

Climate negotiations terminology: the pocket guide



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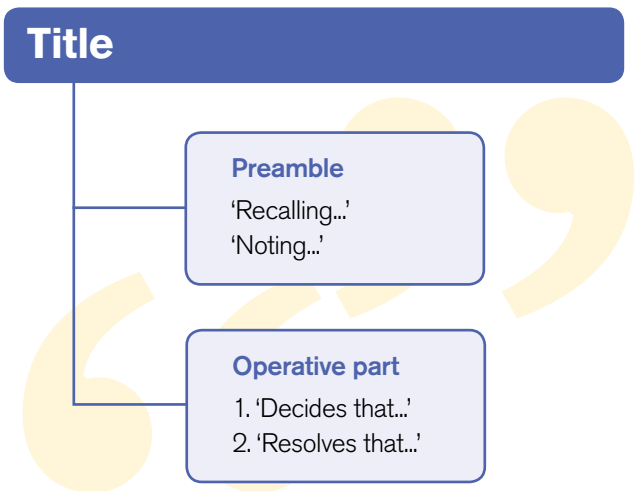


I. Introduction

The primary audience of this document is the negotiators of the least developed countries (LDC) group. This is a living document that will be updated as required.

II. Structure of multilateral environmental agreements and decisions


Multilateral environmental agreements (MEAs), and the decisions adopted by parties to the MEAs to promote their effective implementation, mainly consist of a preamble section and an operative section (with articles, numbered paragraphs, or both). The language used in different sections of a MEA or decision text varies.



Preamble language

Paragraphs in the preamble of an agreement or decision:


- provide the background and the context of the agreement or decision that follows
- guide the interpretation of the agreement or decision
- have no binding legal value on its own
- may be used strategically to accommodate any particular language claimed by the parties, without creating binding obligations.

 When the language of the agreement or decision text appears to be ambiguous, preamble language is used to **interpret the intentions of the decision makers.**

Operative language

Paragraphs in the operative section of an agreement or decision:

- constitute the core of the agreement or decision
- represent what parties have actually agreed to
- focus on the actions to be adopted by parties
- may also call for the creation of new institutions or the undertaking of certain studies.

 Where there is a direct conflict between the preamble and the operational text, **the operative text prevails.**

III. Drafting text language

Basic drafting text language

Language

Meaning/use

May

May

Permissive and discretionary language that leaves no obligation on the part of the party carrying out the action, but rather offers a possibility or alternative course of action to such a party.

Example: *'For the purpose of meeting its commitments under Article 3, any Party included in Annex I **may** transfer to, or acquire from, any other such Party emission reduction units resulting from projects aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of greenhouse gases in any sector of the economy'*

– Kyoto Protocol, Article 6.1

Should/ Ought to

Should/ Ought to

Means an action is not required, but advised. Generally used in principles.

Examples: *'The Parties **should** protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities'*

– Climate Change Convention, Article 3.1

*'Decides that the Warsaw international mechanism **should** complement, draw upon the work of and involve, as appropriate, existing bodies and expert groups under the Convention as well as on that of relevant organizations and expert bodies outside the Convention, at all levels'*

– Decision 2/CP.19, Warsaw international mechanism on loss and damage associated with climate change impacts, para. 6.

Shall

Means that an action is required.

1. **'Shall'** is typically used in the context of agreements, to indicate that the following action is obligatory or binding.

Example: *'The Parties included in Annex I **shall**, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts'*

– Kyoto Protocol, Article 3.1

2. However, when used with a weaker word, such as in **'shall endeavour'** or **'shall strive'**, it only requires parties to 'try to do' something but not to actually do it.

Example: *'The Parties included in Annex I **shall strive** to implement policies and measures under this Article in such a way as to minimize adverse effects, including the adverse effects of climate change, effects on international trade, and social, environmental and economic impacts on other Parties, especially developing country Parties and in particular those identified in Article 4, paragraphs 8 and 9, of the Convention, taking into account Article 3 of the Convention'*

– Kyoto Protocol, Article 2.3

Must

Means that the following action is required and almost always binding. Not commonly used to strongly mandate specific actions in agreements, but rather in the passive voice (as in 'measures **must** be taken'), or to strengthen overall goals and obligations.

Example: *'Emphasizes that various approaches, including opportunities for using markets, to enhance the cost effectiveness of, and to promote, mitigation actions, bearing in mind different circumstances of developed and developing countries, **must** meet standards that deliver real, permanent, additional and verified mitigation outcomes, avoid double counting of effort, and achieve a net decrease and/or avoidance of greenhouse gas emissions'*

– Durban Platform Decision 2/CP.17, Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, II-E, para. 79

Will

Will

1. Means that the action is going to take place with certainty. Anticipates a future certain fact in assertive, rather than mandatory language.

Examples: *'Recognizing that deep cuts in global emissions **will** be required to achieve the ultimate objective of the Convention and emphasizing the urgency to address climate change as indicated in the Fourth Assessment Report of the Intergovernmental Panel on Climate Change'*

– Decision 1/CP.13, Bali Action Plan, preamble

*'Requests the secretariat to support, subject to the availability of supplementary funding, the activities of all Parties, in particular developing countries, in relation to paragraphs 3, 5, 7 and 9 above, by developing a Web platform where information submitted by Parties, relevant organizations and stakeholders **will** be made available'*

Decision 2/CP.13, Bali Action Plan, para. 10

2. Used as obligational language in the context of less formal agreements adopted by the United Nations Framework Convention on Climate Change (UNFCCC), such as the arrangements between the Conference of the Parties (COP) and the Green Climate Fund (GCF).

Example: *'The COP **will**, after each of its sessions, communicate guidance to the GCF'*

– Decision 5/CP.19, Arrangements between the Conference of the Parties and the Green Climate Fund, Annex – Arrangements between the Conference of the Parties and the Green Climate Fund; para. 3

And

And

All connected clauses/provisions must be satisfied cumulatively.

Example: *'Emission reductions resulting from each project activity shall be certified by operational entities to be designated by the Conference of the Parties serving as the meeting of the Parties to this Protocol, on the basis of:... (b) Real, measurable, **and** long-term benefits related to the mitigation of climate change'*

– Kyoto Protocol, Article 12 – clean development mechanism, para. 5b

Or

Only one of the connected clauses/provisions must be satisfied.

Example: *'Also decides to launch a process to develop a protocol, another legal instrument **or** an agreed outcome with legal force under the Convention applicable to all Parties'*

– Decision 1/CP.17, Durban Platform for Enhanced Action, para. 2

Verbs

Preamble

Acknowledging

Admitting something to be true or real, or recognising the existence or occurrence of a certain fact.

Examples: *'**Acknowledging** that the global nature of climate change calls for the widest possible cooperation by all countries'*

– Climate Change Convention, preamble

*'**Acknowledging** the contribution of adaptation and risk management strategies towards addressing loss and damage associated with climate change impacts'*

– Decision 2/CP.19, Warsaw international mechanism on loss and damage associated with climate change impacts

Affirming

Stating that something is true and agreeing on it.

Example: *'**Affirming** that fulfilling the ultimate objective of the Convention will require strengthening the multilateral, rules-based regime and the urgent and sustained implementation of existing commitments under the Convention'*

– Decision 1/CP.19, Further Advancing the Durban Platform

Or

Acknowledging

Affirming

Appreciating

Expressing satisfaction or gratitude and recognising the value of a certain situation or action, thus stimulating its continuation and replication.

Example: *'Appreciating the contributions made by developed country Parties to the Least Developed Countries Fund and the Special Climate Change Fund to date'*

– Decision 12/CP.18, National Adaptation Plans

Aware of/Being aware of

Seeks to demonstrate awareness of certain facts and information, reminding parties of its relevance to the context of the decision. In the UNFCCC, the phrase is typically used in reference to specific previous COP decisions, for the sole purpose of restating and highlighting them as relevant background information to the present decision.

Examples: *'Aware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases'*

– Climate Change Convention, preamble

'Aware of its decisions 2/CP.7, 11/CP.7, 15/CP.7, 16/CP.7, 18/CP.7, 19/CP.7, 20/CP.7, 21/CP.7, 22/CP.7, 23/CP.7, 24/CP.7 and 38/CP.7'

– Decision 17/CP.7, Modalities and procedures for a clean development mechanism as defined in Article 12 of the Kyoto Protocol

Bearing in mind that

Reflecting on facts, issues and/or a treaty's provisions that must be taken into consideration while addressing the decision.

Example: *'Bearing in mind that, in accordance with Article 12, the purpose of the clean development mechanism is to assist Parties not included in Annex I to the Convention in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist Parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments under Article 3 of the Kyoto Protocol'*

– Decision 3/CMP.1, Modalities and procedures for a clean development mechanism as defined in Article 12 of the Kyoto Protocol

Cognizant of

Same as 'Aware of'. Mostly used in decisions of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP).

Example: '*Cognizant of decisions 3/CMP.1, 7/CMP.1, 1/CMP.2, 2/CMP.3, 2/CMP.4, 2/CMP.5, 3/CMP.6, 8/CMP.7, 9/CMP.7 and 10/CMP.7*

– Decision 5/CMP.8, Guidance relating to the clean development mechanism

Concurring

Agreeing with something, generally another decision.

Example: '*Concurring with the view of the Maritime Safety Committee that the effective implementation of these amendments could best be achieved by concluding a new Safety Convention superseding the existing 1960 Safety Convention and embodying such amendments*

– Resolution A.304(VIII) adopted on 23 November 1973, International Convention for the Safety of Life at Sea (SOLAS), 1974

Conscious of

Noticing the existence of something and being aware of its importance in the context of the decision.

Example: '*Conscious of the valuable analytical work being conducted by many States on climate change and of the important contributions of the World Meteorological Organization, the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system, as well as other international and intergovernmental bodies, to the exchange of results of scientific research and the coordination of research*

– Climate Change Convention, preamble Considering

Considering

Similar to 'Bearing in mind'; means that any given point is being taken into consideration in the decision. It may be related to facts or scientific data, as well as documents, decisions and reports, and also principles and/or a treaty's provisions. Matters considered are often recommendations and conclusions of UNFCCC or Kyoto Protocol (KP) bodies or other organisations such as the IPCC (Intergovernmental Panel on Climate Change).

Cognizant
of

Concurring

Conscious of

Considering

Considering (cont.)

Examples: **'Considering** that reports on activities implemented jointly have provided a rich opportunity for learning-by-doing and that no further reports have been submitted by Parties since 2006'

– Decision 22/CP.18, Activities Implemented Jointly under the pilot phase

'Considering the importance of ensuring coherence between the participation of women in the UNFCCC process and the principles and objectives of international instruments and relevant multilateral processes ...'

– Decision 23/CP.18, Promoting gender balance and improving the participation of women in UNFCCC negotiations and in the representation of Parties in bodies established pursuant to the Convention or the Kyoto Protocol

Convinced of/that

Convinced of/that

Strong assertion that shows widespread acceptance of facts or positions as a premise to the actions that are going to be called for in the decision text.

Example: **'Convinced** that changes in climate have an impact on development,... **Convinced** that climate change affects humanity as a whole and should be confronted within a global framework so as to take into account the vital interests of all mankind'

– United Nations General Assembly Resolution 43/53 of 6 December 1988, Protection of global climate for present and future generations of mankind

Emphasizing

Emphasizing

Giving special significance or importance, or drawing attention to a particular issue.

Example: **'Emphasizing** that enhanced action and international cooperation on adaptation is urgently required to enable and support the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing country Parties...'

– Decision 1/CP.19, Further Advancing the Durban Platform

Endorsing

Endorsing

Supporting an idea or a previous decision or document.

Example: **'Endorsing** Decision 1/CP.15 on the Ad hoc Working Group on Long-term Cooperative Action and Decision 1/CMP.5 that requests the Ad hoc Working Group on Further Commitments of Annex I Parties under the Kyoto Protocol to continue its work'

– Copenhagen Accord, FCCC/CP/2009/11/Add.1, Page 5

Expressing concern

Strong diplomatic language to express displeasure.

Example: *'Expressing serious concern that the warming of the climate system is unequivocal and since the 1950s, many of the observed changes are unprecedented over decades to millennia, as indicated by the findings contained in the contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change'*

– Decision 1/CP.19, Further Advancing the Durban Platform

Having concluded that/the

1. Having concluded that: means that the COP or other institution has made an assessment based on information, and then reached a conclusion.

Example: *'Having reviewed Article 4, paragraph 2(a) and (b), of the United Nations Framework Convention on Climate Change, and, having concluded that these subparagraphs are not adequate'*

– Decision 1/CP.1, The Berlin Mandate: Review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention, including proposals related to a protocol and decisions on follow-up

2. Having concluded the: means that the COP has reached an agreement with one or more parties or entities.

Example: *'Having concluded the International Convention for the Safety of Life at Sea, 1974, to replace the International Convention for the Safety of Life at Sea, 1960'*

– Draft Resolution 1, Comprehensive Revision of the International Convention for the Safety of Life at Sea, 1974, IMCO – Intergovernmental Maritime Consultative Organization

Having considered

Thinking carefully about something in order to make a decision. See 'Considering' above.

Example: *'Having considered the relevant recommendations of the Subsidiary Body for Scientific and Technological Advice'*

– Decision 23/CP.19, Work programme on the revision of the guidelines for the review of biennial reports and national communications, including national inventory reviews, for developed country parties

Expressing
concern

Having concluded that/the

Having
considered

Having taken note of

Having taken note of

Recognising the existence of an agreement or statement, or of a report or other document or findings contained therein. However, it is not an endorsement of the content thereof.

Example: *'Having taken note of the terms of reference of the first comprehensive review of the implementation of the framework for capacity-building in developing countries, contained in Annex III to the report of the Subsidiary Body for Implementation at its eighteenth session'*

- Decision 2/CP.10, Capacity Building for Developing Countries
- non-Annex I parties

Having reviewed

Having reviewed

Having looked at or examined something.

