

Operationalisation of the Belém Action Mechanism

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*This advice is provided by third parties in response to **Query 03/26***

Queries:

1. What is the legal relationship between the Just Transition Work Programme (**JTWP**) and the Belém Action Mechanism (**BAM**)? How would the JTWP's possible extension affect the mechanism, and what are the implications of the time-boundness of the JTWP on the mechanism? Could functions of the JTWP be housed under the mechanism?
2. Can the mechanism be operationalised as a constituted body under the CMA? What are the implications of this?
3. Do procedural frameworks allow the mechanism to set up a coordination body or advisory body? What needs to be adopted for such a body to exist?
4. One of the functions of our mechanism would be to identify institutions/actors working on just transition outside the UNFCCC and strengthen coordination and collaboration. Is this legally possible? What would be the limitations of a mechanism that sits under the UNFCCC interacting with other UN bodies?
5. Generally, engagement and participation within the UNFCCC requires observer status and is coordinated by constituency observer bodies. Thus, how could engagement within the mechanism look? Would it necessarily be coordinated by the observer constituencies? Could entities without observer status engage with the mechanism following UNFCCC rules? How would that look?

Context:

Under the CMA 7 [decision](#) on the UAE just transition work programme ("**JTWP**"), Parties decided to develop a Belém Action Mechanism ("**BAM**") for just transition, which is 'a just transition mechanism to enhance international cooperation, technical assistance, capacity-building and knowledge-sharing, and enable equitable, inclusive just transitions, noting that the mechanism is to be implemented in a manner that builds on and complements relevant workstreams under the Convention and the Paris Agreement, including the JTWP' (para 25).

The decision also requested the subsidiary bodies at their sixty-fourth sessions (June 2026) to recommend a draft decision on the process for the operationalisation of the mechanism, for consideration by CMA 8. Parties and non-Party stakeholders were invited to submit their views on the process to develop the mechanism **in March 2026**.

In addition, SB 64 was mandated to define the terms of reference for the review of the JTWP and consider improving its modalities in view to consider and decide on the continuation of the JTWP at CMA 8.

Advice:

Query 1.1: What is the legal relationship between the Just Transition Work Programme (JTWP) and the Belém Action Mechanism (BAM)?

1 Legal Provisions

1.1 The [Paris Agreement, Article 16](#) provides:

1.1.1 Paragraph 4: The Conference of the Parties serving as the meeting of the Parties to this Agreement shall be the supreme body of this Agreement. It shall keep under regular review the implementation of this Agreement and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall establish such subsidiary bodies as are deemed necessary for the implementation of this Agreement.

1.1.2 The CMA as the governing body, is empowered to review implementation of the Paris Agreement, take decisions necessary to promote effective implementation, and establish subsidiary bodies – the legal basis for both the JTWP and any mechanism (BAM) the CMA tasks.

1.2 [Decision 1/CMA.4](#) provides the original mandate to develop a work programme on just transition pathways, which is the foundation later operationalised as the JTWP (paragraphs 50–53).

1.2.1 Paragraph 52: Decides to establish a work programme on just transition for discussion of pathways to achieving the goals of the Paris Agreement outlined in Article 2, paragraph 1, in the context of Article 2, paragraph 2, and requests the Subsidiary Body for Implementation and the Subsidiary Body for Scientific and Technological Advice to recommend a draft decision on this matter for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its fifth session, with the work programme.

1.3 [Decision 3/CMA.5](#) confirms that the objective of the JTWP is to explore and discuss different pathways for achieving the goals set out in Article 2(1) of the Paris Agreement, in the context of Article 2, paragraph 2, under the guidance of SBSTA/SBI through a joint contact group, with dialogues and Secretariat summaries, defining JTWP as a deliberative, non-prescriptive workstream.

1.4 [Decision 2/CMA.7](#) paragraph 25 links BAM to complementing JTWP but does not condition BAM on JTWP continuation. The language “*builds on and complements*” indicates a functional

relationship between BAM and the JTWP, rather than a legal dependency. It does not provide that BAM is established under, or conditional upon, the continuation of the JTWP.

