

Policy Brief:

Reforming the UN climate governance system

for an implementation context

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ABOUT THIS DOCUMENT

In this analysis, the number of substantive and procedural decisions of the COP, CMP, CMA, and SBs was estimated based on information available in the adopted agendas and published outcomes of the corresponding conferences, including subparagraphs and other formal and informal outcomes. However, it was subsequently determined that the analysis should be based on the [official UNFCCC decision repository](#) to ensure methodological consistency in counting decisions. Therefore, the second edition of this publication incorporates this methodological update, and the figures reported may differ from those presented in this version. For updated data and the methodology used, please refer to the [second edition of this publication \(as of May 2026\)](#).

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1 Introduction

After nearly three decades of multilateral climate negotiations, the international regime of climate change, i.e. the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol (KP) and the Paris Agreement (PA), has matured into a complex system of multilateral climate governance. Last year, 2024, marked the completion of the Paris Agreement Rulebook, a critical milestone to move towards the implementation of the provisions of these treaties, thus making the authors to reflect upon the effectiveness of a regime that for years has been focused solely on negotiating treaties and their rules and procedures and how it can be improved in a way that “*is connected to people’s real lives [...] and stimulates action and structural adjustments across all institutions and stakeholders that can contribute to it*” (COP30 Presidency, 2025).

However, transitioning towards implementation reveals persistent limitations in the regime’s functioning and its capacity to deliver progress in tackling the climate crisis. Despite the completion of core regulatory frameworks to the UNFCCC, KP and PA, the system continues to struggle with uneven implementation, growing procedural complexity, overlapping mandates, and a widening gap between negotiation outcomes and real-world climate action. As the climate crisis intensifies, the capacity of governments to use the UNFCCC system with agility, accountability, and ambition needs to be deliberated.

Evidence shows that the number of items on the provisional agendas for negotiation of the governing and subsidiary bodies of this system has increased by 50 and 87% over 1995-2023, in particular in relation to: a) the number of proposals from Parties for new agenda items; b) the technical work of the UNFCCC constituted bodies and work related to the implementation of the work programmes under the governing and subsidiary bodies, accompanied by growing numbers of related workplans and activities; and c) the number of mandated events,

with a record of 44 events during the sessions in 2023 (UNFCCC Secretariat, 2024a).

This policy brief investigates the procedural and structural performance of the UN climate regime in this implementation era and seeks to respond to the following questions: what are the current procedural and institutional opportunities and constraints of the climate governance system in delivering on its goals, and how should the system be adapted to ensure efficiency, accountability, and alignment with the urgency and scale of the climate crisis and response?

To address this, the brief combines different lines of inquiry. First, it draws information from a series of interviews to past and current members of constituted bodies, operating entities of the Financial Mechanism and the UNFCCC Secretariat on the effectiveness of the work of these bodies. Second, it undertakes a systematic review of the content of all decisions and conclusions adopted in 2022, 2023 and 2024 by the last 3 Conference of the Parties of the UNFCCC (COP) -i.e. COP27, COP28 and COP29-, the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) -i.e. CMA4, CMA5 and CMA6-, the Conference of the Parties Serving as the meeting of the Parties to the Kyoto Protocol (CMP) -i.e. CMP17, CMP18 and CMP19-, and the Subsidiary Bodies (SBs) -i.e. SBs57, SBs59 and SBs61- by distinguishing procedural content from substantive outcomes of these governing bodies. Third, a desk review of current institutional and implementation challenges and opportunities to the guidelines and procedures of this climate governance system. This multiple research approach allows for a deeper understanding of how institutional practices and norms are shaping—sometimes hindering—the effectiveness of the regime.

Ultimately, this brief aims to inform a forward-looking conversation about how to reform and future-proof the climate governance system, ensuring that it becomes not only a space for consensus-building, but also a mechanism capable of delivering measurable, timely, and equitable climate outcomes.



2 The UN climate regime

2.1. A brief history of the UN climate regime: the UNFCCC, the Kyoto Protocol and the Paris Agreement

The United Nations climate regime has been crafted over several decades with breakthroughs, setbacks, and plenty of late-night negotiations and the participation of thousands of negotiators from all over the world. The first assessment report (AR1) of the Intergovernmental Panel on Climate Change (IPCC) back in 1990, provided the scientific grounding for the United Nations General Assembly decision to establish an intergovernmental negotiation process for the preparation of a framework convention on climate change to address the issue of how emissions resulting from human activities were substantially increasing the atmospheric concentrations of greenhouse gases (GHG) and resulting in additional warming of the Earth's surface (UNGA, 1990).

As a result of that UNGA process, the United Nations Framework Convention on Climate Change (UNFCCC) was adopted in New York, on 9 May 1992, and was open for signature at Rio de Janeiro from 4 to 14 June 1992 (UNFCCC, 1992). This foundational treaty sets the ambitious objective to achieve “*stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system*”. The treaty is founded on the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC), which implies that developed countries included in a list of [Annex I](#)¹ and [Annex II](#)² of the UNFCCC were obliged to take the lead in mitigation commitments to reduce their greenhouse gas (GHG) emissions by the year

2000, and to provide support to developing countries (non-Annex Parties) in implementing climate action.

Soon after the adoption of the UNFCCC, it was clear that there was a need for actual emission reduction commitments to support the implementation of the Framework Convention, thus Parties negotiated a new treaty that was adopted with the name of the Kyoto Protocol in 1997 ([Kyoto Protocol](#), 1998).

This Protocol established individual legally binding quantified emission limitation or reduction commitments for each developed country included in its Annex B with two commitment periods for collective targets of their overall emissions of at least 5% below 1990 levels, firstly between 2008 - 2012; and with a second period between 2013 - 2020, to reduce at least 18% below 1990 levels (UNFCCC, 2012). Despite the efforts of negotiating these commitment periods and the enthusiasm of their implementation (especially around its market mechanisms which attracted the involvement of private actors globally), the US - at that point the largest GHG emitter globally - never ratified the Protocol; Canada - a major industrialized economy - withdrew from it in 2011 and a total of four developed countries - Canada, Japan, New Zealand and the Russian Federation - did not accept any binding targets for the second commitment period, thus undermining the credibility of the Protocol as a framework to tackle growing GHG emissions and opening up a discussion on how to craft a new treaty that would be universal in scope and action.

This discussion resulted in the Bali Action Plan (BAP) agreed at COP 13 which established a roadmap to create a new international climate change agreement by 2009 (UNFCCC, 2007). The plan aimed to achieve “deep cuts” in global emissions through long-term cooperative action, bridging the gap between developed and developing countries’ responsibilities, a precondition of success for such an agreement put forward by the US and the

1 Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, European Economic Community, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

2 Australia, Austria, Belgium, Canada, Denmark, European Economic Community, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.



other developed countries who withdrew the KP. COP15 (2009, Copenhagen) failed to deliver on this mandate, as there were no concrete conditions yet to broaden said scope and action.

Two years after the failure of Copenhagen -which was considered a blow to the credibility of the multilateral climate regime-, the Durban Platform for Enhanced Action (ADP) was tasked with developing a “Protocol, a legal instrument or an agreed outcome with legal force, applicable to all”. Negotiations concluded with the adoption of the Paris Agreement in 2015. This Agreement set clear long-term goals: limiting global warming to well below 2°C, striving for 1.5°C, increasing climate resilience, and aligning financial flows with low-emission, climate-resilient development pathways (UNFCCC, 2015).

In order to allow for universal participation of States in the global response to climate change, the Paris Agreement was given a very different architecture than that of the Kyoto Protocol. Instead of establishing quantified emissions reduction targets for individual developed country Parties in a top-down manner and a collective quantified emissions reduction target for all of them, the Paris Agreement establishes the obligation for all Parties, to prepare, communicate and maintain, in a bottom-up manner, successive NDCs that they intend to achieve as their contributions to the global response to climate change (UNFCCC, 2015). Each successive NDC must represent a progression with respect to the previous one and reflect the Party’s highest possible ambition to achieve the Agreement’s long-term goals.

Distinct from the Kyoto Protocol, which focused exclusively on mitigation, ambitious efforts communicated as NDCs under the Paris Agreement pertain to mitigation, adaptation, finance, capacity building, technology transfer and transparency. The principle of CBDR-RC evolved under the Paris Agreement with an added reference to the “different national circumstances” of Parties and is reflected in certain provisions of the Agreement, such as those that recognize that enhanced support for developing countries will allow for higher ambition in their actions and the obligation for developed countries to provide financial resources to assist developing countries with respect to both mitigation and adaptation, in continuation of their existing obligations under the Convention.

