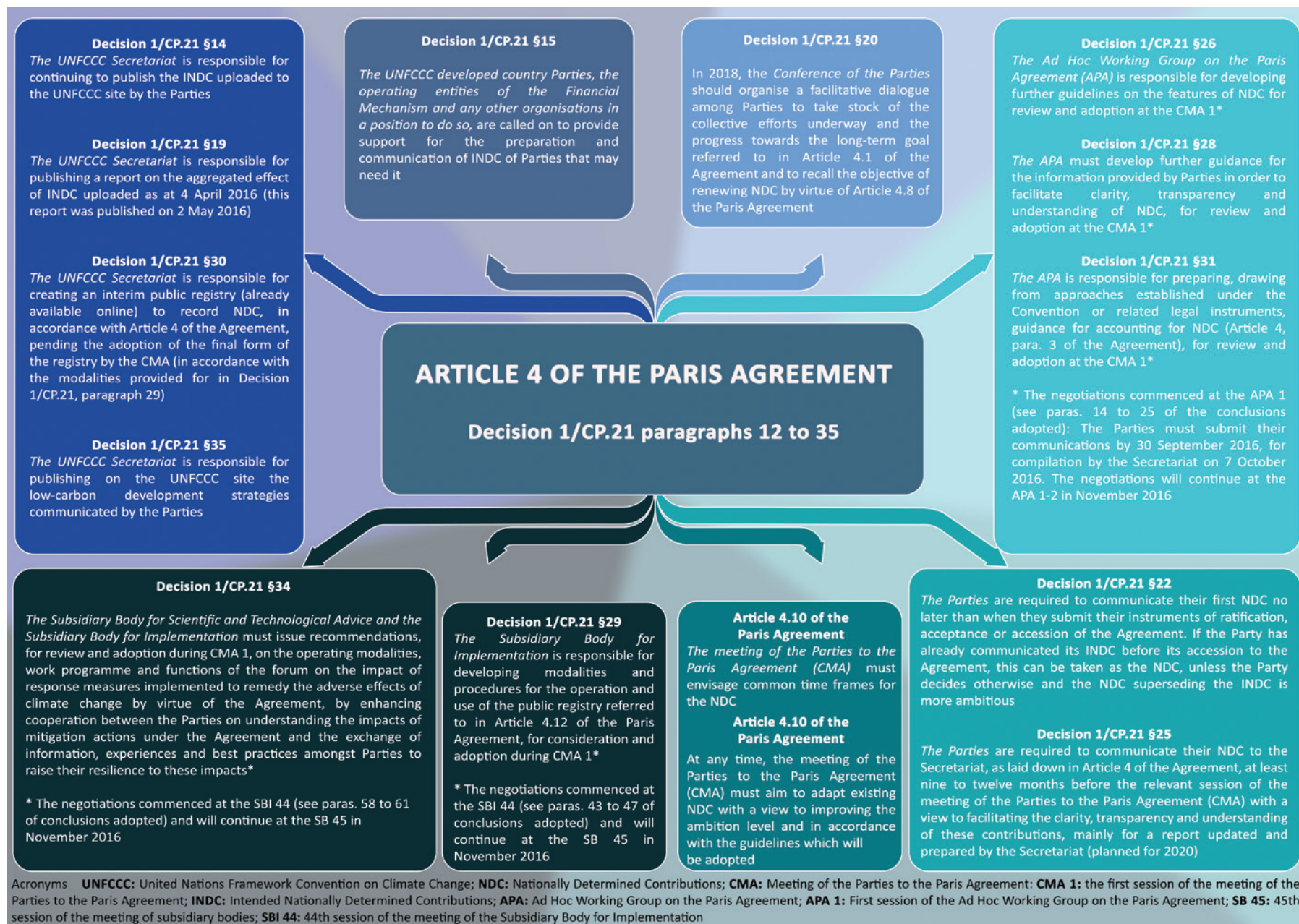
Synthesis of the aggregate effect of INDC

The synthesis report on the aggregate effect of INDC produced by the UNFCCC Secretariat on 2 May 2016, which takes into account the INDC communicated by the Parties by 4 April 2016, stresses that the measures that Parties have currently taken do not allow for the ambitions related to the INDC to be fulfilled and that, rather, these would require additional measures to be taken. This report adds that if Parties do not enhance mitigation action by 2030 beyond the action envisaged in their contributions, the possibility of keeping the temperature increase below 2°C still remains, but with higher costs. In fact, according to the scenarios of the Fifth IPCC report, this could be achieved only at substantially higher annual emission reduction rates and cost compared with the least-cost scenarios that start today or in 2020. As a result, much greater emission reduction efforts than those associated with the INDC will be required in the period after 2025 and 2030 to give hope of holding the temperature rise below 2°C above pre-industrial levels.

In short, although there has been a strong improvement compared with countries' current commitments, compared with a scenario without INDC, which would lead to a temperature increase of +3.6°C, substantial effort, in terms of the level of ambition, remains to be made in order to achieve the 1.5°C/2°C target.

In addition, the Paris Agreement provided for a mechanism for ambition aimed at ensuring that the NDC are regularly, and as quickly as possible, reviewed and increased. Moreover, it is clear that neither inaction or late action are conducive to the achievement of these targets in the most economically efficient manner.

Diagram 5. Operationalisation of Article 4 of the Paris Agreement and of Decision 1/CP.21, paragraphs 12 to 35³⁸



1.2.5 Article 5: Forests

The role of the REDD+ mechanism in the post-2020 is the main issue for discussion on the recognition of the REDD+ in the Paris Agreement to ensure its continuity.

To the general satisfaction, the Paris Agreement confirmed the progress made by encouraging Parties to take action to implement and support the existing framework as set out in related guidance and decisions already agreed under the Convention³⁹.

In order to secure the financing of forest-related mechanisms, Decision 1/CP.21 recognises the importance of adequate and predictable financial resources, including for results-based payments, as appropriate, for the implementation of policy approaches and positive incentives for reducing emissions from deforestation and forest degradation, while encouraging the coordination of support from, inter alia, public and private, bilateral and multilateral sources, such as the Green Climate Fund (GCF), and alternative sources in accordance with relevant decisions by the COP.

1.2.6 Article 6: Cooperation mechanisms: market and “non-market” mechanisms

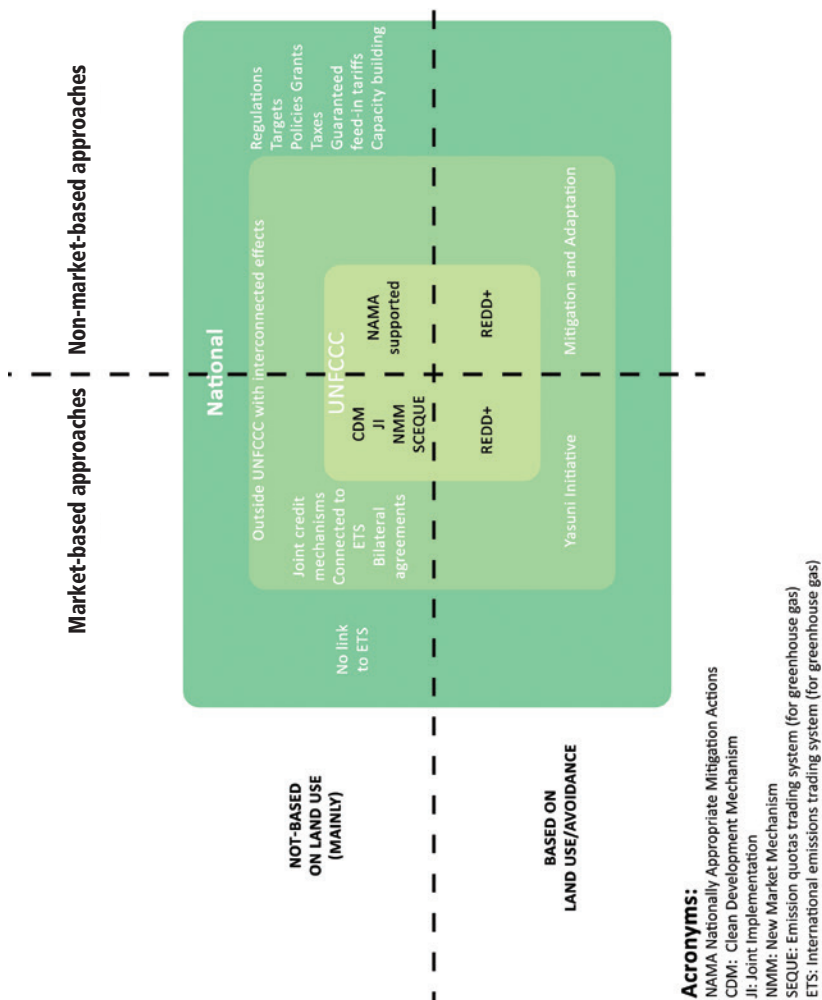
Article 6 of the Paris Agreement establishes three new market-based mechanisms: it offers countries the opportunity to cooperate voluntarily on the implementation of mitigation activities (cooperative approaches), it establishes a “*mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development*” (often referred to as the Sustainable Development Mechanism, SDM), and it finally recognises non-market based approaches. The provisions on markets and on the instruments of non-market based approaches, which appear in Article 6 of the Paris Agreement, may be regarded as one of the Agreement’s major achievements. They only emerged, moreover, at the very last stage of the negotiations.

In general, market mechanisms are not a fundamentally new element introduced by the Paris Agreement. The market mechanisms established under the Kyoto Protocol (CDM and JI), which allow Parties to the Protocol to generate and/or exchange emissions reduction units, commonly called “carbon credits”, have helped the international community to gain some experience with these mechanisms. In addition to the mechanisms existing under the Kyoto Protocol, the Parties took a decision at the Bali Conference (2007) on the establishment of new mechanisms: the new market mechanisms defining a set of uniform rules at the level of the UNFCCC, the framework for various approaches (FVA) on various approaches defined by the individual parties and the non-market based approaches.

The following diagram of the UNFCCC gives an idea of the range of initiatives that were envisaged and which could potentially emerge from under the FVA.

39. Decision 1/CP.21, Annex, Paris Agreement, art. 5, para. 2

Diagram 6. Initiatives envisaged under the FVA⁴⁰



The negotiations on new market mechanisms were the starting point for discussions on the SDM and on the framework for various approaches for the Cooperative Approaches (CA) included in Article 6 of the Paris Agreement. The appearance of the CA concept is a result of the negotiation process that began as part of the discussions on the frameworks for various approaches.

40. © ENERGIES 2050, October 2016 – According to UNFCCC, 2013

The concept of CA is largely open to interpretation. Parties are free to undertake mitigation action, bilaterally or in a group, and to transfer the mitigation outcomes as agreed. Cooperative approaches may play a role in achieving NDC, but that role is not defined. Under the Paris Agreement, the CA are not subject to any specific UNFCCC monitoring process. However, as expressly stated in paragraph 2 of Article 6, the transactions take place within the accounting system, which still needs to be developed. In addition, importance is also placed on transparency in both the activity and the transfer of mitigation outcomes. Guidance on these principles must be drafted and adopted by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA)

With regard to the SDM, it may be regarded essentially as a new market mechanism, particularly since both the host and buyer parties will have defined a contribution, and, also, as the SDM should contribute to net global mitigation. Paragraph 4(d) of Article 6 calls for the SDM to lead to overall mitigation in global emissions. This seems to indicate that this mechanism should not be a mechanism which allocates emission credits for the whole reduction made. Such a provision was explored in the framework of the JI, but a consensus was never reached.

In view of the reluctance towards market mechanisms, on the one hand, and the support for their inclusion in the Paris Agreement by a high number of countries on the other, a clear vision of the real role of the SDM must be developed. If the SDM is to strengthen mitigation efforts and lead to enhanced ambition, the certainty of the value of credits must be ensured in the long term.

The SDM is a market-based instrument, but it may also be used as a tool to enable results-based financing of mitigation measures. While this approach is currently only supported by a few international institutions, it would be important for the key institutions to manage to break through ideological walls and to connect the carbon market with climate financing. As a result, high-quality mitigation action would be available for climate financing and compatible Measurement, Reporting and Verification (MRV) systems could be developed, while transaction costs would be reduced.

In contrast to the CA or the SDM, the non-market based approaches do not allow for the transfer of mitigation outcomes. The implications that this could have, and the way in which such approaches would affect international cooperation, remains a subject for future analysis and consultation. The expectations relating to MRV approaches and the entire accounting system still need to be clarified.

1.2.7 Article 7: Adaptation

The consideration of adaptation in the three main objectives of the Agreement is decisive recognition of the urgency of adaptation. Seen from this perspective, the Paris Agreement establishes for the first time a global adaptation objective aimed at building adaptation capacities, increasing climate-change resilience and reducing vulnerability to these changes. The Agreement recognises the link between the level of mitigation ambition and needs for adaptation in Article 7, paragraph 4, but does not include any quantitative information, particularly on financing.

In terms of guiding principles, the Agreement establishes that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems. It should also be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socio-economic and environmental policies and actions, where appropriate.

Progress in adaptation efforts towards the goal of Article 7 will be analysed during the global stocktake every five years. However, a global evaluation of efforts and individual needs related to such a long-term qualitative goal, and given the absence of precise indicators, could prove to be a difficult exercise. Technical and methodological work will be required during the course of future sessions of discussions on this issue.

1.2.8 Article 8: Loss and damage

The consideration of loss and damage in the Paris Agreement in a separate article from the article on adaptation is an important step in taking into account the potentially irreversible residual impacts of climate change in vulnerable developing countries. The Agreement places the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts under the authority of the CMA.

However, paragraph 52 of the decision aimed at giving effect to the Agreement states that this article devoted to loss and damage does not involve or provide a basis for any liability or compensation, thereby temporarily alleviating the concerns of certain Parties with regard to future compensation and helping the discussion on this subject to progress.

1.2.9 Article 9: Financing

The provision of financial support and other means of implementation is the third objective of the Paris Agreement in Article 2, and it seeks to make finance flows consistent with a pathway towards low GHG emissions and climate-resilient development. This provision, according to Bodle, Donat and Duwe⁴¹, helps to send a strong signal to the private sector to re-assess and redirect its investments.

The Agreement calls for a balance to be found between adaptation and mitigation in the provision of financial resources, taking into account country-driven strategies, and the priorities and needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change and have significant capacity constraints, such as the LDC and SIDS. A new collective quantified goal from a floor of USD 100 billion per year is planned before 2025. The modalities and procedures for determining such a target are still yet to be determined. The Financial Mechanism of the Convention, including its operating entities, is called on to serve as the financial mechanism of the Paris Agreement.

41. Bodle, Donat, & Duwe, 2016

1.2.10 Article 10: Technology development and transfer

Three fundamental issues were addressed during COP 21 in Paris. Two of them were the subject of decisions in the Paris Agreement and the accompanying Decision: the strengthening of the development of climate technology and transfer through the Technology Mechanism and the links between the Technology Mechanism and the Financial Mechanism of the Convention; the issue of climate technology intellectual property still remains.

Negotiations on the definition of global and national goals and the identification of relevant indicators for technology transfer did not result in concrete decisions within the framework of the Paris Agreement.

Article 10 of the Paris Agreement notes the importance of technology for the implementation of mitigation and adaptation actions and recognises existing technology deployment and dissemination efforts; the strengthening of cooperative action on technology development and transfer; and the role of the Technology Mechanism established under the Convention.

It was decided in Paris to strengthen the Technology Mechanism. The mandate was given to the Technology Executive Committee and the Climate Technology Centre and Network, which, in supporting the implementation of the Agreement, must undertake further work relating to, *inter alia*⁴²:

- a) Technology research, development and demonstration;
- b) The development and enhancement of endogenous capacities and technologies.

A technology framework was established to provide overarching guidance to the work of the Technology Mechanism in promoting and facilitating enhanced action on technology development and transfer in order to support the implementation of the Agreement, particularly in pursuit of the long-term vision⁴³.

Decision 1/CP.21⁴⁴ tasked the SBSTA with initiating, at its forty-fourth session (May 2016), the elaboration of the technology framework established under Article 10, paragraph 4, of the Agreement and to report on its findings to the Conference of the Parties, with a view to the Conference of the Parties making a recommendation on this framework to the CMA for consideration and adoption at its first session.

It should be noted that the framework should facilitate, *inter alia*:

- a) The undertaking and updating of technology needs assessments, as well as the enhanced implementation of their results, particularly technology action plans and project ideas, through the preparation of bankable projects;
- b) The provision of enhanced financial and technical support for the implementation of the results of the technology needs assessments;

42. Decision 1/CP.21, para. 66

43. Decision 1/CP.21, Annex, Paris Agreement, art. 10, para. 4

44. Decision 1/CP.21, para. 67

- c) The assessment of technologies that are ready for transfer;
- d) The enhancement of enabling environments for and the addressing of barriers to the development and transfer of socially and environmentally sound technologies;

On account of the important role that this new framework will have to play in the Paris Agreement, it is imperative for the development of the aforementioned technology framework to draw on the results and progress achieved by the previous technology framework produced by the Marrakesh Accords, the EGTT's assessment work and to avoid duplicating tasks and efforts between the Technology Mechanism and this new Technology Framework.

At the same time, and even though the Parties did not manage to agree upon a global objective for technology development or the definition of monitoring indicators at the national and global levels, the work that will be carried out in the framework of Decision 1/CP.21 as regards developing guidelines for the Transparency framework⁴⁵ and the Global Stocktake⁴⁶ will provide an opportunity to build on the progress of the Technology Mechanism and the Technology Framework, in order to perform the necessary evaluation and provide relevant recommendations for moving forward the technology development and transfer agenda.

1.2.11 Article 11: Capacity-building

The Parties are called upon to cooperate to enhance the capacity of developing countries in implementing the Agreement. Developed countries should enhance their support for capacity-building actions in developing countries.

The Paris Agreement invites all Parties that help developing countries to enhance their capacity to regularly communicate on these actions or measures on capacity-building. Developing countries should regularly provide information on the progress made on implementing capacity-building plans, policies, actions or measures to implement this Agreement.

The Paris Agreement provides for appropriate institutional arrangements for capacity-building action which, based on the pre-existing arrangements under the Convention, serve the Agreement. At its first session, the CMA shall consider and adopt a decision on the initial institutional arrangements for capacity-building.

1.2.12 Article 12: Education, training, public awareness, public participation

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

45. Decision 1/CP.21, para. 92 to 94

46. Decision 1/CP.21, para. 99 to 101

1.2.13 Article 13: Transparency of measures and support

The Paris Agreement establishes a common transparency framework for action and support. It includes the drafting and communication of regular reports on natural GHG inventories, on the implementation of NDC, on the financial support provided and received, and on adaptation efforts carried out by countries.

The transparency framework shall build on and enhance the transparency arrangements already provided for under the Convention, recognising the special circumstances of LDC and SIDS. The transparency framework must be implemented in a spirit of non-intrusive and non-punitive facilitation, must be respectful of national sovereignty, and avoid placing undue burden on Parties.

In order to review the information communicated by each Party, the Paris Agreement establishes a technical review on the support provided by the Party in question, as relevant, and its implementation and achievement of its NDC. The Ad Hoc Working Group on the Paris Agreement is also given the task of defining the year of the first review of the information provided by the Parties and subsequent reviews and updates, as appropriate, at regular intervals.

1.2.14 Article 14: Global stocktake

The Paris Agreement provides for an assessment of the collective progress towards achieving the purpose of this Agreement through periodic global stocktakes. The first global stocktake is scheduled for 2023 and should be undertaken every five years thereafter, unless otherwise decided by the COP.

The transparency framework and the global stocktake were described by some as the Agreement's "*mechanisms for ambition*" The dual obligation to report and take stock of mitigation, adaptation and support every five years creates a collective assessment of achievements and efforts required⁴⁷.

1.2.15 Article 15: Facilitation of implementation and compliance

Apart from the global stocktake, the facilitation mechanism introduced by the Paris Agreement to facilitate its implementation and promote compliance with its provisions is an important commitment. This mechanism shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive, and it will pay particular attention to the respective national capabilities and circumstances of Parties.

The committee shall operate under the modalities and procedures adopted by the CMA at its first session and report annually to it.

47. IISD, 2015a, p. 50

1.2.16 Articles 15 to 22: Institutional arrangements and final clauses

As within the framework of the Kyoto Protocol, the Secretariat will convene the first sessions of the CMA in conjunction with the first session of the Conference of the Parties that is scheduled after the date of entry into force of the Agreement. Subsequent ordinary sessions of the CMA shall be held in conjunction with ordinary sessions of the Conference of the Parties. In addition, the CMA may hold extraordinary sessions at such other times as it may be deemed necessary 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.