2 Advice

- 2.1 Both the JTWP and BAM derive from the CMA's authority under Article 16 of the Paris Agreement. The JTWP, established through Decisions 1/CMA.4 and 3/CMA.5, functions as a deliberative, SBSTA/SBI-guided forum focused on dialogue and exchange of views on just transition pathways.
- 2.2 Decision 2/CMA.7 marks a shift from dialogue toward operationalisation, mandating development of a mechanism to enhance cooperation, technical assistance, capacity-building and knowledge-sharing, to be implemented in a manner that "builds on and complements" the JTWP. Institutional precedent (e.g., the evolution from Loss and Damage work programmes to the Warsaw International Mechanism) demonstrates that deliberative work programmes may precede operational mechanisms, but once established, a mechanism derives its legal authority from its constitutive decision rather than from continuation of the earlier workstream.
- 2.3 CMA decisions are authoritative within the UNFCCC system and bind constituted bodies and the Secretariat institutionally. They are generally not legally binding on Parties unless grounded in treaty text. Thus, SBSTA/SBI and the Secretariat must implement the JTWP and prepare the mechanism proposal on schedule.
- 2.4 Until CMA 8 adopts an operationalisation decision, the JTWP remains the primary UNFCCC-level vehicle for just transition dialogue. BAM is mandated but not yet legally instantiated; its mandate, structure and modalities will depend on the CMA's adoption decision and must demonstrate complementarity with existing workstreams.
- 2.5 The complementarity clause in Decision 2/CMA.7 allows BAM to operationalise outputs generated under the JTWP without displacing its deliberative mandate. A close analogue is the knowledge function within the Warsaw International Mechanism (WIM), where operational coordination and knowledge enhancement occur alongside, rather than above, other processes. In practice, the JTWP may continue as the political agenda-setting forum, while BAM functions as the operational delivery arm for cooperation, capacity-building and knowledge services.

3 Conclusion

- 3.1 The JTWP and the proposed BAM are legally linked through the CMA's authority under Article 16 of the Paris Agreement, but they serve distinct, complementary roles. The JTWP is a Party-led, SBSTA/SBI-guided forum focused on dialogue and shared understanding of just transition pathways. The BAM is intended to be an operational mechanism to scale cooperation, technical assistance, capacity-building and knowledge-sharing, and it must be implemented in a way that builds on and complements the JTWP.

Query 1.2: How would the JTWP's possible extension affect the mechanism, and what are the implications of the time-boundness of the JTWP on the mechanism? Could functions of the JTWP be housed under the mechanism?

4 Legal Provisions

- 4.1 Article 16, Paragraph 4 of the Paris Agreement (see above) empowers the CMA to adopt decision establishing work programmes and mechanisms. Decision 3/CMA.5 (see above) confirms the objectives of the work programme.
- 4.2 Decision 3/CMA.5 further provides: Paragraph 3: *"agrees to review the effectiveness and efficiency of the work programme and consider its continuation at the eighth session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (November 2026)";*
- 4.3 Decision 2/CMA.7, paragraph 25 (see above) links BAM to complementing JTWP but does not condition BAM on JTWP continuation.
- 4.4 Decision 2/CMA.7 further requests the subsidiary bodies, at their sixty-fourth sessions, to recommend a draft decision on the operationalisation of the mechanism for consideration by the CMA at its eighth session. Accordingly, BAM does not yet have an adopted mandate, structure or modalities, and its legal existence will depend on the content of the subsequent CMA decision.
- 4.5 [Decision 1/CP.16](#) provides:
 - 4.5.1 Paragraph 26: Decides to hereby establish a work programme in order to consider, including through workshops and expert meetings, as appropriate, 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;
- 4.6 Subsequently, at COP 18 (2012), Parties decided to establish, at COP 19, institutional arrangements to address loss and damage.
- 4.7 [Decision 3/CP.18](#) provides:
 - 4.7.1 Paragraph 9: Decides to establish, at its nineteenth session, institutional arrangements, such as an international mechanism, including functions and modalities, elaborated in accordance with the role of the Convention as defined in paragraph 5 above, 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;
- 4.8 These efforts culminated at COP 19 (2013) in the establishment of the WIM through [Decision 2/CP.19](#), which provides:
 - 4.8.1 Paragraph 1: Establishes the WIM 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.

5 Advice

- 5.1 Institutional precedent under the UNFCCC demonstrates that deliberative work programmes may evolve into more structured mechanisms. The evolution from the Loss and Damage work programme (Decision 1/CP.16) to the Warsaw International Mechanism (Decision 2/CP.19) illustrates that once a mechanism is formally established by governing body decision, its legal existence derives from that constitutive decision, not from the continued existence of the earlier work programme.¹
- 5.2 Applying this logic, the time-bound nature of the JTWP does not determine the legal continuity of BAM. If BAM is operationalised through a CMA decision, its mandate and duration will be governed by that decision. Accordingly, an extension of the JTWP would allow continued dialogue and political guidance, which could inform BAM's future work and mandate development. The discontinuation of the JTWP would not terminate BAM, provided that BAM has been operationalised through a CMA decision establishing it as an institutional arrangement.

