

Questions on the Secretariat’s Note on Increasing the Efficiency of the UNFCCC Process

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*This advice is provided by third parties in response to **Query 35/25***

Queries:

The UNFCCC secretariat published a note on “Approaches to and opportunities for increasing the efficiency of the UNFCCC process, including visualization of options for streamlining the agendas of the governing and subsidiary bodies.”¹ The note contains proposals to increase the efficiency of the governing and subsidiary bodies of the UNFCCC and was considered under the agenda item on intergovernmental meeting arrangements.

As set out in further detail below, certain proposals included in the secretariat’s note may be inconsistent with the current Rules of Procedure of the Conference of the Parties (“COP”), the conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (“CMP”), and conference of the Parties serving as the meeting of the Parties to the Paris Agreement (“CMA”). Such inconsistencies may be avoided by adopting COP, CMP, or CMA decisions that explicitly express the agreement of the parties to changing the meeting arrangements or procedures.

The following queries are answered in this advice:

- 1) Paragraph 10(a) of the note² proposes to strengthen the role of the Bureau so that it can take decisions on ways to increase the efficiency of the UNFCCC process. Is the Bureau able to take decisions on this issue or do they require a mandate to do so? Would such decisions be subject to the approval of the Presidency or Parties?
- 2) Paragraph 12(d)³ proposes to invite the presiding officers and the secretariat to assess opportunities to further improve the efficiency of the UNFCCC process through possibly

¹ [FCCC/SBI/2025/INF.6](#) (5 June 2025).

² Paragraph 10(a) provides: “Proposals for further strengthening the role of the Bureau, supported by the secretariat, include [...] Enhancing its role in providing guidance and where possible, taking decisions on ways to increase the efficiency of the UNFCCC process, including by streamlining the agendas.”

³ Paragraph 12(d) provides: “The need for further efficiencies in the organization of work was highlighted by several Parties and observer organizations in their submissions. Proposals include [...] Inviting the presiding officers and the secretariat to strategically assess opportunities to further improve the efficiency of the

commissioning an external independent study of the process. What is the legal basis for commissioning an external independent study?

- 3) Are there currently any limitations on the number of mandated events and agenda items? What would be the legal basis for the bureau to limit mandated events or clustering agenda items as proposed in paragraphs 14(a)⁴ and 22,⁵ respectively?
- 4) How could the conclusion of the work of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP)⁶ be initiated? Is it provided for under the Kyoto Protocol? Do the Parties to the Kyoto Protocol need to give the President a mandate to convene a virtual informal dialogue on this topic? What would the conclusion of the work of the CMP entail? Could the workstreams currently discussed under the CMP be discussed under the COP or the CMA?
- 5) Can a COP decision 'override' previous decisions on the reporting or review cycles or amend the rules of procedure of bodies, mechanisms and institutions regarding reporting and review cycles, as suggested in paragraph 27⁷?
- 6) Regarding the website, as addressed in paragraph 36(e),⁸ is there any pre-existing guidance from the COP or secretariat on what the UNFCCC website should include? Can Parties request for something to be included on the website – are there precedents?

UNFCCC process by continuing to consult with Parties, and possibly by commissioning an external independent study of the process, subject to considerations related to timing and the availability of funds.”

⁴ Paragraph 14(a) provides: “In their submissions, many Parties and observer organizations expressed concern regarding the growing number of mandated events, noting that some have a tangible influence on and directly feed into negotiated outcomes. Some submissions highlighted the need to streamline mandated events while taking care to avoid limiting existing modes of participation, and others stressed the need for innovation in order to save resources and reduce emissions. Proposals include: [...] Inviting the Bureau to limit the number of mandated events, for example by setting a maximum number of mandated events to be held at each session and intersessionally and providing guidance on the frequency of some mandated events.”

⁵ Paragraph 22 provides: “Clustering agenda items and using broader names does not change the underlying mandate pertaining to a particular matter, with the mandate detailed in the annotations. Parties would retain the flexibility to agree on the scope of discussions and the outcomes under all agenda items, regardless of whether a thematic heading is used or whether related matters are clustered. Because work on several matters would be clustered within the same time slot and consultations would be carried out under the guidance of the same co-facilitators, this approach would help to streamline the organization of work and improve time management at sessions.”

