

PARIS AGREEMENT

In December 2011 in Durban, at the seventeenth session of the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (hereinafter “UNFCCC”) (see procedural history of the UNFCCC), the Parties launched a process to develop “a protocol, another legal instrument or an agreed outcome with legal force under the UNFCCC applicable to all Parties, through a subsidiary body under the UNFCCC”. In order to achieve this, the Ad Hoc Working Group on the Durban Platform for Enhanced Action (the “ADP”) (see report FCCC/CP/2011/9/Add.1, decision 1/CP.17, para. 2) was established at that session. The COP decided that the ADP should “complete its work as early as possible but no later than 2015” in order to adopt said “protocol, another legal instrument or an agreed outcome with legal force” at the twenty-first session of the COP and “for it to come into effect and be implemented from 2020” (see report FCCC/CP/2011/9/Add.1, decision 1/CP.17, para. 4). It also decided that the ADP should plan “its work in the first half of 2012, including, inter alia, on mitigation, adaptation, finance, technology development and transfer, transparency of action and support, and capacity-building, drawing upon submissions from Parties and relevant technical, social and economic information and expertise” (see report FCCC/CP/2011/9/Add.1, decision 1/CP.17, para. 5). It further decided that the process should raise the level of ambition and should be informed, inter alia, by the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (see report FCCC/CP/2011/9/Add.1, decision 1/CP.17, para. 6).

The ADP held its first session from 17 to 25 May 2012 in Bonn. At this session, the ADP adopted an agenda dividing its work into two workstreams (see report FCCC/ADP/2012/2). The first workstream, on the 2015 agreement, focused on matters related to paragraphs 2 to 6 of decision 1/CP.17 (agenda item 3(a)), while the second workstream, on pre-2020 ambition, focused on matters related to paragraphs 7 and 8 of decision 1/CP.17 (agenda item 3(b)). The eighteenth COP, in 2012 in Doha, welcomed the work of the ADP and decided that the ADP would consider elements for a draft negotiating text no later than at its session to be held in conjunction with the twentieth session of the COP, in 2014, with a view to making available a negotiating text before May 2015 (see report FCCC/CP/2012/8/Add.1, decision 2/CP.18, para. 9).

Throughout 2013 and 2014, the ADP conducted a series of round-table discussions, workshops, technical expert meetings and briefings under both workstreams, taking into consideration submissions from Parties and observer organizations as invited by the ADP.

At the nineteenth session of the COP, held in Warsaw from 11 to 23 November 2013, the Parties requested the ADP to accelerate its work (see report FCCC/CP/2013/10/Add.1, decision 1/CP.19, para. 1). The COP also decided to request the ADP “to further elaborate, beginning at its first session in 2014, elements for a draft negotiating text, taking into consideration its work, including, inter alia, on mitigation, adaptation, finance, technology development and transfer, capacity-building and transparency of action and support”. It was also decided to invite all Parties to commence or to intensify domestic preparations for their intended nationally determined contributions, in the context of adopting a protocol, another legal instrument or an agreed outcome with legal force, and to communicate them, by the first quarter of 2015 by those Parties ready to do so, in a clear and transparent manner to facilitate the understanding of the intended contributions. Furthermore, the COP requested the ADP to identify, by the twentieth session of the COP, the information that Parties will provide when submitting their contributions (see report FCCC/CP/2013/10/Add.1, decision 1/CP.19, para. 2(a), (b), (c)).

At the twentieth session of the COP, held in Lima from 1 to 14 December 2014, the Parties acknowledged the work made in elaborating the elements for a draft negotiating text contained in the annex to the decision 1/CP.20, titled “Lima Call for Climate Action” (see report FCCC/CP/2014/10/Add.1, decision 1/CP.20, para. 5). The Parties confirmed that the ADP would complete its work as early as possible and decided that the ADP would intensify its work

in order to make available a negotiating text before May 2015 (see report FCCC/CP/2014/10/Add.1, decision 1/CP.20, paras. 1 and 6). It also requested the secretariat to communicate the negotiating text to Parties in accordance with provisions of the UNFCCC and the applied rules of procedure. Furthermore, it noted that such communication would not prejudice whether the outcome would be “a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties” (see report FCCC/CP/2014/10/Add.1, decision 1/CP.20, para. 7).

From 8 to 13 February 2015, the ADP met in Geneva to develop the negotiating text based on the elements contained in the annex to the decision 1/CP.20, titled “Lima Call for Climate Action”. The ADP updated and further revised the language of the annex to decision 1/CP.20 (see report FCCC/ADP/2015/2, paras. 14 and 15). On 12 February 2015, an advance unedited version of the negotiating text was prepared, which accurately reflected the proposals of all Parties and served as the basis for the negotiations of the 2015 agreement (see report FCCC/ADP/2015/2, paras. 17 and 20).

The ADP met in Bonn from 1 to 11 June 2015 (see report FCCC/ADP/2015/3) and from 31 August to 4 September 2015 (see report FCCC/ADP/2015/4), to further develop the negotiating text.

From 19 to 23 October 2015, the ADP met in Bonn to work on the draft agreement that would be submitted at the twenty-first session of the COP (see report FCCC/ADP/2015/5). The two workstreams revised previous work on provisions such as those regarding definitions, purpose of the agreement, loss and damage, transparency of action and support, global stocktaking, technology development, transfer and capacity building, and final clauses. On 23 October 2015, a draft agreement and draft decision on workstreams 1 and 2 of the ADP was adopted (see Draft agreement and draft decision on workstreams 1 and 2 of the Ad Hoc Working Group on the Durban Platform for Enhanced Action, version of 23 October 2015).

From 29 November to 5 December 2015, during the first week of the COP in Paris, the ADP continued its work on the draft agreement (see report FCCC/ADP/2015/6). On 5 December, the ADP transmitted the text titled “Draft agreement and draft decision on workstreams 1 and 2 of the Ad Hoc Working Group on the Durban Platform for Enhanced Action” to the COP at its twenty-first session (see report FCCC/ADP/2015/L.6/Rev.1).

The twenty-first session of the COP took place in Paris from 30 November to 13 December 2015 and was attended by 196 Parties (see report FCCC/CP/2015/10). The Paris Agreement was adopted by the Parties on 12 December 2015 (see report FCCC/CP/2015/L.9/Rev.1). The Agreement was opened for signature in New York on 22 April 2016 and entered into force on 4 November 2016, in accordance with its article 21(1), which provided: “[t]his Agreement shall enter into force on the thirtieth days after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55 per cent of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession” (see report FCCC/CP/2015/L.9/Rev.1).