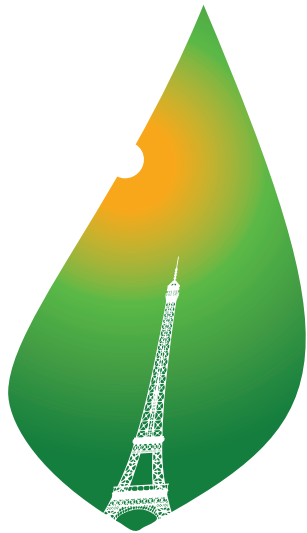




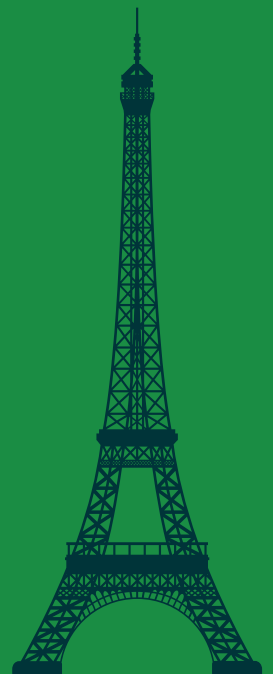
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PARIS 2015
UN CLIMATE CHANGE CONFERENCE
COP21

ADVANCING PRINCIPLES OF EQUALITY AND INCLUSION IN CLIMATE CHANGE

The Paris Agreement



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LIST OF ABBREVIATIONS

| | |
|--------|---|
| ACPC | African Climate Policy Centre |
| ADP | Durban Platform for enhanced participation |
| AGN | African Group of Negotiators |
| AMCEN | African Ministerial Conference on Environment |
| AU | African Union |
| AWGGC | African Working Group on Gender and Climate Change |
| CBDR | Common but Different responsibilities and Response Capabilities |
| CCDA | Climate Change and Development in Africa |
| CEDAW | Convention for Elimination of all Forms of Discrimination against Women |
| COP | Conference of the Parties |
| CSOs | Civil Society Organizations |
| EU | European Union |
| GCF | Green Climate Fund |
| GDP | Gross Domestic Product |
| GEF | Global Environment Fund |
| GHG | Green House Gas Emissions |
| INDC | Intended Nationally Determined Contribution |
| NAMAS | Nationally Appropriate Mitigation Actions |
| NAP | National Adaptation Plan |
| NCCRS | National Climate Change Response Strategy |
| NGEC | National Gender and Equality Commission |
| PACJA | Pan African Climate Justice Alliance |
| UN | United Nations |
| UNECA | United Nations Economic Commission for Africa |
| UNFCCC | United Nations Framework Convention on Climate Change |
| USA | United States of America |
| WEP | Women Environment Programme |

ACKNOWLEDGEMENT

On behalf of the NGECC which hosts the Secretariat of African Working Group on Gender and Climate Change (AWGGCC), I wish to most sincerely thank the UNECA through African Climate Policy Centre (ACPC) and UN Women for the support they accorded some of the members of the Working Group to enable them attend and actively participate in the Paris negotiations during the COP 21.¹ Special gratitude will go to Dr. Fatima Denton, Director: Special Initiatives Department for her superb leadership, direction and guidance in this process. I also wish to appreciate Thierry H. Amoussougbo, the Senior Programme Management Officer for the prompt communication and facilitation in terms of travel arrangements and logistics.

Lastly, allow me to mention George Wamukoya whose conceptualization and quick action in linkages and partnerships and gender responsiveness has been an asset to the formation, operationalization and actualization of the dream of having an active African Gender Team. The AWGGCC was born during the third CCDA organized by ACPC and other partners and has by the day remained active to the course with the secretariat housed at the National Gender and Equality Commission.

The support by UNECA enabled the team travel and participate in a side activity that had been approved and programmed on 28th November to 12th December, 2015.²

Finally I thank the Ministry of Environment, and Natural Resource for including NGECC among the government delegates.

To all we say thank you.

Winfred Osimbo Lichuma, EBS

Chairperson

-
- 1 Members supported were Commissioner Winfred Lichuma, Priscilla Achapka and Tabitha Nyambura an officer at the secretariat.
 - 2 We appreciate the effort by Mary Nyasimi, Maria Phiri and George Wamukoya who put together the concept note and ensured that it was on the programme hosted at the African Pavillion

EXECUTIVE SUMMARY

Climate change is seen as a change in global climate patterns, in particular a change apparent from the mid to late 20th century onwards and attributed largely to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels. It is a complex problem which although environmental in nature has consequences for all spheres of existence on our planet among them poverty; economic development; population growth; sustainable development; resource management among others.

There are a huge number of effects of climate change with latest reports predicting that over one million people could die by 2030 because of climate change if the world fails to take action. With global population projected to be 8.3 billion by 2030, that's one out of every 83 people (1.2 percent) of humanity albeit over two decades. In 2002, the World Health Organization put the annual number of deaths from air pollution, including indoor air pollution, at 2.4 million (Dara International, 2010)

Current and foreseen consequences of climate change has informed the world joint efforts to limit the global temperature increase and developed measures to cope with its impacts: reduce emissions; limit global temperature increases to below 2 degree Celsius; improve the quality and effectiveness of aid for vulnerable populations suffering from climate change effects. Thirty six years³ since the first climate change conference 1979, nearly 200 nations across the globe signed a historic climate change agreement committing to cut their greenhouse gas emissions and slow global warming.

A total of 195 Countries at the COP 21 meeting agreed on the goal of keeping the increase in the global average temperature to well below 2° C above pre- industrial level. The negotiations took place under the Ad hoc Working Group on the Durban Platform for Enhanced Action (ADP) that had two work streams – one to deliver the Paris Agreement under work stream one and the other the decision on work stream two which dealt with pre-2020 actions.

For Kenya, climate change is acknowledged in all key national policy documents: Vision 2030, Medium Term Plan II, National Climate Change Response Strategy (NCCRS 2010), National Climate Change Action Plan (NCCAP 2013), National Adaptation Plan (NAP)- under preparation which provides a vision for low carbon and climate resilient development pathway, while a National Climate change Framework Policy and legislation are in their final stages of enactment to facilitate effective response to climate change. Kenya is operationalizing these policies and plans through the reforestation, geothermal and other clean energy development, energy efficiency, climate smart agriculture, and drought management.

Kenya developed its Intended Nationally Determined Contribution (INDC) towards achieving the objectives of UNFCCC as set in Article 2 of the Convention and submitted to UNFCCC secretariat prior to the

3 See annex 1- A brief summary of negotiations towards climate change agreement

Paris conference. The INDC will contribute towards the delivery of the Constitution of Kenya 2010 and the attainment of Vision 2030, the country's blueprint.

Summary of Key Recommendations to;

African Working Group on Gender and Climate Change

1. Understand the Paris Agreement and to popularize and disseminate it to State parties at the local, national and regional levels to expedite ratification once put out for signature;
2. Tease out the human rights and gender issues from the Paris agreement and engage in capacity building to integrate aspects of the special interest group into the mainstream interventions. The vulnerable categories include women, children, persons with disabilities and the marginalized and minorities. The target for capacity building will be, Country Climate change teams, African Negotiators and other implementing committees as we transition to the new treaty agreement implementation.
3. Take leadership in working at local and country levels and at the AU level to assist in drawing the operationalization plan that would ensure that the poor especially women, vulnerable and those suffering from impacts of climate change benefit from the provisions guaranteed by the treaty.
4. Develop a campaign strategy towards the observance of, recognition and enforceability of gender at national and regional level calling for inclusion of both men and women at all levels of decision making. The Working group should aim at assisting countries to develop concrete implementation plans that also promote gender equality and women empowerment

Government of Kenya

1. Foster the development of strategies, plans and processes to avoid, minimize, or adapt to the negative impacts of climate change on key assets of Kenya;
2. Build capacity to understand, analyze, and react in a timely manner in the wake of future climate change impacts within the country;
3. Integrate and mainstream principles of equality and inclusion in climate change core policies, strategies and plans;

National Gender and Equality Commission (NGEC)

1. As the secretariat of African Gender and Climate Change, organize a regional meeting with members to deliberate on a plan of action identifying activities that need to be implemented before COP 22 which is envisaged to take place in Morocco, 2016;
2. Work with relevant government ministries, parliamentary committees, civil society organizations, development partners, private sector, academicians and both national and county governments towards formulation of gender responsive policies and legal framework;

3. Review the Paris agreement on the linkage between climate change, inclusion and gender justice and issue an advisory to the government in regards to signing of the agreement;
4. Facilitate development of a gender and climate change policy, manual, guidelines and disseminate to facilitate sensitization of all stakeholders;
5. Monitor special interest group's participation and state's compliance with the agreement relating to principles of equality, inclusion and freedom from discrimination with reference to special interest groups.

Development Partners

1. To support initiatives that build the capacities of all persons that will be concerned with implementation on the Paris Agreement in line with the recommendation made on issues of Human Rights and Gender Mainstreaming above.
2. To assist the working group institutionalize itself and align itself to the AU agenda on the new Sustainable Development Goals realizing the Treaty commitments and helping draw the implementation plans at national and international level on the gender agenda of the Paris Agreement.

Conclusions

The Paris agreement provides an important new foundation for meaningful progress on climate change. While it may not solve all the challenges, it is a step in the right direction. The bottom up approach through countries submitting the INDCs, is an indication that there is a lot of requirement for capacity building starting from the local state level to regional and international levels. Countries will require being educated on the Treaty to make meaningful implementing programs that are sensitive to gender and human right needs.

1.0 Background and Process of Cop 21

There is no doubt that the African continent does not contribute to the high green gas emission and yet suffers the brunt of climate change. The impact is real and all measures must be taken to mitigate and adapt accordingly. The key expectations from COP 21 was the Paris Agreement which was to be a legally binding agreement to call all State members to accountability in reduction of green gas emissions. The agreement is a successor to the Kyoto Protocol that terminates in 2020.

