

# HOW TO COP: climate change

## Framework Convention on Climate Change and the multilateral negotiation process

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The United Nations Framework Convention on Climate Change (**UNFCCC**) is a foundational international treaty that initiated global cooperation on climate change issues. The Convention was adopted at the UN Conference on Environment and Development in Rio de Janeiro in 1992 and came into force in 1994.<sup>1</sup> Today, the Convention has universal participation, with 198 Parties, including 197 countries and the European Union.

The Convention's objective is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a timeframe that allows ecosystems to adapt naturally to climate change, safeguards food production, and enables sustainable economic development.

A key principle enshrined in the Convention is the principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC). This acknowledges the different capacities of states in combating climate change due to varying levels of economic development. Therefore, developed countries are expected to take the lead in implementing climate actions. The scope of commitments varies according to the state classifications listed in the Convention's annexes.

### UNFCCC Parties

The Convention classifies countries into three main groups with different obligations:

**Annex I Parties:** Includes developed countries, primarily OECD members as of 1992, and economies in transition, such as Russia, the Baltic states, and several Central and Eastern European countries.<sup>2</sup> These Parties are obligated to take measures to reduce emissions, enhance GHG sinks, and report on these actions periodically.

**Annex II Parties:** Composed of OECD members listed in Annex I, excluding Turkey.<sup>3</sup> These Parties are required to provide financial resources and technology transfer to help developing countries reduce emissions in line with the Convention and adapt to adverse climate change impacts.

**Non-Annex I Parties:** Mainly developing countries, some of which are particularly vulnerable to the adverse effects of climate change, such as low-lying coastal states and countries liable to desertification and drought. The Convention recognizes these states' unique needs and emphasizes the responsibility of developed countries to take the lead in climate action.

### Additional arrangements

Further to the Convention's objective, the Kyoto Protocol and subsequently the Paris Agreement were adopted to intensify global efforts in climate change mitigation.

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*For citing, please refer to: Khlebnova A. (2024). How to COP: Climate Change. United Nations Framework Convention on Climate Change and the Multilateral Negotiation Process. The International and Comparative Law Research Center. [URL](#)*

<sup>1</sup> In addition to the UNFCCC, another foundational international treaty – the UN Convention on Biological Diversity (CBD) – was adopted at the Earth Summit in Rio. For more details on the negotiation process within the CBD, refer to the Center's note. [URL](#)

<sup>2</sup> Subsequently, Cyprus, Liechtenstein, Malta, Monaco, Slovakia, Slovenia, Croatia, and the Czech Republic were included in Annex I. In 2024, Annex I includes 42 countries and the European Union.

<sup>3</sup> The OECD member countries as of 1992 are meant here. Turkey was initially included in both Annex I and Annex II of the UNFCCC due to its OECD membership. In 2001, at COP7, Turkey was removed from Annex II. In 2024, Annex II includes 23 countries and the European Union.

The **Kyoto Protocol** was adopted at the COP3 in 1997 and entered into force in 2005.<sup>4</sup> It was designed to oblige developed countries to limit and reduce greenhouse gas emissions in accordance with adopted national commitments. The adoption of the Protocol was justified by the fact that the Convention itself contains general calls for states to pursue policies and take measures to address climate change.

One of the key decisions in adopting the Kyoto Protocol was the establishment of flexible market mechanisms based on emissions trading: industrialized countries and economies in transition were assigned specific quotas, and if unused, it could sell them to another Party.

The Protocol was implemented in two periods. During the first period (2008–2012), developed countries and the European Union committed to reduce GHG emissions by an average of 5% compared to 1990 levels. During the second commitment period, the Parties committed to reduce greenhouse gas emissions by at least 18% from 1990 levels over an eight-year period, from 2013 to 2020. At the same time, the composition of the Parties to the second commitment period differs from the first: countries such as Russia, Canada, and Japan participated in the first period of implementation of the Protocol, but withdrew from the second. Additionally, the United States signed but did not ratify the Protocol. Developing countries, including China and India, did not take commitments at all.

The **Paris Agreement** was adopted at the COP21 in 2015.<sup>5</sup> The Agreement strengthens the global response to the threat of climate change by pursuing three main objectives: limiting the increase in global average temperature, enhancing adaptation to climate impacts, and aligning financial flows with low-emission development pathways.