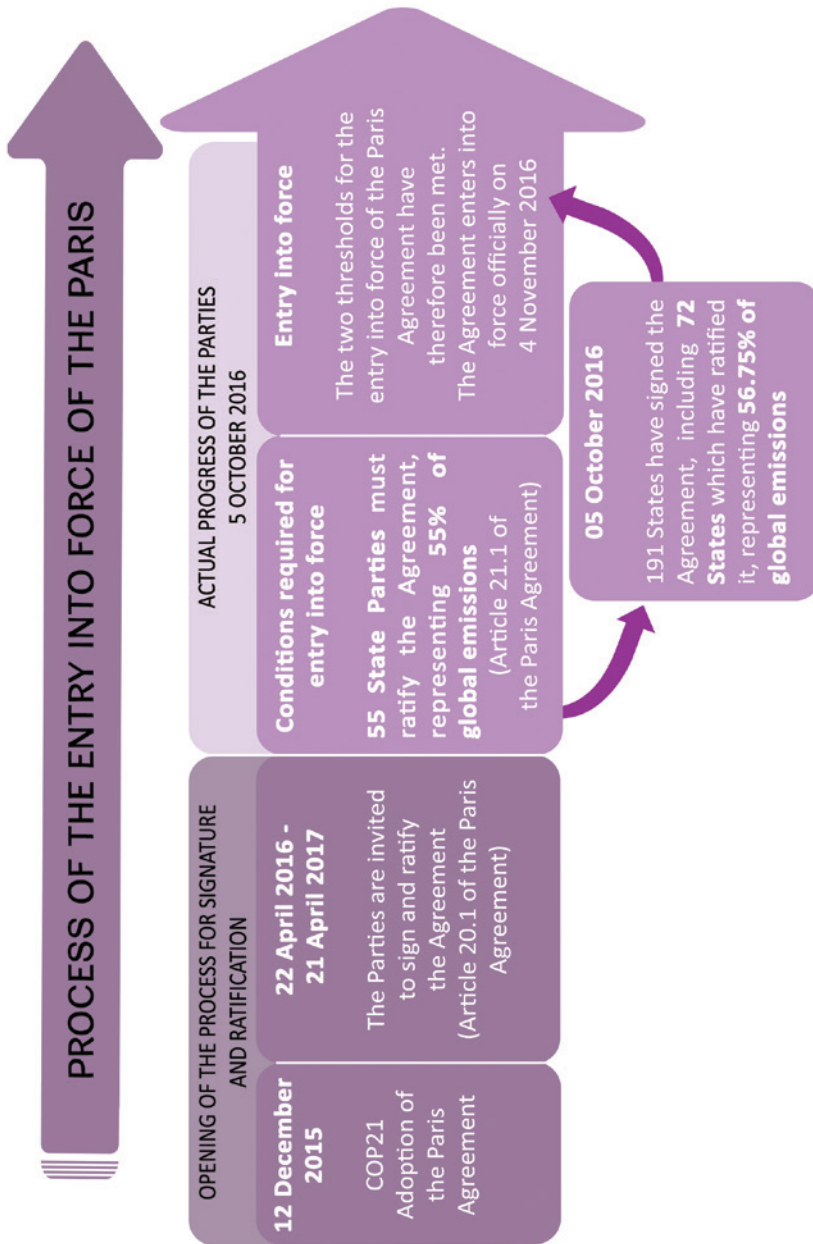
The SBSTA and SBI established by Articles 9 and 10 of the Convention shall serve, respectively, as the SBSTA and SBI of the Paris Agreement.

The Paris Agreement was opened for signature at the United Nations Headquarters in New York on 22 April 2016 and will remain open until 21 April 2017⁴⁸. The Paris Agreement shall enter into force on the thirtieth day after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55 per cent of the total global GHG emissions have deposited their instruments of ratification, acceptance, approval or accession⁴⁹.

48. Decision 1/CP.21, Annex, Paris Agreement, art. 20, para. 1

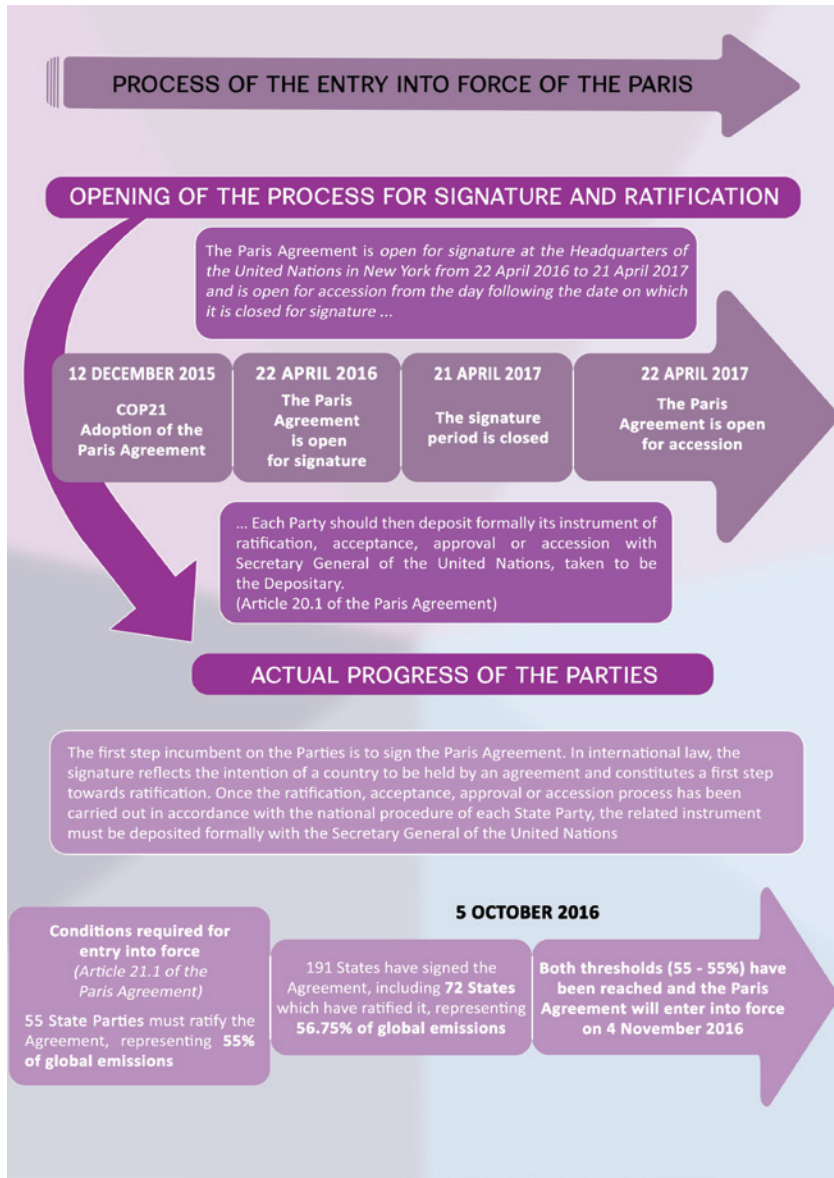
49. Decision 1/CP.21, Annex, Paris Agreement, art. 21, para. 1

Diagram 7. Simplified process of entry into force⁵⁰



50. © ENERGIES 2050, October 2016

Diagram 8. Process of the entry into force of the Paris Agreement⁵¹



The analysis of Paris

51. © ENERGIES 2050, October 2016

Part II.

Issues of permanent subsidiary bodies

II.1 Issues related to the SBI

II.1.1 Facilitative sharing of views in the framework of the international consultation and analysis process

At the SB-44 session in May 2016, the Parties to the Convention participated in the very first facilitative sharing of views in the framework of the international consultation and analysis process⁵², which seeks in particular to enhance the transparency of mitigation action implemented by countries that are not included in Annex I⁵³ to the Convention.

The first sharing of views that took place addressed the biennial update reports (BUR) of 13 developing countries, namely South Africa, the former Yugoslav Republic of Macedonia, Azerbaijan, Bosnia and Herzegovina, Brazil, Chile, Ghana, Namibia, Peru, the Republic of Korea, Singapore, Tunisia and Vietnam⁵⁴. The majority of countries that took part in the exchange of views emphasised, during their individual presentations, the need for international financial support in their own national processes, particularly in view of the improvement of their national measuring, reporting and verification (MRV) system⁵⁵.

The BUR are submitted either as stand-alone update reports, a summary of parts of national communications in the year in which the national communication is submitted by the Party. They consist of:

- (i) an update of national greenhouse gas inventories, including a national inventory report;
- (ii) information on actions taken;
- (iii) needs identified;
- (iv) needs and aid received in terms of financial resources, technologies and capacity-building⁵⁶.

52. SBSTA, 2016

53. Decision 2/CP.17 Annex III

54. SBSTA, 2016

55. UNFCCC, 2016e

56. Decision 2/CP.17 Annex IV

In advance of the facilitative sharing of views, each of the Parties was able to receive written questions from all their Convention counterparts⁵⁷; these questions were reviewed during a meeting held on 20 and 21 May 2016. They focused mainly on the following issues⁵⁸:

- (i) the institutional arrangements in place for the preparation of the BUR;
- (ii) the design of national MRV systems;
- (iii) improvement plans for the national GHG inventories; and, in connection,
- (iv) their capacity-building needs for implementing the 2006 IPCC guidelines; and
- (v) the ex-post review of the implementation of mitigation action.

This question and answer process enabled Parties to better understand the observed difficulties and gaps that these 13 developing countries faced, and also to learn more about the experience gained, on lessons learned from the compilation of the BUR and on the best practices used⁵⁹.

Diagram 9. Summary of the international consultation and analysis process⁶⁰



57. See the *Summary and technical reports*: http://unfccc.int/national_reports/non-annex_i_natcom/reporting_on_climate_change/items/8722.php.

58. See the *Record of facilitative sharing of views*: http://unfccc.int/national_reports/non-annex_i_natcom/reporting_on_climate_change/items/8722.php.

59. UNFCCC, 2016e

60. © ENERGIES 2050, October 2016 – According to the UNFCCC *Status of submission table* (last accessed 5 October 2016) [online] http://unfccc.int/national_reports/non-annex_i_natcom/reporting_on_climate_change/items/8722.php.

II.1.2 Modalities and procedures for the operation and use of the public registry referred to in Article 4, paragraph 12, of the Paris Agreement and in Article 7, paragraph 12, of the Paris Agreement

For the purpose of implementing the Paris Agreement, at COP 21, the Parties agreed that they would all be obliged to “*undertake and communicate ambitious efforts*”⁶¹ with regards to the following six issues:

- (i) the reduction of their collective GHG emissions⁶²;
- (ii) the enhancement of their capacity to adapt to climate change⁶³;
- (iii) climate financing⁶⁴;
- (iv) technology development and transfer⁶⁵;
- (v) enhancing the capacities of developing countries⁶⁶; and
- (vi) the transparency of action and support⁶⁷.

It has been planned that these efforts will be communicated to the Convention Secretariat in the form of NDC, which will be recorded in an interim public registry for the moment⁶⁸. Under the Agreement, the Parties agreed on the relevance of such a registry specifically on mitigating anthropogenic GHG emissions⁶⁹ and on the communication of adaptation implementation and support needs, plans and actions⁷⁰.

However, in the adoption of the Paris Agreement, the Parties requested the SBI to develop modalities and procedures for the operation and use of the public mitigation registry⁷¹, while refraining from giving any instructions to the subsidiary bodies or to the Secretariat regarding the potential development of a public registry recording countries’ adaptation efforts. The modalities and procedures for the public registry that records countries’ mitigation efforts should be ready for the first session of the CMA⁷².

61. Decision 1/CP.21, Annex, Paris Agreement, art. 3

62. Decision 1/CP.21, Annex, Paris Agreement, art. 4

63. Decision 1/CP.21, Annex, Paris Agreement, art. 7

64. Decision 1/CP.21, Annex, Paris Agreement, art. 9

65. Decision 1/CP.21, Annex, Paris Agreement, art. 10

66. Decision 1/CP.21, Annex, Paris Agreement, art. 11

67. Decision 1/CP.21, Annex, Paris Agreement, art. 13

68. Decision 1/CP.21, para. 30

69. Decision 1/CP.21, Annex, Paris Agreement, art. 4, para. 12

70. Decision 1/CP.21, Annex, Paris Agreement, art. 7, para. 10 and 12

71. Decision 1/CP.21, para. 29

72. Decision 1/CP.21, para. 29

Therefore, an item on the agenda of the SB-44, held in Bonn in May 2016, was intended to discuss the registry covering mitigation efforts with the Parties, but it quickly became a stumbling block when the time came to adopt the agenda for the session⁷³. The disagreement seems to primarily arise from the fact that Parties do not agree about how to interpret the Paris Agreement and, at the same time, to establish such a registry⁷⁴. Some concerns were raised during the first day of the SB-44 session regarding the lack of an explicit mention to adaptation in the agenda item covering the NDC registry⁷⁵.

Agenda item 5 was finally amended and adopted as follows: “*Development of modalities and procedures for the operation and use of a public registry referred to in Article 4, paragraph 12, of the Paris Agreement*”, while a new agenda item 6 was also adopted: “*Development of modalities and procedures for the operation and use of a public registry referred to in Article 7, paragraph 12, of the Paris Agreement*”⁷⁶. At the end of the SB-44, the chair of the SBI proposed two short draft conclusions proposed for the aforementioned agenda items 5⁷⁷ and 6⁷⁸. As it stands, the SBI mainly took note of the views expressed during the informal discussions that took place in Bonn, in May 2016, including on the linkages of its work under these two agenda items. These will be addressed again at the SB-45 session, on the sidelines of COP 22⁷⁹.

The Secretariat’s interim public registry

Until the modalities and procedures for the operation and use of a public mitigation registry and a public adaptation registry are adopted by the Parties, they have given the secretariat the task of establishing an interim registry¹. As at 5 October, the NDC of 67 countries had been published.

Each Party has its own registry access rights, and they can submit their documents, including their NDC, electronically and then manage it themselves². The portal enables multiple documents to be grouped together and submitted to constitute a single NDC³. The secretariat checks the authenticity of all the documents to ensure Parties’ security and makes them available to the public 30 minutes after the necessary checks have been completed⁴. When Parties update their documents, earlier versions may be stored at the Parties’ discretion⁵.

Continued on page 35

73. TWN, 2016a, p. 1

74. TWN, 2016a

75. IISD 2016b, p. 2.

76. FCCC/SBI/2016/L.2

77. FCCC/SBI/2016/L.18

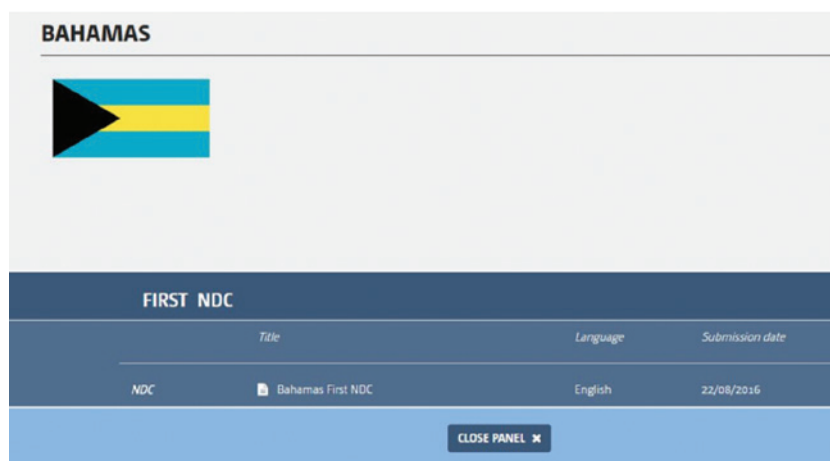
78. FCCC/SBI/2016/L.19

79. FCCC/SBI/2016/L.18, para. 3-4 ; and, FCCC/SBI/2016/L.19, para. 2-3

The public can access the information added to the public registry via the Website's homepage, which enables users to access the documentation communicated by all of the Parties by visiting the individual Party pages⁶. The homepage immediately provides internet users with a search function, which offers options for browsing using key words or by Parties⁷. On each Party's homepage there is a short description of its latest NDC and a list of all documents that have been submitted so far⁸ (See Figure 1 below). The documents appear in chronological order of submission – with the date displayed – and they are classified according to whether the documents is an NDC, a translation or a supplementary document, etc.⁹.

1. Decision 1/CP.21, para. 30. The registry can be accessed via this link: <http://www4.unfccc.int/ndcregistry/Pages/All.aspx>
2. FCCC/SBI/2016/INF.6, para. 10
3. FCCC/SBI/2016/INF.6, para. 11
4. FCCC/SBI/2016/INF.6, para. 11
5. FCCC/SBI/2016/INF.6, para. 12
6. FCCC/SBI/2016/INF.6, para. 13
7. FCCC/SBI/2016/INF.6, para. 14
8. FCCC/SBI/2016/INF.6, para. 15
9. FCCC/SBI/2016/INF.6, para. 16

Figure 1. Individual Party page in the (interim) "NDC registry"⁸⁰



80. <http://www4.unfccc.int/NDCRegistry/pages/Party.aspx?party=BHS> (last consulted 2016/10/05)

II.1.3 Scope and modalities for the periodic evaluation of the Technology Mechanism for the implementation of the Paris Agreement (joint agenda with the SBSTA)

The development and transfer of technologies assume special importance within the UNFCCC as they turn numerous mitigation and adaptation measures into reality⁸¹. Several decisions encourage the development and transfer of technologies, headed by those that created the Technological Mechanism⁸² (Cancún, 2010)⁸³. The aim of this mechanism is to facilitate the reinforcement of technological development and transfer to support the climate change mitigation and adaptation policies. It comprises a Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN). Whereas the TEC supervises the assessment of technological needs and acts as a catalyst and promoter of technological cooperation, the CTCN advises the countries and facilitates the coordination between the national and regional technological development networks.

In recognition of the relevance of the work that the Technology Mechanism has carried out thus far, the Parties made it a body that will serve the Paris Agreement⁸⁴. In this respect, in May 2016 the SBI adopted draft conclusions aimed at developing the scope and modalities for the periodic assessment of the Technology Mechanism in relation to supporting the implementation of the Paris Agreement⁸⁵, as the Parties had tasked it with doing so during COP 21⁸⁶. In strengthening the Technology Mechanism, the Parties would like the TEC and CTCN to carry out further work, in particular to develop and enhance endogenous capacities and technologies, on the one hand, and to undertake technology research, development and demonstration, on the other⁸⁷.

The purpose of this periodic assessment includes looking at the effectiveness and of the support provided to the Technology Mechanism and its adequacy⁸⁸. On the whole, this periodic assessment must take into account matters relating to technology development and transfer. The assessment must also consider the conclusions emanating from the first independent review of the CTCN⁸⁹. The assessment of the Mechanism must also take into account the development of the modalities for the global stocktake referred to in Article 14 of the Agreement, work on transparency of action and support as referred to in Article 13 of the Agreement and the elaboration of the technology framework. The scope and modalities for this periodic assessment

81. Article 4.1c, 4.5 and 9 of the UNFCCC, in particular.

82. See section I.A.1b

83. Decision 1/CP.16, para. 117

84. Decision 1/CP.21, Annex, Paris Agreement, art. 10, para. 3

85. FCCC/SBI/2016/L.5

86. Decision 1/CP.21, para. 70

87. Decision 1/CP.21, para. 66

88. Decision 1/CP.21, para. 69

89. FCCC/SBI/2016/L.5, para. 3

are expected to be adopted during COP 25 in 2019. In order to do so, the Parties are invited to make their views known on the scope and modalities for the periodic assessment of the Mechanism by 25 January 2017; these views should be reflected in a compilation and synthesis planned for May 2017.

II.1.4 Development of the mandate of the Paris Committee on capacity-building, including its composition

In Paris, the Parties created the Paris Committee on capacity-building⁹⁰. In this respect, the Parties launched a five-year workplan overseen by the Committee for the 2016-2020 period. This workplan aims to “*increase synergies through cooperation and avoid duplication among existing bodies established under the Convention that implement capacity-building activities*”⁹¹. This work may also take into account the bodies which are dedicated to capacity-building within and outside the Convention. The parties also requested the SBI to organise annual in-session meetings of the Committee⁹².

The objective of the Committee, through its initial workplan, will also be to collect a wide range of information on Parties’ capacity-building, including:

- (i) “*capacity gaps and needs*”⁹³;
- (ii) “*good practices, challenges, experiences and lessons learned from work on capacity-building by bodies established under the Convention*”⁹⁴; and
- (iii) “*opportunities to strengthen capacity at the national, regional and subnational level*”⁹⁵.

The workplan that the Committee will oversee also provides for the promotion of the “*development and dissemination of tools and methodologies for the implementation of capacity-building*”⁹⁶, and the “*exploration of how developing country Parties can take ownership of building and maintaining capacity over time and space*”⁹⁷. This procedure should also enable the Committee to “*provide guidance to the secretariat on the maintenance of the [Convention’s] web-based capacity-building portal*”⁹⁸. This building and sharing of knowledge should also allow the Committee to “*foster global, regional, national and subnational cooperation*” on capacity-building⁹⁹, in addition to “*fostering dialogue, coordination, collaboration and coherence among relevant processes and initiatives under the Convention*”¹⁰⁰.