At the conclusion of the discussions, the USA President Barack Obama had this to say:

“We have shown what is possible when the world stands as one”.

Likewise, the France Foreign Minister who oversaw the negotiations said this:

“Our collective efforts are worth more than the sum of our individual efforts.”

There are a huge number of effects of climate change with latest reports predicting that over 1 million people could die by 2030 because of climate change if the world fails to take action. With global population projected to be 8.3 billion by 2030, that’s one out of every 83 people (1.2 percent) of humanity albeit over two decades. In 2002, the World Health Organization put the annual number of deaths from air pollution, including indoor air pollution, at 2.4 million (Dara International, 2010)

According to Dara International report, over 90 percent of mortality assessed in developing countries only, more than 98 percent occurs in the case of climate change. Of all these losses, it is the world’s poorest communities within lower and middle-income countries that are most exposed. Climate change, exposes the world’s main objectives of sustainable development goals to extreme pressures towards realization. In addition, the advent of climate change has pressured governments to divert development funds from other development focus and activities in an attempt to provide support for climate change concerns.

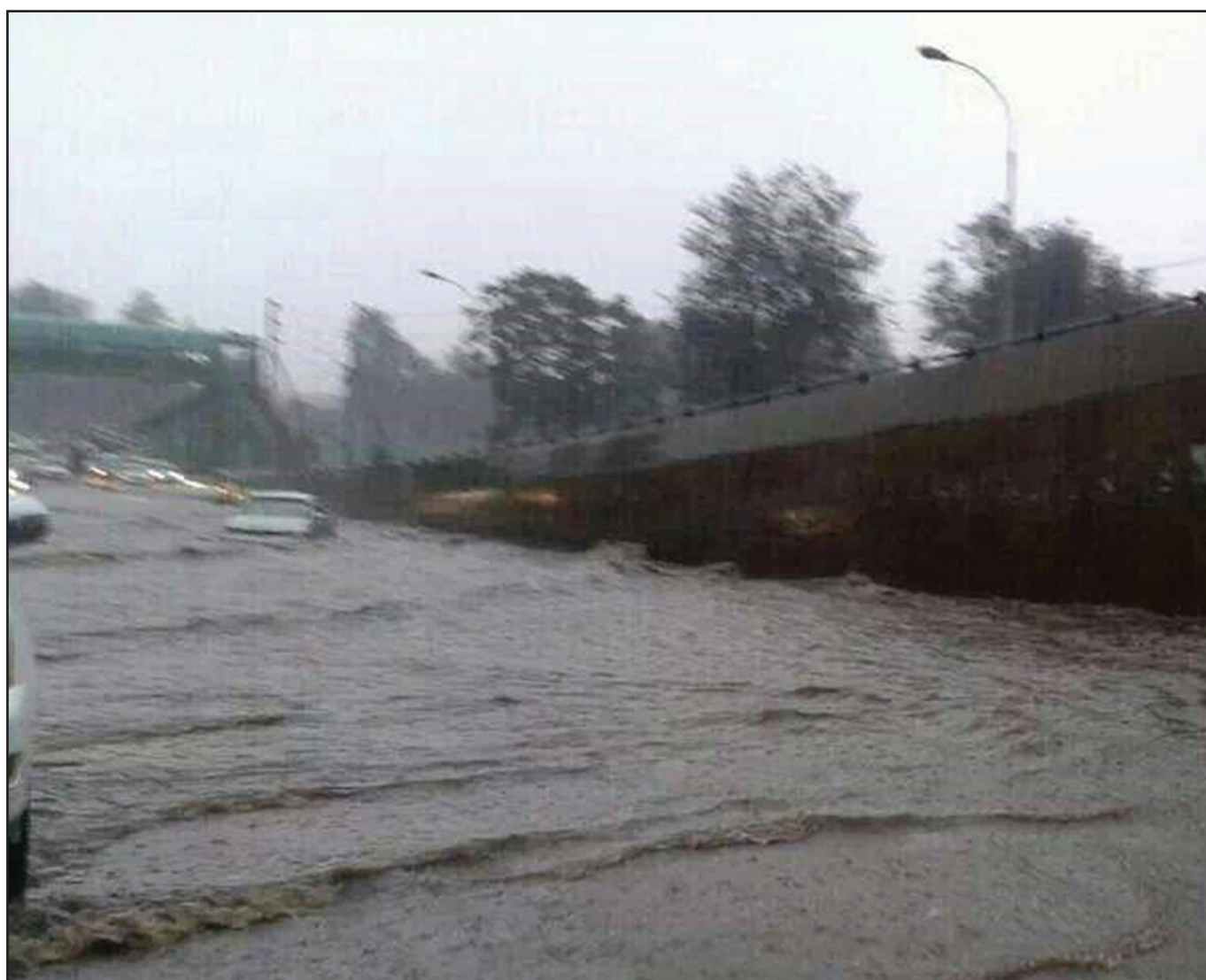
Current and foreseen consequences of climate change has informed the world joint efforts to limit the global temperature increase and developed measures to cope with its impacts: reduce emissions; limit global temperature increases to below 2 degree Celsius; improve the quality and effectiveness of aid for vulnerable populations suffering from climate change effects. Thirty six years since the first climate change conference 1979, nearly 200 nations across the globe signed a historic climate change agreement committing to cut their greenhouse gas emissions and slow global warming.

1.1 International Climate Change Framework

In 1992, countries joined an international treaty, the **UN Framework Convention on Climate Change** (UNFCCC) to consider what they could do to limit and cope with global temperature increases and the resulting climate change impacts with a main objective of stabilizing global greenhouse gas emissions to a level that does not pose an environmental risk. One hundred and ninety five (195) countries have so far adopted the framework. The latter agreed at COP 21 on the goal of keeping the increase in the global average temperature to well below 2% C above pre- industrial level.

By 1995, countries realized that emission reduction provisions in the Convention were inadequate. As a result, negotiations were launched to strengthen the global response to climate change, and, in 1997, adopted the **Kyoto Protocol** which supplements the framework and contains more specific emission reduction obligations for industrialized countries. The protocol has been ratified by 192 of the UNFCCC Parties with the first commitment period having 37 States, consisting of highly industrialized countries and countries undergoing the process of transition to a market economy, have legally binding emission limitation and reduction commitments.

1.2 Kenya progress on Climate Change



Dangerous floods in Nairobi along Thika Super Highway, 2015

Kenya, like other countries in the region, is bearing the brunt of climate change impacts and the associated socio-economic losses. The situation is exacerbated by the high dependence on climate sensitive natural resources; rain fed agriculture; pastoral livestock production systems and tourism which are all dependent on nature. Kenya is increasingly placing climate change at the core of its poverty reduction strategy. The

government appreciates that changing climate poses serious threats to the economic and social future of the country, and consequently to the livelihoods and prosperity of its people.

This is demonstrated by the fact that only about 18% of Kenya's land is arable supporting almost 75% of the country's 37 million people with half of the agricultural sector's production being used for subsistence purposes and contributing about 26% of the country's GDP. Kenya follows a bimodal seasonal rainfall that has become highly unreliable due to climate change-resulting in frequent droughts and crop failures.

Adverse weather conditions affect agriculture leaving the low income households and pastoralists most affected-mainly because they have less resources and capacity to cope. Also affected are livelihood systems, contributing to fluctuating market prices for their produce, both locally and internationally. Additionally, a long history of environmental degradation, deforestation, pollution of water bodies, conversion of wetlands, unsustainable agricultural practices, and overgrazing are contributing to the current high level of climate change vulnerability of many communities.

For Kenya, climate change is acknowledged in all key national policy documents: Vision 2030, Medium Term Plan II, National Climate Change Response Strategy (NCCRS 2010), National Climate Change Action Plan (NCCAP 2013), National Adaptation Plan (NAP)- under preparation which provides a vision for low carbon and climate resilient development pathway, while a National Climate change Framework Policy and legislation are in their final stages of enactment to facilitate effective response to climate change. Kenya is operationalizing these policies and plans through the reforestation, geothermal and other clean energy development, energy efficiency, climate smart agriculture, and drought management.

In response to decisions adopted at the 19th and 20th sessions of the conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), Kenya developed its Intended Nationally Determined Contribution (INDC) towards achieving the objectives of UNFCCC as set in Article 2 of the Convention and submitted the same to UNFCCC secretariat before the Paris conference. The INDC will contribute towards the delivery of the Constitution of Kenya 2010 and the attainment of Vision 2030, the country's blueprint.

1.3 Paris Conference on Climate Change (30th November-11th December 2015)

The Paris conference of 2015 is officially known as the COP 21. The conference also served as the 11th meeting of the Parties to the Kyoto Protocol, which oversees the implementation of the protocol and the decisions made to increase its effectiveness. The COP meets each year to take decisions that further the implementation of the Convention and to combat climate change. The conference brought together world leaders, delegates representing countries, observers, civil society and journalists.

The conference was officially opened on 30th November 2015 with heads of states and governments in attendance and run through to 12th December 2015. This resulted to an agreed climate deal to commit all countries to cut emissions. The universal agreement's main aim was to keep a global temperature rise below 2 degrees Celsius and to drive efforts to limit the temperature increase even further to 1.5 degrees Celsius above pre industrial levels. The latter is a significant safer defense line against the worst impacts of

a changing climate. Additionally, the agreement aims to strengthen the ability to deal with the impacts of climate change.

To reach these ambitious and important goals, appropriate financial flows was put in place, with a commitment by developed countries to channel USD 100billion to developing countries thus making stronger action by developing countries and the most vulnerable possible, in line with their own national objective.

2.0 Enabling Demands: Facilitating the Climate Change Negotiations

The negotiations took place under the Ad hoc Working Group on the Durban Platform for Enhanced Action (ADP) that had two work streams – one to deliver the Paris Agreement under work stream one and the other the decision on work stream two which dealt with pre-2020 actions.

