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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?

Has your country established, through regulation, coordination mechanisms to ensure coherent and aligned action among government entities?

Has your country formalized, through regulation, the templates used to operationalize administrative, technical and executive decisions?

## **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

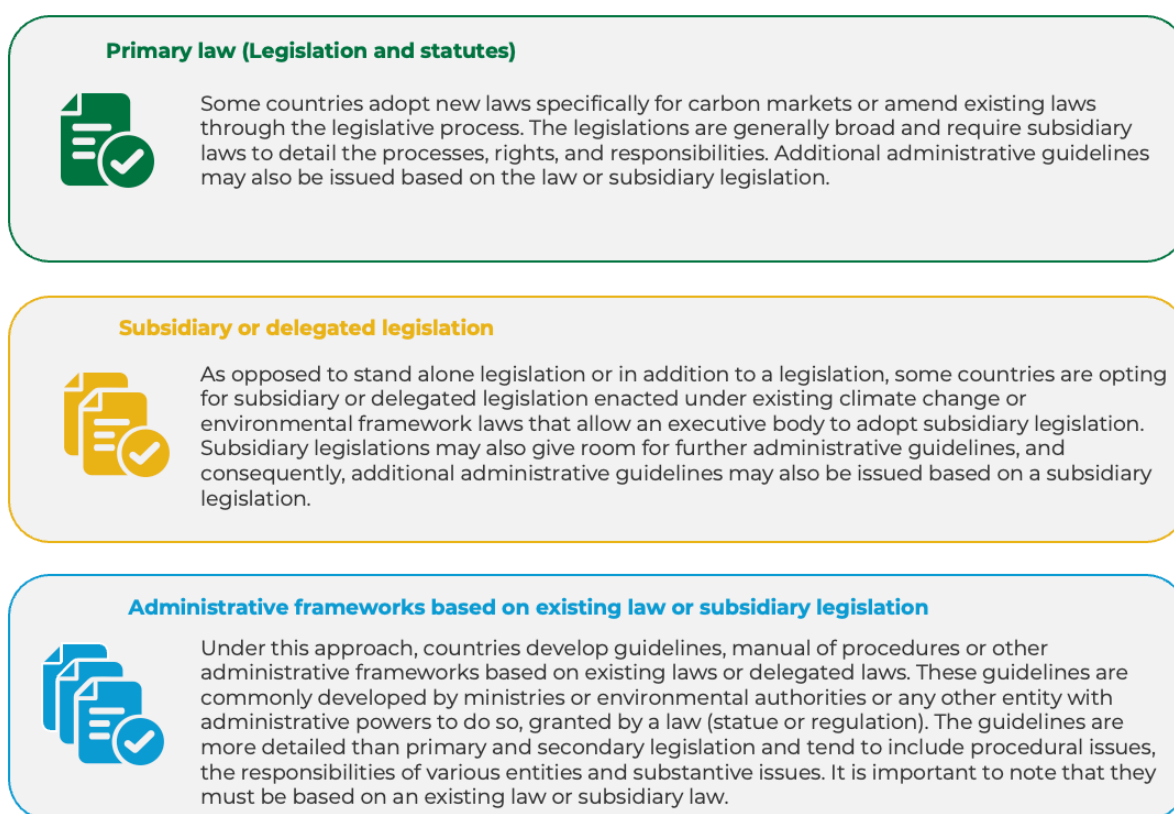


Table 1: Selected country case studies on the governance of carbon markets under the Paris Agreement

Country	Description
Ghana	<p>Based on the mandate granted by the Environmental Protection Agency (EPA) Act of 1994, Ghana’s EPA developed an administrative framework, i.e. <a href="#">Ghana’s Framework on International Carbon Markets</a>. The framework extensively addresses the substantial and procedural issues relevant to Article 6 of the Paris Agreement, such as the criteria and process of authorisation, approval and registration of mitigation activities. It also addresses how voluntary carbon market (VCM) projects will be treated under Article 6 of the Paris Agreement, the institutional structure governing Article 6 in the country, and the applicable fees and levies.</p> <p>In January 2025, Ghana enacted the Environmental Protection Act 2025, which repealed the 1994 EPA Act and gives the Ghana’s Framework on Carbon Markets a legal backing.</p>
Kenya	<p>Kenya amended its <a href="#">Climate Change Act</a> in 2023 to introduce provisions on carbon markets. The amended Act provides the legal basis for Kenya’s participation in carbon markets and the types of markets in which credits can be traded. It also broadly addresses the requirements that all carbon market activities need to comply with, such as principles of carbon market activities, requirements of environmental impact assessments and benefit sharing. The Act authorises the Ministry responsible for climate change to enact the required regulation and operationalise the carbon market provisions.</p>