90. Decision 1/CP.21, para. 71-81

91. Decision 1/CP.21, para. 73(a)

92. Decision 1/CP.21, para. 75

93. Decision 1/CP. 21 para. 73(b)

94. Decision 1/CP. 21 para. 73(e)

95. Decision 1/CP. 21 para. 73(g)

96. Decision 1/CP. 21 para. 73(c)

97. Decision 1/CP. 21 para. 73(f)

98. Decision 1/CP. 21 para. 73(i)

99. Decision 1/CP. 21 para. 73(d)

100. Decision 1/CP.21, para. 73(h)

The Committee should also be called upon to carry out work “*in the context of the third comprehensive review of the implementation of the capacity-building framework*”¹⁰¹, which is aimed at assisting developing countries to implement the provisions of the Convention and the processes emanating from the Kyoto Protocol¹⁰². In this context, the SBI is responsible for developing a mandate for the Committee. These conclusions were presented to the Parties at the SBI 44 in the form of a draft decision to be submitted for the consideration of the COP 22, with a view to its adoption¹⁰³.

For the time being, the SBI has suggested in its draft decision a committee made up of 12 members elected for a mandate of two years, in which six representatives of the bodies established under the Convention and of the operational entities of the Convention’s financial mechanism will be invited to take part in each of the meetings; the majority of submissions received in this connection in March 2016 proposed a Committee that would generally be composed of around twenty members¹⁰⁴.

The Parties did not all have the same view, however, on the Committee’s composition; this disagreement may prove to be controversial when discussing this topic at COP 22¹⁰⁵.

II.1.5 Modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures (joint agenda with SBSTA)

The impact of the implementation of response measures crystallises a strong opposition between developed countries and developing countries. The latter desire that concrete measures be taken by developed countries to limit the negative impacts of their measures linked to climate change and that this element of the agenda lead to strong decisions. In addition, they call for supplementary support from developed countries to counter the destructive consequences of their measures¹⁰⁶. This element of the agenda has evolved during recent years towards the creation in 2011 of a Forum operated jointly by the SBI and the SBSTA¹⁰⁷.

101. Decision 1/CP.21, para. 76

102. UNFCCC Articles 4.5 and 5 and Article 10(e) of the Kyoto Protocol

103. FCCC/SBI/2016/L.24 and FCCC/SBI/2016/L.24/Add.1

104. FCCC/SBI/2016/MISC.1

105. See EU, 2016; AOSIS, 2016; Russia, 2016; Indonesia, 2016; G77/China, 2016; EIG, 2016; African Group, 2016; and Australia, Canada, United States, Japan, Norway, New Zealand and Ukraine, 2016.

106. FCCC/SB/2012/MISC.2 for example.

107. Decision 8/CP.17, para. 3

In this context, the Parties decided, at COP 21, to maintain and improve the forum on the impact of the implementation of response measures, the work of which will be focused on *“the provision of concrete examples, case studies and practices in order to enhance the capacity of Parties, in particular developing country Parties, to deal with the impact of the implementation of response measures”*¹⁰⁸.

The work programme of the improved Forum, which will continue to meet twice a year¹⁰⁹ under the auspices of the SBI and SBSTA, comprises two areas¹¹⁰:

- a) Economic diversification and transformation
- b) A just transition of the workforce, and the creation of decent work and quality jobs.

The subsidiary bodies are requested to advance the improved forum’s work by forming special technical expert groups¹¹¹ and by the *“assessment and analysis of impacts, including the use and development of economic modelling”*¹¹². The improved forum is expected to submit its initial recommendations for consideration to the subsidiary bodies during COP 22, in relation to the implementation of response measures that it has been possible to assess and analyse¹¹³.

The Secretariat has prepared two technical documents which could help to guide the work of the improved forum and provide the Parties with more specific data on the impact of the implementation of response measures during talks on this topic at COP 22. An initial technical document assesses, first of all, the impact of the implementation of response measures, in particular by using various economic modelling tools¹¹⁴. The document identifies seven categories of response measures in particular¹¹⁵ which could have *“impact on economic growth, income distribution, employment, the environment, public health and food security”*¹¹⁶:

- (i) carbon taxes;
- (ii) subsidies granted for low-carbon technologies, and removal of existing subsidies to GHG-intensive technologies;
- (iii) energy policy reform and green public investment;
- (iv) GHG cap-and-trade schemes and international offsets;
- (v) trade-related measures, including trade tariffs and border carbon adjustment;
- (vi) implementation of standards and labelling requirements; and
- (vii) technology cooperation.

108. Decision 11/CP.21, para. 2

109. Decision 11/CP.21, para. 3

110. Decision 11/CP.21, para. 5

111. Decision 11/CP.21, para. 4

112. Decision 11/CP.21, para. 6

113. Decision 11/CP.21, para. 8 and 1

114. FCCC/TP/2016/4

115. FCCC/TP/2016/4, para. 36

116. FCCC/TP/2016/4, para. 37

A second technical document focuses on the concept of economic diversification in the context of response measures¹¹⁷. The document identifies four economic sectors which might be subject to more significant impacts of response measures and which might benefit from economic diversification:¹¹⁸:

- (i) conventional fossil fuels (oil, gas and coal fuels);
- (ii) energy-intensive trade-exposed goods (aluminium, iron and steel, cement, chemicals, and pulp and paper sectors);
- (iii) tourism; and
- (iv) agriculture.

It appears, however, for the moment, to be more complex to identify solutions available to developing countries that wish to diversify their economy¹¹⁹.

With the aim of advancing the forum’s work, some Parties showed interest in a high-level event on economic diversification and sustainable development to be held during COP 22¹²⁰. At the forum’s first meeting, in Bonn in May 2016, the subsidiary bodies also drew up the forum’s work programme until November 2018, agreeing to hold a “*workshop on views and experiences, including on case studies, in the context of sustainable development*”, before COP 22¹²¹.

The workshop will focus on:

- (i) economic diversification and transformation
- (ii) a just transition of the workforce, and the creation of decent work and quality jobs.

A report on this work will be made available to Parties in the framework of COP 22, which could then reflect on the possibility of forming a special technical expert group on these topics. These groups will be made up of two members from each of the five regional groups of the United Nations and “*two experts from inter-governmental organizations with experience in the relevant technical area*”¹²².

117. FCCC/TP/2016/3

118. FCCC/TP/2016/3, para. 114

119. FCCC/TP/2016/3, para. 129-155

120. FCCC/SB/2016/L.2/Rev.1, para. 3. See also IISD, 2016c, p.2; and FCCC/SB/2016/L.2 Rev.1, Annex I

121. FCCC/SB/2016/L.2/Rev.1, Annex I

122. FCCC/SB/2016/L.2/Rev.1, Annex II, para. 3

II.1.6 Scope of the next periodic review of the long-term global goal and of overall progress towards achieving it (joint agenda with SBSTA)

In Paris, the Parties requested the SBSTA and SBI to address a recommendation to the Conference of the Parties on the scope of the next periodic review, which must replace the first phase from 2013 to 2015, at the latest by 2018¹²³. As with the first review period, the next process would be led by a joint SBSTA/SBI¹²⁴ contact group and rely on the conclusions emanating from a new Structured Expert Dialogue (SED)¹²⁵. This expert group is responsible for ensure the scientific integrity of the review process.

For the 2013-2015 periodic review process, the Parties had agreed that the process would aim to assess periodically and in priority the adequate nature of the long-term global objective of 2°C and the overall progress made in achieving this objective. The final report of the SED recognises that the objective of limiting the temperature increase to 2°C is “inadequate” for certain eco-systems and regions. It should rather represent the upper bracket of the objective. In Paris, the Parties took note of the SED report and its 10 key messages¹²⁶, the conclusions of which are reflected in the Parties’ decision to convene a new SED in conjunction with the next periodic review¹²⁷.

In addition, with the Paris Agreement, the Parties adopted a new long-term goal for the average temperature increase which reflects the SED’s recommendation of adopting a range with a limit under 2°C representing the highest indicator and 1.5°C the lowest¹²⁸, thereby establishing a “buffer zone”, as suggested by the SED. The Parties also noted that, as reinforced in the SED report, that “*significant gaps still exist in terms of both the scale and the speed of such progress*” in some advances already achieved in scaling up financial, technological and capacity-building support¹²⁹. Above all, the Parties stressed the existing gaps concerning the achievement of the long-term global goal itself.

123. Decision 10/CP.21, para. 10

124. Decision 10/CP.21, para. 10

125. Decision 10/CP.21, para. 11

126. FCCC/CP/2015/10/Add.2, para. 1

127. FCCC/CP/2015/10/Add.2, para. 11

128. Decision 10/CP.21, Annex, Paris Agreement, art. 2

129. FCCC/CP/2015/10/Add.2, para. 6

The Parties also encouraged the scientific community to reflect on the “*information and research gaps identified during the SED*”¹³⁰, which is in line with the special report that the IPCC should produce by 2018 on the 1.5°C target. This report should, in particular, address the consequences of impacts of global warming of over 1.5 °C, for example by considering the range of impacts at the regional and local levels, and on the GHG emission pathways which would allow the temperature increase to be held below 1.5°C by 2100¹³¹. It remains uncertain, firstly, when exactly the next periodic review will take place and, secondly, what its specific scope will be. Although it is expected that the SBSTA and SBI will make a recommendation to the Parties on the scope for consideration, by 2018 at the latest, there is disagreement among the Parties about the rate at which work on this subject should progress¹³². Finally, the SBSTA and the SBI decided to continue discussions on the topic of the scope of the next periodic review at their session in May 2017¹³³.

II.2 Issues related to the SBSTA

II.2.1 Advice on how the assessments of the Intergovernmental Panel on Climate Change can inform the global stocktake referred to in Article 14 of the Paris Agreement

The Paris Agreement, in Article 14, gives the CMA the task of periodically taking stock of the implementation of the goals, by assessing the collective progress towards achieving the purpose of this Agreement and its long-term goals, considering mitigation, adaptation and the means of implementation and support, and in the light of equity and the best available science¹³⁴. With this in mind, the Conference of the Parties, requested advice from the SBSTA on how the IPCC assessments could inform the global stocktake referred to in Article 14 of the Paris Agreement and asked it to report on this matter to the APA at its second session¹³⁵.

In accordance with this mandate, the SBSTA considered the issue of the IPCC’s contribution to the global stocktake, at its 44th session. In response to this consideration, the SBSTA expressed the view that lessons could be learnt from the past, in particular, from the successes and failures that had been recorded in the activities relating to the assessment of the 2013-2015 period¹³⁶. The SBSTA invited

130. FCCC/CP/2015/10/Add.2, para. 8

131. FCCC/CP/2015/10/Add.1, para. 21

132. TWN, 2016b

133. FCCC/SBI/2016/L.1, para. 3

134. Decision 1/CP.21, Annex, Paris Agreement, art. 14, para. 1

135. Decision 1/CP.21, para. 100

136. Decision 1/CP.21, para. 21

Parties and observer organisations, in the light of their experience, to submit their observations on the subject by 12 September 2016 at the latest. The SBSTA decided to consider this issue at its 45th session (November 2016)¹³⁷.

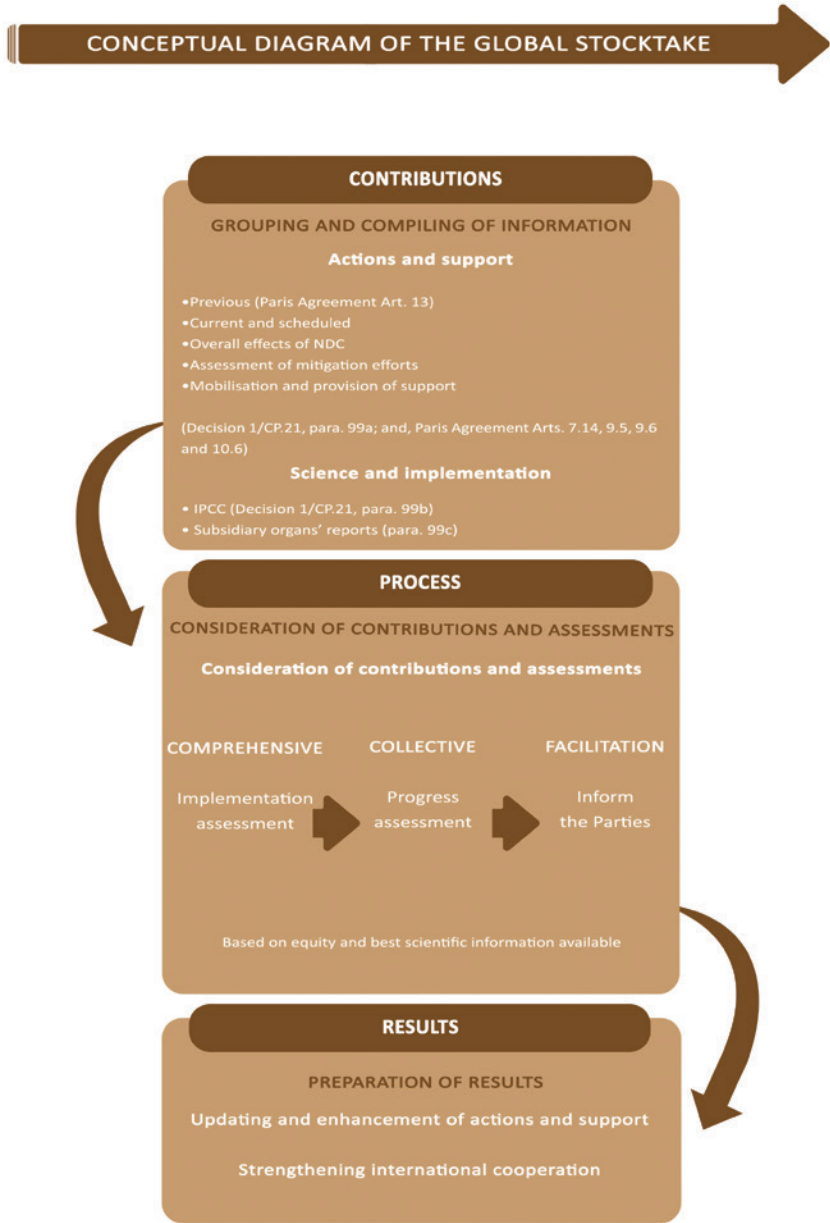
In conjunction with the 44th session of the subsidiary bodies, a special event on how the IPCC assessments can inform the global stocktake referred to in Article 14 of the Paris Agreement was held on 18 May 2016 in Bonn. The aim of this event was to improve understanding of the global stocktake's needs for information that are relevant to the IPCC.

At the end of this work, the Chair of the IPCC noted that the IPCC regarded the global stocktake as consisting of three elements:

- i) ***Aggregating the efforts of Parties*** This will be informed by the enhanced transparency framework for action and support under the Paris Agreement. The IPCC methodology report will be very useful in this regard.
- (ii) ***Assessing progress***: scientific content will need to be enlarged in terms of, inter alia, an understanding and estimation of the carbon budget and indicators of early-warning anomalies in the emissions pathways, as well as in terms of investment patterns in infrastructure. Globally-agreed units to measure adaptation are needed and the scientific community can play a role in developing and advising on them.
- iii) ***Accelerating progress***: To make progress meaningful, the scientific community needs to deliver information on the decision-making framework and process, as well as on incentives for investment in low-carbon and low-emissions development.

137. FCCC/SBSTA/2016/L.16

Diagram 10. Conceptual diagram of the global stocktake¹³⁸



138. © ENERGIES 2050, October 2016 – According to the conceptual diagram of the UNFCCC Secretariat

II.2.2 Questions relating to Article 6 of the Paris Agreement

The decision accompanying that Paris Agreement recommends that the CMA adopt guidelines, rules, modalities and procedures, as well as a framework for the new mechanisms established under paragraphs 1, 4 and 9 of Article 6 of the Paris Agreement. A new framework with the objective of enhancing the transparency of the action and support provided for the implementation of these actions is also established under the Paris Agreement. However, the type of system to be put into place under Article 6, paragraph 4, is however a great unknown for Parties. The SBSTA has the responsibility of preparing and formulating opinions on the way in which to apply the provision on the robustness of the cooperative approaches accounting, for adoption at the first session of the CMA.

With regard to the mitigation goals, it will be useful to define the scope of what is considered a “mitigation outcome” that may be transferred between countries. The objective of the forthcoming reflection work is therefore to define in detail the future approach and, in particular, to evaluate to what extent the mechanisms introduced under the Kyoto Protocol may be mobilised. This question of mobilisation and the integration of past experience into the new action framework is also relevant with regard to the institutional organisation which will be in charge of the new system.

Furthermore, Article 6 requires that the actions implemented by Parties also encourage sustainable development and ensure environmental integrity. The guidelines, rules and procedures to be developed must, therefore, also envisage modalities that can ensure and assess these outcomes in relation to sustainable development goals. The main questions on this subject concern the level of constraint linked to the monitoring of goals: will it be voluntary or obligatory? But also the level at which the rules should be defined: a global level for all or national freedom to define the process?

Finally, the completion of the CDM reform and negotiations on the new market mechanisms and framework for various approaches remain crucial points for discussion. It will bring some security to market stakeholders and ensure the continuity of the new framework linked to the SDM with past approaches, whether with respect to projects put into place or the institutional organisation of the process. In particular, it will be important for the Parties to define the acceptability of the CDM portfolio to the SDM, that is the possibility and the conditions under which the SDM / JI activities could transition towards the new SDM system. On this subject, the issue of environmental integrity will be important. Certain criteria, such as additionality, benefits for host countries and the contribution to global mitigation of world emissions could be considered.

II.3 The issues related to the Ad Hoc Working Group on the Paris Agreement (APA)

When adopting the Paris Agreement, the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) also decided to run an important work programme to accompany it, consolidated through Decision 1/CP.21, in the means for implementation and achievement. In this context, Decision 1/CP.21 decides to create the Ad Hoc Working Group on the Paris Agreement (APA)¹³⁹.

For the first time, the Parties to the Convention reached an agreement on the obligation of achieving “together” the goal of holding the global average temperature increase to below 2°C by 2100, or even 1.5°C, thereby sharing the same vision for mitigation and a global adaptation goal to be determined.

Despite a difficult start, the APA has recorded definite progress on fundamental issues, such as the adoption of the Agenda and the organisation of the work of APA 1, and also on the election of its bureau and the agreement on a certain number of items of work for the subsidiary organs that are relevant to the coherence of the work programme.

Diagram 11 below provides an overall vision of the organisation of the APA.

139. Decision 1/CP.21, para.7

Diagram 11. The issues of permanent subsidiary bodies related to the elements of the Paris Agreement and the accompanying decision¹⁴⁰



140. © ENERGIES 2050, October 2016 – According to UNFCCC, 2016f, Annex I, p.5

II.4 Challenges for APA 1-2 in Marrakesh

The challenges for the APA are twofold, namely moral and operational.

With regards the moral part, *the primary challenge is undeniably keeping the positive and decisive spirit of COP 21 in Paris alive and building trust in the multilateral process.* Such is the complexity and sensitivity of the agreement reached in Paris that this positive momentum must be sustained and even strengthened in Marrakesh, in order to maintain the balance and consensus achieved, but also to ensure that they are followed by conclusions and decisions.

As regards operational issues, action and the implementation of the Paris Agreement must be the hallmark of the Marrakesh Conference¹⁴¹. They can be summarised as follows:

The issues related to the process of ratification and the entry into force of the Paris Agreement:

As all the Parties to the UNFCCC desired and requested during the closure of COP 21, the process for the signature/ratification of the Paris Agreement was launched on 22 April 2016 by the United Nations Secretary-General. As at 5 October 2016, 72 Parties had already officially ratified the Paris Agreement, accounting for 56.75% of global GHG emissions..

The conditions for its entry into force have therefore been fulfilled and the Agreement will enter into force on 4 November 2016¹⁴². The Marrakesh Conference will therefore include the first Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA 1), in conjunction with COP 22 and CMP 12.

In this precise case, the role and position of the countries who have not yet ratified the text and will not be Parties to the Paris Agreement, on the day of its entry into force, must also be considered.

Issue related to the completion and submission of Nationally Determined Contributions:

The main challenge in this respect would be to make as much progress as possible in developing new guidelines for the NDC. They concern many countries, the majority of which had submitted their national contributions according to their own understanding and discretion.