At the preparatory session of the ADP in Bonn, Germany in October, 2015, developing countries led by G77 and China, rejected the paper produced by the ADP co-chairs for the negotiations and indicated that the document was found unacceptable, unbalanced and top sided. This led to many proposals from developing countries for insertion into the document in order to rebalance the texts. Developed countries had also submitted proposals. It led to the 31-page document that formed the basis to begin the party negotiations in Paris.

2.1 Roles by Different Actors during Climate Change Negotiations

A. African Group of Negotiators

The African Group of Negotiators (AGN) led by the Chief Negotiator did an excellent work during the negotiations. They held daily briefings during the negotiations where other participants from the African region were able to participate to bolster their engagement. On Sunday the 6th of December 2015, the AGN held a meeting with African Ministerial Conference on the Environment (AMCEN) membership to brief them on the outcome document. The meeting was attended by most of the African ministers who were present under the leadership of Egypt.

At the meeting the ministers encouraged each other to remain united as the African Group since there were attempts to divide them from the developed world. This was by classifying them on the differentiation of developed countries and the least developed countries. It was not in the interest of Africa to be categorized. They agreed to vote as a block.

The following issues were highlighted as important for the African Ministers to note as they headed to the negotiating table.

- i. The need to have all countries engage in reduction of emissions. Notably, not all State parties have signed the Kyoto Protocol.
- ii. Interest of Africa should be seen in all proposed areas of action. That similar consideration must go to adaptation and mitigation including areas of finance, capacity building, technology transfer and transparency.

- iii. Africa agreed to push for the realization of 1.5°C in order to protect the African continent.
- iv. Africa must advocate for the increase of financing if the Paris Agreement was to be a success.
- v. Africa's economy is growing first and there is need to scale up technology transfer.

The ministers were reminded that in Warsaw, Parties agreed to submit their intended Nationally Determined Contribution (INDCs) on the emission reduction targets for the post 2020 frame and to reduce the temperatures to less than 2°C. Further that Lima gave adaptation recognition though not on the same level like mitigation. The African Ministers were hailed for their excellence push for recognition of adaptation. Ministers agreed that adaptation is key for Africa and it has to be at the center stage as well. The ministers were informed of unresolved contentious issues during the negotiations by the AGN and therefore the need to be aware and note as they take over the negotiations. These are highlighted in table 1:

Table 1: Unresolved Contentious Issues during Negotiations

| Contentious Issues | Notes for consideration during negotiations |
|---|--|
| <p>a) Differentiation</p> | <p>The principle of common but differentiated responsibilities and responsive capabilities (CBDR-RC) was not agreed at the negotiations. The application of the principle in all the elements of mitigation, adaptation, the means of implementation and transparency framework was expected to be contentious.</p> <p>Developed countries therefore insisted that the Agreement must reflect ‘evolving economic and emission trends’ of countries in post 2020-time frame while developing countries continued to argue that given the historical emissions of developed countries, developed countries continue to bear the responsibility in taking the lead in emissions reductions and in helping developing countries with the provision of finance, technology transfer and capacity building as provided under the UNFCCC. Notably, national circumstances that differ from country to country must be taken into account.</p> |
| <p>b) Whether the agreement will be mitigation centric</p> | <p>The developing countries had insisted that the purpose of the Paris Agreement should be to enhance the implementation of the convention provisions in all the elements (Mitigation, Adaptation, Finance, Technology Transfer and Transparency) on the other hand the developed countries had mainly wanted the agreement to be mitigation centric. This was located in the purpose section (Article 2bis);</p> |

| | |
|--|--|
| <p>c) The legality of the Paris Agreement</p> | <p>There were heated discussions on whether the Paris Agreement should be legally binding like the Kyoto Protocol in respect of the language and content of final document. Ministers were guided that it was important to have a legal binding contract;</p> |
| <p>d) Global Goal</p> | <p>The long term global goal had been indicated in mitigation under Article 3 in the draft. However, there was a proposal to have it in the purpose section as well with two options. One with ‘no text’ and the other with option of holding global average temperature of below 2°C or below 1.5°C and to pursue a transformation towards sustainable development to foster societies that are resilient to climate change and economies that are low in greenhouse gas emissions (GHGs) and to ensure that food production and distribution is not threatened as well as increase the ability of parties to adapt to the adverse impacts of climate change and to effectively respond to the impacts of the implementation of response measures and loss and damage.</p> <p>It was noted that since Bali Action Plan in 2007, many sub-options were put on the table for consideration of the negotiators. While developed countries favored the goal in mitigation alone, developing countries proposed to have adaptation, finance and technology transfer on equal footing.</p> |
| <p>e) Mitigation (Article 3)</p> | <p>Of concern was whether the commitment includes the implementation of the mitigation contribution or if it is just to communicate the contribution. Questions were asked whether United States of America (USA) could make commitment to internationally implement its emission reduction target. It was also necessary to resolve how the mitigation efforts among parties will be differentiated as earlier indicated.</p> <p>Notably under the current convention, only developed countries are required to undertake absolute economy-wide emission reductions. In Cancun in 2010, developing countries agreed to undertake nationally-appropriate mitigation actions (NAMAs) which are to be supported and enabled by technology, finance and capacity building.</p> |

| | |
|---------------------------------------|--|
| | <p>Under NAMAs, the developing countries determine what kind of mitigation efforts they can undertake i.e. absolute emission reduction targets, qualified targets relative to business as usual, carbon intensity of GDP or non-economy-wide actions.</p> <p>The pending issues to be addressed were identified:</p> <ol style="list-style-type: none"> i. The efforts to be undertaken in Mitigation reduction targets. ii. Issue of progression since the LMDC had proposed inclusion that the progression of ambition of developing countries mitigation contribution should be supported and enabled by enhanced means of implementation over time. The developed countries were opposed to this. iii. Whether the mitigation contribution of developing countries should be unconditional. iv. Communication of successive mitigation contributions from the INDCs communicated, some parties had communicated time frame that varied from 5-10 years and periods of up to 2025 to 2030. v. If parties should be allowed to use international carbon markets in reducing emissions. This was noted from the Secretariat report from the INDCs. |
| f) Adaptation (Article 4) | Issue of long-term vision was not agreed |
| g) Loss and Damage (Article 5) | The contentious issue was whether there should be international mechanism on loss and damage defined in the agreement. The developed countries were opposed to this. |
| h) Finance (Article 6) | The developed countries wished to increase the scope of countries who should be ‘donors’ of climate finance by proposing terms in the text like ‘ <i>countries in a position to do so</i> ’ and to also reduce the scope of developing countries who are recipients of finance under the convention and to limit that to the ‘ <i>poorest and most vulnerable.</i> ’ |
| i) Technology (Article 7) | <p>The developing countries proposed to:</p> <ol style="list-style-type: none"> a) Establish a global goal on technology transfer. A proposal also came from India for developed countries to provide financial resources to address barriers related to intellectual Property Rights and facilitate access to technology. |

| | |
|---|---|
| | <p>b) Provide support for research development and application of environmentally sound technologies and facilitate their transfer and access to developing countries including to addressing barriers to access and know-how.</p> <p>c) Adopt a technology framework that will provide direction and guidance in relation to technology assessments including identifying options for enhancing access and to address barriers.</p> <p>All these proposals from developing countries were opposed by developed countries who opted to have ‘no text.’</p> |
| <p>j) Capacity Building (Article 8)</p> | <p>G77 and China had called for an international capacity building mechanism to enhance and coordinate capacity. Developed countries were opposed to creation of any new mechanism.</p> |
| <p>k) Transparency Framework (Article 9)</p> | <p>The issue was whether such framework should be differentiated between developed and developing countries.</p> <p>LMDC proposed status quo that has the differentiated framework; USA and New Zealand proposed a system with built-in flexibility to take into account parties different capacities and applicable to all; Arab Group proposed a tiered system based on self-differentiation with no backsliding; Brazil and African Group proposed building an existing arrangements that take into account parties’ different capacity.</p> |
| <p>l) Global Stock Take (Article 10)</p> | <p>The contentious issue was on purposed scope.</p> <p>Developed countries held that stock taking is primarily for considering the aggregate effect of the mitigation contributions of parties in light of the long term mitigation goal while for developing countries it is to consider the overall implementation of obligations of parties consistent with differentiated responsibility) in relation to mitigation, adaptation and the means of implementation.</p> <p>The EU proposed a review process every five years to assess parties’ mitigation contributions are on truck to meeting the long term mitigation goal.</p> |

B Civil Society Organizations

The Pan African Climate Justice Alliance (PACJA) that is a continental coalition of CSOs from Africa with diverse backgrounds was very vibrant at the climate change negotiations bringing with it representation from all African regions. PACJA had developed a clear memorandum of expectation for Africa and remained visible in the exhibition booths, issued press releases as the negotiations unfolded and organized for action to make demands on the agreed African issues. In the opinion of PACJA, the COP 21 was expected to realize a legally binding fair, equitable and ecologically just deal on climate change which was crucial for the African continent. They noted that the African continent is suffering the effects of rising temperatures and extreme weather events and urgent action was required to combat global warming, avoid worsening impacts, and protect and promote development gains.