To compensate for the absence of enforcement over the compliance of a Party’s NDC, the Paris Agreement established a common Enhanced Transparency Framework applicable to both developed and developing countries - which were afforded flexibilities in its implementation - with the aim to build mutual trust and confidence and to promote effective implementation. Parties’ biennial transparency reports are among the inputs to the periodic Global Stocktake (GST) of the progress towards the achievement of the long-term goals of the Paris Agreement, the outcome of which shall inform Parties in updating and enhancing their next round of NDCs as well as in enhancing international cooperation for climate action.

The Paris Agreement took years to become fully operational. Now, with its rulebook complete, the communication of [Nationally Determined Contributions](#) informed by the outcomes of the [first global stocktake](#), [National Adaptation Plans \(NAPs\)](#) and [Adaptation Communications \(Adcoms\)](#), and the submission of the [first Biennial Transparency Reports](#), all the elements are in place to implement nationally determined commitments and plans, track progress and enhance climate action and ambition. These milestones mark an important step forward in strengthening transparency, accountability, and ambition for the fulfillment of the Agreement.



2.2. Assessment of performance of the UN Climate Regime

In this scenario where the rules to implement the Paris Agreement have been completed, we will now proceed to analyse how the institutional infrastructure of the regime works and what is the efficiency rate of the last three years of negotiations in terms of substantial and procedural decision making and its relationship with the implementation of the Agreement, the KP and the UNFCCC.

a. Institutional infrastructure

Currently, there is a total of 17 [constituted bodies](#) and 3 operational entities of the Financial Mechanism, and one



Secretariat that, altogether, as the technical, logistic and operational arms of the climate regime, are responsible for periodically monitoring and supporting the effective implementation of the UNFCCC, the KP and the PA, as well as the decisions adopted by their governing bodies, namely the COP, the CMP, and the CMA. Most constituted

bodies and operational entities of the Financial Mechanism serve exclusively either the UNFCCC, the KP or the PA, but it is also the case that there are bodies that respond to mandates of more than one treaty, such as the Secretariat. An illustrative chart (Figure 1) is presented below to facilitate understanding.

FIGURE 1. CONSTITUTED BODIES. OWN ELABORATION.

		UNITED NATION FRAMEWORK CONVENTION ON CLIMATE CHANGE (COP)	KYOTO PROTOCOL (CMP)	PARIS AGREEMENT (CMA)
1992	The Secretariat	●	●	●
1996	Bureau of the COP, CMP, and CMA	●	●	●
	Global Environment Facility (GEF)	●	●	●
1999	Consultative Group of Experts (CGE)	●	●	●
2001	Least Developed Countries Experts Group	●	●	●
	Executive Board of the Clean Development Mechanism (CDM)		●	
	Adaptation Fund	●	●	●
2005	The Compliance Committee of the Kyoto Protocol		●	
	The Joint Supervisory Committee (JISC)		●	
2007	Adaptation Fund Board		●	●
2010	Adaptation Committee	●		●
	Green Climate Fund (GCF)	●	●	●
	Technology Executive Committee (TEC)	●	●	●
	Climate Technology Centre and Network (CTCN)	●	●	●
2011	Standing Committee on Finance	●		●
2013	Executive Committee of the Warsaw International Mechanism for Loss and Damage	●		●
2015	Article 6.4 Supervisory Body			●
	Paris Committee on Capacity-building (PCCB)			●
	Paris Agreement Implementation and Compliance Committee (PAICC)			●
2017	Local Communities and Indigenous Peoples Platform (LCIPP)	●	●	●
2018	Katowice Committee of Experts on the Impacts of the Implementation of Response Measures (KCI)	●	●	●
2022	Fund for responding to Loss and Damage	●	●	●



Given the central role of these bodies and entities, the authors developed semi-structured interviews to current or former members from developing countries of the PCCB, PAICC, CGE, TEC, GCF, AFB, LCIPP, the Compliance Committee of the Kyoto Protocol, the Bureau, and the Secretariat, in order to obtain a critical perspective of the Global South on their effectiveness and capacity to deliver on the implementation of the ultimate objectives of the climate regime. It is important to clarify that the results of these interviews are not intended to represent an exhaustive and definitive diagnosis of the system, but rather to provide inputs that guide discussions on a system reform.

The interviews reveal a broad perception that constituted bodies and operational entities of the Financial Mechanism fulfill an essential role; however, they also face structural and political limitations that hinder their effective impact on the implementation of the climate regime. Some of the main findings are the following:

Weaknesses

NOT ALL CONSTITUTED BODIES FULFILL THEIR MANDATES AT LENGTH. Interviewees acknowledged that the assigned goals to constituted bodies are not always achieved, whether due to financial constraints, the prevalence of national interests that restrict global climate ambition, or a lack of autonomy from the guidance to their work as mandated by the governing bodies or the Secretariat. The latter plays a central role in defining the scope and agenda of meetings, which reduces members' ability to influence the direction and outcomes of their work. Likewise, the lack of clarity or consensus on certain concepts and rules of procedure (as occurs within the Bureau) hinders the achievement of goals. Overall, the mandates of these constituted bodies continue to be tied to the rulesetting approach of the climate regime, but are not necessarily wired to support implementation of the Paris Agreement, thus the milestone of the completion of the Agreement's rulebook calls for the revision of the mandates of these

constituted bodies and their functioning in the future.

THERE IS INSUFFICIENT COORDINATION AMONGST CONSTITUTED BODIES. A very strong institutional inertia for parallel but unarticulated efforts is evidenced by the fact that there is no institutionalized space to align work plans, share lessons learned, or strengthen joint actions amongst constituted bodies. This lack of coordination limits the effective fulfillment of their mandates and reduces the efficiency of the regime as a whole.

Coordination would be particularly valuable among bodies with similar or complementary functions, and the convening of regular meetings amongst constituted bodies and operational entities of the Financial Mechanism could facilitate the exchange of information, avoid duplication of work, and promote more coherent efforts toward the milestones established by their respective mandates. For example, greater coordination for specific topics, such as adaptation could be explored by converging the Adaptation Committee, the Adaptation Fund Executive Board, and the Adaptation Fund itself. Likewise, despite recurrent calls for operational and strategic collaboration amongst the operational entities of the Financial Mechanism, including at the level of greater uniformity of access requirements and procedures to better support the provision and mobilization of climate finance for developing countries, synergies between these entities have been limited and mostly formal or political, with fragmentation of funds being pointed out as an obstacle to system coherence, effectiveness and impact hindering technical exchange and programmatic coordination.

LACK OF ACCOUNTABILITY MECHANISMS AND STRONG CHARGE OF GEOPOLITICAL INTERESTS. Members of constituted bodies and operational entities of the Financial Mechanism may participate either in their personal capacity or as representatives of their country, regional group, or constituency, in accordance with their respective mandates³. This encourages impartial technical support to not always be prioritized for

3 Bodies whose members serve in their personal capacity: AC, CDM EB, PAICC, Compliance Committee under the PK, LEG, PCCB, Supervisory Body by Article 6, and TEC. Bodies whose members serve as representatives of their constituency: CTCN, and WIM ExCom. Bodies whose members serve as representatives of their regional group or constituency: CGE, KCI, SCF, GCF, FRLD and LCIPP (or representative of indigenous peoples organizations). Bodies whose members serve as representatives of their regional group: The COP/CMP/CMA Bureau. Bodies whose members serve as government representatives of their regional group or constituency: Adaptation Fund Board. (UNFCCC, 2024a).



greater climate ambition. It is often the case that national or group interests are put forward, thus weakening the technical nature of their work and generating tensions, especially between developed and developing countries and making them extended spaces of negotiation or mini-COPs. Accountability gaps also persist since there are no internal or external audits to monitor, evaluate, or provide feedback on their performance and fulfillment of mandates. This lack of oversight is partly due to internal resistance to internal oversight, as officials themselves oppose audits.

This situation has also led to an atmosphere of weariness and fatigue, which jeopardizes the objectives and delivery of the work of these bodies and entities.

INSUFFICIENT AND INADEQUATE FINANCIAL RESOURCES AND DIFFICULTIES FOR ACCESSING CLIMATE FUNDS. This is probably the most common constraint named by experts. At the operational level, the lack of funding has significantly limited the fulfillment of mandates (i.e. the CGE has been unable to execute several of its mandated efforts such as some regional workshops designed to provide technical assistance to facilitate preparation and submission of Biennial Transparency Reports to developing countries, due to budgetary constraints).