Example: *'Having reviewed Article 4, paragraph 2(a) and (b), of the United Nations Framework Convention on Climate Change, and; Having concluded that these subparagraphs are not adequate'*

- Decision 1/CP.1, The Berlin Mandate: Review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention, including proposals related to a protocol and decisions on follow-up

Maintaining that

Maintaining that

Supporting a current system or position.

Example: *'Maintaining that the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change, and calling upon States to take urgent global action to address climate change in accordance with the principles identified in the Convention, including the principle of common but differentiated responsibilities and respective capabilities'*

- United Nations General Assembly Resolution 65/150, Protection of coral reefs for sustainable livelihoods and development, 16 February 2011

Mindful

Mindful

Being aware and conscious of something relevant to the decision. Has been used in a similar fashion as 'bearing in mind', bringing to the fore previous COP decisions, principles and provisions of the UNFCCC and the KP.

Examples: *'Mindful of its decision that the Ad Hoc Working Group on the Durban Platform for Enhanced*

Action will consider elements for a draft negotiating text no later than at its session to be held in conjunction with the twentieth session of the Conference of the Parties (December 2014) with a view to making available a negotiating text before May 2015'

– Decision 1/CP.19, Further Advancing the Durban Platform

'Mindful of the objective of the Convention, as set out in its Article 2'

– Decision 1/CP.7, The Marrakesh Ministerial Declaration

Noting/Noting with concern/Noting with satisfaction

1. Acknowledging something. See 'Having note of' above.

Examples: **'Noting** decision 3/CP.19 (Long-term climate finance)'

– Decision 1/CP.19, Further Advancing the Durban Platform

'Noting the complexity of the problem, different national circumstances and the multiple drivers of deforestation and forest degradation'

– Decision 15/CP.19, Addressing the drivers of deforestation and forest degradation

2. Noting 'with (grave) concern' adds emphasis on the gravity of the situation in question, with an underlying intention to act in response. Usually relates to facts or information that came to the attention of the COP or a subsidiary body.

Examples: *Welcoming the report of the Adaptation Committee;* **'Noting with concern** the shortfall in resources referred to in the above-mentioned report'

– Decision 16/CP.19, Work of the Adaptation Committee

'Noting with grave concern the significant gap between the aggregate effect of Parties' mitigation pledges in terms of global annual emissions of greenhouse gases by 2020 and aggregate emission pathways consistent with having a likely chance of holding the increase in global average temperature below 2°C or 1.5°C above pre-industrial levels'

– Decision 1/CP.18, Agreed Outcome Pursuant to the Bali Action Plan, II-A

3. Noting 'with satisfaction/appreciation' acknowledges something with exhortation, welcoming its positive contribution to the context of the decision and the UNFCCC.

Noting/Noting with concern/
Noting with satisfaction (Cont.)

Examples: **'Noting with satisfaction** that the linkage continues to provide a sound basis for the functioning and administration of the secretariat'

– Decision 11/CP.11, Institutional linkage of the Convention secretariat to the United Nations

'Noting with appreciation the progress made by Parties included in Annex II to the Convention in establishing innovative financing partnerships such as the Global Energy Efficiency and Renewable Energy Fund and the European Union Energy Initiative'

– Decision 3/CP.13, Development and transfer of technologies under the Subsidiary Body for Scientific and Technological Advice

Observing

Observing

Used in a similar manner as 'Acknowledging' and 'Conscious'.

Example: **'Observing** that current natural resources governance is gravely hampered by ill-planned development, misappropriation of land, corruption, bad governance and prevailing insecurities, amongst others'

– African Commission on Human and People's Rights, Resolution 224 on a Human Rights-Based Approach to Natural Resources Governance, of May of 2012

Reaffirming

Reaffirming

Agreeing on an issue or decision already made, and repeating it to maintain it as still being true. Used to re-endorse previous beliefs of a particular state of affairs, including principles, objectives and legal provisions.

Example: **'Reaffirming** the commitment to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to achieve the ultimate objective of the Convention'

– Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention

Recalling

Highlights a previous action, decision or statement. It brings back matters previously considered and is used to refer to articles in the UNFCCC/KP or previous COP decisions to which the present decision relates.

Examples: *'Recalling the provisions of Article 3 and Article 12 of the Kyoto Protocol and decision 1/CMP.6'*

– Decision 3/CMP.9, Guidance related to the clean development mechanism

'Recalling decisions 1/CP.17, 2/CP.18 and 1/CMP.8'

– Decision 1/CP.19, Further Advancing the Durban Platform

Recognizing

This is a synonym of 'Acknowledging' above.

Example: *'Recognizing the importance of regional and international cooperation with a view to promoting the establishment of alliances to support the implementation of actions aimed at reducing vulnerability and building resilience to the adverse effects of climate change'*

– Decision 1/CP.19, Further Advancing the Durban Platform

Reiterating

Similar use as in 'Reaffirming'. Usually applied to restate facts, rather than beliefs.

Example: *'Reiterating that the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action shall be guided by the principles of the Convention'*

– Decision 1/CP.19, Further Advancing the Durban Platform

Stressing

See 'Emphasizing' above.

Example: *'Stressing the importance of making its two components, the Technology Executive Committee and the Climate Technology Centre and Network, fully operational as soon as possible in 2012 in order to promote and enhance the research, development, deployment and diffusion of environmentally sound technologies in support of action on mitigation and adaptation in developing countries, in order to achieve the ultimate objective of the Convention'*

– Decision 2/CP.17, Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, V- Technology Development and Transfer

Recalling

Recognizing

Reiterating

Stressing

Taking into account

Taking into account

See 'Considering' above.

Example: *'**Taking into account** national economic and social circumstances of Parties included in Annex I to the Convention undergoing the process of transition to a market economy and the need to enable them to continue their economic development in a sustainable, low-emission manner'*

– Decision 1/CP.18, Agreed outcome pursuant to the Bali Action Plan, VIII-A

Underlining

Underlining

See 'Emphasizing' and 'Stressing'.

Example: *'**Underlining** the significant gap between the aggregate effect of Parties' mitigation pledges in terms of global annual emissions of greenhouse gases by 2020'*

– Decision 1/CP.19, Further advancing the Durban Platform

Urging

Urging

Strongly insisting and encouraging parties to an urgent action related to the context of the decision.

Examples: *'**Urging** all Parties to the Kyoto Protocol to ratify and implement the Doha Amendment to the Kyoto Protocol as a matter of urgency'*

– Decision 1/CP.19, Further advancing the Durban Platform

*'**Urging** each developed country Party to implement without delay its quantified economy-wide emission reduction target under the Convention and, if it is also a Party to the Kyoto Protocol, its quantified emission limitation or reduction commitment for the second commitment period of the Kyoto Protocol, if applicable'*

– Decision 1/CP.19, Further Advancing the Durban Platform

Warning

Warning

Advising on the consequences of actions or inaction. Provides the context of what is at stake in the decision.

Example: *'**Warning** that climate change represents an urgent and potentially irreversible threat to human societies'*

– Decision 1/CP.19, Further advancing the Durban Platform

Welcoming

Receiving or accepting positively. Normally used where the COP has received information from UNFCCC/KP bodies or other organisations, which informs the present decision. It also exhorts positive outcomes, initiatives, work and contributions.

Examples: *'Welcoming the report of the Adaptation Committee'*

– Decision 17/CP.19, Nairobi work programme on impacts, vulnerability and adaptation to climate change

'Welcoming the decision by a number of Parties included in Annex I to inscribe quantified emission limitation and reduction commitments for the second commitment period in the third column of Annex B'

– Decision 1/CMP.8, The Doha Amendment

Whereas

Similar to 'Considering'; means 'because of' a particular fact that is being considered. Widely used in bilateral agreements and memoranda of understanding (MOUs), such as the one signed by the COP and the United Nations Environment Programme (UNEP) for hosting the Climate Technology Centre and Network (CTCN).

Example: *'Whereas the COP, by Decision 1/CP.16, established a Technology Mechanism, consisting of a Technology Executive Committee and a Climate Technology Centre and Network (hereinafter referred to as the CTCN)'*

– Decision 4/CP.18, Arrangements to make the Climate Technology Centre and Network fully operational, Annex I – Memorandum of Understanding between the Conference of the Parties to the United Nations Framework Convention on Climate Change and the United Nations Environment Programme regarding the hosting of the Climate Technology Centre, preamble

Decision Text

Adopts

Adopts

This means that parties accept and incorporate a substantive document, agreement, amendment or text to their overall commitment under the UNFCCC, by voting or consensus. Wording used when the COP/ CMP agrees on a text which they intend to turn into a treaty or a decision, or when they agree on amendments to the UNFCCC or KP.

Example: *'Adopts the guidelines and procedures for the technical assessment of submissions from Parties on forest reference emission levels and/or forest reference levels contained in the annex'*

– Decision 13/CP.19, Guidelines and procedures for the technical assessment of submissions from Parties on proposed forest reference emission levels and/or forest reference levels, para. 3

Agrees upon/ Agrees to

Agrees upon/Agrees to

Similar to 'Decides', means that all parties support the decision. Less formal and slightly weaker than 'Decides'. Used to denote agreement between parties.

Example: *'Agrees to the arrangements between the Conference of the Parties and the Green Climate Fund contained in the annex, thereby bringing the arrangements into force'*

– Decision 5/CP.19, Arrangements between the Conference of the Parties and the Green Climate Fund, para. 4

Approves

Approves

Means to 'confirm', and is often used to endorse budgets, staffing plans or conclusions from UNFCCC or KP bodies.

Example: *'Approves the programme budget for the biennium 2014–2015, amounting to EUR 54,648,484 for the purposes specified in table 1'*

– Decision 27/CP.19, Programme budget for the biennium 2014–2015, para. 3

Authorizes

Authorizes

Gives authority or official power to someone or another body. This verb is usually used so as to allow another UNFCCC or KP body (other than the COP) or the Secretariat to carry out a function that it would normally undertake for itself, such as establish advisory panels or exercise discretionary budget powers.

Example: *'Authorizes the Executive Secretary to make transfers between each of the main appropriation lines set out in Table 1, up to an aggregate limit of 15 per cent of total estimated expenditure for those appropriation lines, provided that a further limitation of up to minus 25 per cent of each such appropriation line shall apply'*

– Decision 27/CP.19, Programme budget for the biennium 2014–2015, para. 16

Calls for

Asks widely and imploringly for State action, given the utmost relevance of the issue.

Example: *'Calls for ambitious and timely contributions by developed countries to enable an effective operationalization, including for readiness and preparatory support of the Green Climate Fund that reflects the needs and challenges of developing countries in addressing climate change in the context of preparing, by the twentieth session of the Conference of the Parties (December 2014), the initial resource mobilization process described in paragraph 12 above'*

– Decision 4/CP.19, Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund, para. 13

Calls upon

Asks certain Parties or all Parties, or another entity to undertake an action.

Example: *'Calls upon Parties to intensify their high-level engagement on the Durban Platform for Enhanced Action through an in-session high-level ministerial dialogue to be held in conjunction with the fortieth sessions of the subsidiary bodies (June 2014) and another such dialogue to be held in conjunction with the twentieth session of the Conference of the Parties'*

– Decision 1/CP.19, Further Advancing the Durban Platform, para. 7

Clarifies

Restates previous decisions or conclusions for the purpose of clarification and ratification, giving a clearer context to the decision to come, especially where decisions deal with technical issues.

Example: *'Clarifies that, for the second commitment period, starting from 1 January 2013, Parties not*

Calls for

Calls upon

Clarifies

Clarifies
(Cont.)

included in Annex I continue to be able to participate in ongoing project activities under Article 12 of the Kyoto Protocol and in any project activities to be registered after 31 December 2012 in accordance with the provisions of the annex to decision 3/CMP.1'

– Decision 1/CMP.8, The Doha Amendment, para. 12

Confirms

Confirms

Similar meaning to 'Reiterating'. Restates and endorses previous arrangements and conclusions, enhancing their validity.

Example: *'Confirms that the arrangements between the Conference of the Parties and the Green Climate Fund shall be in conformity with the governing instrument for the Green Climate Fund, as contained in decision 3/CP.17, and Article 11, paragraph 3, of the Convention'*

– Decision 5/CP.19, Arrangements between the Conference of the Parties and the Green Climate Fund, para. 2

Decides that/to

Decides that/to

1. This means that parties have collectively agreed to undertake an action, and therefore commands it. Any such 'decision' binds parties (at least politically), and is the most robust action the COP can take.

Example: *'Decides that the process shall be conducted under a subsidiary body under the Convention, hereby established and known as the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, that shall complete its work in 2009 and present the outcome of its work to the Conference of the Parties for adoption at its fifteenth session'* – Decision 1/CP.13, Bali Action Plan, para. 2

2. However, a decision may also command a soft and vague action:

Example: *'Decides... to invite all Parties to initiate or intensify domestic preparations for their intended nationally determined contributions'*

– Decision 1/CP.19, Further advancing the Durban Platform, para 2b

Declares

Declares

Announces a resolution to something. A declaration is more common for the purpose of political or unilateral statements from parties. Not often used in the context of COP decisions.

Example: *'Declares its support for the process engaged in the Food and Agriculture Organization (FAO)*

Commission on Plant Genetic Resources to comply with these recommendations...'

– Convention on Biological Diversity, COP 2 Decision II/15: FAO Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture, para. 2

Defines

Draws, describes and explains something. May be used to establish and consequently shape new concepts, principles, institutions or mechanisms.

Example: *'Defines a new market-based mechanism, operating under the guidance and authority of the Conference of the Parties'*

– Decision 2/CP.17, Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, para. 83

Determines

Decides something and imposes it rightfully. However, as in 'decides', the language may weaken when followed by a soft action.

Example: *'Determines that necessary and timely action should be taken to deal with climate change within a global framework'*

– United Nations General Assembly Resolution 43/53 of 6 December 1988, Protection of global climate for present and future generations of mankind, para 2

Encourages

Suggests or expresses hope that another party or entity will take action on something. This is similar to 'urges' but a weaker variant of it. In practice, it is the equivalent of 'hoping' that someone will do what they are 'encouraged' to do. Has often been used to 'encourage' parties and entities to provide information to the COP or to make financial contributions.