⁶ Paragraphs 34 and 35 provide: “Some parties expressed the view that as work under the Kyoto Protocol is phasing down, the agenda for sessions of the CMP should be closed to allow more time for negotiations under the COP and the CMA. Other Parties noted the ongoing mandates under the Kyoto Protocol and the need for the CMP to continue to deliver on those mandates. Some Parties proposed the use of an inclusive, open process for eventually concluding the work of the CMP [...] The SBI may wish to invite the President to convene a virtual informal dialogue with Parties to the Kyoto Protocol during the intersessional period to exchange views on the approach and timeline for winding down and closing the work of the CMP.”

⁷ Paragraph 27 provides: “Adjusting the current reporting and review cycles of bodies, mechanisms and institutions under the climate regime may require the relevant governing bodies to amend the relevant rules of procedure of such bodies, mechanisms and institutions, as appropriate, or adopt decisions that expressly override previous decisions on the reporting or review cycles.”

⁸ Paragraph 36(e) provides: “In consultation with the Bureau and host governments of United Nations climate change conferences, the secretariat, in accordance with its mandate, engages extensively with the host Governments of United Nations climate change conferences on arrangements for hosting the conferences in order to aim for more inclusive and effective participation of Parties and observers. The Secretariat achieves this by, inter alia...Regularly updating, adding to and improving the UNFCCC website as a key

Advice:

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1. Neither the text of the UNFCCC nor the Rules of Procedure of the COP¹⁰ describe the specific functions and role of the Bureau. Traditionally, however, it has had “overall responsibility for questions of process,” including examining the credentials of Parties and, together with the secretariat, reviewing requests for accreditation from inter-governmental and non-governmental organizations.¹¹ The Bureau also regularly advises both the President and secretariat on procedural and organizational issues. There is no public record of the Bureau taking unilateral decisions to modify procedural arrangements, for example by streamlining the agenda.
2. In contrast, the Rules of Procedure include specific functions and duties of the President, secretariat, and COP in respect of the UNFCCC process, including related to drafting and streamlining the agenda. They provide that:
 - a. “In agreement with the President, the secretariat shall draft the provisional agenda of each session.”¹²
 - b. “For each ordinary session, the provisional agenda, together with supporting documents, shall be distributed in the official languages by the secretariat to the Parties at least six weeks before the opening of the session.”¹³
 - c. “The secretariat shall, in agreement with the President, include any item which is proposed by a Party and has been received by the secretariat after the provisional

communication tool and source of information for Parties, observers and other stakeholders with regard to activities related to the UNFCCC process and making the UNFCCC website available in all official languages of the United Nations, as well as expanding the use of artificial intelligence, social media channels and conference applications, where appropriate, to share information.”

⁹ Paragraph 10(a) provides: “Proposals for further strengthening the role of the Bureau, supported by the secretariat, include [...] Enhancing its role in providing guidance and where possible, taking decisions on ways to increase the efficiency of the UNFCCC process, including by streamlining the agendas.”

¹⁰ See UNFCCC, Draft Rules of Procedure of the Conference of the Parties and its Subsidiary Bodies, FCCC/CP/1996/2 (22 May 1996) (hereinafter “Rules of Procedure”), available at: https://unfccc.int/sites/default/files/resource/02_0.pdf. These rules apply *mutatis mutandis* to the Kyoto Protocol and Paris Agreement. See Kyoto Protocol, Article 13(5); Paris Agreement, Article 16(5). Notably, the UNFCCC Rules of Procedure have not been formally adopted; they have, however, been applied by the Parties since the first session of the COP. See Rules of Procedure, para. 2 (“As decided by the Conference of the Parties (COP) at the start of its first session, the draft rules of procedure are at present being applied by the COP and its subsidiary bodies, with the exception of draft rule 43: ‘Voting.’”); Provisional agenda and annotations, FCCC/CP/2024/1 (11 November 2024) (“At COP 28, Parties decided to continue to apply the draft rules of procedure [...] with the exception of rule 42, and agreed to continue consideration of this matter at COP 29.”).