141. Namely, China and the United States (UNFCCC, Newsroom, 2016a)

142. http://www.developpement-durable.gouv.fr/IMG/pdf/2016-10-06_DP_COP21_EntreeVigueurAccord.pdf

Issue related to the coherence of the process:

Interesting debates took place in Bonn, during APA 1, on the topic of the coherence of the process with a view to the preparation and implementation of the Paris Agreement. The aim was to avoid repetitions or duplication among the different subsidiary bodies or groups and committees of experts tasked with preparing draft conclusions and decisions for the first session of the CMA and during future CMA sessions.

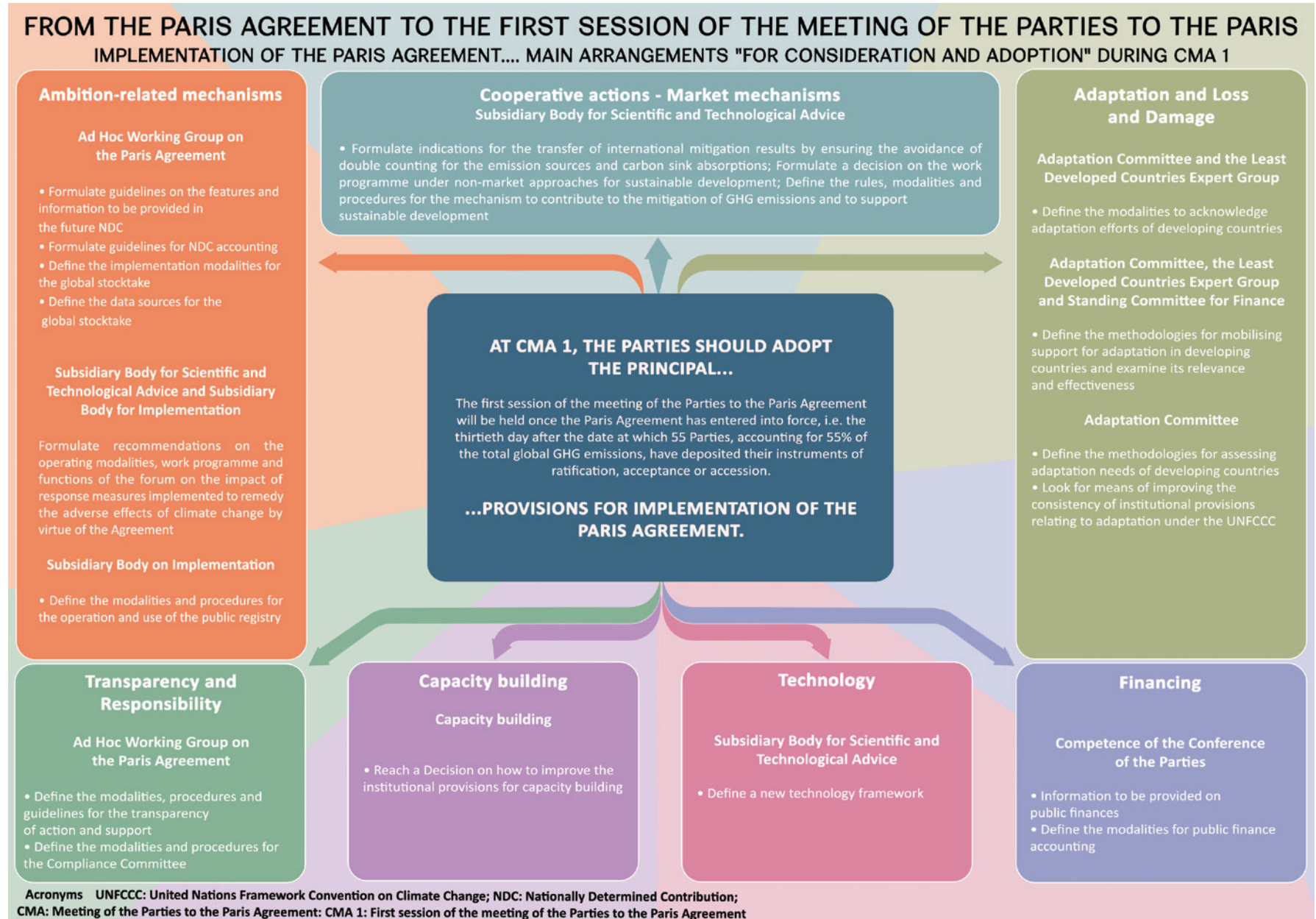
The issue is therefore twofold:

- ensuring that each element (adaptation, mitigation, finance, transparency, capacity-building, loss and damage, technology, etc.) is given due consideration in space and time.
- allowing Parties to consider ways of strengthening coordination and ensuring balanced progress¹⁴³ within the bodies given a mandate by the Paris Agreement and the accompanying decision.

Overall, the challenge for the APA negotiations and negotiators is compounded by the early entry into force of the Agreement, which has at the very least implications for the organisation of the APA and for preparation by countries.

143. IISD, 2016a

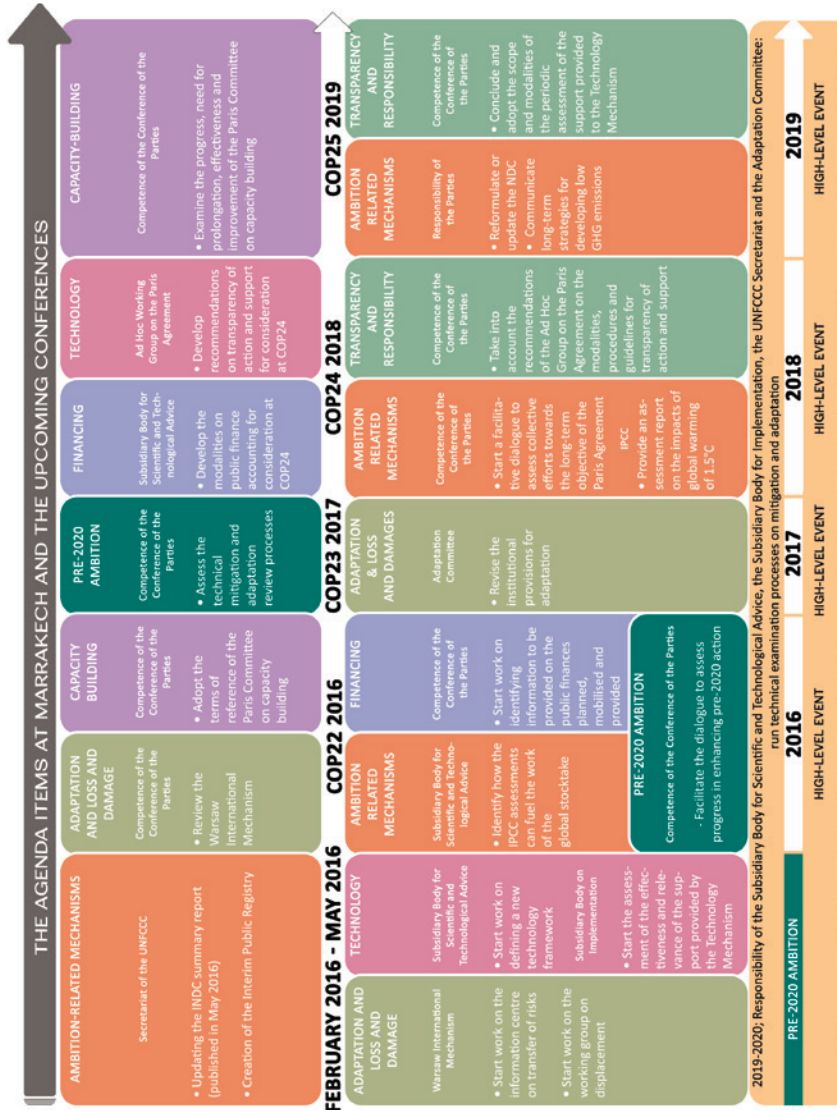
Diagram 12. The implementation of the Paris Agreement.... Main arrangements "for consideration and adoption" during CMA 1¹⁴⁴



144. © ENERGIES 2050, October 2016

Diagram 13. The implementation of the Paris Agreement in a few dates... The agenda items for Marrakech and subsequent Conferences¹⁴⁵

LA MISE EN ŒUVRE DE L'ACCORD DE PARIS EN QUELQUES DATES



Part III

The major issues under debate

III.1 Continued efforts towards 1.5°C

For the first time, Parties gave themselves the goal of reducing their cumulative GHG emissions in order to achieve a global temperature increase target that would be limited, if possible, to 1.5°C. They also recognised, among other aspects, that the emissions pathway for 2030 which emanates from Parties' INDC submissions must be reduced by 28% in order to achieve a target of 2°C by 2100, and that further scientific data was necessary to establish a least-cost pathway which would enable a target of 1.5°C to be reached¹⁴⁶. Many developing countries have been stressing for numerous years the importance for them of holding the global temperature increase to 1.5°C, as opposed to 2°C, while their populations are faced with the various impacts of global warming that have already taken place¹⁴⁷.

For the purpose of filling gaps in knowledge, the Parties invited “*the Intergovernmental Panel on Climate Change to provide a special report in 2018 on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways*”¹⁴⁸; the IPCC accepted this invitation at its 43rd meeting¹⁴⁹. However, the scale of the task to hold the global temperature increase to 1.5°C is not inconsiderable because, among other reasons, the majority of scientific studies carried out so far have considered the chances of holding this increase to 2°C, on the one hand, and that according to certain scientific observations, barely a decade remains before the average temperature increase threshold of 1.5°C above pre-industrial levels will be crossed¹⁵⁰.

146. FCCC/CP/2015/10/Add.1, para. 17

147. ALBA, 2015; AOSIS, 2015; Coalition of rainforest nations, 2015; African Group, 2015;

https://unfccc.int/files/bodies/awg/application/pdf/submission_by_nepal_on_behalf_of_ldc_group_on_views_and_proposals_on_the_work_of_the_adp.pdf and African Group, 2013 and IISD, 2015b, p. 5 for AILAC, Mexico and Dominican Republic.

148. FCCC/CP/2015/10/Add.1, para. 21

149. FCCC/CP/2015/10/Add.1, para. 20

150. Reuters, according to information from the UK Met Office's Hadley Centre, 2016, [online] <http://www.reuters.com/article/us-climatechange-impacts-conference-idUSKCN11S1FE>

From this perspective and in order to be better equipped to continue efforts to hold the average global temperature increase to 1.5°C by 2100, the Parties decided to “*convene a facilitative dialogue among Parties in 2018 to take stock of the collective efforts of Parties in relation to progress towards the long-term goal*”. It is however possible to believe that continued efforts in this regard could fail as, for example, an independent analysis published in May 2016 suggests that the achievement of the 1.5°C target would, for developed countries, translate into a reduction of their GHG emissions by 2030 of 45% below their 2005 emission levels, which would entail redoubling the efforts currently proposed in the NDC of some of these countries¹⁵¹.

In addition to this independent analysis, the “*Emissions Gap Report*”, which was published in 2015 by the United Nations Environment Programme (UNEP), points out that achieving a global temperature increase that is limited to 1.5 °C would undoubtedly require global GHG emissions to be net zero by 2050¹⁵², that is 20 years earlier than in a below 2°C increase scenario.

Therefore, there is reason to believe that countries will be faced with significant challenges during the facilitative dialogue among Parties to take stock in 2018 of the collective efforts of Parties in relation to progress towards the long-term goal. With the expected publication in 2018 of the special IPCC report on achieving the 1.5°C target, it is also possible that the facilitative dialogue will take into consideration the outcomes of this work.

Table. Examples of differentiated consequences caused by a temperature increase of 2°C/1.5°C above pre-industrial levels¹⁵³

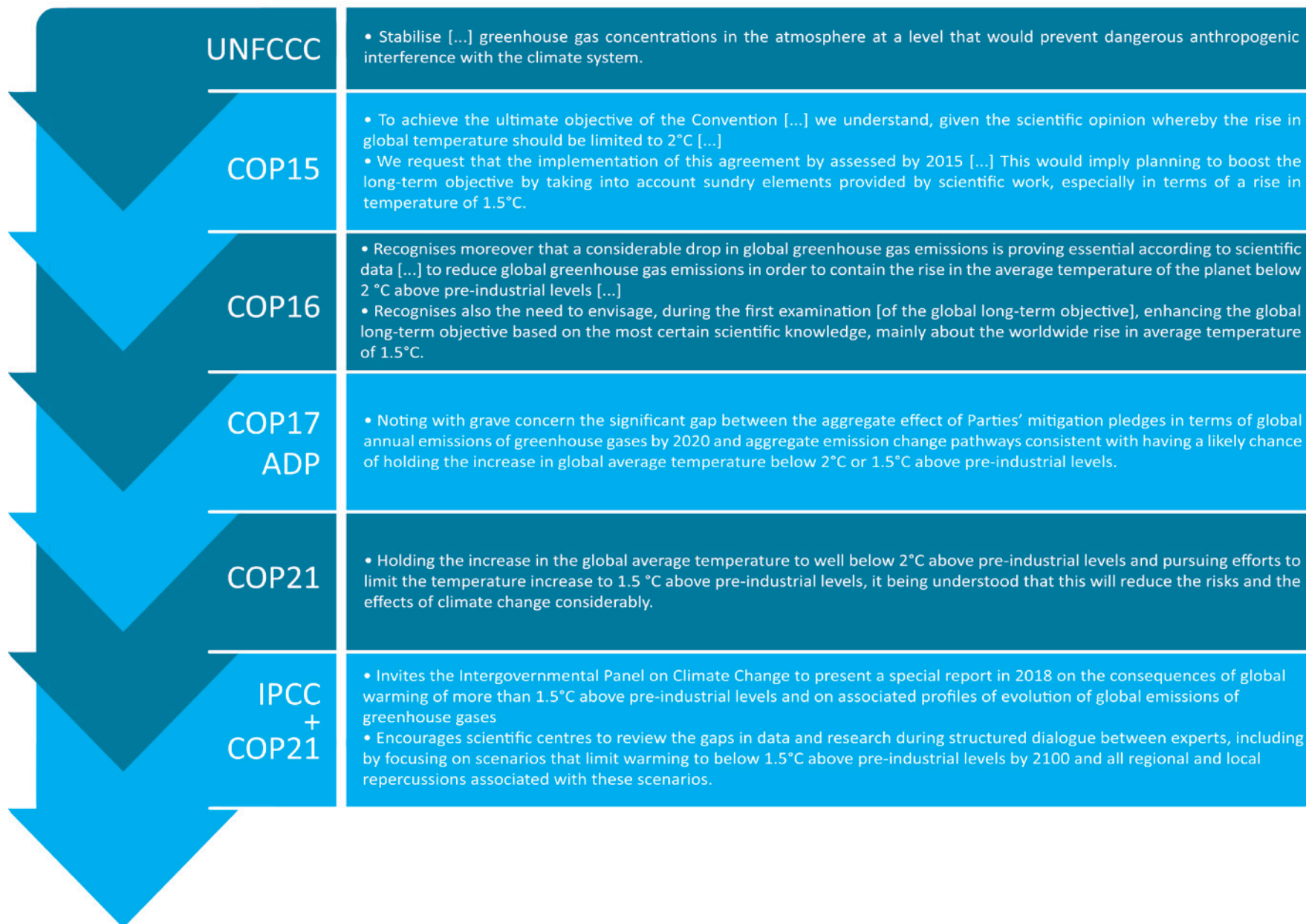
2°C increase	1.5°C increase
Extreme temperature event 5x more frequent	Extreme temperature event 2.5x more frequent
65% increase in extreme precipitation event	45 % increase in extreme precipitation event
Decrease in water resources in subtropical regions: 17% decrease on half of the territory covered by the Mediterranean basin	Decrease in water resources in subtropical regions: 9% decrease on half of the territory covered by the Mediterranean basin
6% decrease in global wheat production for every 1°C increase.	6% decrease in global wheat production for every 1°C increase.
Increase in local rice and soy yields in tropical regions	Increase in local rice and soy yields in tropical regions
Nearly all warm-water coral reefs are at risk of long-term degradation	Decrease in the quantity of coral reefs at risk of long-term degradation

151. Climate Interactive, 2016

152. UNEP, 2015b

153. Schlessner et al., 2016

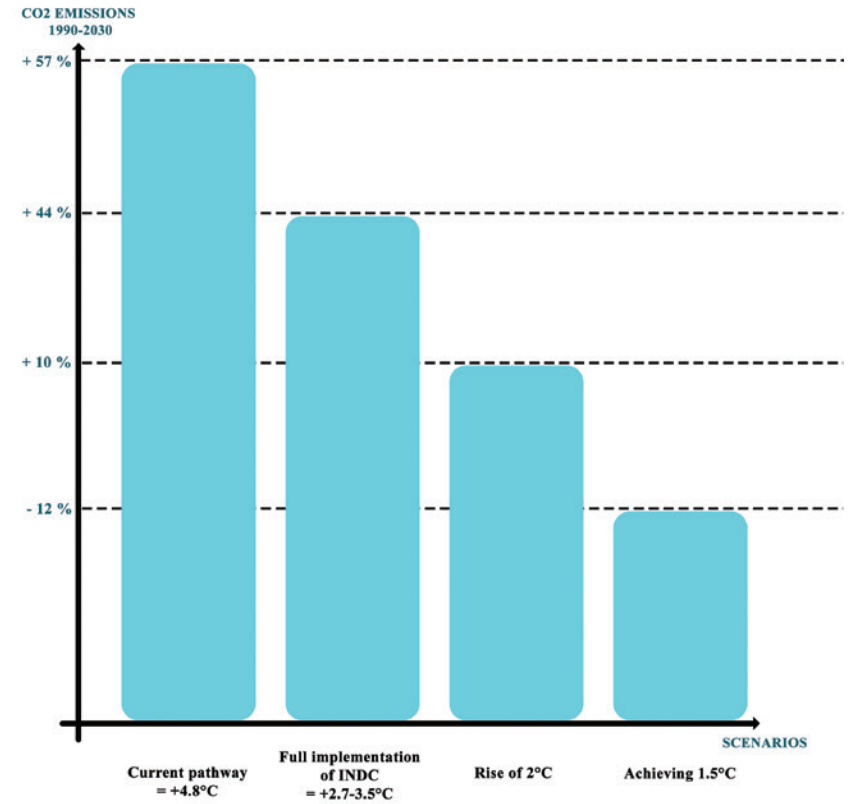
Diagram 14. Evolution of the Convention’s goal and consideration of 1.5°C¹⁵⁴



154. © ENERGIES 2050, October 2016

Diagram 15. Projected global temperature increase by 2100 according to 1990-2030 emissions pathways¹⁵⁵

Projected rise in the global temperature by 2100, based on emissions pathways from 1990 to 2030



Estimations based on the following emissions: 38.7 GtCO₂e (1990); 60.8 GtCO₂e (2030: +4.8°C); 56.2 GtCO₂e (2030: full implementation of INDC); 42.5 GtCO₂e (2030: +2°C); 33.9 GtCO₂e (2030: +1.5°C) drawn from the INDC summary updated by the Convention Secretariat on 2 May 2016

155. © ENERGIES 2050, October 2016 – According to information from the *Synthesis report on the aggregate effect of INDCs* by the UNFCCC Secretariat. See UNFCCC, 2016d

III.2 National considerations related to the implementation of NDC

III.2.1 From INDC to NDC... an unprecedented process in implementing international climate agreements

The development of INDC was a powerful force in the preparation of the first universal agreement on climate in Paris, by involving all players in a voluntary dynamic, while taking into consideration each country's realities. In order for the ambition associated with this major advance to become a reality, the next step is implementation and fulfilment of the pledges included in the national contributions.

In this context, the agreement in Paris, requests that the provisional action plans, the INDC ("intended contributions"), be transformed into concrete action plans by being replaced by NDC (see also section I.B.3). In Article 4, on individual emission reduction efforts, the Paris Agreement refers more specifically to the level of ambition related to turning the INDC into NDC, as well as implementation modalities. It states that each Party must prepare a NDC, showing an increase in the level of ambition during this transformation, while seeking to make it amount to its highest level of ambition possible¹⁵⁶.