Examples: *'Encourages entities financing the activities referred to in Decision 1/CP.16, paragraph 70, through the wide variety of sources referred to in decision 2/CP.17, paragraph 65, including the Green Climate Fund in a key role, to collectively channel adequate and predictable results-based finance in a fair and balanced manner...'*

– Decision 9/CP.19, Work programme on results-based finance to progress the full implementation of the activities referred to in decision 1/CP.16 paragraph 70, para. 5

Defines

Determines

Encourages

Encourages
(Cont.)

'Encourages *Parties, organizations and the private sector to take action to reduce the drivers of deforestation and forest degradation'*

– Decision 15/CP.19, Addressing the drivers of deforestation and forest degradation, para. 3

Endorses

Endorses

See 'Endorsing' above.

Example: **'Endorses** *the work programme of the Standing Committee for 2013–2015, contained in Annex II to the report of the Standing Committee'*

– Decision 5/CP.18, Report of the Standing Committee, para. 3

Emphasizes

Emphasizes

Underlines a situation or idea, without particularly doing something about it. Usually emphasizes 'the importance of' or 'the need of' something.

Example: **'Emphasizes** *that undertaking the national adaptation plan process is an investment for the future that will enable countries to assess and prioritize adaptation needs in a coherent and strategic manner'*

– Decision 18/CP.19, National Adaptation Plans, para. 1

Establishes

Establishes

Widely used to create, for example, rights and obligations, commitments, institutions and bodies, mechanisms, etc.

Example: **'Establishes** *the Warsaw international mechanism for loss and damage, under the Cancun Adaptation Framework...'*

– Decision 2/CP.19, Warsaw international mechanism for Loss and Damage associated with climate change impacts, para. 1

Expresses

Expresses

Normally used in conjunction with 'appreciation', 'gratitude' or 'concern' or 'disappointment'.

1. 'Expresses its appreciation/gratitude': Usually applied to thank countries for hosting conferences or support given to the UNFCCC bodies by the UN or other organisations.

Example: **'Expresses its appreciation** *to the Governments of Germany, Japan and Norway, as well*

as to the European Commission, for providing financial and in-kind contributions in support of the work of the Adaptation Committee'

– Decision 16/CP.19, Work of the Adaptation Committee, para. 8

2. 'Expresses concern or disappointment': a way for the COP to make a statement signaling that they are unhappy with something that happened, such as the late payment of contributions. Often used to lament problems faced with the market mechanisms, which have been undermining progress in the clean development mechanism (CDM) and joint implementation (JI).

Example: *'Expresses concern regarding the difficult market situation currently faced by participants in the clean development mechanism and the consequent loss of institutional capacity related to the mechanism'*

– Decision 3/CMP9, Guidance relating to the clean development mechanism, para. 4

Insists

This means to be emphatic, firm or resolute on a matter of desire, demand or intention. It very strongly denotes the COP's desire that the intention should be complied with. However, it does not necessarily contain a binding obligation for parties to act according to the expressed intention.

Example: *'Insists that action related to adaptation follow an assessment and evaluation process, based on national communications and/or other relevant information, so as to prevent maladaptation and to ensure that adaptation actions are environmentally sound and will produce real benefits in support of sustainable development'*

– Decision 5/CP.7, Implementation of Article 4, paragraphs 8 and 9, of the Convention ('Decision 3/CP.3 and Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol') para. 2

Invites

Requests the presence, participation or engagement of parties or another entity, in a courteous or complimentary way. However, it allows the invitee absolute discretion as to whether they will comply with the invitation.

Examples: *'Invites the Executive Secretary, in consultation with the President of the Conference of the Parties, to convene the initial meeting of the executive'*

Insists

Invites

Invites (Cont.)

committee by March 2014, the meetings of which will be open to observers, and invite representatives of relevant international and regional organizations having the necessary skills in approaches to addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events'

– Decision 2/CP.19, Warsaw international mechanism for loss and damage associated with climate change impacts, para. 8

'Invites other Parties, organizations, agencies and Nairobi work programme partner organizations to provide support for the implementation of the Nairobi work programme, as appropriate'

– Decision 17/CP.19, Nairobi work programme on impacts, vulnerability and adaptation to climate change, para. 12

'Invites all Parties, taking into account common but differentiated responsibilities and respective capabilities and specific national and regional development priorities, objectives and circumstances, to enhance action on addressing loss and damage associated with the adverse effects of climate change, taking into account national development processes'

– Decision 3/CP.18, Approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change to enhance adaptive capacity, para. 6

Notes

Notes

See 'Noting' in the Preamble section above.

Examples: **'Notes** the convening of the climate summit on 23 September 2014 by the United Nations Secretary-General aimed at mobilizing action and ambition in relation to climate change'

– Decision 1/CP.19, Further Advancing the Durban Platform, para. 6

'Notes the progress made by the Board to ensure the operationalization of the Green Climate Fund, including the adoption of its 2014 work plan and the resource mobilization process'

– Decision 4/CP.19, Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund, para. 4

Recognizes

This has the same meaning as 'Acknowledging' and 'Recognizing' as set out in the *Preamble* section above.

Example: *'Recognizes that a new project activity or component project activity could be registered at the same physical or geographical location at which a project activity or component project activity whose crediting period has expired existed, if the new project activity or component project activity is not a continuation or modification of the old project activity or component project activity'*

– Decision 3/CMP.9, Guidance related to the clean development mechanism, para. 16

Recommends

Advises parties, an entity or UNFCCC or KP body to undertake a given course of action. It is a weaker form of 'Urges'.

Example: *'Recommends the Advisory Board of the Climate Technology Centre and Network, in considering the programme of work of the Climate Technology Centre and Network, to take into account the following activities'*

– Decision 1/CP.18, Agreed outcome pursuant to the Bali Action Plan, para. 61

Requests

Asks a party or an entity to do something, connoting favour or courtesy. There is no underlying assumption that the action has to be done by the requested party. Usually applied for requesting information or measures to the Subsidiary Body for Scientific and Technological Advice (SBSTA) or Subsidiary Body for Implementation (SBI), the Secretariat or other UNFCCC bodies.

Example: *'Requests the Executive Committee to develop its initial two-year workplan for the implementation of the functions outlined in paragraph 5 above, including the scheduling of meetings, taking into account the issues outlined in Decision 3/CP.18, paragraphs 6 and 7, for consideration at the forty-first sessions of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation (December 2014)'*

– Decision 2/CP.19, Warsaw international mechanism for loss and damage associated with climate change impacts, para. 9

Resolves

Resolves

Same as 'Decides', meaning that a firm and solid decision has been reached after extensive discussion and wide acceptance by all involved Parties.

Example: *'Resolves to accelerate the full implementation of the decisions constituting the agreed outcome pursuant to Decision 1/CP.13 (Bali Action Plan), in particular in relation to the provision of means of implementation, including technology, finance and capacity-building support for developing country Parties, recognizing that such implementation will enhance ambition in the pre-2020 period'*

– Decision 1/CP.19, Further Advancing the Durban Platform, para. 3

Stresses

Stresses

See 'Emphasizes'.

Example: *'Stresses the need to achieve full operationalization of the Green Climate Fund, and in this regard urges the Board to an expeditious implementation of its 2014 work plan, including elements of Decision 6/CP.18'*

– Decision 4/CP.19, Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund, para. 11

Takes note of

Takes note of

Same meaning as 'noting' as set out in the section on 'Preamble: Verbs' above. The most famous application of this expression is contained in Decision 2/CP.15, where the COP only 'takes note of' the Copenhagen Accord, rather than adopts it.

Examples: *'Takes note of the Copenhagen Accord of 18 December 2009'* – Decision 2/CP.15, Copenhagen Accord

'Takes note of the budgetary implications of the activities to be undertaken by the secretariat pursuant to the provisions contained in this decision'

– Decision 2/CP.19, Warsaw international mechanism for loss and damage associated with climate change impacts, para. 16

Underlines

Underlines

See 'Emphasizes'.

Example: *'Underlines the urgency of implementing commitments related to financing and transfer of technology under the Convention'*

– Decision 3/CP.19, Long Term Climate Finance, para. 2

Urges

Strongly encourages action, although without the authority to enforce it properly. It is a compelling language to push for action, stronger than 'requests', but weaker than 'requires'.

Has been used to call for action from non-UNFCCC bodies, such as the Global Environmental Facility (GEF), and from parties to comply with discretionary financial obligations or with something they should have already complied with.

Examples: *'Urges parties to make voluntary contributions, as necessary for the timely implementation of all mandates given to the secretariat and to cover those requirements for support to the implementation of the processes relating to measurement, reporting and verification that cannot be fully met by the core budget at the approved level'*

– Decision 27/CP.19, Programme Budget for the biennium 2014-2015, para. 20

'Urges developed country parties to maintain continuity of mobilization of public climate finance at increasing levels from the fast-start finance period in line with their joint commitment to the goal of mobilizing USD 100 billion per year by 2020 from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources, in the context of meaningful mitigation actions and transparency of implementation'

– Decision 3/CP.19, Long Term Climate Finance, para. 7

Welcomes

An announcement of the COP's appreciation and support for something. This has the same meaning as 'welcoming' as set out in the section on 'Preamble: Verbs' above.

Example: *'Welcomes the Board's decisions to establish the independent secretariat and the selection of Ms. HÉla Cheikhrouhou as the Executive Director of the independent secretariat of the Green Climate Fund'*

– Decision 4/CP.19, Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund, para 2

Content Related Language

To accelerate

To accelerate

To speed up something, usually a given process under the UNFCCC. Requires further details on how this 'acceleration' will be fully undertaken, such as via establishment of efficient and advanced timetables.

Example: *'Requests the Ad Hoc Working Group on the Durban Platform for Enhanced Action to accelerate its development of a protocol, another legal instrument or an agreed outcome with legal force'*

– Decision 1/CP.19, Further advancing the Durban Platform, para. 1

To adopt

To adopt

See 'Adopts' above.

Example: *'Decides to adopt the following initial guidance on policies, programme priorities and eligibility criteria for the Green Climate Fund, as an operating entity of the financial mechanism of the Convention'*

– Decision 4/CP.19, Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund, para. 8

To consider

To consider

Means that parties are required to reflect on an issue, but not necessarily take any action.

Examples: *'Requests the Standing Committee on Finance to consider, in its work on coherence and coordination, inter alia, the issue of financing for forests, taking into account different policy approaches'*

– Decision 7/CP.19, Report of the Standing Committee on Finance to the Conference of the Parties, para. 11

'Decides to accelerate activities under the workplan on enhancing mitigation ambition... by... considering further activities to be undertaken under that workplan at the twentieth session of the Conference of the Parties'

– Decision 1/CP.19, Further advancing the Durban Platform, para. 5d

To develop

To develop

To create, improve or make something grow or succeed. Indicates action towards something that will be made effective in the future.

Examples: *'Recognizes the need to develop capacities for measuring, reporting and verifying anthropogenic'*

forest-related emissions by sources and removals by sinks, forest carbon stocks, and forest carbon stock and forest-area changes resulting from the implementation of the activities referred to in decision 1/CP.16'

– Decision 14/CP.19, Modalities for measuring, reporting and verifying, para. 2

*'Also requests the Adaptation Fund Board **to develop** and approve the legal arrangements with the trustee regarding the services for the 2 per cent share of proceeds referred to in paragraph 8 above for approval by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol'*

– Decision 1/CMP.9, Report of the Adaptation Fund Board, para. 10

To enhance

To further develop or improve something. Also requires further clarification on how this improvement will be carried out.

Example: *'Also resolves **to enhance** ambition in the pre-2020 period in order to ensure the highest possible mitigation efforts under the Convention by all Parties by...'*

– Decision 1/CP.19, Further advancing the Durban Platform, para. 4

To establish

To create something. See 'Establishes' above.

Example: *'Recalling its decision **to establish**, at its nineteenth session, institutional arrangements, such as an international mechanism, including functions and modalities, to address loss and damage associated with the impacts of climate change in developing countries that are particularly vulnerable to the adverse effects of climate change'*

– Decision 2/CP.19, Warsaw international mechanism for loss and damage associated with climate change impacts

To facilitate

To make it easier for something to happen. Directed to a party, institution or mechanism, to take all the necessary measures and arrangements for a given action to take place successfully.

Example: *'Requests the secretariat **to facilitate** the organization of the meetings referred to in paragraphs 4 and 5 above, beginning, if possible, in conjunction with the forty-first sessions of the*

To enhance

To establish

To facilitate

To facilitate (Cont.)

subsidiary bodies (December 2014)

– Decision 10/CP.19, Coordination of support for the implementation of activities in relation to mitigation actions in the forest sector by developing countries, including institutional arrangements, para. 6

To further elaborate

To further elaborate

To further develop something that already exists, usually a draft text, decision, guidelines or document, by adding new inputs.

Example: *'To request the Ad Hoc Working Group on the Durban Platform for Enhanced Action **to further elaborate**, beginning at its first session in 2014, elements for a draft negotiating text'*

– Decision 1/CP.19, Further advancing the Durban Platform, para. 2a

To give (due) consideration

To give (due) consideration

Draws attention to and calls for special treatment of a given idea and circumstance; or for a certain group of people, in the context of equity. Has been used in the UNFCCC for according differential treatment to correct gender imbalance and to recognise the needs of vulnerable countries, inter alia.

Example: *'Requests the Global Environment Facility **to give due consideration** in its sixth replenishment period to funding for Small Island Developing States and the least developed countries in order to enable them to address their urgent needs and to comply with their obligations under the Convention'*

– Decision 4/CP.19, Report of the Global Environment Facility to the Conference of the Parties and guidance to the Global Environment Facility, para. 10

To intensify

To intensify

To strengthen, increase, accelerate or invigorate something. The use of this term normally needs further details on implementation, otherwise it becomes an empty shell.