Another outstanding example is that of the Adaptation Fund which has historically operated with very limited resources for an area that is of the highest priority for developing countries, a situation that will continue after its transition from the Kyoto Protocol to the Paris Agreement, as it will rely heavily on the success rate of market mechanisms for its funding.

Moreover, complications persist in accessing the climate funds, as applicant countries must navigate a large number of requirements and cumbersome processes which include the predominant use of debt instruments; partial coverage of requested projects; and excessively bureaucratic or technical processes for obtaining financing.

For example, the GCF's operations have relied on Accredited Entities—organizations that must go through complex validation processes to be authorized to channel financing.

This results in limited access for countries with constrained technical, institutional, or financial capacities, especially vulnerable countries.

Strengths

COMPLIANCE MECHANISMS ARE OUR BEST ENTRY POINT TO ACCOUNTABILITY. Bodies such as the Compliance Committee of the Kyoto Protocol and the PAICC have taken significant steps to contribute to the verification of compliance with the obligations of countries and appropriately reporting them. Currently, PAICC “triggers” activate follow-up processes in the event of Parties’ failure to submit information including NDCs, BTRs and climate finance reports. Its role is especially relevant in the case of upcoming NDCs and the possibility for the Committee to exert direct pressure to accelerate their submission and compliance.

THE MULTILATERAL CLIMATE FUNDS ARE ESSENTIAL TO CLIMATE ACTION IN DEVELOPING COUNTRIES. All of the operational entities of the Financial Mechanism and the Adaptation Fund, also informally known as the multilateral climate funds (i.e. the Green Climate Fund, the Global Environment Facility (GEF), the Fund for Responding to Loss and Damage (FRLD), and the Adaptation Fund), are one of the most important pillars for the success of the international climate regime. Their mere existence represents an achievement in climate justice and, in some cases like the Adaptation Fund, its pioneering feature in direct access has directly benefited vulnerable communities and facilitated a more agile relationship with recipient countries with less intermediation.

Although still far from covering the needs of developing countries, these funds have raised over USD 68 billion throughout the Global South (i.e. GCF - USD [42.8 billion](#) USD in 209 approved projects from 2015 to 2022; GEF - USD [26 billion](#) over the past three decades; and the Adaptation Fund has financed [183](#) projects in the most vulnerable communities), ensuring that climate finance reaches needs and opportunities, in particular in many countries that would not have access to debt instruments in other commercial forms.



CONSTITUTED BODIES FACILITATE TECHNICAL LEARNING, CAPACITY BUILDING, AND THE NEGOTIATION PROCESS ITSELF. Constituted bodies are valued as essential spaces for technical learning, the generation of specialized knowledge, and the facilitation of climate negotiations, in addition to serving as key sources of information for Parties. Despite the challenges they face, their existence represents a significant asset within the international climate regime. In particular, bodies such as compliance committees and multilateral climate funds offer concrete tools that enable countries, especially the most vulnerable, to make progress in meeting their commitments and access the resources needed for climate action.

On a separate note, interviews revealed a perception that the Secretariat, although focused on procedural functions, due to its structure and capabilities which respond almost exclusively to the logic of negotiations (UNFCCC, 1992), could play a more active role as an agency providing direct support for implementation and greater efficiency of the UN Climate regimen, including in relation to:

1. strengthen coordination and communication among the bodies, assuming a leadership role that avoids duplication, aligns agendas, and unifies functions,
2. improve transparency, both internally and within the constituted bodies, through clear reporting and performance monitoring mechanisms.
3. provide direct technical assistance to Parties in the implementation of the Paris Agreement, including in relation to NDCs, NAPs, LTS and other planning instruments and guidance for their implementation.

In short, the Secretariat and constituted bodies must be re-evaluated based on their current capacities and limitations, and not simply maintained through institutional inertia, especially in a context that demands urgent changes in various areas of the climate regime. Thus, the bodies with activities more focused on ensuring implementation could be those linked to compliance (such as PAICC and the climate funds). On the other hand, some require strengthening, review, or

transformation to expand their role toward implementation, which is the case for most bodies, including the Secretariat, (such as PCCB or CGE). Likewise, as will be addressed later, it's worth reconsidering the permanence of those bodies whose mandates have expired or whose relevance has diminished, such as those established under the Kyoto Protocol (such as the Compliance Committee of the PK and CDM).

b. Decision making processes

In addition to the institutional infrastructure analysis, this policy brief developed a systematic review of the content of decisions adopted by the last three years of negotiations of COP, CMP, CMA and their Subsidiary Bodies (SBs). This sample was taken to demonstrate the working patterns of the various bodies in the run up to the finalization of the Paris Agreement rulebook and sheds light on what could be a useful trend regarding the processes and outcomes of future negotiations.

The analysis focused on a systematic review of all the decision texts and conclusions resulting from each agenda item at each of the analyzed negotiation sessions of the governing bodies, distinguishing between substantive and procedural decisions. Substantive decisions were defined as those outcomes introducing new rules, policies, operational mandates and guidelines, or funding arrangements, that were directly aiming to support the implementation of the UNFCCC, the KP and/or the PA and often involving measurable or structural changes. Good examples of the type of substantive decisions being taken over the last three years include:

- The establishment of new funding arrangements for assisting developing countries that are particularly vulnerable to the adverse effects of climate change in responding to loss and damage, including the establishment of a Fund for responding to Loss and Damage, in response to Article 8 of the PA (decisions [2/CP.27](#) and [2/CMA.4](#), 2022);
- The outcome of the first global stocktake which is a fundamental milestone for enhancing climate action and international cooperation by calling upon Parties to contribute more ambitious NDCs, peak emissions before



2025, and accelerate action in this critical decade; and by providing concrete sectorial guidance on energy, forests and adaptation as to how this action should be done, in response of Article 14 of the PA ([1/CMA.5](#), 2023);

- The setting of a New Collective Quantified Goal on Finance - NCQG of at least USD 300 billion per year by 2035 and the launching, under the guidance of the CMA6 and CMA7 Presidencies, of the Baku to Belém Roadmap to 1.3 trillion by 2035, in contributing to increasing and accelerating ambition and scaling up climate finance to developing country Parties, in response of Article 9 of the PA ([1/CMA.6](#), 2024).

These 3 decisions are of a policy defining nature by addressing specific needs of the Paris Agreement, having an outcome that was subject of extensive negotiations, having forward looking mandates with clear deadlines or milestones; and having structural implications.

In contrast, procedural decisions and conclusions are understood as those that do not introduce new rules or policy directions; rather they reiterate or recall past conclusions; acknowledge reports or institutional updates; set timelines for future consideration; show appreciation for hosting of meetings or presentation of reports; or maintain existing work-streams. A couple of examples of this type of decisions are:

- **Agenda item 6(a) COP29 on the Adaptation Committee reports:** “The COP welcomed the 2023 and 2024 reports”.
- **Agenda item 7 COP29 on the Warsaw International Mechanism:** it welcomes the progress of the WIM ExCom in implementing its rolling workplan for 2023–2027, adopts the rules of procedure of the Advisory Board of the Santiago network and requests the SBs to continue consideration of the 2024 joint annual report of the ExCom and the Santiago network with a view to recommending a draft decision for the session(s) to be held in November 2025.

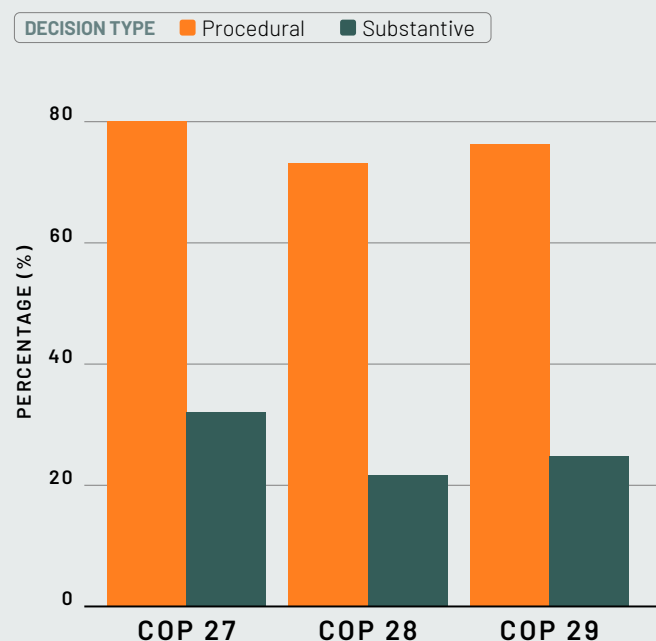
This approach of procedural vs substantive decisions and conclusions enabled a clear distinction between policy-defining outcomes and administrative continuity, allowing for comparative analysis across negotiation sessions over the last three years, with the main results of this analysis being presented in Table 1 and Figure 2 below and in essence being that the vast majority (87%) of the decisions taken over the assessed period were classified as procedural provided that their content is either reiterative or administrative only and 25% of the total number of procedural decisions are either items being deferred to future sessions or in abeyance. On the other hand, substantive decisions represent on average 12.9%.