¹¹ “Functions of the Bureau of the COP, CMP, and CMA,” <https://unfccc.int/process/bodies/supreme-bodies/bureau-of-the-cop-cmp-and-cma#More-Background-on-the-Bureau-of-the-COP-CMP-and-CM>; UNFCCC Handbook, Section 2.B.2, available at: <https://unfccc.int/resource/docs/publications/handbook.pdf>.

¹² Rules of Procedure, Rule 9.

¹³ Rules of Procedure, Rule 11.

agenda has been produced, but before the opening of the session, in a supplementary provisional agenda.”¹⁴

- d. “The Conference of the Parties when adopting the agenda may decide to add, delete, defer or amend items. Only items which are considered by the Conference of the Parties to be urgent and important may be added to the agenda.”¹⁵
3. In short, while the Bureau provides guidance to the President and secretariat on issues related to efficiency of the UNFCCC process, its mandate does not extend to unilateral decision-making on those issues — particularly where that would involve changes to the agenda, a task that is party-driven under the Rules of Procedure. As such, any expansion of the Bureau’s current role in taking decisions on the UNFCCC process would likely require a COP decision or amendments to the Rules of Procedure by consensus of the COP.¹⁶

Query 2: Paragraph 12(d)¹⁷ proposes to invite the presiding officers and the secretariat to assess opportunities to further improve the efficiency of the UNFCCC process through possibly commissioning an external independent study of the process. What is the legal basis for commissioning an external independent study?

4. Article 8(2) of the UNFCCC sets out the functions of the secretariat, which includes “enter[ing], under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions.”¹⁸ Those other functions include:
 - a. “To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required.”¹⁹
 - b. “To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention.”²⁰
 - c. “To perform the other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.”²¹

¹⁴ Rules of Procedure, Rule 12.

¹⁵ Rules of Procedure, Rule 13.

¹⁶ Rules of Procedure, Rule 58(1) (“These rules of procedure may be amended by consensus by the Conference of the Parties”).

¹⁷ Paragraph 12(d) provides: “The need for further efficiencies in the organization of work was highlighted by several Parties and observer organizations in their submissions. Proposals include [...] Inviting the presiding officers and the secretariat to strategically assess opportunities to further improve the efficiency of the UNFCCC process by continuing to consult with Parties, and possibly by commissioning an external independent study of the process, subject to considerations related to timing and the availability of funds.”

¹⁸ United Nations Framework on Climate Change (hereinafter “UNFCCC”), Article 8(2)(f), available at: <https://unfccc.int/resource/docs/convkp/conveng.pdf>.

¹⁹ UNFCCC, Article 8(2)(a).

²⁰ UNFCCC, Article 8(2)(c).

²¹ UNFCCC, Article 8(2)(g). *See also* Rules of Procedure, Rule 29(f) (“In addition to the functions specified in Article 8 of the Convention, the secretariat shall in accordance with these rules [...] Perform all other work that the Conference of the Parties may require.”).

5. Accordingly, there appears to be a legal basis under Article 8(2)(f) for the secretariat to enter into a contractual arrangement with an independent expert to study and make recommendations in respect of the UNFCCC process, so long as such study would serve the secretariat's other functions — such as providing support to the COP or assisting Parties, including developing country Parties. In addition, such study may be mandated by the COP pursuant to a decision.²²

Query 3: Are there currently any limitations on the number of mandated events and agenda items? What would be the legal basis for the bureau to limit mandated events or clustering agenda items as proposed in paragraphs 14(a)²³ and 22,²⁴ respectively?

6. Currently, there are no express limitations on the number of mandated events or agenda items.
7. As noted above, the secretariat is expressly tasked with “mak[ing] arrangements for sessions of the Conference of the Parties and its subsidiary bodies” and drafting the provisional agenda in advance of the relevant session, in agreement with the presiding officers (President of the COP, CMP, and CMA, chairs of the SBI and SBSTA). In the context of this mandate, the secretariat currently schedules mandated events in accordance with decisions adopted by the COP, CMP, and CMA, and subsidiary bodies,²⁵ in agreement with the presiding officers.²⁶

²² See, e.g., UNFCCC, Article 7(2)(l) (providing that the COP shall “Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies”).