Example: *'Decides to accelerate activities under the workplan on enhancing mitigation ambition... by... **intensifying**, as from 2014, the technical examination of opportunities for actions with high mitigation potential, including those with adaptation and sustainable development co-benefits'*

– Decision 1/CP.19, Further advancing the Durban Platform, para. 5a

To invite

See 'Invites' above.

Example: *'Decides... **to invite** all Parties to initiate or intensify domestic preparations for their intended nationally determined contributions, without prejudice to the legal nature of the contributions, in the context of adopting a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties towards achieving the objective of the Convention as set out in its Article 2 and to communicate them well in advance of the twenty-first session of the Conference of the Parties'*

– Decision 1/CP.19, Further advancing the Durban Platform, para. 2b

To promote

To undertake a certain action, to support or encourage something, or to attract people's attention to something. Commonly used to highlight certain activities, but it does not indicate strong direct action.

Examples: *'Decides to accelerate activities under the workplan on enhancing mitigation ambition in accordance with decision 1/CP.17, paragraphs 7 and 8, by:... (c) Inviting Parties **to promote** the voluntary cancellation of certified emission reductions, without double counting, as a means of closing the pre-2020 ambition gap'*

– Decision 1/CP.19, Further advancing the Durban Platform, para. 5c

*'Also invites Parties to work through the United Nations and other relevant institutions, specialized agencies and processes, as appropriate, **to promote** coherence at all levels in approaches relevant to addressing loss and damage associated with the adverse effects of climate change, including extreme events and slow onset events'*

– Decision 2/CP.19, Warsaw international mechanism for loss and damage associated with climate change impacts, para. 12

To request

See 'Requests' above.

Example: *'**To request** the Ad Hoc Working Group on the Durban Platform for Enhanced Action to identify, by the twentieth session of the Conference of the Parties, the information that Parties will provide when putting forward their contributions.* – Decision 1/CP.19, Further advancing the Durban Platform, para. 2c

To invite

To promote

To request

To strengthen

To strengthen

See 'To intensify'.

Example: *'Further invites Parties **to strengthen** and, where appropriate, develop institutions and networks at the regional and national levels, especially in particularly vulnerable developing countries, to enhance the implementation of relevant approaches to addressing loss and damage'*

– Decision 2/CP.19, Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, para 13

To take into consideration

To take into consideration

To acknowledge something and consider it when addressing a given question. It does not however indicate intention to take further action.

Example: *'Recognizing that the implementation of response measures to mitigate climate change taken by a Party may result in negative economic and social consequences for other Parties, and the need **to take into consideration** in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economies that are vulnerable to the adverse impact of the implementation of measures to respond to climate change, referred to in Article 4, paragraphs 8, 9 and 10, of the Convention'*

– Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention; E – Economic and social consequences of response measures

Qualifying language

Any future elaboration

Any future elaboration

Indicates that an issue is not closed and can be reconsidered in the future. This language is commonly used in the context of technical guidelines and terms of reference, which are supposed to be more dynamic regulations.

Example: *'These shall be submitted and reviewed in accordance with relevant decisions related to Articles 5,*

7 and 8 of the Kyoto Protocol, and in accordance with the Revised 1996 Intergovernmental Panel on Climate Change Guidelines for National Greenhouse Gas Inventories, **any future elaboration** of these guidelines, or parts of them, and any good practice guidance on land use, land-use change and forestry in accordance with the relevant decisions of the Conference of the Parties.'

– Decision 16/CMP.1, Land use, land-use change and forestry, Annex – Definitions, modalities, rules and guidelines relating to land use, land-use change and forestry activities under the Kyoto Protocol, para. 12

As appropriate, if appropriate, as necessary, if necessary, as applicable, if applicable

Conditional words allowing parties, entities and UNFCCC and KP bodies discretion in determining whether the action is appropriate, necessary or applicable.

Examples: *'Requests the executive committee to report annually to the Conference of the Parties through the Subsidiary Body of Scientific Technological Advice and the Subsidiary Body for Implementation and make recommendations, as appropriate'*

– Decision 2/CP.19, Warsaw international mechanism on loss and damage associated with climate change impacts, para. 3

'Urging each Party that has not yet communicated a quantified economy-wide emission reduction target or nationally appropriate mitigation action, as applicable, to do so'

– Decision 1/CP.19, Further Advancing the Durban Platform

'Review experts shall, as necessary, perform desk review tasks in their home countries and participate in in-country visits and centralized reviews'

– Decision 23/CP.19, Annex – Guidelines for the technical review of information reported under the Convention related to greenhouse gas inventories, biennial reports and national communications by Parties included in Annex I to the Convention; para. 46

As appropriate, if appropriate, as necessary, if necessary, as applicable, if applicable

As early as possible/as soon as possible

As early as possible/as soon as possible

Time condition that suggests an action will be taken immediately, but is also limited by the condition of 'possibility', which gives great discretion to the Party expected to take the action in question.

Examples: *'To urge and request developed country Parties, the operating entities of the financial mechanism and any other organizations in a position to do so to provide support for the related activities referred to in paragraphs 2(b) and 2(c) above as early as possible in 2014'*

– Decision 1/CP.19, Further Advancing the Durban Platform

'Urges the Board to finalize as soon as possible the essential requirements to receive, manage, programme and disburse financial resources in line with the approved workplan of the Board'

– Decision 4/CP.19, Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund, para. 12

Bearing in mind

Bearing in mind

Giving thought to something, taking it into consideration while addressing an issue. See 'Bearing in mind' as preambular verb too.

Example: *'Acknowledges that Parties, individually or jointly, may develop and implement various approaches, including opportunities for using markets and non-markets, to enhance the cost-effectiveness of, and to promote, mitigation actions, bearing in mind different circumstances of developed and developing countries'*

– Decision 1/CP.18, Agreed outcome pursuant to the Bali Action Plan, Framework of Various Approaches, para. 41

In a position to do so

In a position to do so

A literal interpretation of 'position' suggests that 'in a position to do so' is whoever has the **capacity** to undertake the given action(s), and also **is expected to** contribute in the context of the UNFCCC.

Examples: *'Decides... to urge and request developed country Parties, the operating entities of the financial mechanism and any other organizations in a position to do so to provide support for the related activities referred to in paragraphs 2(b) and 2(c) above as early as possible in 2014'*

– Decision 1/CP.19, Further advancing the Durban Platform, para. 2d

*'Strongly urges **Parties in a position to do so**, in order to facilitate the work of the group, to provide contributions to the Trust Fund for Participation in the UNFCCC Process and the Trust Fund for Supplementary Activities for the purposes referred to in paragraph 12 above and to provide other forms of in kind support such as hosting a session of the group'*

– Decision 1/CP.13, Bali Action Plan, para 13

In particular

Emphasising a topic or part of the sentence that is of special interest.

Example: *'Invites Parties, **in particular** developed country Parties, and relevant international organizations to support capacity-building in relation to the development and assessment of forest reference emission levels and/or forest reference levels'*

– Decision 13/CP.19, Guidelines and procedures for the technical assessment of submissions from parties on proposed forest reference emission levels and/or forest reference levels, para. 6

Including

Similar to 'in particular'; used to highlight one or more specific things within a broad list.

Example: *'Also invites Parties to work through the United Nations and other relevant institutions, specialized agencies and processes, as appropriate, to promote coherence at all levels in approaches relevant to addressing loss and damage associated with the adverse effects of climate change, **including** extreme events and slow onset events'*

– Decision 2/CP.19, Warsaw international mechanism on loss and damage associated with climate change impacts, para. 12

Inter alia

Latin expression; as with 'including', means 'among other things'. Used to highlight, but not limit, certain issues.

Example: *'Decides to continue the Nairobi work programme on impacts, vulnerability and adaptation to climate change within the framework of the provisions of decision 2/CP.11, addressing the knowledge needs arising from, **inter alia**, the Cancun Adaptation Framework and other relevant workstreams and bodies under the Convention and the knowledge needs identified by Parties'*

– Decision 17/CP.19, Nairobi work programme on impacts, vulnerability and adaptation to climate change, para. 1

In particular

Including

Inter alia

Mutatis mutandis

Mutatis mutandis

Latin expression; means 'having changed what must be changed', or considered the due adjustment/adaptation or alteration of details. It is used to compare and/or apply a standard to two similar issues

Example: *'For the purpose of this annex, the definitions contained in the annex to decision 3/CMP.1 shall apply **mutatis mutandis** to carbon dioxide capture and storage project activities under the clean development mechanism (CDM).'*

– Decision 10/CMP.7, Modalities and procedures for carbon dioxide capture and storage in geological formations as clean development mechanism project activities; Annex – Modalities and procedures for carbon dioxide capture and storage in geological formations under the clean development mechanism; para. 1

Subject to

Subject to

Means that the clause can be implemented 'provided that' something is done or a condition is fulfilled, **before** (as a pre-condition) or **in the course** of the action (as a condition for continuation).

Example: *'Establishes the Warsaw International Mechanism for loss and damage, under the Cancun Adaptation Framework, **subject to** review at the twenty-second session of the Conference of the Parties (November–December 2016).'*

– Decision 2/CP.19, Warsaw international mechanism for Loss and Damage associated with the climate change impacts, para. 1

Taking into account

Taking into account

Same as in 'Bearing in mind' above in this section.

Example: *'Emphasizing that enhanced action and international cooperation on adaptation is urgently required to enable and support the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing country Parties, **taking into account** the urgent and immediate needs of those developing countries that are particularly vulnerable.'*

– Decision 1/CP.19, Further Advancing the Durban Platform

Ready to do so

Ready to do so

In practice this has the same meaning as 'to the extent feasible/possible' (below), since whoever takes the action in question decides whether they are 'ready to do it'. According to the dictionary, 'to be ready' means either 'to be prepared' or 'willing to do' something, both

arguably subjective statuses, which are most likely to be self-proclaimed.

Example: *'Decides... to invite all Parties to initiate or intensify domestic preparations for their intended nationally determined contributions, without prejudice to the legal nature of the contributions, in the context of adopting a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties towards achieving the objective of the Convention as set out in its Article 2 and to communicate them well in advance of the twenty-first session of the Conference of the Parties (by the first quarter of 2015 by those Parties **ready to do so**).'*

– Decision 1/CP.19, Further advancing the Durban Platform, para. 2

To the extent feasible/ possible/ practicable

To take action within limits established by the party who takes the action.

Example: *'Also decides that the two land use, land-use change and forestry experts referred to in paragraph 10 above may seek clarifications on the technical annex referred to in paragraph 7 above and that the Party should provide clarifications **to the extent possible**, in accordance with national circumstances and taking into account national capabilities'*

– Decision 14/CP.19, Modalities for measuring, reporting and verifying, para. 13

Towards

Used to indicate direction and approximation to a goal.

Example: *'Reaffirms that the progression of developing country Parties **towards** results-based actions occurs in the context of the provision of adequate and predictable support for all phases of the actions and activities referred to in Decision 1/CP.16, paragraphs 70 and 73'*

– Decision 9/CP.19, Work programme on results-based finance to progress the full implementation of the activities referred to in Decision 1/CP.16, paragraph 70; para. 2

To the extent feasible/
possible/ practicable

Towards

Well in advance

Well in advance

To do something 'in advance' means to do it with some anticipation. 'Well in advance' suggests a large anticipation.

Example: *'Decides... to invite all Parties to initiate or intensify domestic preparations for their intended nationally determined contributions, without prejudice to the legal nature of the contributions, in the context of adopting a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties towards achieving the objective of the Convention as set out in its Article 2 and to communicate them **well in advance** of the twenty-first session of the Conference of the Parties (by the first quarter of 2015 by those Parties ready to do so)'*

– Decision 1/CP.19, Further advancing the Durban Platform, para. 2

Where necessary/ where relevant / where appropriate

Where necessary/ where relevant / where appropriate

See 'As appropriate/If appropriate' above. Limits action to necessity, relevance or appropriateness.

Example: *'Encourages the Adaptation Committee to utilize, **where appropriate**, resources, capacities and expertise from relevant organizations, centres and networks outside of the Convention in support of its work'*

– Decision 16/CP.19, Work of the Adaptation Committee, para. 10

With a view to

With a view to

Indicates an intention towards the future. 'With a view to' plus a verb ending in '-ing' such as 'promoting', means intention to an action to take place in the future.

Example: *'Decides to review the Warsaw international mechanism, including its structure, mandate and effectiveness, at the twenty-second session of the Conference of the Parties, **with a view to** adopting an appropriate decision on the outcome of this review'*

– Decision 2/CP.19, Warsaw International Mechanism for Loss and Damage associated with Climate Change impacts, para. 15

Without delay

Without delay

In a manner that is quick and effective. Usually applied to request action by an entity/institution, such as the secretariat.

Example: *'Recognizing the urgent need for Parties to deposit their instruments of acceptance **without delay** in order to ensure the prompt entry into force of the amendment to the Kyoto Protocol contained in annex I to this decision'*

– Decision 1/CMP.8, The Doha Amendment

IV. Key multilateral agreement definitions

Agreement

Generally, an agreement is any kind of instrument between state or non-state actors, to address a common issue under a set of rules, in a formal or informal, oral or written manner. The term also has a *specific* connotation of being a less formal instrument, with narrower scope as compared to that of conventions and other treaties. Also used in the context of regional integration schemes.

Consensus

Not to be mistaken with 'unanimity', 'consensus' means that *there are no objections* to a given decision (whereas 'unanimity' requires that all parties actually vote in favour of that decision). Nevertheless, if one or very few parties object to the adoption of a decision, it does not necessarily mean that no consensus has been reached. Consensus thus falls somewhere in between majority and unanimity. In the UNFCCC, it is the president or chair of the session who assesses whether consensus has been reached, and any party can challenge this decision.