TABLE 1. DISTRIBUTION OF DECISIONS AND CONCLUSIONS IN 2022, 2023 AND 2024, ACCORDING TO THE PROPOSED TYPOLOGY. OWN ELABORATION. [CLICK HERE TO ACCESS FULL DATASET](#)

TYPOLGY	2022	2023	2024
PROCEDURAL DECISIONS AND CONCLUSIONS BY THE COP, CMA, CMP AND SBS PER YEAR	94	86	104
SUBSTANTIVE DECISIONS AND CONCLUSIONS BY THE COP, CMA, CMP AND SBS PER YEAR	18	13	11
TOTAL DECISIONS AND CONCLUSIONS PER YEAR	112	99	115



FIGURE 2. PERCENTAGE OF SUBSTANTIVE VERSUS PROCEDURAL DECISIONS AND CONCLUSIONS IN 2022, 2023 AND 2024. OWN ELABORATION.



The predominance of procedural outcomes in the last 3 years of negotiations -and its increase compared to the decrease in substantive decisions- does not mean that there is no value in those decision-making processes, provided that it is still necessary to continue monitoring progress in the delivery of climate commitments on all areas of climate action and to exert pressure to increase ambition. However, it is relevant to mark the milestone of the completion of the Paris Agreement rulebook to reflect whether all agenda items of the COP, CMP, CMA and the SBs continue to be relevant or else, to redefine the form that the decision making process should take place in the upcoming years, putting more emphasis on issues such as transparency, climate finance, compliance and the global stocktake.

This is an issue that has been present in negotiations for years -particularly under the Arrangements for Intergovernmental Meetings (AIM) agenda item-, with Parties calling for avenues for improving the process's efficiency, including the following:

- Streamlining negotiation agendas through multi-year programmatic planning to reduce the number of agenda

items not expected to result in substantive outcomes, so that matters be considered annually, biennially, triennially or on a quinquennial basis, depending on their content. For example, operating entities of the Financial Mechanism could report on a biennial or triennial basis rather than annually, which would result in the respective items being considered every two or three years instead of annually. Changing the frequency of the sessions has been repeatedly postponed because of concerns on its implications for existing mandates and commitments, particularly under the Paris Agreement, and will not be considered again until 2028 ([UNFCCC secretariat, 2025](#));

- Alternating the host of sessions between the host country and the seat of the secretariat ([UNFCCC secretariat, 2024b](#));
- Reducing the length of statements by Parties and observers to ensure more time for negotiations, and encouraging the posting of written statements on the UNFCCC website, where possible, rather than oral presentations ([UNFCCC, 2024b](#));
- Indicating procedural conclusions in provisional agendas for the sessions, in order to allow Parties to consider removing them from the negotiation sessions ([UNFCCC secretariat, 2024a](#));
- Adopting the [rules of procedure](#) of the governing bodies, including specified majorities required for the adoption of particular decisions, which have been held in abeyance since COP1 ([Legal Response International, 2009](#)), or taking on the joint proposal by Papua New Guinea and Mexico to amend Articles 7 and 18 of the Convention to allow for an exception to consensus, and to allow decisions to be taken by a three-fourths majority once consensus had been exhausted. These two agenda items on rules of procedure and voting continue to appear as agenda items of COP without any consideration by Parties ([Depledge, 2024](#)). It is important to note that the protracted amendment process and risk of parallel decision making regimes point back



to adopting the Rules of Procedure with clear majority-voting provisions ([Legal Response Initiative](#), 2011).

The adoption of voting rules can help avoid the default decision making mechanism of consensus, which has no clear definition within the UNFCCC ([Wolfrun and Pinchon](#), 2010), and that has been at times incompatible in setting the stage for ambitious and urgent decisions. We see evidence across the UN system of major decisions being achieved over the past years through majority voting. To name a few: the United Nations General Assembly (UNGA) agreed on the Terms of Reference for the adoption of a UN Framework Convention on International Tax Cooperation in 2023 despite a minority-group opposition (particularly from developed countries); the adoption of the Treaty on the Prohibition of Nuclear Weapons in 2017, even with one vote against and several abstentions, and the adoption of the International Labour Organization (ILO) Violence & Harassment Convention No. 190, in spite of a minority group opposition.

There is an additional issue that is broader in nature although it also relates to providing additional efficiency to the negotiation process: the dignified closure of the Kyoto Protocol. The second and final commitment period of the Kyoto Protocol ended back in 2020, and 2025 is the last year in which its Compliance Committee is verifying the

completion of those commitments with an upcoming delivery of their assessment. However, the Protocol lacks a sunset clause that would allow its structures to be formally closed (i.e. said Compliance Committee plus the Executive Board of the CDM, and the Joint Implementation Supervisory Committee, as explained in Figure 1).

At the budgetary level, the closure of the KP would entail savings of more than €62 million for the next 5 years, if budgetary planning continues on a business as usual basis. For the 2022 - 2023 biennium, €33 million were allocated to mechanisms established under the KP (i.e. €16.7 million for its constituted bodies, €7.7 million for data and information management, €7.9 million for enhanced engagement, and €0.7 million for oversight and management [UNFCCC](#), 2021), while €29.1 million were allocated for the 2024-2025 biennium (€25.1 million for its constituted bodies, €0.3 million for enhanced engagement, €2.7 million for data and information management, and €1.0 million for oversight and management; [UNFCCC](#), 2023).

Apart from the budgetary savings, it would be a good signal that it is time to focus resources, attention, and ambition on the effective implementation of the Paris Agreement if the CMP were to send a clear message to the Parties that the substantive functions of the Protocol have concluded, thus enabling its closure.



The legacy of the Kyoto Protocol can live beyond the closure of the CMP since the climate regime itself has learnt from the negotiation and implementation of the KP, for example through the continued existence of the Adaptation Fund, originally created under the Protocol realm. Additionally, some best practices such as the work of the KP's Compliance Committee can strengthen the PAICC in terms of facilitation, advice to the Parties, and preventive diplomacy and offer useful lessons for monitoring and early warning of non-compliance risks, now especially relevant given the NDC update period (Roig, 2024). Likewise, the lessons learnt in the KP's carbon market mechanisms should be a basis to consider an strengthened implementation of the requirements of Article 6 mechanisms under the PA (Olsen, Arens, & Mersmann, 2018).

Furthermore, as part of the needed institutional and process improvements, there is a need to examine and address the influence that the interests of the COP host presidencies can exert, especially when they correspond to highly polluting or oil-producing countries. For instance, the last two COPs host countries have appointed as presidents both current and former oil executives, undermining the credibility of the process and casting doubt on the ability of the presidencies to act in the interest of advancing climate action. These concerns have materialized, with both COP28 and COP29 presidencies being used to further expand national fossil fuel agendas, as evidenced by research developed by

Global Witness in 2023 and 2024 (Galey, 2024; Global Witness, 2024). This is why it is fundamental that the UN climate regime counts on a robust framework for managing conflicts of interest, require declarations of affiliation from delegates, implement a code of conduct with transparency criteria, and limit alliances with polluting actors (Transparency International, 2025) and that the role of COP Presidencies also adjusts to the implementation era of the Paris framework.

The milestone of the completion of the PA rulebook also calls for a critical evaluation of the size and balance of representation of each of the negotiation sessions. The number of attendees to these summits has skyrocketed over time moving from 970 at COP2 to 43,978 at COP28, an increase of 4,433%. However, this growth has not meant greater inclusion of historically marginalized actors, such as Indigenous Peoples, and other vulnerable groups whose representation at the last two COPs barely reached between 2.2% and 3.2% (UNFCCC, 2025a). Likewise, this growing interest from different stakeholders includes a very worrisome increasing attendance of oil lobbyists, i.e. at COP28, more than 2,400 lobbyists from this sector participated in the negotiations (Lakhani, 2023), and at COP29. Thus, it has also been recommended to reduce the number of participants (e.g. large delegations, banning oil lobbyists) as well as the number of COPs, for example, by synchronizing the meetings of the three Rio Conventions in time and geography.