²³ Paragraph 14(a) provides: “In their submissions, many Parties and observer organizations expressed concern regarding the growing number of mandated events, noting that some have a tangible influence on and directly feed into negotiated outcomes. Some submissions highlighted the need to streamline mandated events while taking care to avoid limiting existing modes of participation, and others stressed the need for innovation in order to save resources and reduce emissions. Proposals include: [...] Inviting the Bureau to limit the number of mandated events, for example by setting a maximum number of mandated events to be held at each session and intersessionally and providing guidance on the frequency of some mandated events.”

²⁴ Paragraph 22 provides: “Clustering agenda items and using broader names does not change the underlying mandate pertaining to a particular matter, with the mandate detailed in the annotations. Parties would retain the flexibility to agree on the scope of discussions and the outcomes under all agenda items, regardless of whether a thematic heading is used or whether related matters are clustered. Because work on several matters would be clustered within the same time slot and consultations would be carried out under the guidance of the same co-facilitators, this approach would help to streamline the organization of work and improve time management at sessions.”

²⁵ See, e.g., “Mandated events to take place at the sixty-second sessions of the SBSTA and SBI” (April 2025), available at: <https://unfccc.int/sites/default/files/resource/Mandated%20events%20in%20conjunction%20with%20SB62.pdf> (listing mandated events including the “[a]nnual ocean and climate change dialogue,” which the “COP 26 invited the SBSTA Chair to hold [...] starting at SBSTA 56” and the “13th meeting of the Facilitative Working Group (FWG) of the Local Communities and Indigenous Peoples Platform (LCIPP) and activities under the Baku Workplan of LCIPP,” organized pursuant to the “COP 24 [decision] that the FWG and LCIPP shall meet twice per year in conjunction with the sessions of the subsidiary bodies and the session of the COP.”); “Mandated events, June–November 2024,” available at: https://unfccc.int/sites/default/files/resource/Mandated_events_second_half_2024.pdf (listing mandated inter-sessional events and the relevant COP, CMA, SBI, SBSTA decisions requiring those events).

²⁶ See UNFCCC, Guide for Presiding Officers (September 2017), available at: https://unfccc.int/sites/default/files/20170919_guideforpresidingofficers_final.pdf see para 3. The list of mandated events in the second half of 2025, as at 10 July 2025, is available at <https://unfccc.int/documents/645564>.

8. While the secretariat, presiding officers, and Bureau therefore play a role in setting agendas and scheduling mandated events, the COP, CMP and CMA are the “supreme bod[ies]” of the UNFCCC, Kyoto Protocol, and Paris Agreement²⁷ and their mandate includes all “decisions necessary to promote the effective implementation of” these treaties.²⁸ These governing bodies also adopt the final agenda prior to the relevant session, as required under the Rules of Procedure, and “may decide to add, delete, defer or amend items.”²⁹
9. Accordingly, introducing limits to the total number of mandated events is likely to require action by the COP, CMP, CMA, and subsidiary bodies, for example: to limit the number of mandated events required under their adopted decisions; and/or to streamline events and other agenda items as part of the process of approving the provisional agenda for ordinary sessions.³⁰ With respect to the latter, the Bureau may provide advice to the President and secretariat on ways to streamline the provisional agenda, pursuant to its traditional role.³¹
10. The specific issue of clustering similar agenda items was previously raised in a Technical paper by the secretariat on “Options for reducing overlapping items on the provisional agendas of the governing and subsidiary bodies.”³² The secretariat noted that, where possible, it already “clusters similar sub-items on the provisional agendas for sessions of the governing and subsidiary bodies, maintaining the balance across thematic areas, and groups related matters under a single agenda item.”³³ The secretariat further noted that Parties held diverging views on the potential benefit of clustering agenda items. While some Parties found this practice to be “an acceptable way forward for organizing the provisional agendas,” others suggested that “clustering should be avoided as it could result in diluted discussions on matters that would benefit from an individual, focused approach.”³⁴ Notably, all Parties highlighted “[t]he importance of consensus in the application of clustering,”³⁵ suggesting that the COP, CMP, CMA, and subsidiary bodies should have the ultimate authority in respect of both limiting mandated events and finalizing the provisional agenda.