6 Conclusion

- 6.1 The JTWP and BAM are legally distinct instruments under CMA authority. Once operationalised, BAM would derive its authority from its constitutive CMA decision. Accordingly, the continuation or discontinuation of the JTWP would not in itself determine BAM's legal existence; this will depend on how the CMA frames the operationalisation decision.
- 6.2 **Query 2: Can the mechanism be operationalised as a constituted body under the CMA? What are the implications of this?**

7 Legal Provisions

- 7.1 [Paris Agreement, Article 16](#) (see above) is the legal basis for the CMA creating a new constituted body.
- 7.2 Precedent of constituted body established under the CMA: the ["Article 6.4 Supervisory Body"](#) demonstrates the institutional model *"under the authority and guidance of the CMA"* with accountability to the CMA (relevant analogy for how a BAM body could be operationalised).
- 7.3 [Decision 2/CMA.7](#) (see above) mandates development and SB 64 recommendations toward CMA 8 operationalisation.

8 Advice

- 8.1 It is most likely that the mechanism can be operationalised as a constituted body under the CMA (i.e. within the Paris Agreement track). This follows from Article 16 of the Paris Agreement, which empowers the CMA to take decisions necessary for effective implementation and to establish subsidiary bodies, and from Decision 2/CMA.7, which mandates development of the mechanism and routes operationalisation through SBSTA/SBI for CMA adoption.

¹ Subsequently, at COP 25/CMA 2 (2019), Parties established, under the WIM, the Santiago Network for averting, minimizing and addressing loss and damage associated with the adverse effects of climate change.

- 8.2 Under UNFCCC practice, the CMA may establish institutional arrangements and specialised bodies with limited membership ("[constituted bodies](#)") to support implementation. A relevant precedent is the Article 6.4 Supervisory Body, which operates under the authority and guidance of the CMA and demonstrates how a Paris Agreement mechanism may be operationalised through a defined governance body with clear mandate, membership, reporting lines and Secretariat support.
- 8.3 Accordingly, BAM could be operationalised as a new constituted body, with defined terms of reference, composition, workplan and reporting cycle.
- 8.4 There remains a residual possibility that aspects of BAM could be framed as a COP-side institutional arrangement (or be "endorsed" in parallel by COP and CMA), because the UNFCCC system is a three-track governance architecture and CMA decisions sometimes coordinate with Convention workstreams. However, the legal starting point is that the mandate is currently housed in the CMA (Paris Agreement track), and our analysis of mandates emphasises that the CMA's competence is to oversee and promote implementation of the Paris Agreement, whereas the COP implements the Convention. In practice, the most realistic "hybrid" outcome would be a CMA-established BAM arrangement with explicit coordination hooks into Convention bodies/workstreams.

9 Conclusion

- 9.1 On the current mandate and institutional practice, BAM is most likely to be operationalised under the CMA pursuant to Article 16. The mechanism could be set up as a constituted body under the CMA and therefore fall within the Paris Agreement governance framework and be subject to a CMA-defined mandate, reporting and review arrangements. Aspects of the BAM's operationalisation could require explicit coordination with Convention bodies and/or workstreams.

Query 3: Do procedural frameworks allow the mechanism to set up a coordination body or advisory body? What needs to be adopted for such a body to exist?

10 Legal Provisions

- 10.1 Article 16, Paragraph 4 of the Paris Agreement (see above) empowers the CMA to establish institutional arrangements necessary to implement the Agreement, including mechanisms, committees, supervisory bodies and advisory structures.
- 10.2 Decision 2/CMA.7 does not yet establish BAM as a constituted body nor define its governance structure. The operationalisation decision to be adopted at CMA 8 will determine its mandate, structure, governance and modalities. Accordingly, any coordination or advisory body under BAM would require explicit establishment in the CMA operationalisation decision or in a subsequent CMA decision.
- 10.3 Decision 2/CP.19 establishes the WIM (see above).
- 10.4 [Decision 2/CP.20](#) provides:
- 10.4.1 Paragraph 8: decides that the Executive Committee may establish expert groups, subcommittees, panels, thematic advisory groups or task-focused ad hoc working groups to help execute the work of the Executive Committee in guiding the implementation of the WIM, as appropriate, in an advisory role, and that report to the Executive Committee;

10.4.2 The WIM Executive Committee subsequently adopted Rules of Procedure (2015), setting out its governance, membership, decision-making processes and reporting obligations. This demonstrates that a mechanism may have an executive body established by decision.