Table 2: PACJA (On behalf of African CSOs) Demands for Negotiations

| | ESSENTIAL ELEMENTS | DEMANDS |
|----|--------------------------|--|
| 1. | Mitigation | <p>Limit global warming to 1.5°C to avoid catastrophe climate change.</p> <ul style="list-style-type: none"> • Developed countries must dramatically cut emissions. • Developing countries must pursue a low-carbon sustainable development pathway. |
| 2. | Adaptation | <p>Adaptation to be treated with same urgency as mitigation.</p> <ul style="list-style-type: none"> • A globally agreed goal on adaptation; • Adequate finance for adaptation; • Public awareness education and information sharing; • Implementation of National Adaptation Plans. |
| 3. | Climate Financing | <p>Green Climate Fund (GCF) must be sufficiently resourced to urgently provide adequate funds for tackling climate change.</p> <ul style="list-style-type: none"> • Sufficiently capitalize the GCF as soon as possible with fulfilment of outstanding pledges; • Provide a minimum of USD 100 billion a year for climate action by 2020; • Ensure the GCF only funds sustainable projects and protects and promotes human rights; • Ensure measureable reporting and verifiable system in place. |

| | | |
|----|--|--|
| 4. | Gender | <p>Addressing gender issues is a key part of tackling climate change and putting African countries on the path to sustainable development.</p> <ul style="list-style-type: none"> • Implementation of the Lima work programme on gender; • Implementation of the Global Environment Fund (GEF) gender equality action plan; • Clear fixed timeliness for achieving gender responsive climate policy. |
| 5. | Technology Transfer, Deployment and Capacity Building | <p>Technology transfer and knowledge are crucial in supporting the adaptation and mitigation ambitions of developing countries.</p> <ul style="list-style-type: none"> • Technology transfer from developed to developing countries; • African governments’ support to encourage the transfer of clear technologies to Africa; • Appropriate technology diffusion; • Stimulation of research into future technologies through public funding; • Robust and verifiable measures of technology transfer and capacity building. |
| 6. | Loss and Damage | <p>Notably, developed countries bear a disproportionate responsibility for causing loss and damage in African countries and must address the issue in its entirety.</p> <ul style="list-style-type: none"> • Implementation of the Warsaw international mechanism for loss and damage. • Inclusion of the topic of loss and damage as a standalone pillar of the Paris negotiation. |

C. Women and Gender Constituency

The Women and Gender Constituency is a civil society observer group – one of the stakeholder groups of the UNFCCC established in 2009 and brings together 15 women and environmental civil society organizations working together to ensure that women’s voices are heard and their rights are embedded in all processes and actions of the UNFCCC framework.



The women and Gender Constituency was active during the negotiation and held daily update and review meetings to ensure that the human rights and gender language was sustained in the final text. The discussions brought out the gender and equality issues that required making way into the final outcome document. The members rallied around common messages developed by the WGC. For the two weeks, members were assigned to work in different break up groups to influence the outcome of the document. Party States were happy to include the human rights and gender equality language in the preamble but very reluctant to put in the purpose section. Members of the AWGGCC present participated actively in Women and Gender Constituency daily meetings:

The Key Demands from the Gender and Women constituency were:

- a) Governments to commit to keep global warming under 1.5 degree

- b) The agreement must ensure that all climate actions, both adaptation and mitigation respect, protect, promote and fulfil human rights, gender equality, the rights of indigenous peoples, intergenerational equality, a just transition and decent work, food security and resilient ecosystems.
- c) Developed countries must do their fair share by taking the lead to close the inequitable.
- d) Governments must commit to wide – ranging ambitions and just actions pre-2020 under work stream II
- e) Concepts such as “net zero” or carbon neutrality” or any that encourage off-setting and in safe technological solution must be left out of the agreement.
- f) The long term global goal of the agreement must articulate a sustainable pathway for urgently reducing emissions.
- g) Adaptation approaches must be country driven, gender-response, participating and fully transparent.
- h) The agreement must explicitly include a stand-alone section on loss and damage and include a mechanism to address both financial and non-monetized loss and damage.
- i) Technology development and transfer must be safe for people and the environment, affordable to all and gender responsive.
- j) Countries must provide clearly defined, new additional and predictable gender-responsive public finance in form of grants. The goal of US 100 billion per year must be a floor, not a ceiling, scaled up at least every five years with a 50:50 balance between mitigation and adaptation and include finance for loss and damage in addition to adaptation funding.
- k) Participation in decision-making under the new agreement should be inclusive and transparent, ensuring all barriers to movement and travel for developing country participants are alleviated and that civil society has access to decision-making spaces.

D. National Gender and Equality Commission

The National Gender and Equality Commission (NGEC), was among the government delegates from Kenya that participated in the Paris conference. This is a constitutional Commission set up pursuant to Article 59(4) & (5) of the Constitution of Kenya 2010 and the National Gender and Equality Commission Act 2011. Its overall mandate is to promote gender equality, inclusion and freedom from discrimination among all Kenyans, but with much focus to special interest groups⁴. One of its functions is to act as a principal state organ in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups.

During the conference, NGEC used this opportunity to make critical contributions and insisted on the need for climate change deal to integrate principles of human rights and gender equality in order to make it more

4 Women, youth, children, persons with disabilities, elderly, minority and marginalized groups and communities

reflective of and accountable to, the needs of vulnerable and marginalized communities and persons. The Commission appreciated that climate change is often framed as a problem that needs mainly technical and economic solutions. However issues of equality and inclusion are entangled with people’s vulnerability to the effects of climate change, and how women and men are affected differently.



Panelists during African Development Bank Side Event. Second from left is NGEN Chairperson

In one of the meetings where the Commissioner Winfred Lichuma- Chairperson was a panelist, she made it clear that the world cannot talk of dividends without thinking of the roles and responsibilities given by our societies to both the men and women. The missing link is having both genders in their differentiations in the decision making table and as well bringing on board the youth, elderly, persons with disabilities and those from marginalized communities. She went on and posed a question to the audience:-“What is the capacity building you require for women who do not necessarily need formal education but just need to have information on how to adapt to challenges brought about by climate change?” Lack of access to information and decision-making exacerbates their vulnerability in the face of climate change. The chair advised the need to focus on right based approach that gets everybody at the table as partners and said that demystifying gender will help move the debate and implementation further.

2.2 Gender and Climate Change Issues

In addressing the issues of climate change, the involvement of each and every one, young and old is crucial. The effects of climate change and the impact varies between gender, vulnerabilities with women and the most disadvantaged population who include persons with disabilities, children and the marginalized

communities suffering the brunt. Therefore, strategies for adaptation, mitigation and technology transfers combined with necessary financial means especially in operationalization of the Green Fund must involve men and women on equal footing.

Internationally, many conventions and treaties have underscored the importance and the role of women in sustainable development respecting the Convention on Elimination of all Forms of Discrimination against Women (CEDAW). The recent Sustainable Development Goals have stand-alone goals on gender equality and Environment.

In 2014, COP 20 in Lima took an additional step with the adoption of a two-year work programme to strengthen the effective participation of women in the bodies of UNFCCC and to work on operational implementation of policies taking gender into account. In June 2015, a first workshop on gender and mitigation was held.

However, very few policies and initiatives to combat climate change are visible. Interventions must be gender responsive in order to promote equal participation of men and women. They should also be aimed at reducing inequalities in accessing and control over resources as well as capacity building and empowering of women. It is crucial to explicitly integrate gender equality and women's empowerment in the Paris Agreement.

Despite women being victims of climate change that affects them in a differentiated manner, they are also actors addressing climate change. They require to be empowered to effectively engage.

At the COP 21 many countries and women organizations exhibited successful case studies of different interventions by women. A few side activities were organized to open discussions on the subject of the Gender and Climate Change. Organizations also exhibited IEC materials and research findings on the subject. ***The AWGGCC organized a side activity on the title Gender, Climate Change and Sustainable Development in Africa: Challenges and Opportunities post 2015 Agreements. It was discussed on the 30th November 2015.***

The key notable messages put up for discussions included: -

- Gender inequalities lead to a gender differentiated impact on climate change
- Women are more affected by the frequency and intensity of disasters
- Scarcity of natural resources increased the working time of women, makes their living conditions precarious and aggravated inequalities
- Climate change increases health problems and impacts the sexual and reproductive rights of women
- Women are insufficiently recognized as actors of sustainable development and of the fight against climate change
- Need to strengthen gender equality and women's empowerment, a priority to combat climate change

2.3 Learning from Case Studies and Best Practices

During the summit, the Women and Gender Constituency made excellence awards to Gender Just Climate solutions to organizations that had excellent gender responsive and equitable solutions that were visible. The criteria used to select the projects being women lead initiatives equal access to benefit, promote the areas of decision making, does not add additional burden to women's workload, ensures environmental integrity, ensures sufficiency and a low input of resources, contributes to climate change mitigation, emission reduction and/or climate adaptation, empowers women, ensures decision-making by local women and men, women's groups, cooperatives and communities and is decentralized, safe appropriate and affordable and sustainable and finally shows inter-linkages to peace building, to resource constraints, health and does not increase conflict potential.

2.4 Signing the Paris Agreement

Following the adoption of the Paris Agreement by the COP (Conference of the Parties), it will be deposited at the UN in New York and be opened for one year for signature on 22 April 2016--Mother Earth Day. The agreement will enter into force after 55 countries that account for at least 55% of global emissions have deposited their instruments of ratification.

As well as setting a long-term direction, countries will peak their emissions as soon and continue to submit national climate action plans that detail their future objectives to address climate change. This builds on the momentum of the unprecedented effort which has so far seen 188 countries contribute climate action plans to the new agreement. Countries will submit updated plans every five years, thereby steadily increasing their ambition in the long-term. Climate action will also be taken forward in the period before 2020.



UN Women side event on indigenous persons.

3.0 Post Paris Agreement (See Annex 2) – Conclusion and Recommendations

3.1 African Working Group on Gender and Climate Change

1. The demand for Climate Justice must be sustained. It is an opportunity for the AWGGCC to understand the Paris Agreement and to popularize and disseminate it to State parties at the local, national and regional levels to expedite ratification once put out for signature.
2. There is need to tease out the human rights and gender issues from the Paris agreement and engage in capacity building to integrate aspects of the special interest group into the mainstream interventions. The vulnerable categories include women, children, persons with disabilities and the marginalized and minorities for the. The target for capacity building will be, Country Climate change teams, African Negotiators and other implementing committees as we transition to the new treaty agreement implementation.
3. Though recognition was given to the finance, technology transfer, human rights, gender and international equity; the agreement failed to provide for the operationalization. AWGGCC must take leadership in working at local and country levels and at the AU level to assist in drawing the operationalization plan that would ensure that the poor especially women, vulnerable and those suffering from impacts of climate change benefit from the provisions guaranteed by the treaty.
4. AWGGCC should develop a campaign strategy towards the observance of and recognition and enforceability of gender at national and regional level calling for inclusion of both men and women at all levels of decision making. The Working group should aim at assisting countries to develop concrete implementation plans that also promote gender equality and women empowerment
5. Women are most vulnerable to all aspects of climate change and experience its effects disproportionately because of their social roles within communities. They possess greatest knowledge and ideas on both mitigation and adaptation but most times are not brought to the decision making table. The AWGGCC should work towards working on frameworks that will boost the capacity of women to adapt and mitigate, build more gender advocates and document and show case the many interventions by women that go unnoticed. These will be by way of advocating for gender responsive policy formulation and programming.
6. Working with other CSOs, national and regional bodies, the AWGGCC must put in place a monitoring and accountability framework to hold States accountable on the implementation plans and the INDCs that they will submit.