²⁷ UNFCCC, Article 7(2); Kyoto Protocol, Article 13(1); Paris Agreement, Article 16(1).

²⁸ UNFCCC, Article 7(2); Kyoto Protocol, Article 13(4); Paris Agreement, Article 16(4).

²⁹ Rules of Procedure, Rule 13.

³⁰ Mandated events scheduled in conjunction with COP, CMP and CMA sessions may be included in the provisional agenda that is adopted by the COP pursuant to the Rules of Procedure. *See, e.g.*, Provisional agenda and annotations, FCCC/CP/2024/1 (30 August 2024) (“The following events were mandated by the COP for this session: (a) sixth biennial high-level ministerial dialogue on climate finance; (b) a high-level event on global climate action at which the high-level champions will report on climate action by non-Party stakeholders, in particular the scaling up and introduction of new or strengthened voluntary efforts, initiatives and coalitions.”), available at: <https://unfccc.int/documents/640337>.

³¹ The secretariat has explained the process for agreeing agenda items as follows: “In the first quarter of each year, the secretariat prepares draft elements for the provisional agendas for the upcoming sessions of the governing bodies in agreement with the President of those sessions. These are shared first with the Bureau of the governing bodies and then with Parties for their consideration under the item ‘Arrangements for intergovernmental meetings’ on the SBI agenda for its first session that year. Subsequently, the secretariat drafts the provisional agendas in agreement with the President. The provisional agendas are published in the six official languages of the United Nations before the opening of the relevant session.” *See* FCCC/TP/2024/5, Technical paper by the secretariat: “Options for reducing overlapping items on the provisional agendas of the governing and subsidiary bodies” (28 May 2024), para. 9, available at: https://unfccc.int/sites/default/files/resource/tp2024_05.pdf; *see also* Rules of Procedure, Rules 9-12.

³² FCCC/TP/2024/5, Technical paper by the secretariat: “Options for reducing overlapping items on the provisional agendas of the governing and subsidiary bodies” (28 May 2024), para. 23.

³³ *Id.* at para. 23.

³⁴ *Id.* at para. 32.

³⁵ *Id.*

Query 4: How could the conclusion of the work of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP)³⁶ be initiated? Is it provided for under the Kyoto Protocol? Do the Parties to the Kyoto Protocol need to give the President a mandate to convene a virtual informal dialogue on this topic? What would the conclusion of the work of the CMP entail? Could the workstreams currently discussed under the CMP be discussed under the COP or the CMA?

11. The Kyoto Protocol does not set out a procedure for concluding the work of the CMP. Article 13, which establishes the CMP as the “supreme body” of the Kyoto Protocol, requires the CMP to undertake, of its own accord, several recurring activities without a defined end date. For example, the CMP shall:
- a. “Keep under regular review the implementation of this Protocol”³⁷;
 - b. “Assess [...] the implementation of this Protocol by the Parties, the overall effects of the measures taken pursuant to this Protocol [...] as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved”³⁸;
 - c. “Periodically examine the obligations of the Parties under this Protocol [...] and in this respect consider and adopt regular reports on the implementation of this Protocol”³⁹;
 - d. “Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects”⁴⁰;
 - e. “Promote and guide [...] the development and periodic refinement of comparable methodologies for the effective implementation of [...] this Protocol”⁴¹; and
 - f. “Make recommendations on any matters necessary for the implementation of this Protocol.”⁴²
12. Further, the International Court of Justice recently confirmed in its Advisory Opinion on *Obligations of States in respect of Climate Change* that “the lack of agreement on a further commitment period under the Kyoto Protocol after the adoption of the Paris Agreement does not mean that the Kyoto Protocol has been terminated.”⁴³ Instead, it “remains part of the

³⁶ Paragraphs 34 and 35 provide: “Some parties expressed the view that as work under the Kyoto Protocol is phasing down, the agenda for sessions of the CMP should be closed to allow more time for negotiations under the COP and the CMA. Other Parties noted the ongoing mandates under the Kyoto Protocol and the need for the CMP to continue to deliver on those mandates. Some Parties proposed the use of an inclusive, open process for eventually concluding the work of the CMP [...] The SBI may wish to invite the President to convene a virtual informal dialogue with Parties to the Kyoto Protocol during the intersessional period to exchange views on the approach and timeline for winding down and closing the work of the CMP.”