10.5 Decision 1/CP.16 (see link in Query 1.2 above) establishes the Technology Mechanism, consisting of the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN). The CTCN operates under the guidance of an Advisory Board, whose mandate and composition were defined through subsequent COP decisions. The Advisory Board provides strategic guidance, oversees implementation of technical assistance activities and reports to the COP.

11 Advice

11.1 Institutional practice under the UNFCCC and Paris Agreement demonstrates that mechanisms may be established with executive, supervisory or advisory bodies through governing body decisions.

11.2 Decision 1/CP.16 illustrates that a mechanism may combine an operational component with an advisory governance body, whose mandate, composition and reporting lines must be defined in the establishing decision. It also confirms that advisory structures may include representation beyond Parties, while decision-making authority remains with Parties.

11.3 Similarly, Article 6.4 of the Paris Agreement establishes a mechanism under the authority and guidance of the CMA, supervised by a body designated by the CMA. Decision 3/CMA.3 adopts the rules, modalities and procedures for the Article 6.4 mechanism and establishes the Supervisory Body, including composition, election procedures, functions and reporting obligations.

11.4 Based on institutional precedent, the following would be required for a coordination or advisory body to exist under BAM:

11.4.1 A CMA decision explicitly establishing the body or authorising BAM to establish such a body.

11.4.2 Defined mandate and functions (e.g., coordination, matchmaking, advisory support).

11.4.3 Defined composition (e.g., balanced Party representation; possible inclusion of experts in advisory capacity).

11.4.4 Reporting lines (e.g., accountable to CMA through annual reporting).

11.4.5 Adoption of rules of procedure or terms of reference.

11.4.6 Specification of Secretariat support arrangements.

11.5 Drawing on precedent, the Technology Mechanism and the Article 6.4 Supervisory Body, BAM could be structured as:

11.5.1 Executive Committee Model (WIM-style)

A CMA-established Executive Committee could oversee implementation, coordinate just transition activities and report to the CMA. The Committee could be authorised

to establish thematic advisory groups involving civil society, labour, industry and other stakeholders in an advisory capacity.

11.5.2 Supervisory Body Model (Article 6.4-style)

Alternatively, the CMA could establish a Supervisory Body with defined composition and mandate to oversee operational functions such as technical assistance coordination, matchmaking platforms and progress monitoring. Stakeholder engagement could be structured through consultations or advisory panels.

11.5.3 Advisory Board Model (CTCN-style)

A BAM Advisory Board could be established to provide strategic guidance, facilitate coordination across relevant UNFCCC workstreams, and advise on inclusive just transition approaches.

In each model, the body would operate under the authority and guidance of the CMA, with clearly defined reporting obligations and adopted terms of reference.

12 Conclusion

- 12.1 Procedural frameworks under the UNFCCC and the Paris Agreement clearly allow for the establishment of coordination or advisory bodies under a mechanism, provided such bodies are created through formal decision of the governing body. Institutional precedent demonstrates that governance structures must be formally established and accompanied by defined mandates, composition and rules of procedure. Accordingly, the BAM may lawfully include a coordination or advisory body. However, its legal existence would require explicit adoption in the CMA operationalisation decision, including clear governance provisions.

Query 4: One of the functions of our mechanism would be to identify institutions/actors working on JT outside the UNFCCC and strengthen coordination and collaboration. Is this legally possible? What would be the limitations of a mechanism that sits under the UNFCCC interacting with other UN bodies?

Query 5: Generally, engagement and participation within the UNFCCC requires observer status and is coordinated by constituency observer bodies. Thus, how could engagement within the mechanism look? Would it necessarily be coordinated by the observer constituencies? Could entities without observer status engage with the mechanism following UNFCCC rules? How would that look?

Given that queries 4 and 5 pertain to similar issues on engagement and participation under the UNFCCC rules, we will address them jointly. In essence, we understand that you want us to ascertain whether BAM could legally engage with other UN bodies and external institutions working on just transition, and whether civil society actors without observer status could still interact with the mechanism, or would that need to be coordinated by observer constituency.