COP decision

The dynamics of a framework convention such as the UNFCCC require a flexible process that allows progressive action and refinement of the means to implement its provisions. In the context of the UNFCCC, this is provided for by annual meetings, where parties adopt various decisions; the Conference of the Parties (COP) is the ultimate decision-making body of the Climate Change Convention. The decisions emanating from the COP represent the continuous implementation of the Convention towards achieving its ultimate objective.

Article 7 of the UNFCCC provides that the COP 'shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention' (UNFCCC, 1992). Accordingly, the COP is empowered to take on measures and decisions that *enhance the implementation of obligations already stated by the Convention*. These decisions are often measures of administrative character, as well as proposals, recommendations and

Agreement

Consensus

COP decision

COP decision (Cont.)

guidelines. Such powers, however, do not permit that COP decisions impose new substantive obligations on parties, such as, for instance, on financial measures. This could only be done under amendments to the Convention, to the Protocol or its annexes, or through a new legal instrument agreed to by all parties.

Entry into force

Entry into force

The provisions of a treaty can determine the date on which it will enter into force, often at a specified time following its *ratification* by a number of states. It may also enter into force when a certain number of signatory parties have ratified it, or when those parties who have a substantial part to play in fulfilling the commitments under the treaty have ratified it, so that their aggregate efforts make it more likely that parties will be able to achieve the treaty's objective. Therefore, a treaty does not enter into force immediately when it is adopted or signed by parties, but only following its ratification.

Framework convention

Framework convention

The name 'framework' convention is explained by its procedural and programmatic structure, which sets out a general scope (the Convention) to be detailed and progressed into actions under other instruments (protocols, annexes and related agreements).

Legally binding

Legally binding

This signifies that the instrument in question is obligatory under the law and therefore subject to state responsibility.

Principle

Principle

Principles usually do not impose or prescribe actions that are vertically binding over parties, but rather provide guidance and inform the implementation of a treaty's provisions. These are deemed 'soft-law' principles, and play a very important role in the development of international environmental law, often providing the stepping stone to the engagement of future multilateral environmental agreements. On the other hand, some principles of international law can have binding force acquired by their overwhelming customary application and recognition by states.

Protocol

Used for less formal agreements than those entitled 'treaty', or 'convention'. The name 'protocol' is occasionally associated with supplementary non-binding agreements added to an existing treaty. However, often in the context of **framework conventions**, the protocols placed within assume an independent and **binding** character that constitutes practically a separate international treaty. This is the case for the Montreal Protocol, under the Vienna Convention for the Protection of the Ozone Layer, and the Kyoto Protocol, under the UNFCCC.

Provisional application

A provisional application allows for a treaty to be applicable while pending its entry into force. It is an interim measure with a set of legal rights and obligations, allowing the treaty to be applied as if it were already in force.

Ratification

As mentioned above in '*Entry into force*', once parties agree on a draft text, the final instrument will be signed by authorised representatives. However, this is not sufficient for the agreement to be effective and binding to all parties. Parties must *ratify* the treaty, that is, **transpose it to each of their domestic jurisdictional system and thereafter deposit their ratification with the designated state or institution**.¹ In some cases, this means that the treaty will have to be submitted to congress for approval or be subject to other cumbersome internal domestic processes – depending on what is required by each state's constitution – thus delaying the treaty's entry into force.² The accomplishment of all these steps indicates the state's consent to be bound by the treaty.

1 In bilateral agreements usually there is a formal exchange of ratified instruments, instead of the deposit with a trusted institution.

2 The United States ratification process, for instance, requires the approval of two-thirds of the Senate before a treaty can be ratified. The House of Representatives does not have to approve, but can control budgetary implications of any treaty (Lowe, 2007).

Reservation

Reservation

A 'reservation' is a 'statement that excludes or modifies the legal effect of certain provisions of the treaty in their application to that state'.³ The downside of a reservation is that it means not all state parties will be bound by exactly the same rules. On the other hand, since it is difficult to engage all states to accept a treaty in its integrity, to allow reservations can help maximise the number of members to a treaty. A treaty may contain a provision forbidding reservations; indeed this is generally the case for Multilateral Environmental Agreements, including the UNFCCC.

Treaty

Treaty

Treaties are international agreements between two or more parties (states, international organisations or other entities subject to international law), usually expressed in written form, and governed by international law. They can have multiple different names: treaty, convention, accord, agreement, covenant, charter, statute, pact, declaration, protocol.

³ Lowe, 2007, p.68

V. Climate change buzzwords

Ambition gap

A. Meaning:

IPCC data has estimated that global temperatures will exceed two degrees Celsius (°C) by the end of the century. Sharing great concern over the catastrophic impacts that will unfold under this scenario, parties to the UNFCCC have agreed on a long-term goal to limit temperature increase to 2°C above pre-industrial levels, or below 1.5°C above pre-industrial levels as called for by the most vulnerable countries – the long-term global goal (LTGG). In order to achieve this goal, states have submitted individual pledges in the form of emissions reduction targets under the UNFCCC. These pledges, however, amount to a much lower level of ambition than is needed to reach the 2°C goal. The gap between (a) parties' emissions reductions pledges and (b) the reductions needed to achieve the 2°C goal, is the so-called '**emissions gap**'. This is also what is meant by the '**ambition gap**'.

B. How it has been used in the UNFCCC:

The term is used in the context of mitigation under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), since its establishment at COP 17:

*'Decides to launch a workplan on enhancing mitigation ambition to identify and to explore options for a range of actions that can close the **ambition gap** with a view to ensuring the highest possible mitigation efforts by all Parties'*

– Decision 1/CP.17, Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, para 7

In the ADP negotiations, discussions under 'workstream II' focus on urgent measures to bridge this ambition gap **before 2020**, the year the new agreement should come into force. The logic is that we cannot afford to wait until 2020 to take action, if we do not want to be deadlocked in polluting facilities while emissions soar; ambitious actions and 'the highest possible mitigation efforts' are required by all parties. This is a matter of special concern for the Least Developed Countries, considering that temperature rise will affect them increasingly and more intensely in the coming decades.

Decision 1/CP.19 on 'Further advancing the Durban Platform' provided some grounds for action to close the emissions gap, though this was done in a soft non-mandatory manner. The word 'ambition' featured over eight times in the three-page decision text, including in the following paragraphs:

*'4. Also resolves to enhance **ambition** in the pre-2020 period in order to ensure the highest possible mitigation efforts under the Convention by all Parties by:*

(a). Urging each Party that has not yet communicated a quantified economy-wide emission reduction target or nationally appropriate mitigation action, as applicable, to do so;

(b). Urging each developed country Party to implement without delay its quantified economy-wide emission reduction target under the Convention and, if it is also a Party to the Kyoto Protocol, its quantified emission limitation or reduction commitment for the second commitment period of the Kyoto Protocol, if applicable;

*(e). Urging developed country Parties to increase technology, finance and capacity-building support to enable increased mitigation **ambition** by developing country Parties;*

*5. Decides to accelerate activities under the workplan on enhancing mitigation **ambition** in accordance with decision 1/CP.17, paragraphs 7 and 8, by:*

(a). Intensifying, as from 2014, the technical examination of opportunities for actions with high mitigation potential, including those with adaptation and sustainable development co-benefits, with a focus on the implementation of policies, practices and technologies that are substantial, scalable and replicable, with a view to promoting voluntary cooperation on concrete actions in relation to identified mitigation opportunities in accordance with nationally defined development priorities;

*(c). Inviting Parties to promote the voluntary cancellation of certified emission reductions, without double counting, as a means of closing the pre-2020 **ambition** gap;*

Scale up

A. Meaning:

'To scale up' is a phrasal verb that means to enlarge something, so that it becomes bigger in size or amount than it used to be. This may refer to increasing production capacity of an industry, expanding a market, or broadening the scope of a programme, for example. In the context of the UNFCCC, the phrase is mostly applied on issues related to finance, investments, and technology development and transfer.

B. How it has been used in the UNFCCC:

1) Technology:

Ever since the issue of technology transfer arose in the UNFCCC (particularly at COP-3), the need to 'scale up' development and access to technology has been highlighted:

'E. Mechanisms for technology transfer

17. *The recommended actions in this area are:*

*(e) To encourage Parties to **scale up** and/or develop innovative public-private financing mechanisms and instruments that increase access to developing country project and business developers of (environmentally sound technologies) ESTs, focusing in particular on'*

– Decision 3/CP.3, Development and transfer of technologies under the Subsidiary Body for Scientific and Technological Advice, para 16

It was at COP-13 under the **Bali Action Plan** though, that more significant action was mandated to 'scale up' investments for technology transfer:

*'3. Requests the Global Environment Facility, as an operational entity of the financial mechanism under the Convention, in consultation with interested Parties, international financial institutions, other relevant multilateral institutions and representatives of the private financial community, to elaborate a strategic programme **to scale up** the level of investment for technology transfer to help developing countries address their needs for environmentally sound technologies, specifically considering how such a strategic programme might be implemented along with its relationship to existing and emerging activities and initiatives*

regarding technology transfer and to report on its findings to the twenty-eighth session of the Subsidiary Body for Implementation for consideration by Parties'

– Decision 4/CP.13, Development and transfer of technologies under the Subsidiary Body for Implementation, para 3

More recently with the establishment of the Technology Mechanism, further action for **scaling up** the development and transfer of technologies in developing countries was called for:

*'Underlining the importance of nationally determined technology needs, based on national circumstances and priorities, the setting of appropriate enabling environments **to scale up** the development and transfer of technologies in developing countries and the need to accelerate action at different stages of the technology cycle'*

– Decision 1/CP.17, Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, Arrangements to make the Technology Mechanism fully operational in 2012

II) Finance:

One of the most meaningful steps related to finance was taken at COP-15 in Copenhagen. There, developed countries pledged to provide 'fast-start', new and additional finance for adaptation and mitigation actions in developing countries, amounting to \$30 billion from 2010 to 2012. After 2012, developed countries are to jointly mobilise a minimum of \$100 billion per year by 2020.

At COP 16, developed country parties were further requested to provide 'scaled-up' finance in **developing countries that are particularly vulnerable** to the adverse effects of climate change:

*'97. Decides that, in accordance with the relevant provisions of the Convention, **scaled-up**, new and additional, predictable and adequate funding shall be provided to developing country Parties, taking into account the urgent and immediate needs of developing countries that are particularly vulnerable to the adverse effects of climate change'*

– Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, para 18

Building on this, Decision 2/CP.17 launched a work programme on **long-term finance**, with a view to '**scaling up**' resource mobilisation:

'127. Decides to undertake a work programme on long-term finance in 2012, including work-shops, to progress on long-term finance in the context of decision 1/CP.16, paragraphs 97-101

*130. Decides that the aim of the work programme referred to in paragraph 127 above is to contribute to the on-going efforts to **scale up** the mobilization of climate change finance after 2012; the work programme will analyse options for the mobilization of resources from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources and relevant analytical work on the climate-related financing needs of developing countries'*

– Decision 1/CP.17, Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action, paras 127 and 130;

At COP-18, Decision 1/CP.18 reinforced the call for the mobilisation of climate finance towards the commitment to raise \$100 billion per year by 2020:

'V. Enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation...'

*66. Urges all developed country Parties to **scale up** climate finance from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources, to the joint goal of mobilizing USD 100 billion per year by 2020'*

– Decision 1/CP.18, Agreed outcome pursuant to the Bali Action Plan, para 66

At COP-19, in Warsaw, developed country parties were requested to put forward a plan for approaching the issue of '**scaling up**' climate finance:

*'10. Requests developed country Parties to prepare biennial submissions on their updated strategies and approaches **for scaling up climate finance from 2014 to 2020**, including any available information on quantitative and qualitative elements of a pathway, on the following:*

(a) Information to increase clarity on the expected levels of climate finance mobilized from different sources;

(b) Information on their policies, programmes and priorities;...

12. Decides to continue deliberations on long-term finance and requests the secretariat to organize in-session workshops on, inter alia, strategies and approaches **for scaling up** climate finance referred to in paragraph 10, cooperation on enhanced enabling environments and support for readiness activities, and on needs for support to developing countries, from 2014 to 2020. Further requests the secretariat to prepare a summary of the workshops for consideration by the Conference of the Parties and to inform the ministerial dialogue referred to in paragraph 13'

– Decision 3/CP.19, Long-term finance, paras 10 and 12

The term has also been used in the context of reducing emissions from deforestation and forest degradation (REDD) financing:

'C. Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries;

25. Decides to undertake a work programme on results-based finance in 2013, including two in-session workshops, subject to the availability of supplementary resources, to progress the full implementation of the activities referred to in Decision 1/CP.16, paragraph 70;...

28. Decides that the aim of the work programme is to contribute to the ongoing efforts to **scale up** and improve the effectiveness of finance for the activities referred to in Decision 1/CP.16, paragraph 70, taking into account Decision 2/CP.17, paragraphs 66 and 67'

– Decision 1/CP.18 Agreed outcome pursuant to the Bali Action Plan, paras 25 and 28

...and for encouraging **other kinds of financial support** to developing countries, such as contributions to the Adaptation Fund and other existing funds under the UNFCCC:

'Continues to encourage Parties included in Annex I to the Convention and international organizations to provide funding to support the Adaptation Fund

*Board's goal of the fundraising strategy and campaign referred to in paragraph 11 above and **to scale up** funding, with a view to reaching the Board's fundraising goal from resources that are additional to the share of proceeds from clean development mechanism project activities, the first international transfers of assigned amount units and the issuance of emission.'*

– Decision 1/CMP9, Report of the Adaptation Fund Board, para 12

Adequate and predictable (financing)

A. Meaning:

'Adequate' and 'predictable', together or not, have been used to indicate the manner through which finance must be stipulated and delivered under the UNFCCC. '**Adequate**' financing fulfils needs and helps achieve the objectives of the Convention. '**Predictable**' financing provides a sustained and secure flow of funds over the years, so as to allow for investment planning in developing countries.