156. Decision 1/CP.21, Annex, Paris Agreement, art. 4, para. 3

Diagram 16. The INDC, an innovative and inclusive process for the implementation of the first universal climate agreement¹⁵⁷

THE INDC, AN INNOVATIVE AND INCLUSIVE PROCESS FOR THE IMPLEMENTATION OF THE FIRST UNIVERSAL CLIMATE AGREEMENT



157. © ENERGIES 2050, October 2016

III.2.2 The implementation of NDC in the face of national realities

a. Cooperation among States remains essential for the implementation of the goals

Each Party's capabilities are taken into consideration and reaffirmed in the Paris Agreement, in accordance with equity, the principle of common but differentiated responsibilities, and in the light of different national circumstances¹⁵⁸. Industrialised countries must therefore lead the way, “*by undertaking economy-wide absolute emission reduction targets*”¹⁵⁹. For developing countries, climate ambition must be incorporated into development goals, particularly through adaptation measures with mitigation co-benefits¹⁶⁰. They are, however, encouraged to “*enhance their mitigation efforts*”¹⁶¹, for low-carbon development. In order to allow them to take more ambitious measures, “*in accordance with Articles 9, 10 and 11*” of the Paris Agreement, (financial and technical) support will be provided to them.¹⁶²

The Marrakesh conference must help to move towards making these goals a reality and implementing them, in particularly by focusing on greater cooperation between States.

b. The objective of monitoring and implementing goals: raising the level of ambition of NDC and the MRV procedure

As at 5 October 2016, 163 INDC had been submitted to the UNFCCC¹⁶³, covering 189 States, accounting for 96% of Parties to the UNFCCC and for a total of 95.7% of global GHG emissions¹⁶⁴. However, the current pledges, even if they were fully met, would not be sufficient to keep the temperature increase “*well below 2°C*”¹⁶⁵. This is what emerges from the “*Synthesis report on the aggregate effect of intended nationally determined contributions*”¹⁶⁶ by the UNFCCC, published in May 2016, and which takes into consideration all the INDC submitted by 4 April 2016. Average global GHG emissions are expected to be 8.7 GtCO₂e and 15.2 GtCO₂e by 2025 and 2030, respectively, above a scenario that is compatible with the 2°C pathway. Raising the ambition related to the transformation of INDC therefore remains an essential corollary to the achievement of the goals. If this is not naturally the case, the monitoring process established by the Paris Agreement should be the means for achieving this.

158. Decision 1/CP.21, Annex, Paris Agreement, art. 2

159. Decision 1/CP.21, Annex, Paris Agreement, art. 4, para. 4

160. Decision 1/CP.21, Annex, Paris Agreement, art. 4, para. 7

161. Decision 1/CP.21, Annex, Paris Agreement, art. 4, para. 4

162. Decision 1/CP.21, Annex, Paris Agreement, art. 4, para. 5

163. UNFCCC, *INDCs as communicated by Parties* [online]

<http://www4.unfccc.int/Submissions/INDC/Submission%20Pages/submissions.aspx>

164. UNFCCC, Newsroom, 2016b

165. The Paris Agreement set the goal of keeping the temperature increase “*well below*” 2°C.

166. UNFCCC, 2016

Monitoring and the challenge of implementing the NDC-related goals

A set of interconnected articles in the Paris Agreement introduces a legally binding structure in order to reach the level of ambition in the NDC-related mitigation goals. This includes the goals of holding the increase in the global average temperature in the long term¹⁶⁷, the relevant mitigation goals¹⁶⁸, while putting pressure on Parties to gradually increase their mitigation goals, in order to collectively reach the level of ambition of the Paris Agreement. Such momentum should be reinforced through a renewal of the NDC with five-year cycles, making them increasingly ambitious and enlightened by scientific assessments.¹⁶⁹

It should be added that measuring, reporting and verification (MRV) are central to this whole process and must be fully involved in the implementation of the NDC to ensuring monitoring of them, and in the raising of the level of ambition in achieving the goals.

The INDC become NDC when the Parties deposit their instruments of ratification of the Paris Agreement. The contributions then become concrete, legally binding action plans. Of course, this was still dependent on the entry into force of the Paris Agreement. The process of ratifying the Paris Agreement is still ongoing, but the conditions for its entry into force have been met. It should be recalled that in order for it to become officially operative and legally binding, it must be ratified by at least 55 States and these 55 “parties” must account for at least 55% of global GHG emissions¹⁷⁰. In fact, as at 5 October 2016, 187 States had signed the Paris Agreement, 72 of which have already ratified it officially, accounting for 56.75% of global GHG emissions.

Apart from the instruments of ratification that have already been submitted to the UNFCCC, enabling the Paris Agreement to enter into force and, at the same time, letting thoughts turn to the achievement of the related goals, the challenges posed by the ambition, implementation and monitoring of the goals are still at the heart of the issues and must not be underestimated.

III.3 Ambition and sectoral approaches

III.3.1 Ambition

During the UNFCCC negotiations, the lack of ambition, particularly regarding the reduction of GHG emissions; financing for developing countries; cooperation in technology development and transfer; and institutional capacity-building for

167. Decision 1/CP.21, Annex, Paris Agreement, art. 2, para. 1

168. Decision 1/CP.21, Annex, Paris Agreement, art. 4, para. 1

169. Nature Climate Change, 2016, p. 830

170. Decision 1/CP.21, Annex, Paris Agreement, art. 21

developing countries, more specifically LDC and SIDS, had always been regarded as one of the greatest challenges to tackle in order to achieve the Convention's objectives. This issue has been at the centre of negotiations since the Convention was adopted in accordance with the principle of common but differentiated responsibilities and respective capabilities.

Since its adoption, the Convention has introduced certain provisions and measures to put into practice the commitments of all the Parties, and in particular those of developed countries and other Parties included in Annex 1.

Having realised that the only binding objectives of the Kyoto protocol would not enable the Convention's objective to be achieved, the international community introduced several other mechanisms in order to lead Parties towards undertaking low-carbon development strategies. This led to the establishment of a provision, during COP 15 in Copenhagen, with a view to voluntary commitments being made by developed countries that were not Parties to the Kyoto protocol and, later, to the introduction of provisions relating to nationally appropriate mitigation actions (NAMA) for developing countries. This concept was introduced in Bali (COP 13), and the framework was clarified at subsequent COPs held in Copenhagen (COP 15 in 2009), Cancún (COP 16 in 2010) and Durban (COP 17 in 2011).

Similarly, more frequent procedures for communicating GHG inventories were put into place (through the "Biennial Report" for developed countries and the "Biennial Update Reports" for developing countries).

The Paris Agreement and its accompanying decision made a certain number of provisions which, failing to guarantee a GHG emission reduction level that is consistent with the IPCC's requirements, will make it possible to monitor and update the goals and measures with a view to becoming more closely aligned with those requirements. Accordingly, the Paris Agreement contains key elements which could make it possible to embark on a pathway compatible with a temperature increase of 2°C, as well as a sustainable mechanism to gradually enhance collective ambition (see section I.B).

In addition to these legal provisions, the effect of reputation and the prospect of a country being isolated from the international community is also a powerful means of persuasion with regard to implementation.

With regard to ambition during the Pre-2020 period, Decision 1/CP.21 – while recalling the need to ratify the Doha amendment (2nd commitment period under the KP), to fulfil the Cancún commitments, to submit their first biennial update report as soon as possible, to take part in the current measurement, notification and verification (MRV) processes in order to take stock of progress made – encourages Parties to promote voluntary cancellation by Party and non-Party stakeholders, without double counting, of units issued under the KP, including certified emission reductions that are valid for the second commitment period. The same decisions made a certain number of provisions and measures for the Pre-2020 period (see section I.A.1).

III.3.2 Sectoral approaches

Sectoral approaches were not the subject of specific negotiations in the framework of the Paris Agreement. Nevertheless, the finalised provisions leave ample scope for their implementation, particularly in order to raise the ambition both during the pre-2020 and post-2020 periods.

Since the adoption of the UNFCCC, it has emerged very quickly during the negotiation cycles that sectoral approaches could represent an effective way to combat climate change by setting binding goals by sector, both at the national and international levels. Indeed, the sectoral approach would make it possible to involve sectors in proportion to their environmental impact and to intensify action towards the highest-emitting sectors.

Discussions were hit by the opposing views of developed and developing countries, particularly on two points: considering the obstacles that sectoral goals at the international level could create to global trade, on the one hand, and also obligations that adopting sectoral rules on GHG emissions could place on developing countries, while concealing developed countries' pledges to reduce emissions, which concern their entire economy. Similarly, the NAMA provide wide scope for the use of sectoral approaches at the national level.

The many meetings and fora which were organised, both at the regional and international levels, in the framework of the UNFCCC and its Kyoto Protocol with the aim of exploring the best ways to use sectoral approaches (particularly with regard to industry-led transnational sectoral approaches aimed at involving a sector on a large international or sectoral basis) did not reach a consensus; some limit the scope of these approaches to boosting cooperation in technology development and transfer (similar to the implementation of the Montreal protocol on substances that deplete the ozone layer), while the UNFCCC and its instruments present a much more complex reality.

Discussions continued until the meeting in Accra in 2008, during which Parties agreed that sectoral approaches should not lead to binding commitments by developing countries, and that each country should decide if they wish to introduce sectoral policies or not.

At the same time, the improvement of the CDM procedures helped to go from methodologies for specific projects to standardised guidelines and activity programmes covering certain sub-sectors.

Similarly, several policies and NAMA conducted by developing countries embrace the concept of sectoral or sub-sectoral approaches at the national or/and regional level.

In the framework of the Paris Agreement and Decision 1/CP.21, which accompanies it, the following can be concluded:

- The decisions which led to the introduction of the NDC leave ample scope for the implementation of sectoral approaches at the national, regional and

international levels. In fact, the provisions of the Paris Agreement and its accompanying decision, and the analysis of the first INDC submitted by Parties prior to COP 21, show that:

- The commitments (INDC) of certain developed countries, although they cover their whole economy (as required), identified specific objectives in specific sectors, such as renewable energy, energy efficiency, etc.
 - Several developing countries submitted sector-based contributions and particularly in the implementation of NAMA and Technology Action Plans;
 - Developed and developing countries left a lot of room for sectoral cooperation with a view to implementing their contribution.
- Decision 1/CP.21 recognises the important role of non-state stakeholders;
 - The sectoral initiatives presented in Paris in the framework of the solutions Agenda gain some legitimacy emerging from COP 21;
 - The sub-sectors of energy, renewable energy, energy efficiency, agriculture and forestry offer tremendous potential for cooperation, both on a regional and international scale, and substantial progress has already been recorded.
 - The market-related and non market-based cooperative approaches provide ample opportunity for the development of transnational sectoral approaches;
 - Important sectors, such as Civil Aviation, and the International Maritime Organization have already developed modalities and procedures for managing emissions and the launch of market mechanisms which they would like to establish according to the rules defined by the UNFCCC.

Following COP 21, it is hoped that the principle of ambitious NDC combined with full coverage of developed countries' economies, and given that they should mark the path for developing countries to follow, will enable much more extensive implementation of sectoral approaches at the national, regional and international levels.

Many other dimensions related to the Paris Agreement and the accompanying decision will allow sectoral approaches in the highest-emitting areas, such as energy, cement, aviation, transport and agriculture, to play a decisive role, alongside the commitments covering Parties' whole economies, in achieving the Convention's objectives, as in the following cases:

- encouraging the participation of non-state stakeholders;
- current initiatives and those which will emerge from sharing experience, particularly in the framework of technical expert meetings;
- new rules which will be defined in the framework of mechanisms for voluntary cooperation in internationally transferred mitigation outcomes;
- the greater role given to the technology mechanism.

III.4 Questions relating to climate finance

The issues of climate finance under the UNFCCC and its legal instruments, namely the Kyoto Protocol and the Paris Agreement, are increasingly important and very sensitive. They are especially important when they are placed in the context of the convention's principle, relating to common but differentiated responsibility and countries' respective capabilities, equity and the historicity of global climate change.

The international community formalised¹⁷¹, in Paris in December 2015, the developed countries' promise of USD 100 billion to developing countries in Copenhagen, in 2009, as a minimum threshold for climate financing to be reached in 2020¹⁷². It should be increased from 2025 as and when comprehensive commitments are made in the context of mitigation, transparency, adaptation action or adaptive capacity-building for developing countries, and in particular for the most vulnerable countries.

Despite some dissatisfaction, the Paris Agreement still made it possible to:

- reinforce the links between mobilisation and the provision of financial resources in line with the priority needs of developing countries¹⁷³.
- enshrine parity with regard to financial support and its increase for adaptation and mitigation, by ensuring the prioritisation of public financing in the form of adaptation grants.
- require developed countries to biennially communicate quantitative and qualitative information on the mobilisation of, provision of, projected levels of and increases in public financial resources for developing countries for mitigation, adaptation, technology transfer and capacity-building¹⁷⁴.

The issue of climate finance has developed with a high level of controversy, influenced more by purely economic and financial needs of the principal donors/contributors, and by evolving economic situations in certain developing countries (the GDP of which is similar and sometimes higher than some developed countries), than by the need for and urgency of effectively combating the effects, impacts and

171. Decision 1/CP.21, para. 53

172. In Copenhagen, in 2009, during COP 15, the promise made was to provide USD 100 billion per year between 2013 and 2020 to fill the gap identified by several international institutions, including the World Bank, the United Nations Environment Programme, etc. In the new texts, the annual provision of 100 billion still remains, but it would be difficult to achieve considering the levels of financial contributions to the existing funds (Green Climate Fund, the LDC Fund, the Adaptation Fund, the Special Fund for Climate Change and the Global Environment Facility). Added together, they would not total 100 billion dollars over a replenishment cycle (four to five years on average). Therefore, the target of 100 billion per year seems to be all the more difficult to reach, even if all the contributors concerned work towards it.

173. Decision 1/CP.21, Annex, Paris Agreement, art. 9, para. 4-5

174. Decision 1/CP.21, Annex, Paris Agreement, art. 9, para. 5; and Decision 1/CP.21, para. 56

consequences of climate change suffered by the most vulnerable countries and populations. As proof of this, little substantial financing consistent with the identified priorities and needs reaches the most vulnerable countries, particularly for the financing of projects and actions identified in national adaptation plans (NAP) and/or the National Adaptation Programmes of Action (NAPA) of the least developed countries.

III.4.1 The Standing Committee on Finance (CPF)

The main technical body that regulates financial issues in combating climate change, the Standing Committee on Finance (CPF) was established to assist the development, organisation, coherence and coordination among the operational entities of the UNFCCC financial mechanism and its instruments.

The CPF developed and implemented an ambitious work plan¹⁷⁵.

In September 2016, in Manila (Philippines), the CPF¹⁷⁶ held its fourth forum on the topic “*Financial instruments that address the risks of loss and damage*”. This edition was as rich as previous ones, which had addressed equally important topics¹⁷⁷.

The elements to take¹⁷⁸ from this forum of the CPF include:

- the need for an integrated approach to take into consideration the risks linked to loss and damage.
- the need to develop an intelligent design and a combination of financial instruments to allow an approach which addresses the range of national circumstances and capabilities with regard to mobilisation.
- the need to design a tool, an instrument or an appropriate response to cope financially with the risks of loss and damage.
- the need for a commitment and sharing of knowledge, experience and expertise among the stakeholders concerned.

III.4.2 The Green Climate Fund (GCF)

In its report¹⁷⁹ to COP 22, the GCF confirms the mobilisation of over 10 billion dollars since it was launched. By August 2016, it had signed financing agreements with more than 40 contributors for over 10 billion dollars. It has already paid out more than 425 million dollars in activities to combat climate change (adaptation and mitigation) and in preparing countries.

175. UNFCCC, 2015b Annex X, p.42

176. UNFCCC, 2016a

177. UNFCCC, *Forum of the Standing Committee on Finance* [online]
http://unfccc.int/cooperation_and_support/financial_mechanism/standing_committee/items/7552.php

178. UNFCCC, 2016b

179. UNFCCC, 2016c

The adoption of the Paris Agreement allowed the GCF to decide on the facilitation of the procedures and financing of projects:

- Programming and support for preparing countries to benefit from GCF funding and adaptation planning
- GCF project preparation facility
- Procedures for funding of GCF projects
- **The GCF and the Paris Agreement:** the COP and CMA will guide and give direction to the operational modalities of the GCF's strategic plan and its secretariat's programme of work. The question in the future will be to see how the GCF will be able to support the application of and the actions to implement the Paris Agreement.
- **Relationships between the GCF and the thematic bodies of the UNFCCC:** with the aim of coordinating and invigorating the relationships, interactions and links between the different bodies, a decision was made to hold an annual meeting between the GCF (board and secretariat) and the thematic bodies of the convention on the sidelines of the Conference of the Parties. This meeting will be formalised by a report that must be included as an annex to the GCF report to the COP / CMA for consideration in the negotiations.

The main financial issues considered by the subsidiary bodies (*SBSTA and SBI*) of the Convention addressed the following:

The activities under the funds for LDCs: In spite of the promises made in Paris during COP 21 and efforts made by the LDC expert group (LDCEG/LEG), it nevertheless remains necessary to appropriately pursue a vision that is more oriented to adaptation¹⁸⁰ and the access to the means of implementation, particularly finance, of planned activities to combat climate change.

The adaptation fund: An important player in adaptation financing in developing countries, this fund has experienced serious problems regarding available funding for some years, due to the poor performance of the carbon market, which replenishes the AF through a tax mechanism.

The Marrakesh Conference should recommend a conclusion in order for the Adaptation Fund to be used in the implementation of the Paris Agreement, in the same way as the other operational entities of the Convention's financial mechanism.

The modalities for the accounting of financial resources provided and mobilised through public interventions in accordance with Article 9, paragraph 7, of the agreement: The aim is to find the most suitable methods for the accounting of financial resources. This could be achieved through experiences and existing good practices. A work programme was established and an initial activity, in the form of a workshop, will take place during the SBSTA 45 in Marrakesh.

180. IISD, 2016a

III.4.3 Climate finance in Marrakesh

Alongside the intense negotiations which will take place during the sessions of the subsidiary bodies and the Conferences and Meetings of the Parties in Marrakesh, three important events will be held, namely:

- A workshop on substantive and procedural financial issues (under SBSTA 45)
- A special event on the 2016 biennial assessment and review of the MRV of support in the framework of the CPF work programme.
- An initial annual meeting of the GCF with the thematic bodies related to the UNFCCC's financial mechanism

The events scheduled in Marrakesh, including the facilitative dialogue on financing, pre-2020 ambition and implementation, must help to shed light on the pledge of 100 billion dollars per year and address the concerns of many developing countries. The fear of these countries is that pre-2020 action may overshadow negotiations on the post-2020 period¹⁸¹, which would delay or stop the mobilisation and provision of the required climate finance.

In conclusion, financial issues require a great deal of attention in terms of the quality and content of the approach to them. Regular monitoring by the negotiators themselves is critical to success. This core issue should enable operational and concrete progress on mobilisation, developed countries' provision of and the accessibility to climate finance by all developing countries and, in particular, LDC and SIDS.

Ensuring mobilisation and adequate, foreseeable and sustainable availability of climate finance would make a strong contribution to mitigating the effects of climate change, particularly in the most vulnerable countries, and it would certainly enhance the resilience of populations and ecosystems.

III.5 Adaptation

Adaptation has always constituted the greatest factor in climate negotiations for developing countries. It will be more so in the coming years, under a new and promising context established by the Paris Climate Agreement.

Fear by all developing countries before and during COP 21 was that an agreement be reached centred around mitigation, taking away importance of adaptation and the necessary support to accompany it. Such fear subsisted in spite of the proposal made by the Group of African Countries for the adoption of a global adaptation objective to be linked directly to the global mitigation objective¹⁸², which was supported later by the Group of LDC, SIDS, LMDC, ALBA, etc.

Paris was a real success on Adaptation, just like the Cancun Conference, if not more, dedicating an entire article to adaptation, with provisions contained in the twelve paragraphs of this article (see section I.B.7).

181. IISD, 2016a

182. African Group, 2015.

In Marrakesh at the COP 22 adaptation will be addressed in different negotiation forums, through:

- **COP 22 agenda**
 - Report of the Adaptation Committee (agenda item 6))
 - Implementation of paragraphs 8 and 9 of Article 4 of the Convention (agenda item 14)
 - a) implementation of the of Buenos Aires work programme on Adaptation and Response Measures (Decision 1/CP.10)
 - b) questions relative to Less Developed Countries.
- **CMP-KP 12 agenda**
 - Questions relative to the Adaptation Fund (agenda item 7)
 - a) report by the Adaptation Fund Board
 - b) third review of the Adaptation Fund¹⁸³
- **APA¹⁸⁴ agenda**
 - Additional directives regarding communication on adaptation, in particular, as an element of nationally determined contributions in accordance with article 7 of the Paris Agreement (agenda item 4)
- **SBI agenda**
 - Development of modalities and procedures for the operationalisation and use of a public registry referred to in Article 7.12 of the Paris Agreement (agenda item 6)
 - National Adaptation Plans (agenda item 9)
 - Report of the Adaptation Committee (point 10 of the agenda)
- **SBSTA agenda**
 - Nairobi Work Programme on the impacts, vulnerability and adaptation to climate change (agenda item 3)
 - Report of the Adaptation Committee (agenda item 4))
 - Issues relative to Agriculture (agenda item 7)
 - Modalities for the compatibility of financial resources provided and secured through public interventions pursuant to Article 9.7 of the Paris Agreement.
 - The key issues for COP 22 should be to find answers or at least to try to carve out a path indicated for concrete implementation of adaptation actions, as provided for in the Paris Agreement and its accompanying Decision.

183. Item included and reviewed also by the SBI 44 (May 2016)

184. Adaptation elements will also be addressed by the APA under the items relating to the NDC, Transparency and the global stocktake, as for mitigation.