³⁷ Kyoto Protocol, Article 13(4).

³⁸ Kyoto Protocol, Article 13(4)(a).

³⁹ Kyoto Protocol, Article 13(4)(b).

⁴⁰ Kyoto Protocol, Article 13(4)(c).

⁴¹ Kyoto Protocol, Article 13(4)(e).

⁴² Kyoto Protocol, Article 13(4)(f).

⁴³ *Obligations of States in respect of Climate Change*, Advisory Opinion (23 July 2025), para. 120, available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>.

applicable law” on climate change,⁴⁴ such that States Parties to the Kyoto Protocol “must comply with applicable provisions of the Protocol.”⁴⁵

13. Thus, the provisions of the Kyoto Protocol establishing the CMP and its mandate remain in force, and to conclude the work of the CMP, the Protocol would likely need to be either amended or terminated.⁴⁶
 - a. Amendments to the Protocol may be adopted at an ordinary session of the CMP, either by consensus or — if all efforts at consensus have been exhausted, and no agreement reached — by a three-fourths majority vote of the Parties present and voting at the meeting.⁴⁷
 - b. While the Protocol does not include any provisions on termination, it does provide in Article 27 that a Party may at any time withdraw from the Protocol by giving written notice, and that such withdrawal would take effect one year after such notice. Article 54 of the Vienna Convention on the Law of Treaties further provides that “[t]he termination of a treaty [...] may take place [...] at any time by consent of all the parties after consultation with the other contracting States.”
 - c. For the SBI to invite the President to convene a virtual informal dialogue with Parties to the Kyoto Protocol to exchange views on the approach and timeline regarding closing the work of the CMP, the CMP must mandate the SBI to consider the matter according to Rule 27 paragraph 7 of the Rules of Procedure.⁴⁸
14. If the Kyoto Protocol were amended or terminated in order to conclude the CMP’s work, its current workstreams could be transitioned to the COP and CMA agendas, which cover similar topics and issues. For example:
 - a. *Clean Development Mechanism (“CDM”)*. The CDM, established under Article 12 of the Kyoto Protocol, allows States that made commitments under the Protocol to implement emission-reduction projects in developing countries in exchange for carbon credits.⁴⁹ However, the second commitment period under the Kyoto Protocol expired in 2020. The 2024 CDM Executive Board Report shows that the CDM has not registered any new projects since 2021, but it still records the number of registered CDM activities, activities issued with certified emission reductions (“CERs”), and total CERs issued per reporting period for the first and second commitment periods of the Protocol.⁵⁰ Similar work will be undertaken by the Paris Agreement Article 6.4

⁴⁴ *Id.*,

⁴⁵ *Id.*, para. 457(3)(d).

⁴⁶ Several *ad hoc* bodies set up under UNFCCC, Paris Agreement and Kyoto Protocol subsidiary bodies have concluded their work through a COP, CMA or CMP decision. See, e.g., Decision 1/CMP.8, para. 30 (“[The CMP] [d]ecides that the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol has fulfilled the mandate set out in decision 1/CMP.1 and that its work is hereby concluded.”). However, the CMP is differently situated since it was established under Article 13 of the Kyoto Protocol rather than by a decision of one of the governing bodies.

⁴⁷ Kyoto Protocol, Article 20(4).

⁴⁸ Rules of Procedure, Rule 27(7) provides: ‘Subject to Articles 9 and 10 of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and may authorize the President, upon the request of the Chairman of a subsidiary body, to adjust the allocation of work.’

⁴⁹ See UNFCCC, “The Clean Development Mechanism”, <https://unfccc.int/process-and-meetings/the-kyoto-protocol/mechanisms-under-the-kyoto-protocol/the-clean-development-mechanism>.

⁵⁰ Annual report of the Executive Board of the clean development mechanism to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, FCCC/KP/CMP/2024/3 (4 October 2024), para. 7, Table 1.