3 The implementation era

With the analysis presented above, it is useful to also look into the future onto the main challenges and opportunities for the implementation of the Paris Agreement and the role of the UN climate regime in this task. Some of the areas that will be looked at in the following section relate to procedural and capacity barriers, exogenous and geopolitical factors; as well as specific issues such as financing, transparency, accountability, the role of non-state actors and synergies between the Rio Conventions.

3.1. Soft law vs hard law

Overreliance on soft law is often seen as a legal and institutional weakness of the international climate regime, one that is shared by other multilateral agreements, particularly environmental. The UN climate regime has used both, hard law and soft law approaches over its 30 years of history. On the one hand, the Kyoto Protocol embodied hard law through legally binding commitments of emissions reductions and derived sanctions for non-compliance for developed countries. On the other hand, the soft law approach has been pursued via all COP/CMP/CMA decisions taken year by year since 1994 and in the nature of commitments under the PA, which were purposely designed in a non-punitive, facilitative and nationally determined fashion, hence defined bottom up instead of top down. The rationale behind the nature of these commitments came as a direct response to the failures of the Kyoto Protocol which was never ratified by the US, but also when sanctions were actually applied to non-compliant developed countries, some of these countries (namely New Zealand, Japan and Russia) took the decision to not join the Protocol's second

commitment period, undermining the effectiveness of the regime, despite its hard law perspective. It is to be noted, however, that the Paris Agreement includes a number of legally binding obligations of all Parties, such as the submission of NDCs or the obligation by developed countries to provide financial support to developing countries, thus the Paris Agreement itself holds a combination of soft and hard law provisions.

Notwithstanding the above, the most recent advisory opinion of the International Court of Justice (ICJ) significantly clarifies the strength of soft-law decisions of the PA, provided that the Court has explicitly recognized that COP/CMA decisions may create legally binding obligations under Article 31(3)(a) of the Vienna Convention on the Law of Treaties⁴ (ICJ, 2025). The Court asserted that the PA contains multiple provisions introduced with the term “shall”, which constitute a *binding obligation of conduct and result*⁵, including on -but not limited to- NDCs⁶ and adaptation planning⁷; and the provision and reporting of finance in line with Article 9.1 of the PA⁸ (ICJ, 2025). By clarifying such obligations are legally binding in nature, and that their breach constitutes an internationally wrongful act giving rise to responsibility and reparation⁹, the advisory opinion elevates the PA beyond its “facilitative” character, narrowing the gap between soft and hard law, affirming that key treaty provisions and COP/CMA decisions are legally enforceable by international law.

Following this ICJ advisory opinion, there is a very clear opportunity that future negotiations of the COP and the CMA focus on the implementation of the Agreement itself, and that the next years foster enhanced mechanisms of accountability and compliance of commitments, including by a strengthened application of the GST (i.e. the next one in 2028 must target increased ambition of NDCs and

4 Pages 62-63 of the ICJ Advisory Opinion

5 Idem, pages 67-68

6 Idem, pages 75-80

7 Idem, page 81

8 Idem, page 83

9 Idem, pages 69, 123-128



delivery of action before 2030) and the so-called of the ambition mechanism of the PA (i.e. the Enhanced Transparency Framework, the PAICC, progressively more ambitious NDCs and the provision of financial, technology and capacity support to developing countries).

Likewise, the best proof that the multilateral system is working, despite the absence of sanctions, comes from the actual implementation of actions and commitments. This year 2025 is an important milestone to the delivery of updated NDCs of all Parties, but it will be particularly critical that developed countries and G20 countries, which contribute over 80% of global GHG emissions, rise to the challenge of aligning their NDCs to what science has called for and that there is sufficient accountability on the delivery of these commitments during the next 5 years.



3.2. Geopolitics

There are exogenous factors that affect the achievement of global climate goals. Geopolitics, national interests and global risks are deeply intertwined with climate ambition. The current context of war, trade tariffs conflicts, growing conservationist or negationist leaders and limited trust in the multilateral system need to be part of the assessment of the likelihood of implementing the Paris Agreement's goals in the near future.

The position of the United States under the current Trump administration has exerted a strong negative geopolitical influence on climate action. On the one hand, its nationalist policies that ended up in the closing of the United States Aid Development Agency (USAID) which, among other humanitarian and development priorities, used to finance climate action throughout the developing world, has resulted in an unmeasurable undermining of climate efforts in the Global South (Welz, 2025). On the other hand, the aggressive economic trade war started by the Trump administration is framing a shift in the national interests of the world's largest emitting countries such as Russia, China and the European Union, which are increasingly prioritizing policies focused on

military or trade wars with their adversaries (e.g. the EU announcement to increase military spending to €800 billion to rearm Europe (European Commission, 2025), in direct detriment to international cooperation to climate action (Conflict and Environment Observatory, 2025).

On the positive end of the geopolitical shift in present history, China is at the **forefront** of renewable energy investments and could take advantage of the vacuum left by the US in this area and in its relations with the Global South. The country could position itself both as a climate leader and as a key player in South-South cooperation. Its drive to establish a new international financial system from the BRICS (Ministry of Foreign Affairs People's Republic of China, 2025), favoring developing countries, along with its growing dominance in electric vehicle and renewable energy production, could provide elements that address the implementation barriers that other powers are overlooking, as well as fostering an energy transition in places where industrialised nations have not invested sufficiently.



3.3. Financial resources

Although the global economy generates over \$100 trillion annually (World Bank Group, 2025, CPI, 2025), the persistent lack of adequate, accessible and efficient climate finance and investments in developing countries remains one of the greatest obstacles to ensuring a livable and just planet through the implementation of the Paris Agreement. Current mechanisms for mobilizing and distributing resources are limited in financial resources and their operational procedures have translated into asymmetric access, slow delivery, and a systemic underfunding of priority areas, particularly for developing countries and vulnerable populations, which continue to face serious limitations in accessing the resources needed to implement their NDCs, NAPs, LTS (Long-term Strategy), and responses to loss and damage, thus reinforcing the need for a more systemic transformation of the climate finance architecture (Gautam, et al, 2024).

To overcome these limitations, the actual delivery of the new collective quantified goal on finance to at least mobilize USD



300 billion per year by 2035, as well as of the roadmap Baku to Belem to scale up financial flows to at least [USD 1.3 trillion](#) annually by the same date is fundamental to effectively expand the fiscal space of developing countries to deliver on their climate strategies and will require the definition of interim targets, periodic review points, and a robust accountability architecture capable of tracking progress, identifying gaps, and guiding course corrections, including beyond the remit of the UNFCCC climate regime and in relation to the global financial governance architecture.

Likewise, operationalizing Article 2.1(c) of the PA will be central to ensuring coherence between climate goals and the broader financial system since its mandate of climate consistency of all financial flows (public and private, domestic and international) provides a legal and political entry point to anchor systemic reforms across the financial ecosystem, from Multilateral Development Banks and national development banks to regulators and private capital. However, realizing its potential requires the UNFCCC to establish a political and conceptual framework that clarifies expectations, promotes consistency, and enhances coherence across jurisdictions. Without it, efforts to shift financial flows will remain scattered, and the structural transformation required will be elusive (Lopez Carbajal et al., 2025).

Together, the NCQG, its roadmap, and Article 2.1(c) can act as reinforcing levers for systemic reform, shifting from fragmented targets to a comprehensive architecture that ensures adequacy, improves access, and embeds climate justice in financial governance. These changes are particularly urgent given current allocation patterns, 55% is in the form of loans, perpetuating debt cycles, and only 28% is allocated to adaptation measures (López and Bueno, 2024).

In this sense, it is urgent to unlock solutions so that climate finance can flow fairly, especially to developing countries. In adaptation, which has been historically less funded than mitigation, most resources come from the public sector, while institutional investors and commercial banks represent less than 3% (Cox and Lightfoot, 2024). Furthermore, addressing questions on who is granted

access remain crucial: less than 1% of climate aid reaches Indigenous Peoples (WWF, 2024), and in 2019 only 0.04% of climate-related ODA targeted gender equality as its principal objective (CPI, 2022).