B. How it has been used in the UNFCCC:

The Convention itself already placed 'predictability' as a necessary requisite by which the financial mechanism must operate under the UNFCCC:

'3. The Conference of the Parties and the entity or entities entrusted with the operation of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, which shall include the following:...

*(d) Determination in a **predictable** and identifiable manner of the amount of funding necessary and available for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed'*

– Climate Change Convention, Article 11, para. 3d

Accordingly, the Bali Action Plan required enhanced actions to provide financial support for developing countries in an '**adequate**' and '**predictable**' manner:

'1. Decides to launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision at its fifteenth session, by addressing, inter alia:...

Enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation, including, inter alia, consideration of:

*(i) Improved access to **adequate, predictable** and sustainable financial resources and financial and technical support, and the provision of new and additional resources, including official and concessional funding for developing country Parties'*

– Decision 1/CP.13, Bali Action Plan, para 1

Consequently, adequate and predictable financing formed one of the guiding principles of the Green Climate Fund, the recently established operational entity of the UNFCCC Financial Mechanism:

*'The Fund will be guided by the principles and provisions of the Convention. The Fund will operate in a transparent and accountable manner guided by efficiency and effectiveness. The Fund will play a key role in channeling new, additional, **adequate and predictable** financial resources to developing countries and will catalyze climate finance, both public and private, and at the international and national levels.'*

– Decision 3/CP.17, Launching the Green Climate Fund, Annex, para. 3

In following COPs, such adjectives emphasized the needs of developing countries, particularly those more vulnerable to the adverse effects of climate change:

'Further affirms that: ...

*(d) Mobilization and provision of scaled-up, new, additional, adequate and predictable financial resources is necessary to address the **adaptation and mitigation** needs of developing countries'*

– Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, I – A shared vision for long term cooperative action, para 2d

*'97. Decides that, in accordance with the relevant provisions of the Convention, scaled-up, new and additional, **predictable and adequate** funding shall be provided to developing country Parties, taking into account the urgent and immediate needs of developing countries that are particularly vulnerable to the adverse effects of climate change'*

– Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, para 97

'5. Requests the Global Environment Facility, as an operating entity of the financial mechanism of the Convention entrusted with the operation of the Least Developed Countries Fund:...

(e) To continue raising awareness of the need for **adequate and predictable** resources under the Least Developed Countries Fund to allow for the full implementation of the least developed countries work programme, in particular national adaptation programmes of action, as outlined in Decision 5/CP.14, paragraph 8;'

– Decision 10/CP.18, Further guidance to the Least Developed Countries Fund, para. 5e

They also came to define finance in the context of REDD activities, notably under the new Warsaw Framework for REDD-plus:

*'Affirming that, in the context of the provision of **adequate and predictable** support to developing country Parties, Parties should collectively aim to slow, halt and reverse forest cover and carbon loss, in accordance with national circumstances, consistent with the ultimate objective of the Convention, as stated in Article 2.'*

– Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, II Enhanced Action on Adaptation, C. Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries

*'Encourages entities financing the activities referred to in Decision 1/CP.16, paragraph 70, through the wide variety of sources referred to in Decision 2/CP.17, paragraph 65, including the Green Climate Fund in a key role, to collectively channel **adequate and predictable** results-based finance in a fair and balanced manner, taking into account different policy approaches, while working with a view to increasing the number of countries that are in a position to obtain and receive payments for results-based actions'*

– Decision 9/CP.19, Warsaw Framework for REDD-plus, 'Work programme on results-based finance to progress the full implementation of the activities referred to in Decision 1/CP.16, paragraph 70', para 5

Results-based financing

A. Meaning:

'Results-based financing' (RBF) is an approach for funding that requires the recipient party to prove that some specific outcomes and objectives have taken place, as a condition for the payment to be delivered. This may mean that the recipient will be subject to outside verification and measurement, and improved accountability. RBF has been applied increasingly to international development assistance, including for health projects such as immunisations and eradication of AIDS. In the context of climate finance, it has been the chosen approach for financing REDD-plus activities.

B. How it has been used in the UNFCCC:

REDD was introduced as an agenda item at COP-11. At COP-13, the Bali Action Plan decided to pursue approaches to reducing and avoiding emissions from deforestation and forest degradation in developing countries. At COP-15, parties signatories to the Copenhagen Accord agreed to *'provide positive incentives to such actions through the immediate establishment of a mechanism including REDD-plus, to enable the mobilization of financial resources from developed countries'* (UNFCCC 2009). Since then, UNFCCC talks evolved as to how to promote and finance such activities.

The Cancun Agreements – adopted the following year – provided the basis for discussions on financing options for REDD activities, to be considered in a manner that is 'results-based' and fully measured, reported and verified:

*'73. Decides that the activities undertaken by Parties referred to in paragraph 70 above should be implemented in phases, beginning with the development of national strategies or action plans, policies and measures, and capacity-building, followed by the implementation of national policies and measures and national strategies or action plans that could involve further capacity-building, technology development and transfer and **results-based** demonstration activities, and evolving into results-based actions that should be fully measured, reported and verified;...*

77. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention

*to explore financing options for the full implementation of the **results-based actions** referred to in paragraph 73 above and to report on progress made, including any recommendations for draft decisions on this matter, to the Conference of the Parties at its seventeenth session; these actions require national monitoring systems'*

– Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, paras 70, 73 and 77

As a result, in Warsaw Parties agreed to establish a framework – the Warsaw Framework for REDD plus – for effective implementation of such **results-based REDD-plus** activities:

*'5. Encourages entities financing the activities referred to in Decision 1/CP.16, paragraph 70, through the wide variety of sources referred to in Decision 2/CP.17, paragraph 65, including the Green Climate Fund in a key role, to collectively channel adequate and predictable **results-based finance** in a fair and balanced manner, taking into account different policy approaches, while working with a view to increasing the number of countries that are in a position to obtain and receive payments for **results-based actions**;*

6. Also encourages the entities referred to in paragraph 5 above, when providing results-based finance, to apply the methodological guidance consistent with Decisions 4/CP.15, 1/CP.16, 2/CP.17, 12/CP.17 and 11/CP.19 to 15/CP.19, as well as this decision, in order to improve the effectiveness and coordination of **results-based finance**;...

*9. Decides to establish an information hub on the web platform on the UNFCCC website as a means to publish information on the results of the activities referred to in Decision 1/CP.16, paragraph 70, and corresponding **results-based payments**;*

*10. Notes that the information hub aims to increase transparency of information on **results-based actions**, on the corresponding payments, as well as information related to the elements referred to in Decision 1/CP.16, paragraph 71, without creating additional requirements for developing country Parties'*

– Decision 9/CP.19, Work programme on results-based finance to progress the full implementation of the activities referred to in Decision 1/CP.16, paras 5, 6, 9 and 10

Bottom-up/top-down approach

A. Meaning:

In general, a **'top-down'** approach implies that decisions are determined from an upper-level authority, regulation or standards, and imposed and disseminated to the lower levels. Conversely, a **'bottom-up'** approach draws on a large number of parties, their experiences and particular circumstances to form decisions, working towards unified action. In the context of the UNFCCC, this language has been used to identify strategies for assessing and determining the targets for implementation of the Convention and achieving its objectives. The Kyoto Protocol takes a **top-down approach**, setting binding quantitative emission-reduction commitments for developed countries. On the other hand, in the Copenhagen Accord/Cancun Agreements, a group of countries made individual emission reduction pledges according to their national circumstances, from the **bottom up**. Under a **top-down 'contractual' approach**, binding targets and timetables are set up; a **bottom-up 'facilitative' approach**⁴ entails voluntary actions defined unilaterally.

B. How it has been used in the UNFCCC:

The use of such terms in COP decisions is unseen, but can be found in documents referring to assessments and development of methodologies. For example, methodologies are established in a **top-down** manner by the CDM Executive Board. On the other hand, in the context of building strategies to address adaptation needs, assessments are carried out from the **bottom-up**, in order to best capture the particularities and national circumstances of climate change impacts in each developing country:

'(i) Promoting development and dissemination of methodologies and tools for impact and vulnerability assessments, such as rapid assessments and bottom-up approaches, including as they apply to sustainable development;'

– Decision 2/CP.11, Five-year programme of work of the Subsidiary Body for Scientific and Technological Advice on impacts, vulnerability and adaptation to climate change, para 3

'48. Requests the Executive Board to undertake the following measures for countries hosting fewer

4 'The Durban Platform: Issues and Options for a 2015 Agreement', Daniel Bodansky, December 2012

than 10 registered clean development mechanism project activities without compromising environmental integrity:

(a) Developing **top-down** methodologies that are particularly suited for application in these countries in accordance with principles and guidelines to be established by the Executive Board'

– Decision 2/CMP.5, Further guidance relating to the clean development mechanism, V. Registration of clean development mechanism project activities and issuance of certified emission reductions, para 48

'22. Also requests the Executive Board to conduct further work to develop simplified **top-down** baseline and monitoring methodologies, tools and standardized baselines, as appropriate, and in consultation with relevant designated national authorities, for use in countries and for project activity types underrepresented in the clean development mechanism, and to expand the scopes covered by the guidelines for the establishment of sector-specific standardized baselines'

– Decision 8/CMP.7, Further guidance to the clean development mechanism, para 22

On the other hand, the '**top-down/bottom-up**' terminology was widely discussed among parties' submissions on the approaches for determining mitigation targets and actions under **the new agreement post-2015**.

'8. A number of Parties called for a comprehensive and holistic approach, stressing the need for enhanced ambition on all fronts, including mitigation as well as adaptation and the means of implementation – finance, technology and capacity-building. With regard to mitigation, Parties presented and discussed a number of specific proposals as to how enhanced actions, including commitments, should be addressed in the 2015 agreement. Parties explored aspects of differentiation, a range of approaches, **including bottom-up, top-down and hybrid approaches**, possible processes, steps and time frames, and ways to ensure transparency as well as ambition in accordance with science and equity. The discussions on these aspects are summarized in greater detail below...

16. Regarding a **bottom-up approach**, several Parties pointed to the advantages of an approach by which actions would be primarily nationally determined. Among other things, Parties would be more likely to implement actions that they themselves determined and national determination would enable broad participation, which in turn key for ambition. However, a number of Parties expressed concerns about purely self-determined contributions. Some Parties stated that experience so far has shown that **bottom-up** approaches do not work and that only science – and convention-based targets that are determined **top-down** will ensure that the global temperature rise is kept below 2°C.

21. Several Parties recommended quantitative approaches, which would inform **bottom-up** targets guided by a **top-down** target. One Party elaborated on a method to calculate such mitigation and financial targets, which would take into account various factors, including a country's historical share of greenhouse gas (GHG) emissions, population, gross domestic product (GDP) and GDP per capita. Using a formula and such indicators, each Party's right to use atmospheric space could be identified and emission rights could be apportioned'. (Summary of the round tables under workstream 1 ADP 2, part 2 Bonn, Germany, 4–13 June 2013).'

The process for developing intended nationally determined contributions (INDCs) initiated in Warsaw is a **bottom-up** one, where parties may individually assess their national circumstances (including through national consultations) and unilaterally submit views on how they would be capable of and willing to contribute with efforts and resources to climate change mitigation.

On the other hand, Decision 1/CP.19 in Warsaw seems to indicate the need for a mandatory template to be followed by the parties when elaborating their INDCs, to ensure comparability between the submissions. Parties attempted to devise such **top-down** rules in Lima (Decision 1/CP.20), but in the end all that was agreed was a list of information that may be provided by the parties in their INDCs, on a voluntary basis. Therefore, the process for elaboration and submission of INDCs remains almost entirely one that is built from the **bottom up**.

Framework of various approaches

A. Meaning:

Though the definition of the framework of various approaches (FVA) is still under debate in the UNFCCC, overall it can be said that the FVA entails a framework to devise and analyse all possible approaches to mitigation in the new agreement, including options for using market and non-market based tools. The current approach to mitigation, under the Kyoto Protocol, is based on (i) commitments of 'quantified emissions limitation and reduction objectives' (QELROs) by developed countries, or a 'cap' to limit the amount of greenhouse gases emitted; (ii) each unit of this cap being an Assigned Amount Units (AAU); and (iii) units also generated by market mechanisms such as the CDM, JI and Emissions Trading.

B. How it has been used in the UNFCCC:

The idea of analysing all the 'approaches' to mitigation available has arisen under the Bali Action Plan, driven by the aim of enhancing every opportunity that could maximise climate change mitigation.

'1. Decides to launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision at its fifteenth session, by addressing, inter alia: ...

(b) Enhanced national/international action on mitigation of climate change, including, inter alia, consideration of:...

*(v) **Various approaches**, including opportunities for using markets, to enhance the cost-effectiveness of, and to promote, mitigation actions, bearing in mind different circumstances of developed and developing countries'*

– Decision 1/CP.13, Bali Action Plan, para 1b, v

At COP-16 in Cancun, Parties decided to consider the establishment of 'one or more market-based mechanisms', taking into account the need for a **cost-effective 'approach'** to mitigation:

*'D. **Various approaches**, including opportunities for using markets, to enhance the cost-effectiveness of, and to promote, mitigation actions, bearing in mind different circumstances of developed and developing countries*

Framework of various approaches (Cont.)

80. *Decides to consider the establishment, at the seventeenth session of the Conference of the Parties, of one or more market-based mechanisms to enhance the cost-effectiveness of, and to promote, mitigation actions, taking into account the following...'*

– Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, para 80

Such **various approaches** must deliver real, permanent, additional and verified mitigation outcomes, and ensure the environmental integrity of the Convention:

*'79. Emphasizes that **various approaches**, including opportunities for using markets, to enhance the cost-effectiveness of, and to promote, mitigation actions, bearing in mind different circumstances of developed and developing countries, must meet standards that deliver real, permanent, additional and verified mitigation outcomes, avoid double counting of effort, and achieve a net decrease and/or avoidance of greenhouse gas emissions'*

– Decision 2/CP.17, Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, para 79

Mechanism

Mechanism

A. Meaning: A governance microsystem devised to coordinate and facilitate the implementation of the Convention, by means of one or more entrusted bodies.