Crediting Mechanism, and Parties have agreed on a framework for transitioning certain CDM projects to this mechanism. During COP 29 in November 2024, a crediting methodology for the Article 6.4 Mechanism was unanimously approved.⁵¹

- b. *Adaptation Fund*. The adaptation fund was established by the CMP to finance adaptation projects and programs in developing country Parties to the Kyoto Protocol.⁵² Initially financed by a share of proceeds from CDM projects, the Fund is now largely sustained through voluntary contributions. The CMA and CMP decided that, as of 1 January 2019, the Fund would also serve the Paris Agreement, and it is envisaged that once the share of proceeds becomes available under Article 6(4) of the Paris Agreement, the Fund will no longer serve the Kyoto Protocol.⁵³

Query 5: Can a COP decision ‘override’ previous decisions on the reporting or review cycles or amend the rules of procedure of bodies, mechanisms and institutions regarding reporting and review cycles, as suggested in paragraph 27⁵⁴?

15. As the supreme bodies of the relevant treaties, the COP, CMP, and CMA may supersede, revise, or update their own previous decisions on the reporting or review cycles.
 - a. The COP, for example, has authority over decisions relating to the UNFCCC, including institutional arrangements, and may periodically examine them in light of the experience gained in the implementation of the UNFCCC.⁵⁵
 - b. Likewise, the CMP has authority over decisions relating to the Kyoto Protocol.⁵⁶ In particular, the Protocol expressly states that the CMP shall “define the relevant principles, modalities, rules and guidelines, in particular for verification, reporting and accountability for emissions trading.”⁵⁷
 - c. Finally, the CMA has final authority over decisions relating to the Paris Agreement.⁵⁸ According to the legal opinion of the UNFCCC Legal Affairs Programme, “the authority of the CMA extends to all substantive, procedural, administrative and operational matters.”⁵⁹

16. Hence, COP, CMP, and CMA decisions may replace or supersede earlier decisions, effectively “overriding” them.⁶⁰

⁵¹ “Further guidance on the mechanism established by Article 6, paragraph 4, of the Paris Agreement,” 6/CMA.6, in FCCC/PA/CMA/2024/17/Add.1 (27 March 2025).

⁵² UNFCCC, “Adaptation Fund” <https://unfccc.int/Adaptation-Fund>.

⁵³ UNFCCC, “Adaptation Fund” <https://unfccc.int/Adaptation-Fund>; Decision 1/CMP.14 (19 March 2019), para 2; Decision 13/CMA.1 (15 December 2019), para 3.

⁵⁴ Paragraph 27 provides: “Adjusting the current reporting and review cycles of bodies, mechanisms and institutions under the climate regime may require the relevant governing bodies to amend the relevant rules of procedure of such bodies, mechanisms and institutions, as appropriate, or adopt decisions that expressly override previous decisions on the reporting or review cycles.”

⁵⁵ UNFCCC, Article 7(2)(a).

⁵⁶ Kyoto Protocol, Article 13(1) and (3).

⁵⁷ Kyoto Protocol, Article 16 bis.

⁵⁸ Paris Agreement, Article 16(1) and (2).

⁵⁹ UNFCCC, “Entry into force of the Paris Agreement: legal requirements and implications”, Information Note Prepared by the UNFCCC Legal Affairs Programme, 7 April 2016, para. 14.

⁶⁰ See this LRI advice on the meaning of ‘supersede’ in COP decision: <https://legalresponse.org/legaladvice/meaning-of-supersede-in-cop-decision/>

17. In practice new decisions of the COP, CMP, and CMA typically build on and/or update prior decisions, thereby revising them. During COP 29 in 2024, for example, the CMA adopted a “new collective quantified goal on climate finance” of at least USD 300 billion per year by 2035, and described this goal as “in extension of the [USD 100 billion] goal referred to in paragraph 53 of decision 1/CP.21.”⁶¹
18. As the secretariat’s note recognizes in paragraph 27, adjusting current reporting and review cycles of bodies, mechanisms and institutions under the climate regime may require the relevant governing bodies to amend the rules of procedure of these bodies, mechanisms and institutions. Alternatively, the governing bodies may adopt decisions with new reporting and review cycles that would supersede previous ones.