Some emerging initiatives offer entry points. The [Bridgetown Initiative](#), for instance, proposes redirecting surplus Special Drawing Rights (SDRs) from the IMF to support vulnerable countries, with the goal of unlocking \$100 billion in concessional finance. Similarly, Nature-Based Solutions—despite their conceptual limitations, can serve as cost-effective vehicles for mitigation and adaptation, while reinforcing local resilience. However, these innovations must be brought into a coherent multilateral framework that ensures complementarity with the UNFCCC regime, upholds equity, and aligns with long-term development strategies.



3.4. Transparency, accountability and compliance

The Enhanced Transparency Framework constitutes one of the most significant advances for effectively monitoring the implementation of the PA. Its gradual evolution complements previous UNFCCC transparency arrangements, such as National Communications and National GHG Inventories, biennial reports and biennial update reports, the international assessment and review process, and the international consultation and analysis process, as outlined in Article 13, paragraph 4 of the PA.

Thus, BTRs—that started to be delivered in December 2024—consolidate progress under a common framework requiring all Parties, except LDCs and Small Island Developing States (SIDs), to submit reports every two years to demonstrate progress on the implementation of NDCs and reporting on the status of their greenhouse gas emissions. This is then a unified framework that promotes a shared vision of transparency while strengthening the reporting basis for the GST. It also allows information being reported to function as a mechanism for international pressure against potential non-compliance of commitments.



However, challenges remain, as the PA's transparency mechanism does not provide individualized accountability. Oversight has thus fallen mainly to the national level, where non-state actors play a key role in pressuring governments, often through climate litigation. For example, in 2021 Greenpeace Mexico sued the Mexican government for submitting a less ambitious NDC than the previous one, which contravened the guidelines of the PA ([Greenpeace Mexico, 2021](#)).

While climate litigation at the national level has gained importance in demanding compliance with climate goals, this effort should be complemented by greater oversight at the international level, within the climate regime itself, in particular through the effective role of the PAICC triggers, its support to facilitate implementation and vigilance to the implementation of the PA through its planning and transparency instruments, which serves as a basis to accountability.

Other areas that can enhance accountability relate to strengthening the reporting and monitoring in the implementation of adaptation measures, means of implementation and loss and damage responses, since the current reporting has focused primarily on mitigation. This is particularly important at the eve of adopting the indicators of the Global Goal on Adaptation (GGA), including for means of implementation, which can help understand better overall progress on adaptation action, as well as for loss and damage responses and support needed to this end. Also, the provision of actual ex ante quantitative and qualitative information on projected levels of public financial resources to be provided to developing country Parties is critical to enhance certainty in climate planning throughout the Global South, together with better reporting of support provided and mobilized through BTRs ([Legal Response International, 2018](#)).

Likewise, climate transparency must incorporate a longer term perspective. Along with NDCs, countries are encouraged to establish strategies toward climate neutrality by 2050, however many have not yet developed them. As of

August 2025, only [79](#) out of 195 countries had submitted them. Thus, current commitments should include robust monitoring to assess not only immediate progress but also future projections, improving the quality of reported information and promoting more effective climate action, both in the short and long term ([Partnership on Transparency in the Paris Agreement, 2025](#)).

A main challenge in preparing these reports is obtaining consistent, high-quality data, which is often incomplete or difficult to access (Climate Promise, 2023). This particularly affects developing countries, which before the Measurement, Reporting, and Verification system were not required to submit biennial reports. Under the ETF, reporting demands have increased, posing both challenges and opportunities for the Global South. During the first BTR cycle, 101 reports had been submitted by April 3, 2025, including voluntary contributions from LDCs and SIDS. These early experiences will provide valuable lessons for strengthening transparency across all climate commitments and will inform the revision of Transparency Framework guidelines in 2028.



3.5. The role of non-Party stakeholders (NPS)

The international climate regime is centered on States, as per the rule making of international public law. However, given the magnitude of the challenge posed by climate change, effective implementation of the PA requires a broader approach, including through examining a more prominent role for non-state actors (NSA) —such as sub-national governments, the private sector, civil society, and local communities, all of which have been participating, catalysing and advocating for real change, as it is shown in the [2024 Yearbook of Global Climate Action](#), which recorded over 39,000 initiatives from companies, cities, organizations, investors, and regions as part of the Action Agenda led by the Climate High-Level Champions and the Marrakech Partnership. Specific tools such as the [UNFCCC Global Climate Action Portal](#), the [Recognition and Accountability Framework](#), and initiatives like [Race to Zero](#) and



Race to Resilience make NSAs contributions even more visible. Moreover, under the COP30 Presidency, efforts such as the Mutirão and globally determined contributions have further highlighted non-state action.

It can be observed that as regulators establish disclosure standards that shape market behavior, the private sector is encouraged to integrate climate risks into decision-making. Multilateral Development Banks (MDBs) and non-governmental organizations (NGOs) build the capacity of local banks and micro, small and medium enterprises (MSMEs) to apply such frameworks, while advocacy organizations use the resulting transparency to monitor progress and expose gaps, thus advancing climate finance consistency through complementary actions from different actors and levels (Lopez Carbajal et al., 2025). This sheds light on the multi-actor, multi-level challenge of implementing the PA, which requires the UNFCCC to increasingly engage with NSAs as a political signaler able to steer implementation across different actors while also providing the conditions and spaces for accountability setters, such as advocacy organizations, to bring forward their concerns and demands on how implementation takes place.



3.6. Integration with the Rio Conventions

The three Conventions that emerged from the 1992 Earth Summit—the UNFCCC, the Convention on Biological Diversity (CBD), and the United Nations Convention to Combat Desertification (UNCCD)—share interrelated objectives in the face of global problems such as the triple planetary crisis: climate change, biodiversity loss, and environmental degradation.

Both the CBD and the UNFCCC rely, for example, on intergovernmental bodies at the science-policy interface. The former collaborates with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), while the latter relies on the IPCC. Regarding planning for implementation at the national level, the CBD mandates the development of National Biodiversity

Strategies and Action Plans (NBSAPs), the UNFCCC mandates NDCs, and the UNCCD promotes Land Degradation Neutrality (LDN) goals.

However, despite their common origins and points of convergence, the conventions have evolved in parallel but distinct ways, with synergies remaining unaddressed. The three now have their own complexity, interests, and specific instruments for achieving their objectives, which have distanced them. For example, there has never been a standing agenda item on climate change and biodiversity within the UNFCCC, and Party interest in cooperating with the other Rio Conventions declined sharply after the mid-2000s (Fernández, Sierra, and Bernard, 2025).

In this context, it is important to strengthen efforts to create synergies through coherent policies, as comprehensive solutions are sought to address climate change and its attendant problems, and to advance the implementation of the PA. There are key issues that can be addressed through these synergies. For instance, water, considering that “water resource management is intrinsically linked to challenges such as climate change, biodiversity loss, and desertification” (Fakhruddin, 2025). Furthermore, nature-based solutions as defined in UNEA resolution 5/5, which can be implemented and promoted through the Rio Conventions, would allow for cross-cutting responses.



3.7. Missing discussions on the root causes of climate change

The dominant economic paradigm, capitalism, has driven different phenomena such as overproduction, excessive consumerism, and the concentration of wealth in a few hands. This system is closely linked to the climate crisis, as it is precisely these consumption and production patterns that continue to destroy the planet’s social and environmental conditions. The economic and political elites of the most powerful countries and groups have been responsible for disproportionately harming the Global South, the peripheries, as well as Indigenous Peoples and Earth defenders.



There is growing evidence of the environmental damage caused by the main beneficiaries of this economic system: transnational corporations and billionaires. The world's largest emitting companies have contributed 71% of global industrial GHG emissions since 1988 (Iglesias, 2020), and the emissions of the 180 largest fossil fuel companies have been proven to be directly responsible for the rise in dozens of increasingly deadly heat waves (Quilcaille, et al, 2025).

Despite the recognition of the need to change these unsustainable global production and consumption patterns in the Paris Agreement, it was only at COP28 —more than 30 years since the adoption of the UNFCCC— that the need to “transition away from fossil fuels” was finally recognized, however, without a clear deadline to finalize the said transition and failing to address the need for energy demand reduction strategies to be adopted by Global North countries, so to stop a growing trend to increase the use of renewable energy only to supply growing energy demand.