Challenges and issues of Adaptation

- Can countries agree, considering the important and new situation taken by adaptation in the Paris Agreement on a vision¹⁸⁵, understanding and common interpretation of what adaptation should become in face of climate change for all countries?
- Maintaining the differentiation between developed and developing countries regarding support for adaptation, in particular making available means for implementation has always been a demand from developing countries. What evolution can be expected or anticipated on new regulations concerning adaptation in the Paris Agreement in particular in terms of the global objective (quantifiable or not) of national communications on adaptation and the global stocktake?
- What practical modalities and procedures must be developed and prepared on issues of adaptation?
- How to ensure appropriate and predictable public financing for adaptation projects and programmes in developing countries, especially the most vulnerable ones?
- What transparency for the support provided by developed countries for the benefit of developing countries by adaptation actions?
- The modalities for dealing with adaptation – and its consideration could potentially be far wider than mitigation – given its strong dependence on national and local characteristics, i.e. “national realities”. It is especially important to decide who is going to pay, what aid will be forthcoming and for whom, without forgetting the monitoring and assessment processes.
- How to ensure that adaptation be considered equitably and adequately as is the case with mitigation in the framework of the global stocktake? How to evaluate qualitatively and quantitatively the expectations of the global adaptation objective and the progress recorded by the countries?
- Finally, how will the issue of “vulnerability” closely linked to adaptation be dealt with and what chances will it have so that the climate community (scientific, political, economic, etc.) can agree on a same understanding, even definition and use acceptable to all?

185. Magnan A. (2016). IDDRI

III.6 Role of non-State actors and assessment of commitments

III.6.1 Context: Commitments of State Parties still insufficient

Allowing each Party to determine its level of commitment based on their national realities, the INDC contributed to the Paris Agreement involving all UNFCCC Parties for the first time. However, the commitments made by States, even when fully met, would not be able to keep warming “*well below 2°C*” above pre industrial levels, as demonstrated by the “*updated synthesis report on the aggregate effect of intended nationally determined contributions*”¹⁸⁶, published by UNFCCC in May 2016¹⁸⁷.

Faced with this deficit of ambition, multi-actor cooperation and contribution of non-State actors is proving to be more vital than ever, in order to increase the level of ambition and reduce the gap between the goals and the actions required to reach them.

III.6.2 Acknowledgement of the role of non-State actors

COP21 reaffirmed the role of non-State actors. Thus, Decision 1/CP.21 mentions them in several instances in particular in its preamble, including them in the necessary mobilisation as for the Parties to the Convention, “*in order to mobilise a stronger climate action and more ambitious by all Parties and other actors including civil society, the private sector, financial institutions, cities and other international authorities, local communities and indigenous people (...)*”¹⁸⁸.

Decision 1/CP.21 even dedicates Chapter V “*Non party entities*”¹⁸⁹ to them. The action of non-State actors¹⁹⁰ is underlined and they are invited to scale up their efforts, both to find ways to reduce greenhouse gas (GHG) emissions and also to build resilience to the adverse effects of climate change¹⁹¹. The local and subnational dimensions of adaptation are also showcased¹⁹², clearly recognising the role of cities and local government in building a resilient future. In this respect, the mobilisation of Regions was demonstrated during the recent Mediterranean Forum in Tangiers on 18-19 July 2016 (MedCOP Climate 2016)¹⁹³.

186. UNFCCC, 2016d

187. UNFCCC, Newsroom, 2016b

188. Decision 1/CP.21, Preamble of the Decision to Adopt the Paris Agreement

189. Decision 1/CP.21, p. 21

190. Decision 1/CP/21, para. 134

191. Decision 1/CP.21, para. 135

192. Decision 1/CP.21, Annex, Paris Agreement, Art. 7

193. To learn more: see ENERGIES 2050, 2016, *MedCOP Climate, From Paris to Marrakesh*. Consult the official site of MedCOP Climate 2016: <http://medcopclimat.com/fr/medcop-climat-tanger-2016>

Or the official civil society portal: <http://medcoptanger-sc.com/fr/index.html>

III.6.3 The commitments of non-State actors

An abundance of initiatives... the commitments of non-State actors as so many opportunities for action

a. Existing initiatives

Under climate negotiations, mobilisation of non-State actors was encouraged by the implementation of *Lima-Paris Action Agenda* (LPAA)¹⁹⁴, which was hugely successful. To facilitate information and monitor initiatives of LPAA, *the Nazca Platform*¹⁹⁵ was set up. Launched in 2014 at the COP 20¹⁹⁶, it lists the commitments by non-State actors for climate action. The actions registered are grouped into thirteen sectors: reduction of emissions; resilience; transport; access to energy and energy efficiency; renewable energy; agriculture; private financing; forestry; etc.

As at 5 October 2016, 615 actions were recorded on this platform, covering both the pre-2020 period and the period between 2020 and 2030 (which is also the duration for the implementation of INDC/NDC) and the long term. On the same date, there were commitments from 2364 cities¹⁹⁷, 167 regions¹⁹⁸, 448 investors¹⁹⁹, 236 civil society organisations²⁰⁰ and 2090 companies²⁰¹, proving that there is a growing mobilisations of all stakeholders, in the North and also in the South.

b. Initiatives still in progress, that must be prolonged and renewed

The Paris Agreement, based on decision 1/CP.20, recognises the initiatives and commitments by all actors, including those by non-State actors²⁰² launched as part of the Lima-Paris Action Agenda²⁰³. In order to create a link between the Convention and the multiple voluntary initiatives, “two high-level champions”²⁰⁴ have been appointed for the period 2016-2020. These personalities are notably responsible for monitoring the execution (in the extension of the LPAA initiatives) and inten-

194. LPAA – *Lima Paris Action Agenda*

195. “Non-State Actor Zone for Climate Action”

<http://climateaction.unfccc.int/>

196. *Initiative of French and Peruvian governments, the Secretary General of the United Nations and the UNFCCC Secretariat*

<http://newsroom.unfccc.int/lpaa-fr/lpaa/mobilisation-massive-des-acteurs-non-etatiques-a-la-cop21>

197. <http://climateaction.unfccc.int/cities>

198. <http://climateaction.unfccc.int/subnational-regions>

199. <http://climateaction.unfccc.int/investors>

200. <http://climateaction.unfccc.int/csos>

201. <http://climateaction.unfccc.int/companies>

202. Decision 1/CP.21, *Part IV, Enhanced action before 2020*, paras 106-132, pp.16-21 ; and, Decision 1/CP.21,

203. Decision 1/COP21, para. 121

204. Hakima El Haite originating from Morocco, and Laurence Tubiana from France UNFCCC, Newsroom, 2016a

sification of voluntary initiatives by non-State actors.²⁰⁵ In other words, these two champions should advance the Global Climate Action Programme through the so-called “*non-Party stakeholders*”. Decision 1/CP.21 thus details the tasks incumbent on these high-level champions²⁰⁶, who have in this respect constituted a “*World Plan of Action for Climate*”²⁰⁷.

Faced with this turmoil that is gradually becoming organised, the Action Agenda should become a reality so that the “spirit of Paris” endures. Everyone has a role to play and it is only together that the battle against climate change can be won. The COP 22 in Marrakesh should make it possible to consolidate the foundations of this extensive mobilisation, by once again promoting the mobilisation of multiple stakeholders, and notably the participation of non-State actors in the fulfilment of objectives set by the Paris Agreement.

III.7 Transparency

The enhanced transparency framework is one of the key aspects of the architecture of the new global climate regime adopted in Paris in December 2015.

This new framework must be based on the transparency framework established over the past years and be partly different: presentation of a National Communication to UNFCCC whose content differs according to the countries concerned and presentation of a GHG inventory for developed countries. The 2010 Cancun Agreements strengthened the existing transparency framework by including three new stages: an initial reporting phase, a second phase of national technical evaluation of reports submitted and a third phase of peer-to-peer exchanges on progress made by countries. These three phases are also differentiated according to the countries.

On the basis of this process already in place, the enhanced framework for transparency of the Paris Agreement should monitor advances and progress made in relation to individual and collective objectives in terms of emission reductions and better understand how the NDC will be accomplished. This new approach will be flexible in defining the perimeter, frequency and level of detail of communication of the Parties as well as the scope of revisions. However, the communication on climate financing provided and mobilised remains a more critical point as no rule or methodology has for the time being been clearly established. In addition to this communication on financial aspects, the new transparency framework must also consider adaptation actions as well as technical means or capacity-building that will be set up.

205. Decision 1/COP21, para. 122

206. Decision 1/COP21, para. 122

207. UNFCCC, Newsroom, 2016a – To see the letter from the two “champions” [online] <http://newsroom.unfccc.int/media/658505/high-level-champions-climate-action-roadmap.pdf>

The capacity-building activities are also at the heart of the process of to enhance the transparency framework. Several initiatives spurring this capacity building emerged after Paris²⁰⁸, such as the Capacity Building Initiative for Transparency²⁰⁹ and the Initiative for Climate Action Transparency²¹⁰.

The Earth Negotiations Bulletin²¹¹ reports the conclusions of the SBI, and stresses “*the importance of the principles of openness, transparency, and inclusion during the preparations for COP 22/CMP 12 in Marrakesh*”.

The objective in the months ahead is therefore to implement a common and shared vision of the provisions of the Paris Agreement on transparency and the manner in which the present framework will change. It will be necessary to set priorities and a timetable defining the activities to be completed by the APA and the various UNFCCC entities²¹².

Finally, several elements to enhance the transparency framework envisaged under the Paris Agreement have already been suggested, such as:

- incorporating all stakeholders in the design of national policies and the process of international verification;
- improving access to information to allow informed commitments and decision-making;
- highlighting the co-benefits of sustainable development actions; and
- using cooperative initiatives of various groups of players to help achieve or go beyond the national commitments set out in the NDC²¹³.

III.8 Gender equality in the context of climate change negotiations

III.8.1 Context: Gender and equality between men and women

Gender refers to the analysis of the status of men and women, the qualities or characteristics that society ascribes to each gender, social relationships between men and women, and socio-cultural perceptions of gender²¹⁴. Gender in the Paris Agreement is included under the notion of “*gender equality*”²¹⁵.

208. Dagnet, 2016

209. <https://www.thegef.org/gef/CC/capacity-building-initiative-for-transparency>

210. <http://www.climateactiontransparency.org/>

211. IISD, 2016a

212. OECD/IEA, 2016

213. Dagnet, 2016

214. United Nations Organisation for Agriculture. *Why “gender”?* [Online]

<http://www.fao.org/gender/gender-home/gender-why/pourquoi-parler-de-genre/fr>

215. See box “Gender equality in the Paris Agreement”

Based on the Beijing Declaration, COP 7 (2001) in Marrakesh put forward the need to have a more balanced representation of men and women among the elected members of the bodies created under the UNFCCC and the Kyoto Protocol²¹⁶. But ten years later, at COP 18 in Doha in 2012, the Parties still acknowledged that women continued to be under-represented in these bodies, despite declarations of intent²¹⁷. They thus set the objective of achieving gender balance within the negotiation and decision-making bodies for consideration in 2016 at the COP 22 in Marrakesh.

Following the work conducted under the auspices of the Subsidiary Body for Implementation (SBI) in 2014, COP 20 established the Lima work programme on gender for a two-year period²¹⁸. Its work should also be reviewed during COP 22 in 2016. The Programme deals in particular with the question of women representation in bodies created under the Convention, gender-sensitive climate policies, and tools to incorporate gender issues into climate activities.

During the Bonn Conference held in May 2016, the SBI plenary session adopted its conclusions (FCCC/SBI/2016/L.16) on Tuesday, 26 May, among which²¹⁹, the SBI: “*expressed its appreciation for the two-year Lima work programme on gender and the observations received in support of this programme; requested the Parties and observers to provide information on progress made in achieving the objectives of reaching a gender balance and the gender-sensitive climate policy and agreed to continue to consider this matter at the SBI 45 with a view to preparing a draft decision for consideration by the COP 22*”.

This meeting is the culmination of a long process, for which hopes are running high, especially as a draft decision is included in the schedule for COP 22.

III.8.2 From the topic of gender to “gender equality” in the Paris Agreement

Gender equality in the Paris Agreement

Decision 1/CP.21 includes the topic of gender equality, taking into account the need to involve everyone and also “*to promote and consider the rights [...] of people in vulnerable situations and the right to development as well as gender equality, empowerment of women and intergenerational equity*”¹.

This is recalled from the preamble of the Agreement, which emphasises that “*climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on [...] the right to development, as well as gender equality, empowerment of women*”².

Continued on page 75

216. Decision 36/CP.7

217. Decision 23/CP.18

218. Decision 18/CP.20

219. IISD, 2016a

In Article 7, which establishes the global adaptation goal, “*The Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach*”²³.

Finally, the topic of gender equality is included in Article 11, which addresses capacity-building, and which should in particular “*be guided by lessons learned, including those from capacity-building activities under the Convention, and should be an effective, iterative process that is participatory, cross-cutting and gender-responsive.*”⁴⁴

The year 2015 was critical as regards the recognition and consideration of the topic of gender equality at international level, most notably in the light of the progress made by the Paris Agreement in combating climate change, but also from a broader perspective.

This is especially the result of the United Nations programme for post-2015, constituted by the Sustainable Development Goals and set out in a document entitled “*Transforming our world: the 2030 Agenda for Sustainable Development*”²²⁰. In summary, the SDG deal with the interconnected and interdependent elements of Sustainable Development, whilst addressing the international community as a whole, that is both developed and developing countries. These seventeen Sustainable Development Goals (SDG) include a separate goal on achieving gender quality and empowering all women and girls (SDG5), as well as a second goal on reducing inequality within and among countries (SDG10)²²¹.

220. United Nations, 2015

221. UN Women, 2015, pp. 4-5

General conclusion: COP 22... or the challenge of implementation

The agreement adopted during the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) in 2015 brings together, for the first time, all the Parties to the UNFCCC. As such, it becomes the first universal climate agreement and is therefore already historic. The aim, which is now included in the Paris Agreement, is to hold the increase in temperatures to well below 2°C and to pursue efforts to limit the temperature increase to 1.5°C, from now until the end of the century, above pre-industrial levels. The next stage, which is essential for giving practical expression to this high point, is the implementation of the commitments.

The Paris Agreement and Decision 1/CP.21, which operationalises it, enabled real progress to be made in responding to the challenges posed by climate change. In addition to the universal character of this agreement, a certain number of issues were reaffirmed and/or confirmed, with reference to mitigation and market mechanisms, and also adaptation, loss and damage, financing, transfer of technology, capacity-building, or the recognition of the role and necessary involvement of all players in combating global warming. The monitoring of implementation and transparency in order to achieve the goals were also reaffirmed.

As part of the preparation for COP 21, the Parties communicated throughout 2015 their intended nationally determined contributions (INDC) to the UNFCCC Secretariat. States were required to provide evidence of the effort that they were ready to make individually and voluntarily to achieve the objectives of the Convention, mainly in terms of reducing or limiting greenhouse gas (GHG) emissions. This unprecedented and emphatically bottom-up approach was influential in leading to the first universal agreement on climate. The INDC are indeed evidence of a shared understanding of the challenges and a common ambition to combat climate disorders and also of the sustainable development of our societies. The agreement adopted in Paris states that commitments of the INDC (“intended contributions”) will now be replaced by nationally determined contributions (NDC), or, in other words, concrete action plans.

As at 5 October 2016, 163 INDC had been submitted to the UNFCCC²²², covering 189 Parties (the European Union submitted one single INDC for all its Members). These contributions represent 96% of the Parties to the UNFCCC and a total of 95.7% of global GHG emissions²²³. However, the current pledges, even if they were fully met, would not be sufficient to keep the temperature increase “*well below 2°C*”, the target set in the Paris Agreement²²⁴. In fact, Decision 1/CP.21, paragraph 19, requested the Secretariat to prepare an evaluation report on the contribution of the INDC to combating climate change. This report, which was released in 2016, takes into account all of the INDC submitted by 4 April 2016. According to this document, with the title “*Synthesis report on the aggregate effect of intended nationally determined contributions*”²²⁵, average global GHG emissions are expected to be 8.7 GtCO₂e and 15.2 GtCO₂e in 2025 and 2030, respectively, above a scenario that is compatible with the 2°C pathway.

Beyond issues of implementing the commitments, raising the ambition therefore remains an essential corollary to the achievement of the goals set. In this context, as provided for by the Paris Agreement and in accordance with Decision 1/CP.21, each Party shall communicate an NDC every five years²²⁶, while having the opportunity to adjust it at any time, with a view to enhancing its level of ambition²²⁷. Related to these reflections is the requirement for clarity and transparency in the implementation of the NDC²²⁸, in order to meet the objectives of MRV (Measuring, Reporting and Verifying), which is at the heart of the ongoing process.

The drafting of a detailed regulation for market mechanisms (Article 6 of the Agreement) is important in order to develop the principles of environmental integrity and transparency, by learning from the experience gained from the Kyoto Mechanisms. A “race to the bottom” through harmful competition by States must be prevented, by using the cooperative approaches (CA) in Article 6.2, which are not under direct international control. The extensive experience of the CDM with MRV methodologies must be taken into account for the methodological structure of new mechanisms. Furthermore, it is also important to work very seriously on approaches that seek to accredit complete mitigation policies, such as renewable energy feed-in tariffs or carbon taxes. Approaches that aim to avoid double counting and guarantee global mitigation of emissions will most probably be a subject of dispute among the Parties.

222. UNFCCC, INDCs as communicated by Parties [online]

<http://www4.unfccc.int/Submissions/INDC/Submission%20Pages/submissions.aspx>

223. UNFCCC, Newsroom, 2016b

224. The Paris Agreement set the goal of keeping the temperature increase “*well below*” 2°C.

225. UNFCCC, 2016d

226. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 9

227. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 11

228. Decision 1/CP.21, Annex, Paris Agreement, Art. 4, para. 8

In addition to the other advances, the principles of equity, common but differentiated responsibilities and respective capabilities are reaffirmed in the Paris Agreement, in accordance with the founding principles of the Convention. Adaptation to climate change was identified as a priority in the same way as mitigation. Real progress on adaptation regarding institutional coherence and financing are also one of the major issues for COP 22. The same is true for capacity-building, financing and technology transfer. Support should be given to the implementation of ambitious measures by all States, including developing countries which, in the light of the inequalities in resources and their heightened vulnerability to climate, must receive support from developed countries.

The issue of financing is also a central part of the negotiations. Since Copenhagen in 2009, the developed countries have committed to mobilise every year, from 2020 onwards, 100 billion dollars for climate projects in countries in the South. The Paris Agreement establishes the principle that this amount is a floor. It also operationalises the Green Climate Fund. COP 22 must in turn bring its share of commitments. International cooperation is therefore essential and must continue, in the “spirit of Paris”, in order to close the gap between the targets and how to achieve them, by including once again all players.

The Paris Agreement reaffirms the critical role of non-State players in the process, in particular with regard to States’ shortfall in ambition. They have become essential by innovating every day and around the world, numerous initiatives continue to emerge, adapted to suit local contexts. The decision operationalising the Paris Agreement even dedicates Chapter V to them, “Non-State Stakeholders”²²⁹, and they are invited to scale up their efforts, both to find ways to reduce greenhouse gas (GHG) emissions and also to build resilience to the adverse effects of climate change²³⁰.

This enthusiasm, the mobilisation of all States and all stakeholders glimpsed in Paris must continue at COP 22 and be sustained. The success of the Marrakesh Conference is therefore as crucial as establishing the first universal climate agreement.

The Marrakesh Conference must indeed contribute strong advances to this process, in particular in the framework of the entry into force of the Paris Agreement. It should be recalled that in order for it to take effect officially and become legally binding, the Paris Agreement must be ratified by at least 55 Parties accounting for at least 55% of global GHG emissions²³¹. For the record, as at 5 October 2016, 187 State Parties had signed the Paris Agreement, 72 of which had already ratified it officially, accounting for 56.75% of global GHG emissions. The inherent conditions for the entry into force of the Paris Agreement have therefore been exceeded.

229. Decision 1/CP.21, p. 21

230. Decision 1/CP.21, para. 135

231. Decision 1/CP.21, Annex, Paris Agreement, Art. 21

By achieving the adoption of the Paris Agreement and by ensuring that it becomes operational through its entry into force, the international community has met two of the first major challenges. The result is a historic step in international negotiations: the advent of the first legally-binding universal climate agreement. The next step is therefore, now more than ever, giving practical expression to and operationalising the goals, by facing the challenges of implementation during COP 22.