Query 6: Regarding the website, as addressed in paragraph 36(e),⁶² is there any pre-existing guidance from the COP or secretariat on what the UNFCCC website should include? Can Parties request for something to be included on the website – are there precedents?

19. The COP and Secretariat have not issued specific guidance on what the UNFCCC website should include.
20. Neither do the UNFCCC, Kyoto Protocol, and Paris Agreement include any specific references to the UNFCCC website; they do, however, set out categories of information that must be made available to the public. For example:
 - a. Article 12(10) of the UNFCCC requires the secretariat to make publicly available communications by Parties to the COP related to implementation, including: (i) the State’s national inventory of anthropogenic emissions required under Article 12(1)(a); (ii) a general description of steps taken or envisaged by the State to implement the Convention; (iii) for developed country Parties, a detailed description of the policies and measures it has adopted to implement its specific commitments, and an estimate of the effects of such measures on anthropogenic emissions.
 - b. Articles 4(12), 7(10), and 7(12) of the Paris Agreement require the secretariat to maintain a public registry of States’ nationally determined contributions and adaptation communications.
21. In practice, these provisions have been implemented, at least in part, through decisions of the COP, CMP and CMA and the publication of relevant information to the UNFCCC website. In its Decision 1/CP.21, for example, the COP requested the SBI to “develop modalities and procedures for the operation and use of the public registry referred to in Article 4, paragraph 12, of the [Paris] Agreement.”⁶³ The “NDC Registry” was subsequently published and is

⁶¹ Decision 1/CMA.6, available at: <https://unfccc.int/documents/644937> para 8.

⁶² Paragraph 36(e) provides: “In consultation with the Bureau and host governments of United Nations climate change conferences, the secretariat, in accordance with its mandate, engages extensively with the host Governments of United Nations climate change conferences on arrangements for hosting the conferences in order to aim for more inclusive and effective participation of Parties and observers. The Secretariat achieves this by, inter alia...Regularly updating, adding to and improving the UNFCCC website as a key communication tool and source of information for Parties, observers and other stakeholders with regard to activities related to the UNFCCC process and making the UNFCCC website available in all official languages of the United Nations, as well as expanding the use of artificial intelligence, social media channels and conference applications, where appropriate, to share information.”

⁶³ Decision 1/CP.21, para. 29.

currently maintained on the UNFCCC website.⁶⁴ Similarly, in its Decision 2/CMA.3, the CMA directed the secretariat to “establish and maintain a centralized accounting and reporting platform for publishing information submitted by participating Parties.”⁶⁵ An interim platform for “Centralized Accounting and Reporting Platform (CARP)” is now hosted on the UNFCCC website to “support[] and facilitate[] the submission of reports and the publication of non-confidential information according to decision 2/CMA.3.”⁶⁶

22. In addition, the Rules of Procedure require the secretariat to “[p]ublish and distribute the official documents of” sessions of the COP and its subsidiary bodies, which it has traditionally done through the “Documents” database hosted on the UNFCCC website.⁶⁷
23. Besides through COP, CMP, or CMA decisions, Parties seeking to publish information on the website may also do so through the UNFCCC’s “Submissions and statements” portal. This public site hosts calls for submissions from the COP, CMP, CMA, and subsidiary bodies, and groups of Parties and Parties are “encouraged to upload their statements, including in advance of a session.” Notably, while Party statements delivered during plenary meetings are limited to two minutes, longer versions of Party statements may be uploaded to the portal.⁶⁸

⁶⁴ See UNFCCC, “NDC Registry,” available at: <https://unfccc.int/NDCREG>.

⁶⁵ Decision 2/CMA.3 (31 October 2021), para. 35

⁶⁶ UNFCCC, “Centralized Accounting and Reporting Platform (CARP),” available at: <https://unfccc.int/process-and-meetings/the-paris-agreement/cooperative-implementation/carp>.

⁶⁷ UNFCCC, “Documents” available at: <https://unfccc.int/documents>.

⁶⁸ To obtain access rights to the Submissions and statements portal, Parties must submit a request through their National Focal Point at: https://unfccc.int/submissions_and_statements#Submissions-and-statements-from-Parties-.