B. How it has been used in the UNFCCC:

Several **mechanisms** have been set up under the UNFCCC for addressing different issues:

1) Financial mechanism: *This was established by the Convention itself, although in a programmatic way, that is subject to further detailing and definition. The financial **mechanism** aims to coordinate and facilitate the provision of financial resources for implementing the Convention:*

*'1. A **mechanism** for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, is hereby defined. It shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention.*

Its operation shall be entrusted to one or more existing international entities.

2. The **financial mechanism** shall have an equitable and balanced representation of all Parties within a transparent system of governance.

3. The Conference of the Parties and the entity or entities entrusted with the operation of the **financial mechanism** shall agree upon arrangements to give effect to the above paragraphs, which shall include the following:

4. The Conference of the Parties shall make arrangements to implement the above-mentioned provisions at its first session, reviewing and taking into account the interim arrangements referred to in Article 21, paragraph 3, and shall decide whether these interim arrangements shall be maintained. Within four years thereafter, the Conference of the Parties shall review the financial **mechanism** and take appropriate measures. (Climate Change Convention, Article 11).¹

II) Clean development mechanism (CDM):

The CDM has developed into a complex, ramified and highly regulated **mechanism** for facilitating mitigation compliance by developed country parties through offset projects in developing countries. It is governed by the CDM Executive Board and relies on national authorities and external accredited entities to verify and monitor the projects.

'Article 12

1. A clean development **mechanism** is hereby defined.

2. The purpose of the clean development **mechanism** shall be to assist Parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist Parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments under Article 3.

3. Under the clean development **mechanism**:

(a) Parties not included in Annex I will benefit from project activities resulting in certified emission reductions; and

(b) Parties included in Annex I may use the certified emission reductions accruing from such project activities to contribute to compliance with

part of their quantified emission limitation and reduction commitments under Article 3, as determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

4. The clean development **mechanism** shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Protocol and be supervised by an executive board of the clean development **mechanism.**'

– Kyoto Protocol, article 12

III) Compliance mechanism: The compliance **mechanism** of the Kyoto Protocol was established to facilitate and enforce compliance with the provisions of the Protocol. It is divided into two 'branches': a 'facilitative' one, that advises and supports parties struggling with compliance; and an 'enforcement' one, for sanctioning non-compliant behaviour.

*'The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, approve appropriate and effective procedures and **mechanisms** to determine and to address cases of non-compliance with the provisions of this Protocol, including through the development of an indicative list of consequences, taking into account the cause, type, degree and frequency of non-compliance. Any procedures and **mechanisms** under this Article entailing binding consequences shall be adopted by means of an amendment to this Protocol'*

– Kyoto Protocol, article 18

*'1. Approves and adopts the procedures and **mechanisms** relating to compliance under the Kyoto Protocol, as contained in the annex to this decision, without prejudice to the outcome of the process outlined in paragraph 2 of this decision;...*

*The objective of these procedures and **mechanisms** is to facilitate, promote and enforce compliance with the commitments under the Protocol'*

– Decision 27/CMP.1, Procedures and mechanisms relating to compliance under the Kyoto Protocol

IV) New market-based mechanism (NMM):

Similarly to the CDM, a new market-based **mechanism** will be designed to assist parties to comply with their mitigation commitments under the Convention in the context of the future agreement, through the trade of carbon units.

'83. Defines a **new market-based mechanism**, operating under the guidance and authority of the Conference of the Parties, to enhance the cost-effectiveness of, and to promote, mitigation actions, bearing in mind different circumstances of developed and developing countries, which is guided by Decision 1/CP.16, paragraph 80, and which, subject to conditions to be elaborated, may assist developed countries to meet part of their mitigation targets or commitments under the Convention'

– Decision 2/CP.17, Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, para 83

V) Warsaw international mechanism for loss and damage associated with climate change impacts:

The 'Warsaw international **mechanism** for loss and damage associated with climate change impacts' will coordinate action for addressing loss and damage, including the mobilisation of resources, through an Executive Committee under the guidance of the COP.

'1. Establishes the Warsaw international **mechanism** for loss and damage, under the Cancun Adaptation Framework, subject to review at the twenty-second session of the Conference of the Parties (November–December 2016) pursuant to paragraph 15 below, to address loss and damage associated with impacts of climate change, including extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change (hereinafter referred to as the Warsaw international **mechanism**), and in line with the provisions contained in paragraphs 2–15 below'

– Decision 2/CP.19, Warsaw international mechanism for loss and damage associated with climate change impacts, para 1

National circumstances

A. Meaning:

It can be said that the Convention acknowledges parties' 'national circumstances' under its equity principle. The term could provide an **objective** indicator of parties' needs and capabilities, as long as national circumstances can be measured. It has been applied to ensure and justify **differential treatment** towards developing countries and those particularly vulnerable to climate change effects, though it may also be interpreted as 'to differentiate among developed countries'.

B. How it has been used in the UNFCCC:

Pursuant to the Kyoto Protocol, Annex I parties are under an obligation to limit their emissions on the basis of policies and measures that are aligned with their '**national circumstances**'.

'1. Each Party included in Annex I, in achieving its quantified emission limitation and reduction commitments under Article 3, in order to promote sustainable development, shall:

*(a) Implement and/or further elaborate policies and measures in accordance with **its national circumstances**, such as:...*

*4. The Conference of the Parties serving as the meeting of the Parties to this Protocol, if it decides that it would be beneficial to coordinate any of the policies and measures in paragraph 1 (a) above, taking into account different **national circumstances** and potential effects, shall consider ways and means to elaborate the coordination of such policies and measures'*

– Kyoto Protocol, Article 2, paras 1a and 4

Decision 17/CP.8 provides a **definition of 'national circumstances'** in the context of the developing countries' national communications.

*'(b) That, in using these guidelines, non-Annex I Parties should take into account their development priorities, objectives and **national circumstances**;...*

II. NATIONAL CIRCUMSTANCES

3. Non-Annex I Parties should provide a description of their national and regional development priorities, objectives and circumstances, on the basis of which they will address climate change and its adverse impacts. This description may include information

on features of their geography, climate and economy which may affect their ability to deal with mitigating and adapting to climate change, as well as information regarding their specific needs and concerns arising from the adverse effects of climate change and/or the impact of the implementation of response measures, as contained in Article 4, paragraph 8, and, as appropriate, in Article 4, paragraphs 9 and 10, of the Convention.

4. Non-Annex I Parties are encouraged to provide a summary of relevant information regarding their national circumstances, as appropriate, in tabular form.

5. Non-Annex I Parties may provide a description of existing institutional arrangements relevant to the preparation of their national communications on a continuous basis.'

– Decision 17/CP.8, Guidelines for the preparation of national communications from Parties not included in Annex I to the Convention

The importance of recognising '**national circumstances**' lies also in the comparability of needs and capacities within developed country Parties or within developing country Parties:

'1. Decides to launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision at its fifteenth session, by addressing, *inter alia*: ...

(b) Enhanced national/international action on mitigation of climate change, including, *inter alia*, consideration of:

(i) Measurable, reportable and verifiable nationally appropriate mitigation commitments or actions, including quantified emission limitation and reduction objectives, **by all developed country Parties**, while ensuring the comparability of efforts among them, **taking into account differences in their national circumstances'**

– Decision 1/CP.13, Bali Action Plan, para 1

*'3. Further encourages Parties to explore a range of actions, identify options and undertake efforts, including demonstration activities, to address the drivers of deforestation relevant to their **national circumstances**, with a view to reducing emissions from deforestation and forest degradation and thus enhancing forest carbon stocks due to sustainable management of forests'*

– Decision 2/CP.13, Reducing emissions from deforestation in **developing countries**: approaches to stimulate action, para 3

Actions and commitments

A. Meaning:

Actions and **commitments** have assumed different connotations in the UNFCCC process: separately, each embodies its ordinary dictionary meaning; together, they may represent mutually opposed positions in the UNFCCC's burden-sharing agreement. Whereas developing countries are supposed to promote 'nationally appropriate mitigation **actions** (NAMAs)', developed countries hold 'quantified emission limitation and reduction **commitments** (QELRCs)'. The former is voluntary; the latter is a legally binding obligation under international law.

B. How it has been used in the UNFCCC:

'Actions' is widely used in the Convention to indicate the bulk of measures to be undertaken in a given context, ultimately to address climate change and achieve the objective of the Convention:

*'Recognizing that various **actions** to address climate change can be justified economically in their own right and can also help in solving other environmental problems,...*

ARTICLE 3

PRINCIPLES

*In their **actions** to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following'...*

*8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what **actions** are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties*

arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on:...

Further, the Conference of the Parties may take actions, as appropriate, with respect to this paragraph.

*9. The Parties shall take full account of the specific needs and special situations of the least developed countries in their **actions** with regard to funding and transfer of technology' (Climate Change Convention).*

Similarly, the Kyoto Protocol mentions '**actions**' to refer generally to the **measures** undertaken by developed countries for compliance with their emissions reduction 'commitments'.

'Article 6

*1. For the purpose of meeting its **commitments** under Article 3, any Party included in Annex I may transfer to, or acquire from, any other such Party emission reduction units resulting from projects aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of greenhouse gases in any sector of the economy, provided that:...*

*(d) The acquisition of emission reduction units shall be supplemental to domestic **actions** for the purposes of meeting **commitments** under Article 3...*

Article 17

*The Conference of the Parties shall define the relevant principles, modalities, rules and guidelines, in particular for verification, reporting and accountability for emissions trading. The Parties included in Annex B may participate in emissions trading for the purposes of fulfilling their commitments under Article 3. Any such trading shall be supplemental to domestic **actions** for the purpose of meeting quantified emission limitation and reduction **commitments** under that Article.'*

– Kyoto Protocol, Article 6d and 17

At COP-13, a Working Group on Long-Term Cooperative Action was launched to address the need for more robust action on mitigation, including, inter alia, enhancement of the 'nationally appropriate mitigation **commitments or actions**', generically, by all **developed countries**:

'1. Decides to launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision at its fifteenth session, by addressing, *inter alia*...

(b) Enhanced national/international action on mitigation of climate change, including, *inter alia*, consideration of:

(i) Measurable, reportable and verifiable nationally appropriate mitigation **commitments or actions**, including quantified emission limitation and reduction objectives, by all developed country Parties, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances'

– Decision 1/CP.13, Bali Action Plan

At COP-16, still on track to enhance global mitigation efforts, **developing country** parties would assume only mitigation **actions (nationally appropriate mitigation actions – NAMAs)**, as opposed to developed countries' existing mitigation **commitments**:

'III. Enhanced action on mitigation

A. Nationally appropriate mitigation **commitments or actions** by developed country Parties...

B. Nationally appropriate **mitigation actions** by **developing country Parties**...

48. Agrees that **developing country Parties will take nationally appropriate mitigation actions** in the context of sustainable development, supported and enabled by technology, financing and capacity-building, aimed at achieving a deviation in emissions relative to 'business as usual' emissions in 2020'

– Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention

However, Decision 1/CP.19 in Warsaw, in the context of the negotiation for the Paris agreement, does not expressly apply the binary approach to mitigation as in '**actions and commitments**', but refers generically to '**contributions**' by all parties, '*without prejudice to the legal nature of the contributions*'

*'2. (b) To invite all Parties to initiate or intensify domestic preparations for their **intended nationally determined contributions**, without prejudice to the legal nature of the **contributions**, in the context of adopting a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties towards achieving the objective of the Convention as set out in its Article 2 and to communicate them well in advance of the twenty-first session of the Conference of the Parties (by the first quarter of 2015 by those Parties ready to do so) in a manner that facilitates the clarity, transparency and understanding of the **intended contributions**, without prejudice to the legal nature of the **contributions**'.*

Contributions

A. Meaning:

'**Contributions**' has been consistently used in the UNFCCC to indicate financial donations or voluntary actions; and broadly to refer to parties' participation in common efforts to a certain end, as in the *'contribution of efforts to combat climate change'*. Occasionally it is applied to refer to the share of responsibility for a certain result, as in the *'contribution' to climate change impacts*.

B. How it has been used in the UNFCCC:

Both meanings for **contributions** explained above can be found within a single provision of the Convention, as per Article 4 below:

'2. The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following:

(a) Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs.

These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and

other greenhouse gases not controlled by the Montreal Protocol would **contribute** to such modification, and taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, **as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective.** These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;...

(c) Calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective **contributions** of such gases to climate change... (Climate Change Convention, Article 4(2a) and (2c)).

Nevertheless, the most frequent use of '**contributions**' is in the context of voluntary financial support to developing countries and donation to funds, administrative budgets, concession of grants and loans, in a non-binding manner:

*'Encourages Parties to continue to support the work of the Intergovernmental Panel on Climate Change, including through **contributions by Parties included in Annex I to the Convention and those in a position to do so to the Intergovernmental Panel on Climate Change Trust Fund.***

– Decision 5/CP.13, Fourth Assessment Report of the Intergovernmental Panel on Climate Change, para. 7

*'Invites all Parties to the **Convention to note that contributions to the core budget** are due on 1 January of each year in accordance with paragraph 8(b) of the financial procedures and to pay promptly and in full, for each of the years 2014 and 2015, the **contributions** required to finance expenditures approved under paragraph 3 above and any **contributions** required to finance the expenditures arising from the decision referred to in paragraph 14 above;... 20. Urges Parties to make voluntary*

contributions, as necessary for the timely implementation of all mandates given to the secretariat and to cover those requirements for support to the implementation of the processes relating to measurement, reporting and verification that cannot be fully met by the core budget at the approved level'

– Decision 27/CP.19, Programme budget for the biennium 2014–2015, para 18 and 20

'Welcomes the financial **contributions** that have been made to the Adaptation Fund in 2013 by the Governments of Sweden and the Brussels-Capital Region in Belgium, and the pledges of **contributions to the Adaptation Fund** made by the Governments of Austria, Belgium, Finland, France, Germany, Norway and Switzerland in accordance with Decision 4/CMP.5, paragraph 9.'