Appendices

A.1 Bodies formed under the Convention

Institution	Responsibilities
<i>Subsidiary bodies common to the COP, CMP and CMA</i>	
Subsidiary Body for Scientific and Technological Advice (SBSTA)	Advises the COP and CMP on scientific issues and technologies which are specific to or shared by them. (Applicable to the Paris Agreement upon its entry into force and, therefore, to the CMA)
Subsidiary Body for Implementation (SBI)	Advises the COP and CMP on improving the effective application of the Convention and the Kyoto Protocol. (Applicable to the Paris Agreement upon its entry into force and, therefore, to the CMA)
<i>Specialist bodies created by virtue of the COP</i>	
Climate Technology Centre and Network	Facilitates the establishment of a network of organisations, initiatives and national, regional, sectoral and international technology networks.
Technology Executive Committee	Seeks to carry out the application of the framework for implementing meaningful and effective actions to enhance the transfer of or access to technology.
Standing Committee on Financing	Helps the Conference of the Parties to carry out its functions relating to the Convention's financial mechanism.
Adaptation Committee	Promotes the implementation of enhanced action for adaptation.
Forum on the impact of response measures ²³²	Helps the countries concerned to deal with the impacts of response measures that have been implemented.
Executive Committee of the Warsaw international mechanism on loss and damage	Addresses loss and damage associated with climate change impacts, in particular extreme weather events and phenomena that are gradual, in developing countries that are particularly vulnerable to the adverse effects of climate change.
Paris Committee on Capacity-building	Created during COP 21, in Paris, to address gaps and needs, both current and emerging, in implementing capacity-building in developing country Parties and further enhancing capacity-building efforts, including with regard to coherence and coordination in capacity-building activities.
<i>Working and specialist expert groups created by virtue of the COP</i>	
Consultative Group of Experts on national communications of non-Annex I Parties (CGE)	Assists the non-Annex I Parties in preparing their national communications.
Least Developed Countries Expert Group (LDCEG)	Advises the least developed countries on preparing and implementing adaptation plans, among other things.

232. Work programme overseen by subsidiary bodies

Ad Hoc Working Group on the Paris Agreement (APA)	Prepares for the entry into force and the operationalisation of the Paris Agreement by preparing draft decisions to be recommended through the Conference of Parties to the Conference of the Parties acting as a meeting of the Parties to the Paris Agreement for consideration and adoption at its first session.
Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) (closed since end of 2015)	Helped to prepare a protocol, another legal instrument or an agreed outcome with legal force, applicable to all the Parties, which should enter into force no later than 2020 and was adopted in 2015 in Paris.
Ad Hoc Working Group on Long-term Cooperative Action of the Convention (AWG-LCA) (closed as from end of 2012)	Spearheaded the process allowing the integral, effective and on-going application of the Convention by concerted action by 2012 and beyond, with a view to adopting an "agreed result" adopted in Doha in 2012.
<i>Specialist bodies of the CMP</i>	
Executive Board of the CDM	Ensures the effective implementation and correct operation of the clean development mechanism (CDM).
Joint Implementation Supervisory Committee	Spearheads the implementation and verification of the Joint Implementation (JI) in the countries referred to in Annex I.
Compliance Committee	Is responsible for guaranteeing compliance with commitments and supports the Parties finding it difficult to comply with their obligations under the Kyoto Protocol. This committee includes a facilitative branch and an enforcement branch.
Ad Hoc Working Group on the new commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) (closed since end of 2012)	Supports the process for making commitments for the post-2012 period by Annex I Parties that are also Parties to the Kyoto Protocol, as adopted in 2012 in Doha.

A.2 The main negotiating groups

The main negotiating groups

The climate change negotiation process revolves around regional groups and negotiation coalitions. The regional groups are derived from the official United Nations classification system, according to their geographical situation, whilst the negotiation coalitions are political alliances formed on the basis of common interests. During negotiations, the countries usually speak on their own behalf or on behalf of a negotiation coalition.

United Nations Regional Groups

The regional groups do not necessarily share the same interests in relation to the negotiations on climate change. The members of the Bureau are elected from regional groups and Small Island Developing States (SIDS).

The regional groups are Africa, Asia and the Pacific Region (including Japan), Eastern and Central Europe, Latin America and the Caribbean (GRULAC, from the Spanish) and the Western Europe and Others Group (WEOG). “The others” are Australia, Canada, the United States, Iceland, New Zealand, Norway and Switzerland.

The African Group

The African Group is the only regional group to function as a genuine negotiation coalition. It has 54 members, all of whom share a variety of causes for concern, such as desertification, the lack of water resources, vulnerability to the impacts of climate change and the fight against poverty. The Group currently makes joint statements, mainly on questions relating to adaptation, technology transfer, capacity building and financing.

Negotiation coalitions

AOSIS (Alliance of Small Island States)

AOSIS is an *ad hoc pressure group* which gives a voice to the majority of Small Island Developing States (SIDS) during negotiations at the United Nations. It has 44 members that share their geographical vulnerability to the impacts of climate change, especially the rise in sea levels, which poses a threat to the survival of several islands. Most AOSIS countries also belong to the Group of 77 and China (G77/China) and nine are among the Least Developed Countries (LDC)²³³. Bahrain is the only SIDS member of the United Nations which does not belong to AOSIS; conversely, the Cook Islands and Niue belong to AOSIS but are not SIDS members of the United Nations²³⁴.

Least Developed Countries (LDC)

233. <http://aosis.org/members> and <http://unohrlls.org/about-sids/country-profiles>

234. *Ibid.*

The group of LDC comprises 48 countries among the least developed (34 in Africa, thirteen in Asia and one in the Caribbean)²³⁵. They defend their interests jointly with the United Nations, especially in relation to climate change. They share considerations about their vulnerability and their need for support in planning their adaptation. The UNFCCC also recognises the special needs of the LDC, which are the least capable of facing up to the impacts of climate change.

Group of 77 and China (G77/China)

The G77/China comprises 133 developing countries and China²³⁶, which together would account for 85% of the population of the planet²³⁷. China is an associate member rather than a full member of the G77. The G77/China supports in particular the economic interests of its members in miscellaneous questions within the United Nations. The G77/China member countries can sometimes adopt diverging positions during the climate change negotiations, which they then defend via another negotiation coalition or regional group²³⁸.

European Union

The European Union is a political and economic union of 28 member countries. It is represented by the European Union, which is a Party to the Convention and the Kyoto Protocol²³⁹, but which has no voting right distinct from that of individual countries. Despite some differences, they often adopt a common position and speak with a single voice during climate change negotiations.

Umbrella Group

The Umbrella Group is a flexible coalition of developed countries which do not belong to the European Union and which has been formed in the context of climate change negotiations. It has emerged from the JUSSCANNZ²⁴⁰ group and is active in all the UN forums despite the group not always comprising the same countries. Although informal, the list normally includes Australia, Canada, the United States, Russia, Iceland, Japan, New Zealand, Norway and Ukraine (other countries are added periodically, depending on the topics addressed).

Environmental Integrity Group (EIG)

The Environmental Integrity Group was formed in 2000 by OECD members which did not agree with the positions adopted by the Umbrella Group, namely

235. <http://unohrrls.org/about-ldcs>

236. <http://www.g77.org/doc/members.html>

237. See for example http://www4.unfccc.int/submissions/Lists/OSPSubmissionUpload/213_149_130854955925976208-G77_China%20statement%20ADP2-10%20opening%20plenary.pdf

238. <http://unfccc.int/6343.php>.

239. Initially as the European Economic Community

240. JUSSCANNZ is the acronym for “Japan, the USA, Switzerland, Canada, Australia, Norway and New Zealand”.

Switzerland, Mexico and the Republic of Korea. It has subsequently been joined by Monaco and Liechtenstein. Mexico and South Korea are rare OECD members that are not included in Annex I (see Sheet 6). Member countries are frequently known to negotiate on an individual basis given the huge differences in their national contexts. Otherwise, the group is normally coordinated by Switzerland.

BASIC

BASIC is a group of countries made up of Brazil, South Africa, India and China. It was founded at a meeting held in November 2009 to define a common stance for the Copenhagen Conference (COP 15, December 2009). After the meeting, BASIC published a series of positions considered to be non-negotiable by its members, in particular a second commitment period for developed countries by virtue of the Kyoto Protocol and scaled-up financing for the mitigation and adaptation of developing countries²⁴¹. Since then, the group regularly meets in order to share its positions and to develop a shared strategy. As BASIC is made up of the most important emerging countries and large emitters, it now stands out as an indispensable actor in international climate negotiations.

Coalition for Rainforest Nations

This coalition started to take shape in 2005 under the initiative of Papua New Guinea. Its goal is recognition of the efforts made by developing countries to slow down emissions caused by deforestation. The composition of this coalition has varied over time. It currently includes 52 countries from Africa, Central America, South America, the Caribbean, Asia and Oceania²⁴². Its members do not always speak with the same voice and the Coalition for Rainforest nations can make a statement on behalf of certain among them only.

Group of Countries of Central Asia and the Caucasus, Albania and Moldova (CACAM)

CACAM groups countries from Eastern and Central Europe and Central Asia, including Albania, Armenia, Georgia, Kazakhstan, the Republic of Moldova, Uzbekistan and Turkmenistan. There are also observers, such as Azerbaijan. These countries have created a coalition seeking recognition for their status as non-Annex I countries with economies in transition under the UNFCCC and the Kyoto Protocol²⁴³. The reason is that the UNFCCC does not define the term “developing country” clearly and that these countries do not view themselves as developing countries despite their exclusion from Annex I of the Convention²⁴⁴. The CACAM countries rarely take a common stance on other issues.

241. www.sei-international.org/publications?pid=1643

242. http://www4.unfccc.int/submissions/Lists/OSPSubmissionUpload/213_149_130855981051940810-CfRN_AD2-10_opening_statement.pdf ; et, www.rainforestcoalition.org

243. *Ibid.*

244. <https://unfccc.int/1031.php>

Bolivarian Alliance for the Peoples of our America (ALBA, from the Spanish)

ALBA was originally a political, social and economic organisation to promote cooperation in these areas between the socialist countries of Latin America and the Caribbean and offer an alternative to the Free Trade Area of the Americas advocated by the United States²⁴⁵. ALBA thus became a negotiation coalition in 2010, representing a hub of six countries: Venezuela, Cuba, Bolivia, Ecuador, Nicaragua and Antigua and Barbuda, joined occasionally by Dominica and Saint Vincent and the Grenadines. This coalition bases its positions on the principle that developed countries must demonstrate ambitious action in world efforts to combat climate change²⁴⁶.

Like Minded Developing Countries (LMDC)

The *Like Minded Group* is a spontaneous coalition of countries created during the Bonn Conference on climate change in May 2012. Its members are part of the G-77/China and, in its strategy, aims to reinforce and unify this group²⁴⁷. It is made up of several countries from the Arab world, India, China, several emerging Asian economies and certain active South American Parties, especially Venezuela, Bolivia and Cuba. Also named “Developing countries with similar views”, this coalition is also found in other international forums, especially the World Trade Organisation. It is a group of States uniting around a very strong central position on major questions for developing countries, mainly equity and respect for the principle of common but differentiated responsibilities²⁴⁸. Note that several large oil producers are found in this group.

Arab Group

The Arab Group is made up of 22 member States from the League of Arab States, namely Jordan, Lebanon, Syria, Saudi Arabia, Egypt, Iraq, Yemen, Libya, Sudan, Morocco, Tunisia, Kuwait, Algeria, Bahrain, United Arab Emirates, Oman, Qatar, Mauritania, Somalia, Palestinian Authority, Djibouti and the Comoros. The contours of this coalition are well defined inasmuch as its members have been accustomed to working together since 1945 as a pressure group towards international institutions under the name of the League of Arab States (commonly called the Arab League). The Arab Group countries are linked together by a certain shared culture, the Arabic language and the Muslim religion. Nevertheless, the Middle-East conflicts cause tension between them.

245. www.alianzabolivariana.org ; and www.americasquarterly.org/hirst/article

246. www.portalalba.org/index.php/2014-03-29-22-04-24/documentos/1299-2010-06-25-x-cumbre-otavalo-ecuador-declaracion-especial-sobre-cambio-climatico

247. www.twinside.org.sg/title2/climate/info.service/2012/climate20121005.htm

248. www.twinside.org.sg/title2/climate/info.service/2013/climate130301.htm

A.3 History of the negotiations

From Rio (1992) to Bali (2007)

The United Nations Framework Convention on Climate Change (UNFCCC) was adopted in 1992 during the Earth Summit in Rio de Janeiro. Through the UNFCCC, signatory countries undertake to stabilise the greenhouse gas (GHG) concentrations at a level that would prevent dangerous anthropogenic interference²⁴⁹ with the climate system²⁵⁰. The Kyoto Protocol (KP) was adopted in December 1997 to supplement the commitments made in Rio. This forces the Parties included in Annex I of the UNFCCC (developed countries) that have ratified the Protocol to reduce individually or jointly the emission level of six greenhouse gases (GHG) by 5% compared with the 1990 level in the period 2008-2012²⁵¹. At this time, it was the first binding instrument by virtue of international law to limit countries' GHG emissions.

Despite this, certain points of the Protocol could not be settled in Kyoto and the Parties continued to negotiate on miscellaneous controversies in subsequent years. The Marrakesh Accords finally allowed the adoption of the operationalisation modalities for the Kyoto Protocol in 2001. However, the Protocol only came into force in February 2005 and its implementation was delayed in a most countries. Australia only ratified it in December 2007, for example. Canada even withdrew in 2011. And the United States, the largest emitter in the world until 2004 (since passed by China), has never ratified the KP.

With the aim of continuing to combat climate change following the first commitment period of the KP (2008-2012) and formalising the contribution made by developing countries to mitigation and adaptation efforts, the Parties embarked on a dialogue about long-term cooperation in 2005. Special working groups were set up in 2007 to facilitate the progress of negotiations. This involved an Ad Hoc Working Group on the further commitments for Annex I Parties under the KP (AWG-KP), which discussed the modalities of the second commitment period of the Kyoto Protocol; and the Ad Hoc Working Group on Long-term Cooperative Action – AWG-LCA which constituted a specific framework for negotiations on the post-2012 issues by virtue of the Convention.

From Bali (2007) to Lima (2014)

COP 13 (2007) provided a two-year road map on these issues constituted by the Bali Action Plan. This aimed to reach an agreement in 2009 in Copenhagen to establish a post-2012 climate regime under the Convention. The Parties did not manage to reach a detailed agreement at the planned date. The negotiations therefore continued during the next Conferences of the Parties (Cancún in 2010 and Durban

249. Human pollution

250. United Nations Framework Convention on Climate Change, art. 2.

251. Kyoto Protocol, Art. 3, para. 1

in 2011), before culminating in Doha in 2012. At the same time, the Parties, acting as a Meeting of the Parties to the Kyoto Protocol, agreed on an amendment to the Protocol providing for GHG reduction targets during a second commitment period from 2013 to 2020. With these decisions, the 18th Conference of the Parties (COP 18) to the UNFCCC and the 8th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol in Doha brought the mandates of the Ad Hoc Working Group under the Convention (AWG-LCA) and the Ad Hoc Working Group under the Kyoto Protocol (AWG-KP) to an end.

At the same time, a new stage had commenced with the creation of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) with the mandate of implementing a “*process to prepare a protocol, another legal instrument or an agreed outcome with legal force, applicable to all the Parties*” which should enter into force in 2020²⁵²”.

Also called the Durban Platform, the Ad Hoc Working Group has been working for four years on preparing an agreement for the COP 21 in Paris.

The next Conferences of the Parties, in Doha, Warsaw and Lima, moved in this direction, whilst working to plug the ambition gap between the commitments taken by the Parties by 2020 and those necessary to limit global warming to less than 2°C by the end of the century.

Lima Call for Climate Action and the road to Paris (2014)

On the final straight to Paris, the Lima Conference (COP 20) capitalised on the outcomes of previous Conferences of the Parties and managed to lay the bases for the future agreement of 2015. After extended negotiations, the Parties adopted in December 2014 “the Lima Call for Climate Action”, which contains especially in its annex a draft version of the future Paris agreement²⁵³. It also states that this should give balanced consideration to six issues: mitigation, adaptation, financing, development and transfer of technologies, capacity-building and transparency of measures and support.

The Lima Call also includes a decision about the INDC. This sets out their scope, the data they can contain, the submission methods and measures to be taken by the Secretariat²⁵⁴. The Parties are invited especially to include elements on adaptation and implementation resources. Lastly, they are asked to specify the reason why they believe their efforts to be *fair and ambitious*²⁵⁵.

The Parties also adopted a set of decisions under the COP and the tenth Conference of the Parties acting as a Meeting of the Parties to the Kyoto Protocol (CMP 10) that was held at the same time. These contribute among other things

252. Decision 1/CP.17, paras. 2 and 4

253. Decision 1/CP.20, Annex

254. Decision 1/CP.20, paras. 9-16

255. Decision 1/CP.20, para. 14

to the operationalisation of the Warsaw International Mechanism for Loss and Damage. They establish the Lima work programme regarding gender²⁵⁶, with results scheduled for review during the COP 22 in 2016. The Lima Ministerial Declaration on education and awareness-raising was also adopted during the COP 20²⁵⁷. This aims to raise the awareness of children and the general public to the effects of climate change and encourage them to change their behaviour.

Progress on adaptation remained modest in Lima. Although many countries sought revised guidelines for the National Adaptation Plans (NAP), the Conference of the Parties saw no need for the review²⁵⁸. In addition, the COP expressed its concern in Lima over the lack of funds to meet the needs of the LDC, and notably the deficit in the LDC Fund and the Special Climate Change Fund (SCCF), which could support the NAP formulation and implementation process²⁵⁹.

The Paris Agreement, adoption of the first universal Climate agreement (2014)

During COP 21, in Paris, the Parties adopted what would become the first universal legally binding climate agreement, bringing together all Parties to the UNFCCC.

The Paris Agreement and Decision 1/CP.21, which are aimed at operationalising it, enabled real progress to be made with regard to global issues. In addition to including all the Parties to the UNFCCC, a certain number of issues were reaffirmed and/or confirmed, such as mitigation and market mechanisms, and also adaptation, loss and damage, financing, technology transfer, capacity-building, and the recognition of the role and necessary involvement of all players in combating global warming, and all this through the prism of monitoring implementation and transparency, with a view to achieving the targets.

At the end of COP 21, the Parties agreed to implement a real long-term programme, a particular feature of which is the target set of limiting the global temperature increase to 2°C (“well below 2°C), and even to 1.5°C, above pre-industrial levels by the end of the century,

The principles of equity, common but differentiated responsibilities and respective capacities were reaffirmed, in accordance with the founding principles of the Convention.

The next stage is implementation, which will be at the centre of COP 22 in Marrakesh.

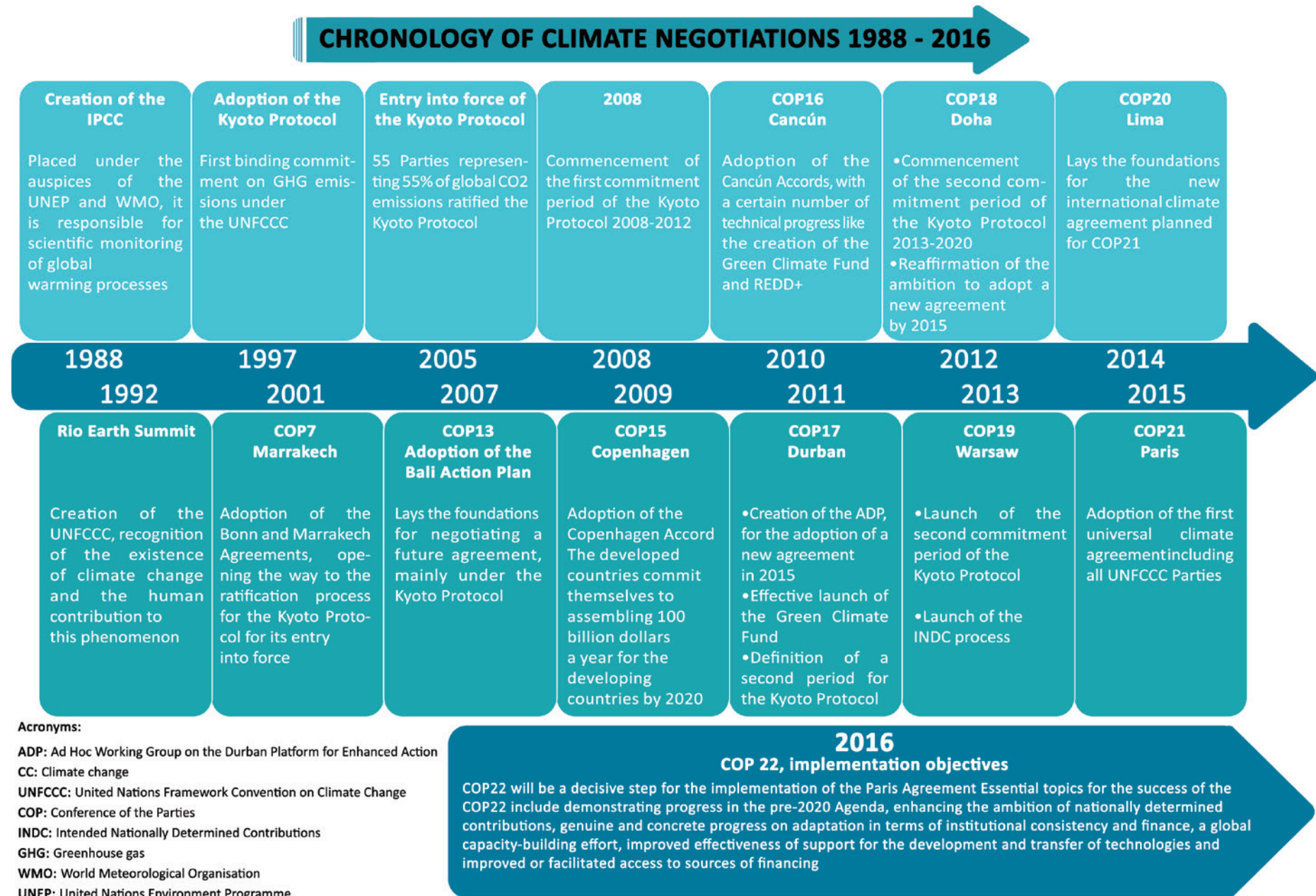
256. Decision 18/CP.20

257. Decision 19/CP.20

258. <http://www4.unfccc.int/nap/sitepages/Home.aspx>.

