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ARTICLE 6 NATIONAL GOVERNANCE AND LEGAL LEGITIMACY

ESTABLISHING A NATIONAL GOVERNANCE STRUCTURE AND PROVIDING LEGAL LEGITIMACY TO INSTITUTIONS OPERATING TO IMPLEMENT ARTICLE 6 IN THE COUNTRY

For additional reference, visit the [Article 6 implementation checklist tool for host countries](#).

A legal framework is necessary to legitimize the host country institutions responsible for implementing Article 6 and to enable them to carry out their functions effectively. This framework establishes the mandate, roles and responsibilities of country institutions in four overall functions: i) policy guidance and oversight, ii) rulemaking, iii) executive and administrative activities, iv) technical advisory.

1. Formalization of a legal framework for Article 6

Host countries must put in place a legal framework that (i) provides for ITMO authorization, corresponding adjustments, and authorization of activities under Article 6.4; (ii) establishes clear requirements, procedures and timelines for each step along the activity cycle; (iii) sets criteria and lists the activities eligible for both Article 6.2 and 6.4.

Evaluation questions

Has your country established a legal or administrative foundation to support Article 6 implementation, such as:

- a) Adoption of new legislation or amendments to existing laws (e.g., climate change laws) to enable Article 6 frameworks.
- b) Development of Article 6 aligned regulation based on existing legislation and carbon market strategies?

Has your country formalized, through regulation or policy instruments, eligibility criteria for Article 6.2 and 6.4 activities?

2. Formalization of allocation of roles, responsibilities and governance procedures

The institutional arrangements and governance procedures must be legally formalized to provide authorities in charge of Article 6 implementation with legal mandates to perform their roles and responsibilities.

Evaluation questions

Has your country decided the allocation of tasks to specific institutions and staff at the national level been clearly defined and formalized in a regulation?
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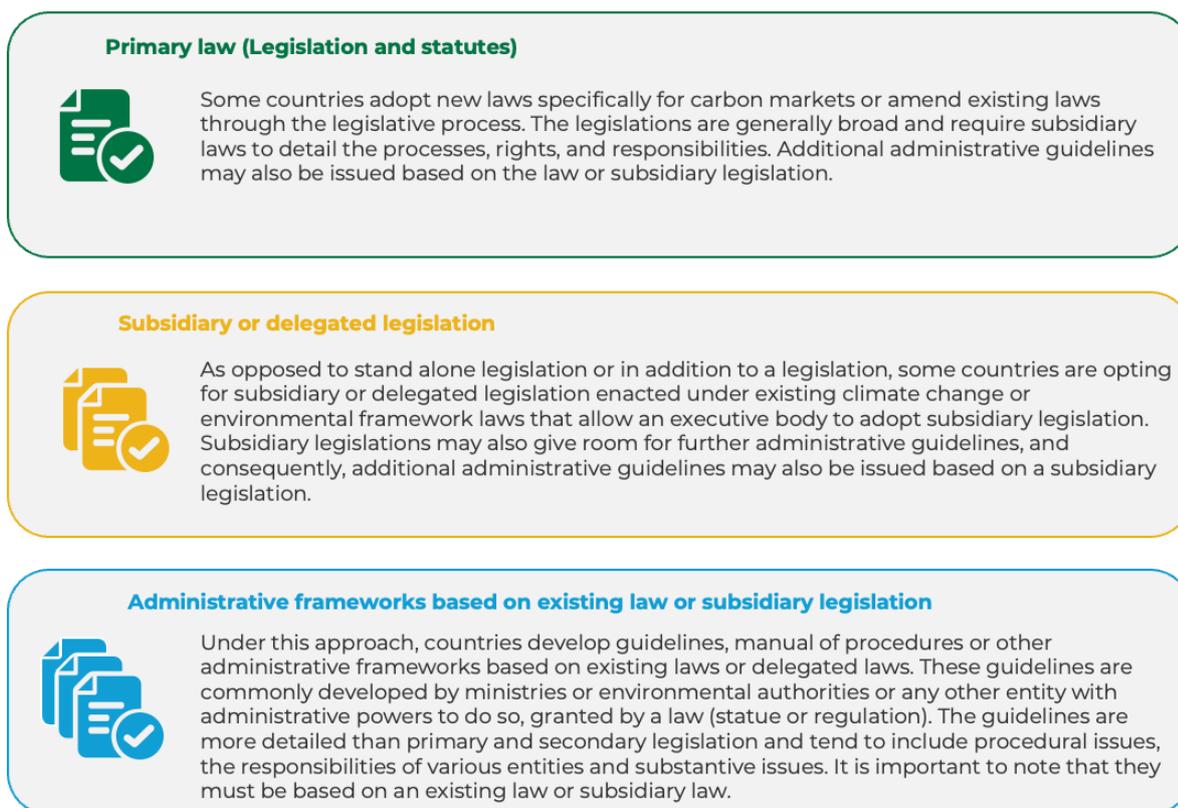
Has your country established, through regulation, coordination mechanisms to ensure coherent and aligned action among government entities?
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Has your country formalized, through regulation, the templates used to operationalize administrative, technical and executive decisions?
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3. International examples

The type of legal instrument that a country adopts to govern carbon market activities depends on the legal system, national circumstances and the country's priorities. It is also important to note that countries do not choose one legal instrument over another but may have several legal instruments governing carbon markets. The three main legal instruments used by countries are set out in Figure 1 below.

Figure 1: Legal instruments used by countries to govern carbon markets



Sources:

- [Article 6 implementation checklist tool](#)
- Assessment of Nigeria's legal framework to govern international carbon markets

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