The adoption of Paris Agreement was necessary due to the withdrawal of several major GHG-emitting developed countries from the second commitment period of the Kyoto Protocol. Furthermore, some developed countries emphasized the need for major developing countries to take specific emission reduction commitments, as their emissions had not been limited under the Protocol.

To develop a new, mutually acceptable, and more ambitious solution, the Paris Agreement introduced the establishment of mandatory GHG emission reduction targets by the Parties themselves, based on their capabilities. These commitments are recorded by each participating country in the form of a Nationally Determined Contribution (**NDC**). In their NDCs, Parties outline the planned measures for reducing GHG emissions to achieve the goals of the Paris Agreement. Parties are also required to submit updated NDCs to the UNFCCC Secretariat every five years. Each successive contribution is expected to be more ambitious than the previous one and to be based on the outcomes of the global stocktake – an assessment of collective progress towards the Agreement’s long-term goals.<sup>6</sup> This provision applies to both developed and developing countries, although the Paris Agreement maintains a flexible approach for the latter.<sup>7</sup>

## Institutional framework and governance

The decision-making body under the UNFCCC is the Conference of the Parties (**COP**), which holds meetings annually since 1995. Concurrent with COP sessions, there are also sessions of the Conferences of Parties of the Kyoto Protocol (CMP) and the Paris Agreement (CMA).<sup>8</sup>

The **Bureau of the COP/CMP/CMA** supports the work of these governing bodies functioning as an executive body under the President of the COP/CMP/CMA. The Bureau of the COP/CMP/CMA comprises 11 members elected for one year from each of the five UN regional groups (two representatives from

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<sup>4</sup> Currently, there are 192 Parties to the Kyoto Protocol.

<sup>5</sup> The Paris Agreement came into force in 2016. The Agreement includes 194 countries and the European Union. Iran, Libya, and Yemen signed but did not ratify the Agreement.

<sup>6</sup> This process reflects the Paris Agreement’s ratcheting mechanism of progressive effort enhancement. The first global stocktake concluded in 2023 with a decision that, among other things, for the first time mentioned the issue of a transition from fossil fuels. [URL](#)

<sup>7</sup> Article 4, paragraph 4 of the Agreement states that developed countries should continue to lead by setting absolute economy-wide emission reduction targets. Developing countries are called upon to gradually strengthen their climate efforts and eventually adopt economy-wide emission limitation or reduction targets, considering their various national circumstances.

<sup>8</sup> The decision-making body for the Kyoto Protocol is the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP). The decision-making body for the Paris Agreement is the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA).

each group, plus one from Small Island Developing States, including the President). The Bureau's responsibilities include supporting the work of decision-making bodies, procedural compliance, accrediting external organizations, and assisting the President, including during the intersessional period.

Meanwhile, preparatory work for COP sessions occurs at meetings of two subsidiary bodies convened at least twice a year (usually in conjunction with COP sessions and during the intersessional period): the **Subsidiary Body for Implementation (SBI)** and the **Subsidiary Body for Scientific and Technological Advice (SBSTA)**.

The SBI is responsible for the annual study of the dynamics of GHG emissions in developed countries, as well as the analysis of climate policies of both developed and developing countries, followed by the provision of reports. These reports allow to track progress in mitigation and adaptation activities, as well as to provide an overview of results in the areas of finance, technology support and capacity building, education, and public awareness.

The SBSTA develops and further improves guidelines for the preparation and review of GHG inventories of Annex I Parties. Another of its functions is to promote cooperation in research and systematic observations of the climate system, as well as to promote the development and transfer of environmentally sound technologies. In addition, the body acts as an intermediary between the Intergovernmental Panel on Climate Change (IPCC) and the COP, linking scientific information provided by expert sources to the policy-oriented COP needs.

The **UNFCCC Secretariat** provides organizational support, technical expertise during negotiations, and supports the work of all Subsidiary and Constituted bodies to facilitate the implementation of the Convention, the Kyoto Protocol, and the Paris Agreement. The Secretariat provides technical and expert assistance for the analysis and review of information on climate change provided by Parties. The Secretariat also maintains a registry of NDCs submitted by all Parties to the Paris Agreement.