259. Decisions 3, 4 and 8/CP.20

Diagram 17. Chronology of climate negotiations from 1988 to 2016²⁶⁰



260. © ENERGIES 2050, October 2016

A.4 UNFCCC and Kyoto Protocol document listings

Name	Description
Decision x/CP.x	COP decision
Decision x/CMP.x	CMP decision
FCCC/AWGLCA/x	AWG-LCA preparatory document or provisional or current agenda
FCCC/CP/x	COP preparatory document or provisional or current agenda
FCCC/KP/CMP/x	CMP preparatory document or provisional or current agenda
FCCC/KP/AWG/x	AWG-KP preparatory document or provisional or current agenda
FCCC/SBI/x	SBI preparatory document or provisional or current agenda
FCCC/SBSTA/x	SBSTA preparatory document or provisional or current agenda
FCCC/SB/x	Preparatory document or provisional or current agenda of the two subsidiary bodies
GCF/x	Preparatory document of the Green Climate Fund
/ARR/x	Report of the individual examination of the GHG inventory (from 2005)
/TRR.x/x	Report of the technical review of the biennial report
/WEB/IRI/x	Report of the individual examination of the GHG inventory/Document published on the Web only (listing used until 2004 inclusive)
/ASR/x	GHG inventory annual status report
/WEB/SAI/x	GHG inventory summary and assessment report/Document published on the Web only
/COM/x	National communication
/DPR/x	Demonstrable Progress Report (<i>Demonstrable Progress Report</i>)
/IDR.x	In-depth Review (<i>In-Depth Review</i>)
CDM EB-x	CDM Executive Board Report
SMSN/IGO/x	Document submitted by intergovernmental organisations
SMSN/NGO/x	Document submitted by non-governmental organisations
/TP/x	Technical document
/Add.x	Text added to a document presented previously (Addendum)
/Amend.x	Amendment to a text
/Corr.x	Correction of a text
/CRP.x	Conference Room Paper
/INF.x	Information series containing general information
/L.x	Limited distribution document: Draft report or text
/MISC.x	Miscellaneous documents: Points of view of Parties and observers; list of participants
/Rev.x	Text revision which supersedes the text published previously
Non paper	Internal, unofficial document to facilitate the negotiations

Note:

- x indicates a serial number.
- For the Green Climate Fund documents (GCF/x), see: www.gcfund.org/documents/in-session-documents.html

Source: <http://unfccc.int/2644>

Abbreviations and acronyms (French – English)

Français		Anglais	
APEI	Alliance des petits États insulaires (www.sidsnet.org/aosis)	<i>Alliance of Small Island States</i>	AOSIS
UNFCCC	Convention Cadre des Nations Unies sur les Changements Climatiques	<i>United Nations Framework Convention on Climate Change</i>	UNFCCC
CDN	Contributions à Déterminer au niveau National	<i>Nationally Determined Contributions</i>	NDC
CdP	Conférence des Parties	<i>Conference of the Parties</i>	COP
CET	Comité exécutif des technologies	<i>Technology Executive Committee</i>	TEC
CPDN	Contribution Prévue Déterminées au niveau National	<i>Intended Nationally Determined Contribution</i>	INDC
CPF	Comité Permanent Finances	<i>Standing Committee for Finance</i>	SCF
CRA	Conférence des Parties agissant comme réunion des Parties à l'accord	<i>Conference of the Parties serving as the meeting of the Parties to this Agreement</i>	CMA
CRTC	Centre et réseau des technologies du climat	<i>Climate Technology Centre and Network</i>	CTCN
DC	Démarches Concertées	<i>Cooperative Approaches</i>	CA
DSE	Dialogue structuré entre experts	<i>Structured Expert Dialogue</i>	SED
EET	Equipe d'experts techniques	<i>Team of Technical Experts</i>	TTE
FA	Fonds d'Adaptation	<i>Adaptation Fund</i>	AF
FVC	Fonds Vert Climat	<i>Green Climate Fund</i>	GCF
GEPMA	Groupe d'Experts sur les Pays les Moins Avancés	<i>Least Developed Country Expert Group</i>	LEG
GETT	Groupe d'Experts pour le Transfert de la Technologie	<i>Expert Group on Technology Transfer</i>	EGTT
GES	Gaz à Effet de Serre	<i>Greenhouse Gas</i>	GHG
GIEC	Groupe d'experts intergouvernemental sur l'évolution du climat	<i>Intergovernmental Panel on Climate Change</i>	IPCC
GtCO ₂ e	Gigatonne de CO ₂ équivalent	<i>Gigaton of CO₂ equivalent</i>	GtCO ₂ e
GTS-ACV	Groupe de travail spécial de l'action concertée à long terme au titre de la Convention	<i>Ad Hoc Working Group on Long-Term Cooperative Action under the Convention</i>	AWG-LCA
GTS-AP	Groupe de Travail Spécial sur l'Accord de Paris	<i>Ad Hoc Working Group on the Paris Agreement</i>	APA
GTS-PK	Groupe de travail spécial sur les nouveaux engagements pour les Parties visées à l'Annexe I au titre du Protocole de Kyoto	<i>Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol</i>	AWG-KP
G77/Chine	Groupe des 77 et Chine (www.G77.org)	<i>Group of 77 and China</i>	G77/China
LPAA	Plan d'Actions Lima-Paris	<i>Lima-Paris Action Agenda</i>	LPAA
MAAN	Mesures d'atténuation appropriées au niveau national	<i>Nationally Appropriate Mitigation Actions</i>	NAMA

Français		Anglais	
MDD	Mécanisme pour un Développement Durable	<i>Sustainable Development Mechanism</i>	<i>SDM</i>
MDP	Mécanisme pour un développement propre	<i>Clean Development Mechanism</i>	<i>CDM</i>
MNV	Mesurer, Notifier, Vérifier	<i>Measuring, Reporting, Verification</i>	<i>MRV</i>
MOC	Mise en œuvre Conjointe	<i>Joint Implementation</i>	<i>JI</i>
ODD	Objectifs de Développement Durable	<i>Sustainable Development Goals</i>	<i>SDG</i>
ONG	Organisations Non Gouvernementale	<i>Non Governmental Organization</i>	<i>NGO</i>
ONU	Organisation des Nations unies	<i>United Nations</i>	<i>UN</i>
OS	Organe subsidiaire	<i>Subsidiary Body</i>	<i>SB</i>
OSCST	Organe subsidiaire de conseil scientifique et technologique	<i>Subsidiary Body for Scientific and Technological Advice</i>	<i>SBSTA</i>
OSMOE	Organe Subsidiaire de Mise en Œuvre	<i>Subsidiary Body for Implementation</i>	<i>SBI</i>
PED	Pays en développement	<i>Developing country</i>	<i>DC</i>
PK	Protocole de Kyoto	<i>Kyoto Protocol</i>	<i>KP</i>
PMA	Pays les Moins Avancés	<i>Least Developed Countries</i>	<i>LDC</i>
PNA	Plan National d'Adaptation	<i>National Adaptation Plan</i>	<i>NAP</i>
RB	Rapport Biennal	<i>Biennial Report</i>	<i>BR</i>
RBA	Rapports Biennaux Actualisés	<i>Biennial Update Reports</i>	<i>BUR</i>
RCMD-CR	Responsabilité commune, mais différenciée, capacités respectives	<i>Common but differentiated responsibility, respective capabilities</i>	<i>CBDRRC</i>
SA	Secteur d'activité	<i>Workstream</i>	<i>WS</i>
SA1	Secteur d'activité 1	<i>Workstream 1</i>	<i>WS1</i>
SA2	Secteur d'activité 2	<i>Workstream 2</i>	<i>WS2</i>
UE	Union Européenne	<i>European Union</i>	<i>EU</i>

Abbreviations and acronyms (English – French)

	Anglais	Français	
AF	Adaptation Fund	<i>Fonds d'Adaptation</i>	FA
AOSIS	Alliance of Small Island States	<i>Alliance des petits États insulaires (www.sidsnet.org/aosis)</i>	APEI
APA	Ad Hoc Working Group on the Paris Agreement	<i>Groupe de Travail Spécial pour l'Accord de Paris</i>	GTS-AP
AWG-KP	Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol	<i>Groupe de travail spécial sur les nouveaux engagements pour les Parties visées à l'Annexe I au titre du Protocole de Kyoto</i>	GTS-PK
AWG-LCA	Ad Hoc Working Group on Long-Term Cooperative Action under the Convention	<i>Groupe de travail spécial de l'action concertée à long terme au titre de la Convention</i>	GTS-ACV
BR	Biennial Report	<i>Rapport Biennal</i>	RB
BUR	Biennial Update Reports	<i>Rapports Biennaux Actualisés</i>	RBA
CA	Cooperative Approaches	<i>Démarches Concertées</i>	DC
CBDRRC	Common but differentiated responsibility, respective capabilities	<i>Responsabilité commune, mais différenciée, capacités respectives</i>	RCMD-CR
CDM	Clean Development Mechanism	<i>Mécanisme pour un développement propre</i>	MDP
CMA	Conference of the Parties serving as the meeting of the Parties to this Agreement	<i>Conférence des Parties agissant comme réunion des Parties à l'accord</i>	CRA
COP	Conference of the Parties	<i>Conférence des Parties</i>	CdP
CTCN	Climate Technology Centre and Network	<i>Centre et réseau des technologies du climat</i>	CRTC
DC	Developing country	<i>Pays en développement</i>	PED
EGTT	Expert Group on Technology Transfer	<i>Groupe d'Experts pour le Transfert de la Technologie</i>	GETT
EU	European Union	<i>Union Européenne</i>	UE
G77/China	Group of 77 and China	<i>Groupe des 77 et Chine (www.G77.org)</i>	G77/Chine
GCF	Green Climate Fund	<i>Fonds Vert Climat</i>	FVC
GHG	Greenhouse Gas	<i>Gaz à Effet de Serre</i>	GES
GtCO2e	Gigaton of CO2 equivalent	<i>Gigatonne de CO2 équivalent</i>	GtCO2e
INDC	Intended Nationally Determined Contribution	<i>Contribution Prévue Déterminées au niveau National</i>	CPDN
IPCC	Intergovernmental Panel on Climate Change	<i>Groupe d'experts intergouvernemental sur l'évolution du climat</i>	GIEC
JI	Joint Implementation	<i>Mise en œuvre Conjointe</i>	MOC
KP	Kyoto Protocol	<i>Protocole de Kyoto</i>	PK
LDC	Least Developed Countries	<i>Pays les Moins Avancés</i>	PMA
LEG	Least Developed Country Expert Group	<i>Groupe d'Experts sur les Pays les Moins Avancés</i>	GEPMA

Anglais		Français	
LPAA	Lima-Paris Action Agenda	<i>Plan d'Actions Lima-Paris</i>	LPAA
MRV	Measuring, Reporting, Verification	<i>Mesurer, Notifier, Vérifier</i>	MNV
NAMA	Nationally Appropriate Mitigation Actions	<i>Mesures d'atténuation appropriées au niveau national</i>	MAAN
NAP	National Adaptation Plan	<i>Plan National d'Adaptation</i>	PNA
NDC	Nationally Determined Contributions	<i>Contributions à Déterminer au niveau National</i>	CDN
NGO	Non Governmental Organization	<i>Organisations Non Gouvernementale</i>	ONG
SB	Subsidiary Body	<i>Organe subsidiaire</i>	OS
SBI	Subsidiary Body for Implementation	<i>Organe Subsidiaire de Mise en Œuvre</i>	OSMOE
SBSTA	Subsidiary Body for Scientific and Technological Advice	<i>Organe subsidiaire de conseil scientifique et technologique</i>	OSCST
SCF	Standing Committee for Finance	<i>Comité Permanent Finances</i>	CPF
SDG	Sustainable Development Goals	<i>Objectifs de Développement Durable</i>	ODD
SDM	Sustainable Development Mechanism	<i>Mécanisme pour un Développement Durable</i>	MDD
SED	Structured Expert Dialogue	<i>Dialogue structuré entre experts</i>	DSE
TEC	Technology Executive Committee	<i>Comité exécutif des technologies</i>	CET
TTE	Team of Technical Experts	<i>Equipe d'experts techniques</i>	EET
UN	United Nations	<i>Organisation des Nations unies</i>	ONU
UNFCCC	United Nations Framework Convention on Climate Change	<i>Convention Cadre des Nations Unies sur les Changements Climatiques</i>	UNFCCC
WS	Workstream	<i>Secteur d'activité</i>	SA
WS1	Workstream 1	<i>Secteur d'activité 1</i>	SA1
WS2	Workstream 2	<i>Secteur d'activité 2</i>	SA2

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ENERGIES 2050 was born with the certainty that the development trajectories of our societies are not inevitable. As an informal network since 2007, and as a French non-profit and non-governmental organisation working exclusively in the general interest since 2011, ENERGIES 2050 contributes relentlessly to the transformation of our societies for a more humane, plural and united future.

Gathering members and partners from more than sixty nationalities, ENERGIES 2050 works internationally to set up a new, positive and inclusive development model and to convert constraints into action possibilities. As a collective adventure in the quest for better ways of living together, ENERGIES 2050 has committed to the *Great Transition*, including the energy transition, sustainable cities and regions and the shift towards a more humane, plural and united society, bringing peace and respecting the common goods of humanity.

ENERGIES 2050 breaks its activities down into five complementary areas:

- Executing demonstrative and repeatable implementation projects accompany by technical studies and research actions to show the possibilities.
- Organising or attending meetings and conferences in order to expand the opportunities for exchanges and discussions.
- Publishing research results to pool and share knowledge.
- Educating, training and building the capacities so that each individual can understand, know and act.
- Communicating to the greatest number to inform, mobilise and unit the desire to act.

ENERGIES implements projects in more than thirty countries. ENERGIES 2050 is active in the following topics: eco-development and sustainable development; climate, environment and energy policy; energy transition; development of renewable energy sources; responsible and sustainable tourism; buildings and the construction sector; challenges and opportunities in rural and urban areas; sustainable cities; natural resources and the common goods of humanity; ecological and environmental economics; responsible business dynamics and corporate performance; low-carbon development strategies; gender; environmental education; social dynamics; behaviour change and citizen action; and the social solidarity economy.

ENERGIES 2050 is a recognised player in climate change negotiations and in preparing and setting up national and international strategies and action programmes. ENERGIES 2050 is also known for successfully introducing concrete mitigation and adaptation projects with huge innovation potential and for deploying essential capacity-building programmes to support country ownership and boost national excellence. ENERGIES 2050 has especially been privileged to support several African countries in preparing their Intended Nationally Determined Contributions (INDC) and in producing briefing files for submission to the Green Climate Fund. The association also launch ethiCarbon Afrique® in 2012. This strong, solidarity-based and innovative tool is designed to contribute to a real African energy revolution.

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The *Institut de la Francophonie pour le développement durable (IFDD – Institute of the French-speaking world for Sustainable Development)* is a subsidiary body of the Organisation internationale de la Francophonie (OIF – International Organisation of the Francophonie) and its headquarters are in Quebec City.

Under its original name of *Institut de l'Énergie des Pays ayant en commun l'usage du Français* (IEPF – Energy Institute for Countries with French as a common language), the IFDD came into being in 1988 following the 11th Summit of the Francophonie held in Quebec in 1987. It was created in the wake of the global energy crises and from a desire of Heads of State and Government for cooperative action to develop the energy sector in member countries. In 1996, the Institute took the resolutions of the Rio Earth Summit 1992 as the major guide for its action and became the *Institut de l'énergie et de l'environnement de la Francophonie* (Energy and Environment Institute of the French-speaking World) And in 2013, following the Rio+20 Conference, it was renamed *Institut de la Francophonie pour le développement durable* (IFDD – Institute of the French-speaking world for Sustainable Development).

Its mission is to contribute to:

- training and capacity-building in sustainable development of various categories of development players in French-speaking countries in the energy and environment sectors;
- support for development players in initiatives to prepare and implement sustainable development programmes;
- the promotion of the sustainable development approach in French-speaking countries;
- the development of partnerships in the various economic and social development sectors, mainly environment and energy, for sustainable development.

IFDD action falls under the Strategic Framework of the Francophonie, within mission D “Sustainable development, economy and solidarity” and Strategic Objective 7 “Contribute to the preparation and implementation of the post-2015 development programme and sustainable development goals”.

The Institute is in particular lead partner in the following two programmes under the OIF 2015-2018 schedule, implemented in partnership with other OIF units:

- Increase the capacities of target countries to develop and implement national, regional and local sustainable development strategies which are inclusive, participative and results-based;
- Build up the capacities of French-speaking players to allow active participation in international negotiations and decisions on the economic, environment and sustainable development, and their implementation.

The International Organisation of La Francophonie (OIF) is an institution founded on sharing a language – French – and common values. It currently groups 80 States and governments, including 57 members and 23 observers. The 2014 Report on the French language worldwide sets the number of French speakers at 274 million.

The OIF carries out political and cooperation actions on all five continents in the following priority areas: French language and cultural and linguistic diversity; peace, democracy and human rights; education and training; sustainable development and solidarity. OIF pays special attention in all its actions to young people and women and to access to information and communication technologies.

The Secretary General runs the political action of the Francophonie as its international spokesman and official representative. Mrs Michaëlle Jean has been the Secretary General of the Francophonie since January 2015.

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Guide to the negotiations assessment form – From Paris to Marrakesh or the challenge of implementation

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The reality of climate change is acknowledged unanimously. However, and in spite of international negotiations, it has to be recognised that the progress made over recent decades has been too modest with regard to the many outstanding challenges and the urgent need to take action. Scientific analyses highlight gradual disruptions and a global rise in temperatures over the last two centuries, at an increasing pace during recent decades. They are mainly caused by greenhouse gas emissions associated with our consumption and production modes, with consequences that are already irreversible.

The agreement reached in Paris, in December 2015, during the 21st Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) is of critical importance in the climate negotiation process. Fruit of a momentum created in 2011 with the launch of the Ad Hoc Working Group on the Durban Platform for Enhanced Action, with the principal mandate of preparing a legal instrument for 2015, the Paris Agreement realises States' universal commitment to face up to climate change. While respecting national circumstances and the UNFCCC's founding principle of shared but differentiated responsibilities, the Agreement reaffirms the necessary raising of ambition and measures to take in order for our societies to develop on low-carbon, resilient and united pathways. However, and even if it is announced as officially binding, the challenge of implementation still remains, and the next steps are equally important in transforming the collective vision and ambition into reality on the ground.

The success of the Marrakesh Conference is therefore as crucial as establishing the first universal agreement on Climate and the now completed process of its entry into force, making it legally binding. The international community faced an important initial challenge, but the goals now need to be made workable, by dealing with the challenges of implementation.

With the aim of helping participants to better understand the challenges of COP 22, this Summary for Policymakers analyses COP 21 in detail and deciphers the Paris Agreement (Part I). The issues regarding the permanent subsidiary bodies are presented (Part II), before placing into perspective the major subjects of debate, which are central to COP 22 (Part III). Boxes supplemented by information diagrams and themed sheets provide the reader with all the keys to understand the negotiations. Although this publication is intended especially for negotiators from Francophone countries, it should also be a useful tool for all other delegates. The negotiations, which remain the competence of the State Parties to the UNFCCC, will not succeed without the mobilisation of each and everyone of them. The time for the collective is on the agenda and Marrakesh, heralded as the *Conference of implementation*, must take the success further.



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