3.2 Government of Kenya

In order to incorporate climate change concerns into national development policies, the Government of Kenya should:

1. Lobby and support the climate change bill to be enacted into a law;

2. Foster the development of strategies, plans and processes to avoid, minimize, or adapt to the negative impacts of climate change on key assets of Kenya;
3. Support and build capacity to enhance understanding, analysis, and reaction in a timely manner in the wake of future climate change impacts;
4. Integrate and mainstream principles of equality and inclusion in climate change core policies, strategies and plans;

3.3 National Gender and Equality Commission (NGEC)

1. As the secretariat of African Gender and Climate Change, organize a regional meeting with members to deliberate on a plan of action identifying activities that need to be implemented before COP 22 which is envisaged to take place in Morocco, 2016;
2. Work with relevant government ministries, parliamentary committees, civil society organizations, development partners, private sector, academicians and both national and county governments on lobbying for enactment of a climate change legislation that respects principles of equality and inclusion;
3. Review the UNFCCC on the linkage between climate change, inclusion and gender justice and issue an advisory to the government in regards to signing of the agreement;
4. Monitor participation of special interest groups in climate-related decision making platforms where strategies and plans are developed;
5. Coordinate and advise on measures that to address underlying root causes that perpetuate and compound inequality and discrimination for instance gender stereotypes and social norms;
6. Facilitate development of a gender and climate change, policy, manual, guidelines and disseminate to facilitate sensitization of all stakeholders;
7. Monitor states compliance with the agreed deal relating to principles of equality, inclusion and freedom from discrimination with reference to special interest groups.

3.4 Development Partners

1. To support initiatives that build the capacities of all persons that will be concerned with implementation on the Paris Agreement in line with the recommendation made on issues of Human Rights and Gender Mainstreaming above.
2. To assist the working group institutionalize itself and align itself to the AU agenda on the new Sustainable Development Goals realizing the Treaty commitments and helping draw the implementation plans at national and international level on the gender agenda of the Paris Agreement.

ANNEX 1: SUMMARY OF THE FINAL PARIS AGREEMENT

The Preamble

- The adoption of the principle of equity and common and differentiated responsibilities and respective capabilities in the light of different national circumstances.
- Recognition of developing Country Parties and particularly the vulnerable to the adverse effects of climate change.
- The need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge.
- Linkage and intrinsic relationship with climate change actions, responses and impacts with equitable access to sustainable development and eradication of poverty.
- Recognition of the least developed countries with regard to funding and transfer of technology.
- Recognizing the fundamental priority of safeguarding food security and ending hunger.
- Taking into account the creation of decent work and quality jobs in accordance with nationally defined development priorities.
- Acknowledging that climate change is a common concern of human kind, parties should when taking action to address climate change respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development as well as gender equality, empowerment of women and intergeneration equity.
- Noting the importance of ensuring the integrity of all ecosystems including oceans and the protection of biodiversity recognized by some **cultures as Mother Earth** and noting the importance of some of the concept of “**Climate Justice**” when taken action to address.

Article 1: Definitions

Definitions of Article 1 of the Convention (UNFCCC) will be applicable. Party means a party to the agreement.

Article 2: Purpose/Long term Goal

- Reference to sustainable development and efforts to eradicate poverty.
- Holding the global average temperature to well below 2 degrees C above pre-Industrial levels and to pursue efforts to limit the temperature increasing 1.5 degrees c above pre industrial levels.
- Fostering climate resilience and low greenhouse gas emissions development in a manner that does not threaten food production.

- Implementation of the agreement to reflect equity and the principle of common but differentiated responsibilities.

NOTE: The Human Rights and Gender promoters lobbied without success to have the human rights and gender responsive language included in the purpose section.

Article 3: National Determined Contribution and Support to Developing Countries

- Parties will communicate ambitious effects defined in efforts to achieve the purpose of the agreement in their nationally determined contributions to the global response to climate change as defined in article 4,7,9,10,11 and 13.
- The need to make efforts by all parties to support developing countries parties for effective implementation.

Article 4: Mitigation /Global Peaking

- In order to achieve the set goal in article 2, parties aim to reach global peaking of greenhouse gas emissions as soon as possible, but it is recognized that peaking will take longer for developing country Parties. Rapid reductions in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century.
- Each party to prepare and communicate and maintain successive nationally determined contributions that it intends to achieve (after every five years). This should represent highest possible ambitious as per its national circumstances.
- Developed Country Parties should continue to take the lead by undertaking economy wide absolute emission reduction targets. Developing Country parties to continue enhancing their mitigation efforts and to move towards economy –wide emission reduction or limitation targets as per their national circumstances.
- Parties shall take consideration in the implementation of the parties with economies most affected by the impacts of response measures especially of developing country Parties.
- Each party to agreement shall be responsible for its emissions (See para 13,14,15 and 16)
- Parties to strive to formulate and communicate long-term low greenhouse gas emission development strategies bearing in mind the CDRRC principle. The regional economic integration and their member States that have reached an agreement to act jointly shall notify the secretariat of the terms.

Article 5: Forests and Other Lands

- Joint mitigation and adaptation approaches for the integrity and sustainable management of forests.
- Parties to take action to implement including reducing emission from deforestation and forest degra-

ation. In this, the desire by the African group to have a mechanism responsible for loss and damage was not achieved.

Article 6: Voluntary Cooperation to Mitigation

- Establishment of a mechanism to contribute to mitigation of greenhouse gas emissions and support sustainable development.
- Facilitating participation in mitigation of greenhouse gas emissions by public and private entities.
- Activities to be undertaken by the mechanisms established for mitigation are outlined. Share of the proceeds from the activities will cover administrative expenses and also assist developing countries parties that are vulnerable to the adverse effects of climate change to meet the costs of adaptation.
- Recognition of integrated, holistic and balanced non-market approaches being available to parties to assist in the implementation of the nationally determined contributions in the context of sustainable development and poverty reduction in a coordinated manner through mitigation, adaptation, finance, technology transfer and capacity building.
- Promotion of mitigation and adaptation ambition.
- A frame for non-market approaches to sustainable development is defined to promote non-market approaches.

Article 7: Adaptation

- Establishment of the global gap on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change aimed at contributing to sustainable development
- Recognition of adaptation as a global change faced at all levels, local, national, sub-nation, regional and internationally.
- The adaptation efforts of developing countries to be recognized.
- Recognition that current need of adaptation is significant and that greater levels of mitigation can reduce the need for additional adaptation efforts.
- 7.5 specifically provides thus:

“Parties acknowledge that adaptation action should follow a country-driven, **gender-responsive**, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous people and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.”

- Importance of international cooperation on adaptation and support for developing countries.
- Every party to develop adaptation plan and implementation action including policies.

Article 8: Loss & Damage

- Recognition of importance of averting, minimizing and addressing loss and damage associated with adverse effects of climate change.
- Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts subject to authority of COP.
- Parties to enhance understanding, action and support as appropriate.
- Areas of cooperation and facilitation are listed to include early warning systems, emergency preparedness, slow onset events that may involve irreversible and permanent loss and damage, comprehensive risk assessment and management, risk insurance facilities, climate risk pooling and other insurance solutions, non-economic losses, and resilience of communities, livelihoods and ecosystem.

Article 9: Finance

- Developed countries shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation.
- Other parties encouraged to volunteer support.
- Developed countries to continue to provide lead in mobilizing climate finance from a wide variety of sources noting significant role of public funds.
- The scaled up financial resources should aim to achieve balance between adaptation and mitigation with consideration to the vulnerable ones to the adverse effects of climate change and have capacity constraints i.e. least developed countries and small island developing states.
- Developed countries to biennially communicate indicative quantitative and qualitative information related to providing financial resources and mobilizing climate finance.
- Transparency and consistent information on support for developing countries is expected biennially.
- Financial mechanism of the convention including its operating entities shall serve as financial mechanism for agreement.

Article 10: Technology Development and Transfer

- Recognize a long-term vision on importance of fully realizing technology development and transfer in order to improve resilience to climate change and reduce greenhouse gas emissions.
- Importance of technology for implementation of mitigation and adaptation actions and recognizing existing technology deployment and dissemination efforts is noted and shall strengthen cooperative action on technology and transfer.

- Technology framework established to provide overarching guidance to the work of Technology Mechanism in promoting of facilitating enhanced action on technology development and transfer in pursuit of the long-term.
- Accelerating, encouraging and enabling innovation is critical for long-term global response. Such efforts shall be as appropriate, supported and shall be through the convention for collaborative approaches to research and development and facilitating access to technology.
- Support including financial support shall be provided to developing parties by developed countries including for strengthening cooperative action on technology development and transfer at different stages of the technology cycle, with a view of achieving balance between support for mitigation and adaption.

Article 11: Capacity Building

- Capacity building to enhance the capacity and ability of developing country Parties especially least developed countries, and those particularly vulnerable to the adverse effects of climate change such as island developing states to take action and implement adaptation and mitigation actions and should facilitate technology development dissemination and deployment among others.
- Capacity building to be country-driven based on national needs and for developing countries this is at all levels being guided by lessons learnt. Process should be iterative and participatory, cross-cutting and **gender-responsive**.
- All parties should cooperate to enhance the capacity of developing countries to implement agreement.
- Developing countries to regularly communicate actions or measures of capacity building taken by regional, bilateral and multilateral approaches.
- First session of COP to consider and adopt an institutional arrangement for capacity building.