In addition to the Subsidiary Bodies, there are also bodies established in accordance with the UNFCCC, the Kyoto Protocol, and the Paris Agreement (Constituted bodies). Their expertise includes matters related to a specific area of implementation of the provisions of the three treaties. In 2024, 17 Constituted bodies are active, including:

- Article 6.4 Supervisory Body – develops and supervises the requirements and processes needed to operationalize Paris Agreement Crediting Mechanism;
- Advisory Board of the Climate Technology Centre and Network (CTCN) – monitors and evaluates the activities of the Center and the Climate Technology Centre and Network, which are responsible for assisting developing countries in technology transfer;
- Consultative Group of Experts (CGE) – supports developing countries in mandatory reporting under the UNFCCC and in the preparation of biennial transparency reports, it also provides technical advice to the Secretariat for the preparation of technical expert groups on monitoring;
- Executive Committee of the Warsaw International Mechanism for Loss and Damage – established to implement Article 8 of the Paris Agreement, conducts expert work on slow-onset events, non-economic losses, risk management, and displacement;
- Facilitative Working Group of the Local Communities and Indigenous Peoples Platform (FWG): promotes the implementation of the three functions of the Platform related to the dissemination of knowledge, stakeholder engagement and climate change action;<sup>9</sup>
- Standing Committee on Finance: coordinates climate finance mechanisms, prepares reports, and reviews financial support measures for developing countries;

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<sup>9</sup> Half of the Working Group members represent the Parties, while the other half consists of indigenous peoples' organization representatives.

- Paris Agreement Implementation and Compliance Committee: established in accordance with Article 15 of the Paris Agreement to promote compliance with the provisions of the Paris Agreement.

## Negotiation process

At COP sessions, each Party is represented by a national delegation authorized to negotiate on behalf of its government. The UNFCCC Parties are organized into UN five regional groups, mainly for Bureau election purposes or rotation of the presiding country of the Conference of the Parties. However, these five regional groups do not usually serve as platforms to represent the interests of states. Instead, informal negotiating coalitions play a more important role in shaping climate negotiations.

Developing country Parties usually collaborate through the G77 and China to develop common ground in negotiations. The G77 was formed in 1964 within the UNCTAD and currently operates throughout the UN system. Later, China joined the group.

The African Group was formed at COP1 in Berlin in 1995 as an alliance of African member states which represents the interests of the region in international climate change negotiations with a single voice.

The Umbrella Group is a coalition of Parties that was formed after the adoption of the Kyoto Protocol. The group consists of Australia, Canada, Iceland, Israel, Japan, New Zealand, Kazakhstan, Norway, Ukraine, and the USA.<sup>10</sup>

Several other groups are also cooperating in the negotiation process, including the Arab Group,<sup>11</sup> the Environmental Integrity Group (EIG),<sup>12</sup> the countries of the Organization of Petroleum Exporting Countries (OPEC), the Group of countries of Central Asia, the Caucasus, Albania and Moldova (CACAM), the Cartagena Dialogue, the Independent Alliance of Latin American and Caribbean Countries (AILAC), the BASIC Group,<sup>13</sup> the Group of Like-Minded Countries (LMDC), the Coalition of Rainforest Nations and the Bolivarian Alliance for the Peoples of Our America (ALBA), and others.

The negotiation process is also open to the participation of a wide range of observers from countries not participating in the UNFCCC, governmental and non-governmental organizations, and specialized UN agencies. Accreditation is provided by the Secretariat and allows for participation in meetings as an observer.

## Negotiation topics

Multilateral negotiations under the UNFCCC, the Kyoto Protocol, and the Paris Agreement are structured around thematic tracks, each addressing specific aspects of climate action aligned with the provisions of these international treaties. The key topics include climate change mitigation and emission reduction, adaptation to the adverse effects of climate change, loss and damage, market-based mechanisms, climate finance, just transition.

Negotiation priorities for 2023–2024 focus on several critical areas, including increasing national ambitions to reduce GHG emissions, the role of fossil fuels in the global energy transition, operationalizing the Loss and Damage Fund, implementing outcomes of the Global Stocktake, setting a new financial goal for supporting developing countries, and the full launch of Article 6 market mechanisms of the Paris Agreement.

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<sup>10</sup> Previously, the Russian Federation and Republic of Belarus were also part of this group.

<sup>11</sup> Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen are members.

<sup>12</sup> The Environmental Integrity Group, formed in 2000, includes Mexico, Liechtenstein, Monaco, the Republic of Korea, Switzerland, and Georgia.

<sup>13</sup> Brazil, South Africa, China, and India.