It is worth noting, however, that this stance on corporate climate accountability on fossil fuel companies and other major polluting companies may shift in light of the ICJ's 2025 Advisory Opinion. While the opinion is not legally-binding on States, and does not impose obligations to private actors (who are not subjects of international law), it does create indirect implications through Parties. In its

Advisory Opinion, the ICJ affirmed that the obligation to “prevent significant harm in protecting the climate system” extends not only States' conduct but also “actions or omissions of non-State actors within their jurisdiction or effective control”¹⁰ (ICJ, 2025). In doing so, the Court established States' stringent duty of due diligence to regulate corporate activities that drive greenhouse gas emissions, including -but not limited to- those of fossil fuel companies, with failing to do amounting as an internationally wrongful act (ICJ, 2025)¹¹. This framing introduces a new layer of pressure on Parties to bring corporate climate accountability more squarely into UNFCCC discussions amidst increased risks of litigation.

Finally, the future of the climate regime must address structural transformations, confront the roots of the problem and bring to light the relationship between the capitalist system and the environmental emergency, revealing the consequences of perpetuating the overproduction and overconsumption of the most industrialized nations, large corporations, and millionaires and looking into economic alternatives already highlighted by the IPCC such as *Buen Vivir* (*the good living*), which promotes reciprocity with nature, collective well-being, and balance with ecosystems and degrowth, which seeks the intentional reduction of gross domestic product (GDP) and emissions by scaling down production and consumption (IPCC, 2022).

10 Pages 109 and 117 of the ICJ Advisory Opinion

11 Idem. Page 123



4 Conclusions and recommendations on how to adapt the UN climate regime to a new context of implementation

As it is assessed throughout this document, the UN climate regime has been effective in supporting a three-decade process of rule setting for this international system to address the climate crisis. This process of rule setting is now completed, so the question is how governments can adapt this regime to the actual implementation of rules and actions, guided by principles of urgency, comprehensiveness, effectiveness, accountability and a more action-oriented approach that can be fostered either through the existing institutional architecture or through new ones.

It is important to recall that the COP, the CMP and the CMA “shall [respectively] keep under regular review the implementation of the Convention and the Paris Agreement

and shall make, within their mandates, the decisions necessary to promote their effective implementation”.¹² This is relevant because the natural growth of agenda items for the rule setting process of the Paris Agreement should now turn into more manageable agendas of the COP and the CMA, the closure of the CMP, and more serious consideration to the scale of UNFCCC conferences as well as the mandates of the constituted bodies and the Secretariat in fulfilling the implementation of the PA.

The new shape of the institutional structure of the climate regime is an issue that could be linked to the discussions of the UN system reform currently undertaken by the UN Secretary General, in which there are some references to the possibility of integrating the UNFCCC and its secretariat into the UNEP ([Guilanpour and Gomez Echeverri, 2025](#)) or else, the possibility for the UNFCCC secretariat to take on a more active role as an implementation agency, while it continues to accompany more procedural negotiation sessions that must be streamlined in the future.

Likewise, the incoming [COP30 Presidency](#) has brought forward the following series of proposals aimed at revitalizing the tools of climate diplomacy:

A.



the creation of a UN Climate Council (proposed by Brazil's President Lula at the G20 Leaders' Meeting in November 2024, to be established by the UN General Assembly, it aims to bring together different actors, processes and currently fragmented mechanisms with the purpose of accelerating the implementation of the Paris Agreement by adding another level of governance for specialized climate-related issues ([Government of Brazil, 2024](#));

B.



an Emergency Platform to help vulnerable countries (following a proposal by the UN Secretary-General in its [Our Common Agenda](#) report in 2021, this platform suggests systemic approaches to help vulnerable countries in emergency situations through connecting the work of the Santiago Network, the Warsaw International Mechanism and the FRLD with Multilateral Development Banks, International Financial Institutions and the “Early-Warning for All” initiative of the UN Secretary-General ([COP30 Presidency, 2025b](#));



C.



the deployment of a series of strategic actors framed as the Circles of Leadership (i) the “Circle of COP Presidents” –chaired by COP21 President– to advise the COP30 Presidency on how the international community can further strengthen global climate governance and accelerate the implementation of the Paris Agreement; ii) the “Circle of Peoples” –led by Brazil’s Minister of Indigenous Peoples– to advise the COP30 Presidency on how to deepen global recognition and integration of traditional knowledge, practices, and solutions into mainstream climate discourse; iii) the “Circle of Finance Ministers” –chaired by Brazil’s Minister of Finance– to provide the COP 30 Presidency with strategic insights and actionable recommendations

from an implementation and policy-making perspective on climate finance issues; and iv) the Global Ethical Stocktake Circle –led by Brazil’s Minister of Environment and Climate Change– to elevate global awareness through inclusive dialogues across diverse regions, bringing together political, intellectual, academic, cultural and religious leaders, as well as voices from all sectors of society ([COP30 Presidency, 2025b](#)) and Special Envoys –namely 30 key figures from different regions (10) and strategic sectors (20)– to engage with key actors in order to facilitate coordination processes and build bridges between different solutions and dimensions of the climate crisis that are being addressed in a fragmented way ([COP30 Presidency, 2025c](#)) and;

D.



the development of a Global Ethical Stocktake (GES). Inspired by the Paris Agreement’s global stocktake, it proposes going beyond technical indicators to address the ethical roots of the climate crisis. The proposal is based on the premise that limited progress on climate action also responds to a crisis of values and principles in international society. These have been exacerbated by the dominant and capitalist logic that has focused on extractivism, consumerism, profit, disconnection from the earth, and individualism. Therefore, it is hoped that this proposal will allow a diverse group of stakeholders to be heard on ethical commitments and practices to address climate change at all levels ([IISD, 2025](#)).

E.



focus on the Action Agenda: COP30’s Action Agenda is designed to convert the Global Stocktake into tangible momentum, with 30 targeted objectives across six thematic axes: energy transition, forests & biodiversity, agriculture & food systems, urban & water resilience, human & social development, and enabling accelerators like finance, technology, and capacity building. To operationalize this, the Brazilian Presidency is convening Activation Groups, one per objective, that bring together governments, private sector actors, cities, indigenous groups, academia and civil society to diagnose barriers, accelerate solutions, and scale promising models ([COP 30 Presidency, 2025d](#))

All of these efforts and proposals by the incoming Presidency still need to pass the test of time to see how much they can impact the implementation of the PA but certainly are heading in a clear direction to question the system as it is and to bring new ideas that can unlock further action and ultimately bring trust into the multilateral system.

Coming to COP30 and the celebration of the 10-year anniversary of the adoption of the Paris Agreement, with all its rules being in place, it is crucial that governments redefine

the shape of this international climate governance in many forms. Evidence from interviews, decision-tracking, and institutional analysis highlights that, on one hand, 87% of COP/CMA decisions remain procedural, while 17 constituted bodies and operating entities of the Financial Mechanism and other multilateral climate funds operate with overlapping mandates, limited resources, and weak accountability. Climate finance continues to bottleneck, leaving adaptation chronically underfunded and vulnerable groups underserved. The reliance on voluntary nationally determined contributions produces



uneven progress and rollback risks, reinforced by consensus rules that act as vetoes. Rising nationalism, debt crises, fossil fuel lobbying, and extractivist pressures further erode ambition, while the regime sidesteps structural drivers such as overconsumption and corporate impunity.

On the other hand, the regime holds underused potential. Compliance mechanisms, multilateral climate funds, and the Enhanced Transparency Framework provide building blocks for

accountability, even if imperfect. New proposals—such as a UN Climate Council, an Emergency Platform, or expanded roles for non-state actors—like the Mutirão and a reinvigorated Global Climate Action Agenda—could inject fresh momentum. Litigation and external accountability mechanisms are already stepping in where institutions fall short. This suggests the system does not need to be dismantled, rather that governments need to urgently retool it and politically protect it to deliver. As a result of this research, our recommendations are as follows:

1.

Pivot from Negotiation to Delivery – Shift the UN climate institutional infrastructure's only focus from rulemaking to ensuring implementation and accountability of the Paris Agreement.

TARGET

COP Presidencies and the UNFCCC Secretariat, to guide the evolution of annual agendas and institutional focus toward delivery.

2.

Streamline Negotiation Agendas– Adopt reforms for agenda streamlining through multiyear programmatic planning, so as to focus on issues such as transparency, climate finance, compliance and the global stocktake.

TARGET

Bureau and COP Presidencies, with technical support from the Secretariat.

3.

Explore the Frequency and Format of COPs and Agendas: Building on ongoing AIM discussions. Parties should evaluate options to optimize efficiency, including adjusting the periodicity and format of sessions to reduce procedural workload and focus on implementation.