Article 12: Cooperation to enhance public participation

Parties to cooperate in taking steps under the agreement to enhance Climate Change education, training, public awareness, public participation and public access to information.

Article 13: Enhanced Transparency

- Establishment of an enhanced transparency framework for action and support within in built flexibility that takes into account parties different capacities.
- Flexibility in implementation given to developing countries.
- Special circumstances of least developed countries and Small Island developing states are recognized.

- Framework for transparency of action is to provide clear undertaking of climate change and clarity and making of progress towards achieving parties, (NDC).
- Developed country Parties and other parties that provide support should provide information on financial, technology transfer and capacity building support provided to developing Party States.
- Developing county Parties should provide information on financial, technology transfer and capacity building support needed and received.
- A technical expert review will go through submitted information.
- Support shall be given to implement the article for developing countries and support shall also be provided for building transparency related capacity of developing country Parties.

Article 14: Stock Take

The conference of the Parties will serve as the meeting of the parties to the Agreement and shall periodically take stock of the implementation of the agreement to assess collective progress towards achieving the purpose of the agreement and its long-term (global stock take).

- In doing this will consider mitigation, adaptation and means of implementation and support in light of equality and best available science.
- First global stock take is set for **2023** and every **five years** thereafter unless parties agree otherwise.
- The outcome of the global stock take shall inform parties in updating and enhancing and their national actions and support and international cooperation for climate action.

Article 15: Mechanism to Facilitate and Promote Compliance with the Agreement.

The mechanism consists of a committee of experts that will work in a facilitative and function in a transparent, non-adversarial and non-punitive manner and it shall pay attention to respective national capabilities and circumstances.

- The committee will operate under modalities and procedures adopted by the COP and will report annually to the conference of parties.

Article 16: Meetings/Bodies and Institutional Arrangements

- The Conference of the Parties (COP) is the supreme body of the Convention and will serve as the meeting of the parties to agreement.
- Parties to the convention that are not members to the agreement may participate as observers in the proceedings.
- The conference of the parties shall keep under regular review the implementation of the Agreement.
- Specifically, it will establish such subsidiary bodies as deemed necessary for implementation of the Agreement.

- Decisions will be made by consensus.
- The first session of the Conference of Parties serving as the meeting of the Parties to the Agreement shall be convened by the secretariat in conjunction with the first session of the COP that is scheduled after the **date of entry into force of this Agreement**.

Extra ordinary sessions of the COP serving as a meeting of Parties to the Agreement shall be held at time desired necessary by the COP or on written request by any party with 6 months of the request being communicated to parties by secretarial and should be supported by $\frac{1}{3}$ of the Parties.

The UN and its specialized agencies and International Atomic Energy Agency (IAEA) as well as state member thereof or observers not party to convention may be represented at COP sessions.

Anybody or agency whether national, international, governmental or non-governmental that is qualified in matters by the agreement that informs the secretariat its wish to be represented at the sessions of the COP as observers may be admitted unless there is an objection.

Article 17: The Secretariat

- The Secretariat established by Article 8 of the Convention shall serve as the secretariat of the Agreement.
- The Secretarial shall exercise the functions assigned to it by the Agreement and the COP.

Article 18: Subsidiary Bodies (SBSTA & SBI)

- The Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI) established by Article 9 and 10 of the Convention shall serve as such bodies for implementation of the Agreement.
- When the bodies exercise their functions with regard to the agreement, any member of the bureaux of the bodies representing a party that is not a member of the agreement shall be replaced by an additional member to be elected by and amongst the parties to the Agreement.

Article 19: Subsidiary Bodies/Other Institutional Arrangement

- Subsidiary bodies or other institutional arrangements established by or under the Convention, other than those referred to in this Agreement, shall serve this Agreement upon a decision of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement. The Conference of the Paris serving as the meeting of the Parties to the Paris Conference shall specify the functions to be exercised by such subsidiary bodies or arrangements.

Article 20: Signature/Ratification

- This Agreement shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations that are Parties to the Convention. It shall be open for signature at the United Nations Headquarters in New York from **22 April, 2016 to 21st April 2017**. Thereafter, the Agreement shall be open for accession from the day following the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.
- Any regional economic integration organization that becomes a Party to this Agreement without any of its member States being a Party shall be bound by all the obligations under this Agreement. In the case of regional economic integration organizations with one or more member States that are Parties to this Agreement, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Agreement. In such cases, the organization and the member States shall not be entitled to exercise rights under this Agreement concurrently.
- In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Agreement. These organizations shall also inform the Depositary, who shall in turn inform the Parties of any substantial modification in the extent of their competence.

Article 21: Entry into Force

- This 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%** of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession.
- Solely for the limited purpose of paragraph 1 of this Article, “total global greenhouse gas emissions” means the most up-to-date amount communicated on or before the date of adoption of this Agreement by the Parties to the Convention.
- For each State or regional economic integration organization that ratifies, accepts or approves this Agreement or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, this Agreement shall enter into force on the **thirtieth day after the date of deposit by such State or regional economic integration** organization of its instrument of ratification, acceptance, approval or accession.
- For the purposes of paragraph 1 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by its member States.

Article 22: Amendments

- The provisions of Article 15 of the Convention on the adoption of amendments to the Convention shall apply to this agreement.

Article 23: Annexes

- The provision of Article 16 of the Convention on the adoption and amendment of annexes to the Convention shall apply mutatis mutandis to this Agreement.
- Annexes to this Agreement shall form an integral part thereof and, unless otherwise expressly provided for, a reference to this Agreement constitutes at the same time a reference to any annexes thereto.

Article 24: Settlement of Disputes

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

Article 25: Voting

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

Article 26: Depository

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

Article 27: Reservations

No reservations may be made to this Agreement.

Article 28: Withdrawal from Agreement

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

Article 29: Languages

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

ANNEX 2:
PARIS AGREEMENT



UNITED NATIONS
2015

PARIS AGREEMENT

The Parties to this Agreement,

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

Pursuant to the Durban Platform for Enhanced Action established by decision 1/CP.17 of the Conference of the Parties to the Convention at its seventeenth session,

In pursuit of the objective of the Convention, and being guided by its principles, including the principle of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Recognizing the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge,

Also recognizing the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, as provided for in the Convention,

Taking full account of the specific needs and special situations of the least developed countries with regard to funding and transfer of technology,

Recognizing that Parties may be affected not only by climate change, but also by the impacts of the measures taken in response to it,

Emphasizing the intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty,

Recognizing the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Acknowledging 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 human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Recognizing the importance of the conservation and enhancement, as appropriate, of sinks and reservoirs of the greenhouse gases referred to in the Convention,

Noting the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of biodiversity, recognized by some cultures as Mother Earth, and noting the importance for some of the concept of “climate justice”, when taking action to address climate change,

Affirming the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement,

Recognizing the importance of the engagements of all levels of government and various actors, in accordance with respective national legislations of Parties, in addressing climate change,

Also recognizing that sustainable lifestyles and sustainable patterns of consumption and production, with developed country Parties taking the lead, play an important role in addressing climate change,

Have agreed as follows:

Article 1

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

- (a) “Convention” means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992;
- (b) “Conference of the Parties” means the Conference of the Parties to the Convention;
- (c) “Party” means a Party to this Agreement.

Article 2

1. This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:
 - (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;
 - (b) Increasing 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; and
 - (c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.
2. This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

Article 3

As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2. The efforts of all Parties will represent a progression over time, while recognizing the need to support developing country Parties for the effective implementation of this Agreement.

Article 4

1. In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.
2. Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.
3. Each Party's successive nationally determined contribution will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.
4. Developed country Parties should continue taking the lead by undertaking economy-wide absolute emission reduction targets. Developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances.
5. Support shall be provided to developing country Parties for the implementation of this Article, in accordance with Articles 9, 10 and 11, recognizing that enhanced support for developing country Parties will allow for higher ambition in their actions.
6. The least developed countries and small island developing States may prepare and communicate strategies, plans and actions for low greenhouse gas emissions development reflecting their special circumstances.
7. Mitigation co-benefits resulting from Parties' adaptation actions and/or economic diversification plans can contribute to mitigation outcomes under this Article.
8. In communicating their nationally determined contributions, all Parties shall provide the information necessary for clarity, transparency and understanding in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to this Agreement.

9. Each Party shall communicate a nationally determined contribution every five years in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to this Agreement and be informed by the outcomes of the global stocktake referred to in Article 14.
10. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall consider common time frames for nationally determined contributions at its first session.
11. A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
12. Nationally determined contributions communicated by Parties shall be recorded in a public registry maintained by the secretariat.
13. Parties shall account for their nationally determined contributions. In accounting for anthropogenic emissions and removals corresponding to their nationally determined contributions, Parties shall promote environmental integrity, transparency, accuracy, completeness, comparability and consistency, and ensure the avoidance of double counting, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
14. In the context of their nationally determined contributions, when recognizing and implementing mitigation actions with respect to anthropogenic emissions and removals, Parties should take into account, as appropriate, existing methods and guidance under the Convention, in the light of the provisions of paragraph 13 of this Article.
15. Parties shall take into consideration in the implementation of this Agreement the concerns of Parties with economies most affected by the impacts of response measures, particularly developing country Parties.
16. Parties, including regional economic integration organizations and their member States, that have reached an agreement to act jointly under paragraph 2 of this Article shall notify the secretariat of the terms of that agreement, including the emission level allocated to each Party within the relevant time period, when they communicate their nationally determined contributions. The secretariat shall in turn inform the Parties and signatories to the Convention of the terms of that agreement.
17. Each party to such an agreement shall be responsible for its emission level as set out in the agreement referred to in paragraph 16 of this Article in accordance with paragraphs 13 and 14 of this Article and Articles 13 and 15.
18. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organization which is itself a Party to this Agreement, each member State of that regional economic integration organization individually, and together with the regional economic integration organization,

shall be responsible for its emission level as set out in the agreement communicated under paragraph 16 of this Article in accordance with paragraphs 13 and 14 of this Article and Articles 13 and 15.