13 Legal Provisions

- 13.1 UNFCCC, Article 7 provides

7(2)(l): COP mandate to “seek and utilize... the services and cooperation of... competent international organizations and intergovernmental and non-governmental bodies”.

This provides a clear legal basis for cooperation with UN bodies and other relevant institutions. Article 7(6) governs observer participation in formal sessions.

13.2 UNFCCC, Article 8:

Confirms the Secretariat's role in coordinating with other relevant international bodies and its capacity, under COP guidance, to enter administrative/contractual arrangements; this supports the practical route for cooperation "outside the room" (MoUs, joint workplans, shared technical work).

This enables practical cooperation mechanisms.

13.1 Decision 2/CMA.7, paragraph 25, mandates development of BAM but does not prescribe participation modalities. The operationalisation decision will therefore determine the detailed engagement framework.

13.2 Draft Rules of Procedure (FCCC/CP/1996/2), Rules 6 and 7 govern observer participation at formal UNFCCC sessions, including representation of UN specialised agencies and other qualified bodies, without voting rights and subject to presiding officer discretion.

14 Advice

14.1 A) Engagement with other UN bodies

14.1.1 BAM may legally engage with other UN bodies and external institutions. The Convention expressly authorises cooperation with competent organisations. BAM may therefore identify and map relevant just transition initiatives, convene coordination platforms, establish referral or matchmaking mechanisms and/ or develop joint technical work, subject to partner consent. However, UNFCCC decisions cannot bind other UN entities. External institutions operate under their own mandates, governing bodies and budgets. BAM's role must therefore be facilitative and cooperative, not directive.

14.1.2 The most legally robust design places substantive coordination primarily outside formal negotiation rooms, delivered through Secretariat-supported advisory and technical formats. This design is also consistent with established UNFCCC practice in which cooperation with UN entities and other international organisations is pursued through Secretariat-supported activities and reported through SBSTA-related processes.

14.2 B) Engagement of civil society actors without observer status

14.2.1 The Convention limits participation in formal UNFCCC sessions (COP, CMA, SB) to Parties and accredited observers under Article 7(6) and the Rules of Procedure. Observers may attend but do not negotiate, and participation depends on presiding officer invitation.

14.2.2 Relevant precedents include Decision 2/CP.20, paragraph 8 (WIM Executive Committee authorised to establish advisory groups), The Santiago Network (Decision 2/CMA.2), engaging organisations and experts in technical assistance delivery and Decision 1/CP.16 (Technology Mechanism), operating through networks involving a broad range of institutions. However, Decision 2/CMA.7 leaves BAM participation modalities open. It instructs that the mechanism should "build on and complement" existing workstreams and mandates further design through subsidiary body recommendations. This creates space for differentiated engagement inside the mechanism itself.

- 14.2.3 On this basis, the CMA operationalisation decision could authorise BAM to establish advisory or thematic working groups, expert panels, technical assistance networks, structured calls for submissions, roundtables and matchmaking platforms and stakeholder advisory panels.
- 14.2.4 Such engagement would be advisory and facilitative in nature. Party authority over decision-making would remain intact. The key legal requirement is that these modalities be explicitly authorised in the operationalisation decision and clearly framed as advisory or technical.
- 14.3 C) Role of observer status
- 14.3.1 At formal UNFCCC meetings (COP, CMA, SB), participation of non-Party actors is governed by observer accreditation rules and typically coordinated through observer constituencies. External actors cannot participate as co-decision-makers in negotiation settings.
- 14.3.2 Accordingly, participation in formal UNFCCC negotiations, including meetings of the COP, CMA and subsidiary bodies, remains governed by the observer accreditation framework under Article 7(6) of the Convention and the applicable Rules of Procedure. Within BAM itself, however, engagement structures (e.g., advisory groups, technical networks, expert panels) need not be confined strictly to observer constituency formats, provided they remain advisory and do not alter Party-driven governance.
- 15 Conclusion**
- 15.1 BAM may legally engage with other UN bodies and external institutions, provided such engagement is framed as cooperative and facilitative, consistent with UNFCCC Article 7(2)(l) and Secretariat coordination functions.
- 15.2 Civil society actors without observer status may interact with BAM through advisory, technical and consultative modalities defined in the CMA operationalisation decision, but they would not participate in formal intergovernmental decision-making. Formal participation in UNFCCC negotiations remains governed by observer accreditation rules and, in practice, coordinated through observer constituencies.