TARGET

Parties under the SBI, supported by the Secretariat to present modalities.

4.

Adopt UNFCCC Rules of Procedure – Break the deadlock by adopting formal voting rules to overcome the de facto veto system.

TARGET

All Parties to the UNFCCC, KP and PA, through a consensus decision under the COP, CMP and CMA.

5.

Close the KP – Provide a dignified closure to the KP system by enabling an immediate sunset clause to the Protocol, the CMP and the constituted bodies that are exclusive to it.

TARGET

The Parties to the Kyoto Protocol, with implementation by the Secretariat.

6.

Reassess the Architecture of Constituted Bodies – Review mandates, eliminate overlaps, ensure adequate resourcing of critical bodies, and sunset obsolete structures so to have a more adequate structure that responds to the implementation of the Paris Agreement, including through evaluating how the Secretariat can take onboard implementation actions and mandates.

TARGET

COP/CMA Presidencies and the Bureau, to establish a review panel in coordination with the Secretariat.



7.

Expand Governance Beyond the UNFCCC – Operationalize platforms such as the Emergency Platform and the UN Climate Council, to enact other political structures that can deliver results outside of the UNFCCC structure.

TARGET

UN Secretary-General and UN General Assembly, in coordination with the COP30 Presidency and interested Parties.

8.

Close Legal and Procedural Gaps – Work around existing ambiguous provisions on NDCs, compliance, and decision-making so to enhance legal certainty through the application of the ICJ's AO to double down on accountability and ambition, in complement to the correct application of the Enhanced Transparency Framework and the PA's ambition mechanism, as well as by litigation and civil society oversight.

TARGET

Parties, legal experts within the PAICC and UNFCCC Secretariat, supported by civil society and academic networks.

9.

Embed Ethics and Address Structural Drivers of the Crisis – Use the UNFCCC regime space to begin addressing the structural and ethical roots of the climate crisis—such as extractivism, overconsumption, and inequitable development models—by integrating diverse worldviews and value systems. This includes elevating concepts like *Buen Vivir*, *degrowth*, and Indigenous-led alternatives through mechanisms such as the Global Ethical Stocktake and the Circle of Peoples, ensuring that ethical and justice-based approaches inform future deliberations and implementation.

TARGET

COP Presidencies and civil society networks.

10.

Foster Integration Across Rio Conventions – Enable joint implementation on biodiversity, water, and land, using nature-based solutions as entry points.

TARGET

UNFCCC, CBD and UNCCD Secretariats, coordinated by UNEP.

This very moment offers a rare chance to transform a negotiation-centered process into a delivery architecture capable of safeguarding the Paris Agreement and ensuring that its promises translate into real-world action. These reforms can help rebuild multilateral credibility and restore trust in the UNFCCC process. COP30 provides the political opportunity to begin translating these recommendations into practice through concrete procedural pilots and governance reforms. This could be done through a dual-track delivery mechanism: one track inside the UN climate regime, led

by the COP30 Presidency and the Secretariat, to ensure immediate procedural pilots and political framing that rebuild trust and credibility into the multilateral system; and another one outside the process, mobilizing other UN bodies, regional organizations, and civil society to accelerate reforms that the UN climate regime alone cannot unlock. This layered approach allows for short-term wins at COP30, intermediate reforms post-2025, and structural change in the longer horizon, moving forward to the much necessary meaningful impact, action and ambition.



Fast Lane

COP30 DELIVERABLES (PRESIDENCY-LED)

1.

PRESIDENCY-LED IMPLEMENTATION FRAMEWORK

COP30 Presidency demonstrates how its proposed structure provides workability for implementation — aligning the formal agenda, the Action Agenda, the mobilization track, and other stakeholder circles and envoys (e.g., Circle of COP Presidents, Circle of Peoples, Circle of Finance Ministers, and the Global Ethical Stocktake).

This integrated framework ensures that negotiations, political mobilization, and civil society contributions reinforce each other, creating a coherent delivery system, including in synergies with other Conventions and closing legal and ambition gaps with real-world action and true mobilization of climate finance.

The approach should be maintained beyond COP30 through the **Presidency Troika (COP29–31)** and institutionalized follow-up by the Secretariat and the High-Level Champions to ensure continuity and scaling of results.

LEAD

COP30 Presidency, supported by High-Level Champions, the Secretariat, and subsequent Presidencies.

2.

PILOT MULTIYEAR PLANNING AND FREQUENCY OF COPS

COP30 used as a pilot for agenda streamlining (i.e. consolidated agenda items, stricter time management, and transparent reporting) as well as defining a multiyear programmatic planning for future COPs so as to focus on issues such as transparency, climate finance, compliance and the global stocktake

Building on ongoing discussions under AIM, Parties may evaluate options regarding the optimal frequency and format of sessions based on lessons from this pilot.

LEAD

Presidency + Bureau, supported by the Secretariat.

3.

CONSTITUTED BODIES AND SECRETARIAT REVIEW MANDATE

COP30 decision establishes a 9-month Review Panel (Presidency, Secretariat, Bureau) to assess overlaps and propose sunset options, particularly for the closure of the KP infrastructure and revising the mandates of the Secretariat to also deliver on implementation, reporting to COP31.

LEAD

Presidency, mandated by COP/CMP.

Structural Lane

POST-COP30 EVOLUTION

4.

ADOPT UNFCCC RULES OF PROCEDURE

Launch a process to resolve the 30-year stalemate and adopt formal voting rules, reducing the de facto veto.

LEAD

Parties, facilitated by the Secretariat.

5.

EXPAND GOVERNANCE BEYOND THE UNFCCC

Use COP30 as a launchpad to operationalize platforms such as the Emergency Climate Platform and the UN Climate Council, linking climate with security.

LEAD

Presidency + UN Secretary-General, with follow-up in UN processes.



5 Acronyms

ABBREVIATION	FULL NAME
AC	Adaptation Committee
Adcoms	Adaptation Communications
AFB	Adaptation Fund Board
AIM	Arrangements for Intergovernmental Meetings
BTR	Biennial Transparency Reports
CBD	Convention on Biological Diversity
CBDR-RC	Common but differentiated responsibilities and respective capabilities
CGE	Consultative Group of Experts
CMA	Conference of the Parties serving as the meeting of the Parties to the Paris Agreement
CMP	Conference of the Parties Serving as the meeting of the Parties to the Kyoto Protocol
CTCN	Climate Technology Centre and Network
COP	Conference of the Parties of the UNFCCC
ETF	Enhanced Transparency Framework
FRLD	Fund for Responding to Loss and Damage
GCF	Green Climate Fund
GDP	gross domestic product
GGA	Global Goal on Adaptation
GST	Global Stocktake
GEF	Global Environment Facility
GES	Global Ethical Stocktake
GHG	Greenhouse gas
ICJ	International Court of Justice
ILO	International Labour Organization
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPCC	Intergovernmental Panel on Climate Change
JISC	The Joint Implementation Supervisory Committee
KCI	Katowice Committee of Experts on the Impacts of the Implementation of Response Measures
KP	Kyoto Protocol



5 Acronyms

ABBREVIATION	FULL NAME
LDC	Least developed countries
LCIPP	Local Communities and Indigenous Peoples Platform
LDN	Land Degradation Neutrality
LTS	Long-term Strategy
MDBs	Multilateral Development Banks
MSMEs	Micro, Small and Medium Enterprises
NAPs	National Adaptation Plans
NBSAPs	National Biodiversity Strategies and Action Plans
NCQG	New Collective Quantified Goal
NDCs	Nationally Determined Contributions
NGOs	Non-Governmental Organizat
NPS	non-Party stakeholders
NSA	non-state actors
PA	Paris Agreement
PAICC	Paris Agreement Implementation and Compliance Committee
PCCB	Paris Committee on Capacity-building
SBs	Subsidiary Bodies
SDRs	Special Drawing Rights
SIDs	Small Island Developing States
TEC	Technology Executive Committee
USAID	United States Aid Development Agency
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
WIM ExCom	Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts



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**ABOUT TRANSFORMA**

Transforma is a Latin American think tank founded in 2017 to advance climate action and broader ecological transitions as fundamental elements in the pursuit of sustainable and regenerative societies and economies at the national, regional, and global levels. We develop analysis (research and policy recommendations), enable capacity-building efforts (training, technical assistance, roadmaps, and advocacy), and connect key public, private, and civil society stakeholders (network building and strategic communication) to accelerate Latin America's movement toward a just and regenerative future.