19. All Parties should strive to formulate and communicate long-term low greenhouse gas emission development strategies, mindful of Article 2 taking into account their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

Article 5

1. Parties should take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases as referred to in Article 4, paragraph 1 (d), of the Convention, including forests.
2. Parties are encouraged to take action to implement and support, including through results-based payments, the existing framework as set out in related guidance and decisions already agreed under the Convention for: policy approaches and positive incentives for activities relating to reducing emissions from deforestation and forest degradation, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries; and alternative policy approaches, such as joint mitigation and adaptation approaches for the integral and sustainable management of forests, while reaffirming the importance of incentivizing, as appropriate, non-carbon benefits associated with such approaches.

Article 6

1. Parties recognize that some Parties choose to pursue voluntary cooperation in the implementation of their nationally determined contributions to allow for higher ambition in their mitigation and adaptation actions and to promote sustainable development and environmental integrity.
2. Parties shall, where engaging on a voluntary basis in cooperative approaches that involve the use of internationally transferred mitigation outcomes towards nationally determined contributions, promote sustainable development and ensure environmental integrity and transparency, including in governance, and shall apply robust accounting to ensure, inter alia, the avoidance of double counting, consistent with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
3. The use of internationally transferred mitigation outcomes to achieve nationally determined contributions under this Agreement shall be voluntary and authorized by participating Parties.
4. A mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development is hereby established under the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Agreement for use by Parties on a voluntary basis. It shall be supervised by a body designated by the Conference of the Parties serving as the meeting of the Parties to this Agreement, and shall aim:
 - (a) To promote the mitigation of greenhouse gas emissions while fostering sustainable development;

- (b) To incentivize and facilitate participation in the mitigation of greenhouse gas emissions by public and private entities authorized by a Party;
 - (c) To contribute to the reduction of emission levels in the host Party, which will benefit from mitigation activities resulting in emission reductions that can also be used by another Party to fulfil its nationally determined contribution; and
 - (d) To deliver an overall mitigation in global emissions.
5. Emission reductions resulting from the mechanism referred to in paragraph 4 of this Article shall not be used to demonstrate achievement of the host Party's nationally determined contribution if used by another Party to demonstrate achievement of its nationally determined contribution.
 6. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall ensure that a share of the proceeds from activities under the mechanism referred to in paragraph 4 of this Article is used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.
 7. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall adopt rules, modalities and procedures for the mechanism referred to in paragraph 4 of this Article at its first session.
 8. Parties recognize the importance of integrated, holistic and balanced non-market approaches being available to Parties to assist in the implementation of their nationally determined contributions, in the context of sustainable development and poverty eradication, in a coordinated and effective manner, including through, inter alia, mitigation, adaptation, finance, technology transfer and capacity building, as appropriate. These approaches shall aim to:
 - (a) Promote mitigation and adaptation ambition;
 - (b) Enhance public and private sector participation in the implementation of nationally determined contributions; and
 - (c) Enable opportunities for coordination across instruments and relevant institutional arrangements.
 9. A framework for non-market approaches to sustainable development is hereby defined to promote the non-market approaches referred to in paragraph 8 of this Article.

Article 7

1. Parties hereby establish the global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to contributing to sustainable development and ensuring an adequate adaptation response in the context of the temperature goal referred to in Article 2.
2. Parties recognize that adaptation is a global challenge faced by all with local, subnational, national, regional and international dimensions, and that it is a key component of and makes a contribution to

the long-term global response to climate change to protect people, livelihoods and ecosystems, taking into account the urgent and immediate needs of those developing country Parties that are particularly vulnerable to the adverse effects of climate change.

3. The adaptation efforts of developing country Parties shall be recognized, in accordance with the modalities to be adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement at its first session.
4. Parties recognize that the current need for adaptation is significant and that greater levels of mitigation can reduce the need for additional adaptation efforts, and that greater adaptation needs can involve greater adaptation costs.
5. Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.
6. Parties recognize the importance of support for and international cooperation on adaptation efforts and the importance of taking into account the needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change.
7. Parties should strengthen their cooperation on enhancing action on adaptation, taking into account the Cancun Adaptation Framework, including with regard to:
 - (a) Sharing information, good practices, experiences and lessons learned, including, as appropriate, as these relate to science, planning, policies and implementation in relation to adaptation actions;
 - (b) Strengthening institutional arrangements, including those under the Convention that serve this Agreement, to support the synthesis of relevant information and knowledge, and the provision of technical support and guidance to Parties;
 - (c) Strengthening scientific knowledge on climate, including research, systematic observation of the climate system and early warning systems, in a manner that informs climate services and supports decision-making;
 - (d) Assisting developing country Parties in identifying effective adaptation practices, adaptation needs, priorities, support provided and received for adaptation actions and efforts, and challenges and gaps, in a manner consistent with encouraging good practices; and
 - (e) Improving the effectiveness and durability of adaptation actions.
8. United Nations specialized organizations and agencies are encouraged to support the efforts of Parties to implement the actions referred to in paragraph 7 of this Article, taking into account the provisions of paragraph 5 of this Article.

9. Each Party shall, as appropriate, engage in adaptation planning processes and the implementation of actions, including the development or enhancement of relevant plans, policies and/or contributions, which may include:
 - (a) The implementation of adaptation actions, undertakings and/or efforts;
 - (b) The process to formulate and implement national adaptation plans;
 - (c) The assessment of climate change impacts and vulnerability, with a view to formulating nationally determined prioritized actions, taking into account vulnerable people, places and ecosystems;
 - (d) Monitoring and evaluating and learning from adaptation plans, policies, programmes and actions; and
 - (e) Building the resilience of socioeconomic and ecological systems, including through economic diversification and sustainable management of natural resources.
10. Each Party should, as appropriate, submit and update periodically an adaptation communication, which may include its priorities, implementation and support needs, plans and actions, without creating any additional burden for developing country Parties.
11. The adaptation communication referred to in paragraph 10 of this Article shall be, as appropriate, submitted and updated periodically, as a component of or in conjunction with other communications or documents, including a national adaptation plan, a nationally determined contribution as referred to in Article 4, paragraph 2, and/or a national communication.
12. The adaptation communications referred to in paragraph 10 of this Article shall be recorded in a public registry maintained by the secretariat.
13. Continuous and enhanced international support shall be provided to developing country Parties for the implementation of paragraphs 7, 9, 10 and 11 of this Article, in accordance with the provisions of Articles 9, 10 and 11.
14. The global stock take referred to in Article 14 shall, inter alia:
 - (a) Recognize adaptation efforts of developing country Parties;
 - (b) Enhance the implementation of adaptation action taking into account the adaptation communication referred to in paragraph 10 of this Article;
 - (c) Review the adequacy and effectiveness of adaptation and support provided for adaptation; and
 - (d) Review the overall progress made in achieving the global goal on adaptation referred to in paragraph 1 of this Article.

Article 8

1. Parties recognize the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events, and the role of sustainable development in reducing the risk of loss and damage.
2. The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Agreement and may be enhanced and strengthened, as determined by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
3. Parties should enhance understanding, action and support, including through the Warsaw International Mechanism, as appropriate, on a cooperative and facilitative basis with respect to loss and damage associated with the adverse effects of climate change.
4. Accordingly, areas of cooperation and facilitation to enhance understanding, action and support may include:
 - (a) Early warning systems;
 - (b) Emergency preparedness;
 - (c) Slow onset events;
 - (d) Events that may involve irreversible and permanent loss and damage;
 - (e) Comprehensive risk assessment and management;
 - (f) Risk insurance facilities, climate risk pooling and other insurance solutions;
 - (g) Non-economic losses; and
 - (h) Resilience of communities, livelihoods and ecosystems.
5. The Warsaw International Mechanism shall collaborate with existing bodies and expert groups under the Agreement, as well as relevant organizations and expert bodies outside the Agreement.

Article 9

1. Developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention.
2. Other Parties are encouraged to provide or continue to provide such support voluntarily.
3. As part of a global effort, developed country Parties should continue to take the lead in mobilizing climate finance from a wide variety of sources, instruments and channels, noting the significant role of public funds, through a variety of actions, including supporting country-driven strategies, and taking into account the needs and priorities of developing country Parties. Such mobilization of climate finance should represent a progression beyond previous efforts.

4. The provision of scaled-up financial resources should aim to achieve a balance between adaptation and mitigation, 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 least developed countries and small island developing States, considering the need for public and grant-based resources for adaptation.
5. Developed country Parties shall biennially communicate indicative quantitative and qualitative information related to paragraphs 1 and 3 of this Article, as applicable, including, as available, projected levels of public financial resources to be provided to developing country Parties. Other Parties providing resources are encouraged to communicate biennially such information on a voluntary basis.
6. The global stocktake referred to in Article 14 shall take into account the relevant information provided by developed country Parties and/or Agreement bodies on efforts related to climate finance.
7. Developed country Parties shall provide transparent and consistent information on support for developing country Parties provided and mobilized through public interventions biennially in accordance with the modalities, procedures and guidelines to be adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement, at its first session, as stipulated in Article 13, paragraph 13. Other Parties are encouraged to do so.
8. The Financial Mechanism of the Convention, including its operating entities, shall serve as the financial mechanism of this Agreement.
9. The institutions serving this Agreement, including the operating entities of the Financial Mechanism of the Convention, shall aim to ensure efficient access to financial resources through simplified approval procedures and enhanced readiness support for developing country Parties, in particular for the least developed countries and small island developing States, in the context of their national climate strategies and plans.