– Decision 1/CMP.9, Report of the Adaptation Fund Board, para 13

As already mentioned in the previous section, the term '**contributions**' has emerged again at COP-19 in the context of the discussions for the Paris agreement. Instead of '**actions and commitments**', Decision 1/CP.19 refers to '**intended nationally determined contributions**' (**INDCs**) towards achieving the objective of the Convention:

'2. Decides, in the context of its determination to adopt a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties at its twenty-first session (December 2015) and for it to come into effect and be implemented from 2020:...

(b) To invite all Parties to initiate or intensify domestic preparations for **their intended nationally determined contributions**, without prejudice to the legal nature of the contributions, in the context of adopting a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties towards achieving the objective of the Convention as set out in its Article 2 and to communicate them well in advance of the twenty-first session of the Conference of the Parties (by the first quarter of 2015 by those Parties ready to do so) in a manner that facilitates the clarity, transparency and understanding of the

intended contributions, without prejudice to the legal nature of the **contributions**;

(c) To request the Ad Hoc Working Group on the Durban Platform for Enhanced Action to identify, by the twentieth session of the Conference of the Parties, the information that Parties will provide when putting forward their **contributions**, **without prejudice to the legal nature of the contributions**, referred to in paragraph 2(b) above'

– Decision 1/CP.19, Further Advancing the Durban Platform

This use of 'nationally determined **contributions**' arguably is no different from how the term was used in the Convention's Article 4.2(a), where developed country parties were expected to put forward '**contributions** in the 'global efforts' to fight climate change.

In fact, so far nothing in the language used to guide the INDCs since Warsaw indicates a legal obligation underneath such *intended contributions*. For one, INDCs are not mandatory, but only 'encouraged'. Secondly, there is no precise timetable for submission, but vaguely that it may be presented 'as soon as possible' and before COP 21. Finally, what will be contained in each INDC is very much what each party unilaterally decides to inform and consider in its **contribution**. Therefore, it seems that **contributions** have indeed been used in this context to indicate voluntary efforts by each party, which may or may be not translated into legal **commitments** in the Paris agreement.

Readiness

A. Meaning:

As defined in the Oxford Dictionary, '**readiness**' means either the state of being fully prepared for something, or the willingness to do something. It may also mean the quality of an immediate, prompt action.

B. How it has been used in the UNFCCC:

Under the UNFCCC regime, '**readiness**' is largely used in the context of capacity building. There is a particular approach to capacity building for finance, indicating the technical and institutional preparedness of parties for accessing and receiving financial flows, especially those most vulnerable to the effects of climate change.

The first time it has been used on a COP decision was possibly in Durban, under the arrangements for the Green Climate Fund (GCF):

'1. **Readiness** and preparatory support...

40. The Fund will provide resources for **readiness** and preparatory activities and technical assistance, such as the preparation or strengthening of low-emission development strategies or plans, NAMAs, National Adaptation Plans (NAPs), National Adaptation Programmes for Action (NAPAs) and for in-country institutional strengthening, including the strengthening of capacities for country coordination and to meet fiduciary principles and standards and environmental and social safeguards, in order to enable countries to directly access the Fund'

– Decision 3/CP.17 – Launching the Green Climate Fund, Annex – Governing Instrument for the Green Climate Fund, V – Operational Modalities, C – Funding Windows and Fund Structure, para 40

The GCF is ultimately expected to support developing countries to overcome their capacity limitations in order to promote a low-carbon-resilient development pathway, or in other words: to enable '**readiness**' to 'transformation'.⁵ This discussion was resumed in COP 19, under the track of the 'long-term climate finance' and the setting up of the GCF:

*'Decides to continue deliberations on long-term finance and requests the secretariat to organize in-session workshops on, inter alia, strategies and approaches for scaling up climate finance referred to in paragraph 10, cooperation on enhanced enabling environments and support for **readiness** activities, and on needs for support to developing countries, from 2014 to 2020.'*

– Decision 3/CP.19, Long-Term Climate Finance, para. 12

*'Calls for ambitious and timely contributions by developed countries to enable an effective operationalization, including for **readiness** and preparatory support of the Green Climate Fund that reflects the needs and challenges of developing countries in addressing climate change in the context of preparing, by the twentieth session of the Conference of the Parties (December 2014), the initial resource mobilization process described in paragraph 12 above.'*

– Decision 4/CP.19, B. Additional guidance to the Green Climate Fund, Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund, para. 13

5 IFDD, 2013

Consequently, the Green Climate Fund Board was requested to detail a programme of work relating to the provision of **readiness** and preparatory support for finance:

*'At its 5th meeting, the GCF Board adopted initial result areas of the GCF as initial areas of funding, to enable low-emission and climate-resilient development pathways. One of these areas focuses on **readiness** and capacity-building for adaptation and mitigation activities. At the same meeting, the GCF Board decided that within its business model framework the private-sector facility of the GCF will address barriers to private-sector investment in adaptation and mitigation activities, such as insufficient capacity and lack of awareness, in order to mobilize private capital and expertise at scale in accordance with national plans and priorities. The GCF Board acknowledged that private-sector investment in general relies on **readiness** and enabling environments, the enhancement of which could be supported by the GCF at large. Furthermore, the GCF Board requested the GCF secretariat to develop a detailed programme of work relating to the provision of **readiness** and preparatory support, which may include, inter alia:*

*(a) Facilitating the assessment of **readiness** and support needs;...*

*(d) Advancing knowledge-sharing and peer-to-peer learning among relevant partners and practitioners engaged in **readiness** and preparatory support, with a view to fostering coordination and coherence, as well as facilitating opportunities for South–South learning'*

– FCCC/SBI/2014/7, SBI-40, Synthesis report on capacity-building work undertaken by bodies established under the Convention and its Kyoto Protocol, II. Capacity-building elements in the work of bodies established under the Convention, H – Capacity-building elements in the work of the Green Climate Fund, para. 51

Climate finance '**readiness**' may take into account national circumstances: a country's particular needs, priorities, and challenges, as well as its socioeconomic and geopolitical characteristics.⁶

6 African Climate Finance Hub, "Preliminary approach and insights from efforts in Southern Africa", available at: http://unfccc.int/files/cooperation_and_support/financial_mechanism/standing_committee/application/pdf/odi-giz_climate_finance_readiness_-_approach_and_insights_-_southern_africa.pdf

Although not in COP decisions, **'readiness'** on finance has been used in the context of UNFCCC funds and institutions that relate to developing countries, such as the Adaptation Fund, REDD-plus and NAMAs. The engagement with such instruments may require strengthening the capacity of countries and/or institutions to access finance, set up national implementing entities, implement strategies and monitor measurable, reportable and verifiable (MRV) systems, among other preparedness activities.⁷

Additional (finance)

A. Meaning:

'Additional' is the quality of something that is added to, exceeds or goes beyond a given threshold. Something can only be additional where there is a parameter for comparison, a baseline scenario from which any change can be perceived.

In the context of finance, it is believed that the term **'additionality'** was used to measure the effectiveness of government support for private-sector innovation and research and development activities. **Additionality** would refer to whether government funding would supplement or substitute a given firm's expenditures; whether the outputs would have been achieved without government support, or whether government intervention has influenced the firm's behaviour in any way.⁸

B. How it has been used in the UNFCCC:

In the context of the UNFCCC, **additionality** is used both under the tracks of mitigation and finance, as a performance standard to ensure that emissions reductions or international financing are greater than a baseline scenario.

'In the context of the implementation of Article 4, paragraph 1, of the Convention, in accordance with the provisions of Article 4, paragraph 3, and Article 11 of the Convention, and through the entity or entities entrusted with the operation of the financial mechanism of the Convention, the developed country Parties and other developed Parties included in Annex II to the Convention shall:

⁷ UN-REDD Programme, "Lessons from five years delivering REDD+ readiness" (2014). Available at: https://unfccc.int/files/bodies/awg/application/pdf/s2_3_un-redd.pdf

⁸ Purdon and Lachapelle, 2012

(a) Provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in advancing the implementation of existing commitments under Article 4, paragraph 1 (a), of the Convention that are covered in Article 10, subparagraph (a)'

– Kyoto Protocol, article 11, para. 2

Under mitigation, particularly in the context of the CDM and the JI, this baseline scenario has been described as what would have otherwise occurred in the absence of the intervention.

*'(b) Any such project provides a reduction in emissions by sources, or an enhancement of removals by sinks, that is **additional** to any that would otherwise occur'*

– Kyoto Protocol, Article 6, para. 1

In the Copenhagen Accord, followed by adoption in the 2010 Cancun Agreements, developed countries agreed to provide 'scaled-up, new and **additional**, predictable and adequate funding' of \$100 billion per year by 2020, to support developing countries in their mitigation and adaptation efforts.

However, questions have arisen as of what is the baseline from which this 'new and **additional**' finance should be considered, particularly whether this finance is **additional** to the already existing budgets dedicated to international aid, such as the official development assistance (ODA).⁹

⁹ 'The problem is simple: contributor countries are operating with no clear baseline against which their promise of 'new and additional' funding can be counted – and they do not accept the baselines put forth by developing countries'

– Stadelmann et al., 2010

'This is an important issue because ODA from industrialized countries currently stands at approximately \$100 billion per year – climate finance would ostensibly double this amount if it were truly additional. Yet, ODA from industrialized countries currently stand at only half the levels committed even prior to recent obligations made toward climate change'

– Purdon and Lachapelle, 2012

There are several types of international support for climate change activities in developing countries, including ODA, multilateral donor support for mitigation and adaptation, bilateral agreements, and foreign direct investment. It may be difficult though to distinguish the different forms of finance in order to avoid double accounting; hence, the problem with assessing the **additionality** of international financing for climate change.

Possible views on the table include:¹⁰

- Climate finance should be classified as aid, but **additional** to the current 0.7 per cent ODA target. This target refers to a commitment of 0.7 per cent of rich countries' gross national index (GNI) to ODA, which was first pledged in the 1970 UN General Assembly Resolution, and has been reaffirmed by industrialised countries over the years.
- **Additional** climate finance should correspond to an increase on 2009 ODA levels spent on climate actions. This approach considers the Copenhagen Accord as the baseline scenario.
- **Additional** climate finance should not be connected to ODA, but completely independent.

¹⁰ For a full assessment of such views, see: Brown et al, 2010

VI. List of acronyms

AAU – Assigned Amount Unit

AC – Adaptation Committee

ACHPR – African Charter on Human and People's Rights

ADP – Ad-Hoc Working Group on the Durban Platform for Enhanced Action

The ADP is a subsidiary body established at COP 17 in Durban in 2011 to develop a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all parties.

AF – Adaptation Fund

AFB – Adaptation Fund Board

AR4 – IPCC Fourth Assessment Report

AR5 – IPCC Fifth Assessment Report

AWG-LCA – Ad-Hoc Working Group on Long-term Cooperative Action

CAF – Cancun Adaptation Framework

CBD – Convention on Biological Diversity

CDM – clean development mechanism

CDM-EB – Clean Development Mechanism Executive Board

CMP – Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

COP – Conference of the Parties

CTCN – Climate Technology Centre and Network

EGTT – Expert Group on Technology Transfer

EST – environmentally sound technologies

FAO – Food and Agriculture Organization of the United Nations

FVA – framework for various approaches

GCF – Green Climate Fund

GDP – gross domestic product

GEF – Global Environment Facility

GHG – greenhouse gas

A greenhouse gas is an atmospheric gas responsible for causing global warming and climate change. The major GHGs are carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O). Less prevalent – but very powerful – greenhouse gases are hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆).

GNI – gross national index

IMO – International Maritime Organization

INDCs – intended nationally determined contributions

IPCC – Intergovernmental Panel on Climate Change

JI – Joint Implementation

KP – Kyoto Protocol

LBI – legally binding instrument

LDC – least developed countries

LDCF – Least Developed Countries Fund

LTGG – long-term global goal

LULUCF – land-use, land-use change and forestry

MEA – multilateral environmental agreement

MRV – measurable, reportable and verifiable

MOU – memorandum of understandings

NAMAs – nationally appropriate mitigation actions

NAPAs – National Adaptation Programmes for Action

NAPs – National Adaptation Plans

NDCs – nationally determined contributions

NMA – non-market-based approaches

NMM – new market mechanism

PAMs – policies and measures

A frequently used phrase – sometimes abbreviated as PAMs – referring to the steps taken or to be taken by countries to reduce greenhouse gas emissions under the **UNFCCC** and the Kyoto Protocol. Some possible policies and measures are listed in the Protocol and could offer opportunities for intergovernmental cooperation.

QELRCS – quantified emission limitation or reduction commitments

QELROS – quantified emission limitation or reduction objectives

REDD – reducing emissions from deforestation and forest degradation

REDD-plus – as for REDD, but adding the conservation of forest carbon stocks, sustainable management of forests, and the enhancement of forest carbon stocks

RBF – results-based finance

SBI – Subsidiary Body for Implementation

SBSTA – Subsidiary Body for Scientific and Technologic Advice

SC – Standing Committee

SCCF – Special Climate Change Fund

SOLAS – Convention for the Safety of Life at Sea

TEC – Technology Executive Committee

WMO – World Meteorological Organization

UNEP – United Nations Environment Programme

UNFCCC – United Nations Framework Convention on Climate Change

UNGA – United Nations General Assembly

UNSG – United Nations Secretary General

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Knowledge
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November 2015

Climate negotiations terminology

Keywords: United Nations Framework Convention on Climate Change (UNFCCC), Least Developed Countries (LDCs), capacity building

Language is a powerful thing. In multilateral agreements, the choice of words is always strategic and purposeful. Particularly in the context of the climate change negotiations, the great amount of acronyms, buzzwords and legal terms can be complex, overwhelming and misleading too.

This pocket book aims to be a supporting tool for a better understanding and application of the language in the UNFCCC negotiations.



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