Article 10

1. Parties share a long-term vision on the importance of fully realizing technology development and transfer in order to improve resilience to climate change and to reduce greenhouse gas emissions.
2. Parties, noting the importance of technology for the implementation of mitigation and adaptation actions under this Agreement and recognizing existing technology deployment and dissemination efforts, shall strengthen cooperative action on technology development and transfer.
3. The Technology Mechanism established under the Convention shall serve this Agreement.
4. A technology framework is hereby 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 this Agreement, in pursuit of the long-term vision referred to in paragraph 1 of this Article.

5. Accelerating, encouraging and enabling innovation is critical for an effective, long-term global response to climate change and promoting economic growth and sustainable development. Such effort shall be, as appropriate, supported, including by the Technology Mechanism and, through financial means, by the Financial Mechanism of the Convention, for collaborative approaches to research and development, and facilitating access to technology, in particular for early stages of the technology cycle, to developing country Parties.
6. Support, including financial support, shall be provided to developing country Parties for the implementation of this Article, including for strengthening cooperative action on technology development and transfer at different stages of the technology cycle, with a view to achieving a balance between support for mitigation and adaptation. The global stocktake referred to in Article 14 shall take into account available information on efforts related to support on technology development and transfer for developing country Parties.

Article 11

1. Capacity-building under this Agreement should enhance the capacity and ability of developing country Parties, in particular countries with the least capacity, such as the least developed countries, and those that are particularly vulnerable to the adverse effects of climate change, such as small island developing States, to take effective climate change action, including, inter alia, to implement adaptation and mitigation actions, and should facilitate technology development, dissemination and deployment, access to climate finance, relevant aspects of education, training and public awareness, and the transparent, timely and accurate communication of information.
2. Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties, including at the national, subnational and local levels. Capacity-building should 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.
3. All Parties should cooperate to enhance the capacity of developing country Parties to implement this Agreement. Developed country Parties should enhance support for capacity-building actions in developing country Parties.
4. All Parties enhancing the capacity of developing country Parties to implement this Agreement, including through regional, bilateral and multilateral approaches, shall regularly communicate on these actions or measures on capacity building. Developing country Parties should regularly communicate progress made on implementing capacity-building plans, policies, actions or measures to implement this Agreement.
5. Capacity-building activities shall be enhanced through appropriate institutional arrangements to support the implementation of this Agreement, including the appropriate institutional arrangements established

under the Convention that serve this Agreement. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall, at its first session, consider and adopt a decision on the initial institutional arrangements for capacity-building.

Article 12

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

Article 13

1. In order to build mutual trust and confidence and to promote effective implementation, an enhanced transparency framework for action and support, with built-in flexibility which takes into account Parties' different capacities and builds upon collective experience is hereby established.
2. The transparency framework shall provide flexibility in the implementation of the provisions of this Article to those developing country Parties that need it in the light of their capacities. The modalities, procedures and guidelines referred to in paragraph 13 of this Article shall reflect such flexibility.
3. The transparency framework shall build on and enhance the transparency arrangements under the Convention, recognizing the special circumstances of the least developed countries and small island developing States, and be implemented in a facilitative, non-intrusive, non-punitive manner, respectful of national sovereignty, and avoid placing undue burden on Parties.
4. The transparency arrangements under the Convention, including national communications, biennial reports and biennial update reports, international assessment and review and international consultation and analysis, shall form part of the experience drawn upon for the development of the modalities, procedures and guidelines under paragraph 13 of this Article.
5. The purpose of the framework for transparency of action is to provide a clear understanding of climate change action in the light of the objective of the Convention as set out in its Article 2, including clarity and tracking of progress towards achieving Parties' individual nationally determined contributions under Article 4, and Parties' adaptation actions under Article 7, including good practices, priorities, needs and gaps, to inform the global stocktake under Article 14.
6. The purpose of the framework for transparency of support is to provide clarity on support provided and received by relevant individual Parties in the context of climate change actions under Articles 4, 7, 9, 10 and 11, and, to the extent possible, to provide a full overview of aggregate financial support provided, to inform the global stocktake under Article 14.
7. Each Party shall regularly provide the following information:
 - (a) A national inventory report of anthropogenic emissions by sources and removals by sinks of greenhouse gases, prepared using good practice methodologies accepted by the Intergovern-

mental Panel on Climate Change and agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Agreement; and

(b) Information necessary to track progress made in implementing and achieving its nationally determined contribution under Article 4.

8. Each Party should also provide information related to climate change impacts and adaptation under Article 7, as appropriate.
9. Developed country Parties shall, and other Parties that provide support should, provide information on financial, technology transfer and capacity-building support provided to developing country Parties under Articles 9, 10 and 11.
10. Developing country Parties should provide information on financial, technology transfer and capacity-building support needed and received under Articles 9, 10 and 11.
11. Information submitted by each Party under paragraphs 7 and 9 of this Article shall undergo a technical expert review, in accordance with decision 1/CP.21. For those developing country Parties that need it in the light of their capacities, the review process shall include assistance in identifying capacity-building needs. In addition, each Party shall participate in a facilitative, multilateral consideration of progress with respect to efforts under Article 9, and its respective implementation and achievement of its nationally determined contribution.
12. The technical expert review under this paragraph shall consist of a consideration of the Party's support provided, as relevant, and its implementation and achievement of its nationally determined contribution. The review shall also identify areas of improvement for the Party, and include a review of the consistency of the information with the modalities, procedures and guidelines referred to in paragraph 13 of this Article, taking into account the flexibility accorded to the Party under paragraph 2 of this Article. The review shall pay particular attention to the respective national capabilities and circumstances of developing country Parties.
13. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall, at its first session, building on experience from the arrangements related to transparency under the Convention, and elaborating on the provisions in this Article, adopt common modalities, procedures and guidelines, as appropriate, for the transparency of action and support.
14. Support shall be provided to developing countries for the implementation of this Article.
15. Support shall also be provided for the building of transparency-related capacity of developing country Parties on a continuous basis.

Article 14

1. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall periodically take stock of the implementation of this Agreement to assess the collective progress towards achieving

the purpose of this Agreement and its long-term goals (referred to as the “global stocktake”). It shall do so in a comprehensive and facilitative manner, considering mitigation, adaptation and the means of implementation and support, and in the light of equity and the best available science.

2. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall undertake its first global stocktake in 2023 and every five years thereafter unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
3. The outcome of the global stocktake shall inform Parties in updating and enhancing, in a nationally determined manner, their actions and support in accordance with the relevant provisions of this Agreement, as well as in enhancing international cooperation for climate action.

Article 15

1. A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement is hereby established.
2. The mechanism referred to in paragraph 1 of this Article 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. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.
3. The committee shall operate under the modalities and procedures adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement at its first session and report annually to the Conference of the Parties serving as the meeting of the Parties to this Agreement.

Article 16

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Agreement.
2. Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Agreement. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, decisions under this Agreement shall be taken only by those that are Parties to this Agreement.
3. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Agreement, shall be replaced by an additional member to be elected by and from amongst the Parties to this Agreement.
4. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall keep under regular review the implementation of this Agreement and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this

Agreement and shall:

- (a) Establish such subsidiary bodies as deemed necessary for the implementation of this Agreement;
and
 - (b) Exercise such other functions as may be required for the implementation of this Agreement.
5. The rules of procedure of the Conference of the Parties and the financial procedures applied under the Convention shall be applied *mutatis mutandis* under this Agreement, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
 6. The first session of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties that is scheduled after the date of entry into force of this Agreement. Subsequent ordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be held in conjunction with ordinary sessions of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
 7. Extraordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be held at such other times as may be deemed necessary by the Conference of the Parties serving as the meeting of the Parties to this Agreement or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.
 8. The United Nations and its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement as observers. Anybody or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by this Agreement and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Agreement as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure referred to in paragraph 5 of this Article.

Article 17

1. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Agreement.
2. Article 8, paragraph 2, of the Convention on the functions of the secretariat, and Article 8, paragraph 3, of the Convention, on the arrangements made for the functioning of the secretariat, shall apply *mutatis*

mutandis to this Agreement. The secretariat shall, in addition, exercise the functions assigned to it under this Agreement and by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

Article 18

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

Article 19

1. Subsidiary bodies or other institutional arrangements established by or under the Convention, other than those referred to in this Agreement, shall serve this Agreement upon a decision of the Conference of the Parties serving as the meeting of the Parties to this Agreement. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall specify the functions to be exercised by such subsidiary bodies or arrangements.
2. The Conference of the Parties serving as the meeting of the Parties to this Agreement may provide further guidance to such subsidiary bodies and institutional arrangements.

Article 20

1. This Agreement shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations that are Parties to the Convention. It shall be open for signature at the United Nations Headquarters in New York from 22 April 2016 to 21 April 2017. Thereafter, this Agreement shall be open for accession from the day following the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization that becomes a Party to this Agreement without any of its member States being a Party shall be bound by all the obligations under this Agreement. In the case of regional economic integration organizations with one or more member States that are Parties to this Agreement, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Agreement. In such cases, the organization and the member States shall not be entitled to exercise rights under this Agreement concurrently.
3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Agreement. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 21

1. This 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 greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession.
2. Solely for the limited purpose of paragraph 1 of this Article, “total global greenhouse gas emissions” means the most up-to-date amount communicated on or before the date of adoption of this Agreement by the Parties to the Convention.
3. For each State or regional economic integration organization that ratifies, accepts or approves this Agreement or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, this Agreement shall enter into force on the thirtieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
4. For the purposes of paragraph 1 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by its member States.

Article 22

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

Article 23

1. The provisions of Article 16 of the Convention on the adoption and amendment of annexes to the Convention shall apply *mutatis mutandis* to this Agreement.
2. Annexes to this Agreement shall form an integral part thereof and, unless otherwise expressly provided for, a reference to this Agreement constitutes at the same time a reference to any annexes thereto. Such

annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

Article 24

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

Article 25

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

Article 26

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

Article 27

No reservations may be made to this Agreement.

Article 28

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

Article 29

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

DONE at Paris this twelfth day of December two thousand and fifteen.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Agreement.



NGEC
National Gender and
Equality Commission

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