Pursuant to the mandate granted by the Climate Change Act, the Ministry adopted [Carbon Market Regulations](#) in 2024. The Regulations provide details on the institutional framework, the procedures for developing carbon market activities, benefit sharing arrangements and the administration of the national carbon registry. The regulations grant the Designated National Authority (DNA) the mandate to issue guidance on operationalizing Article 6 of the Paris Agreement, define the eligibility of projects and maintain and update a list of eligible carbon standards that can be used to develop carbon projects in the country.

In addition, Kenya realised two draft regulations for public consultation in 2025 on carbon trading and the carbon registry. These regulations provide details on Kenya's Article 6 country engagement and the architecture and procedures of the national registry.

The government already appointed the National Environment Management Authority (NEMA) as the DNA.

## Zimbabwe

Pursuant to Section 140 of [Zimbabwe's Environmental Management Act](#), the Minister responsible for Climate Change Management issued the [Carbon Trading \(General\) Regulations 2025](#), which impose requirements for carbon trading, established institutional arrangements led by the Zimbabwe Carbon Markets Authorities, prescribe requirements and procedures for project implementation and registration under the national carbon registry, and set out the applicable fees and levies.

## The Bahamas

The Bahamas enacted a [Climate Change and Carbon Markets Initiatives Act](#) that regulates carbon market activities. The Act addresses issues such as ownership of carbon credits, institutional framework, requirements for implementing carbon market activities and the countries' participation in both the VCM and Article 6. It also grants the Prime Minister the power to make regulations on carbon markets.

Pursuant to the mandate granted by the Act, The Prime Minister issued the [Carbon Markets and GHGs Regulation](#), which provides the procedure for trading carbon credits, and defines a process for approving bilateral and multilateral agreements, among others.

## Uganda

Uganda has established a legal framework to regulate voluntary carbon markets and Article 6 market-based mechanisms. This framework comprises the [National Climate Change Act, 2021](#), as well as the [National Climate Change \(Climate Change Mechanisms\) Regulations, 2025](#). These regulations facilitate the development of carbon projects and include provisions for ITMO authorisation. The prevailing regulations require project proponents to submit a benefit-sharing plan for project approval. The framework imposes fees for carbon market activities, including a project approval fee and a corresponding adjustment fee. However, detailed implementation guidelines have not yet been finalised, preventing Article 6 authorisation at this stage.

## Tanzania

Tanzania has an [Environmental Management Act 2025](#), which was amended in 2024. The Act establishes a governance structure, requirements and templates for requesting registration of projects and authorisation of ITMOs; prescribes a fee and levy structure, including a mandatory revenue-sharing mechanism.

In addition, Tanzania issued the [Environmental Management \(Control and Management of Carbon Trading\) Regulations](#) and its [amendment](#). The regulations address issues such as

carbon rights, requirements and procedures for carbon project development, and Tanzania's institutional framework.

India's [Energy Conservation Act](#) is the country's main legal framework on carbon markets. It allows the government to establish a carbon credit scheme. Based on the Act, the government adopted a [Carbon Credit Trading Scheme 2023 \(CCTS\)](#). It encompasses two mechanisms: (i) a compliance mechanism, which allows obligated entities to sell and purchase emissions allowances, and (ii) an offset mechanism, which allows non-obligated entities to register mitigation activities for issuance of carbon credit certificates.

## India

The government has issued [detailed procedures for implementing offset](#) and compliance mechanisms of the CCTS. For the offset mechanism, the government has set up its crediting mechanism under which projects in approved sectors can be registered and receive carbon credit certificates.

The government has also published a list of activities eligible for trading under Article 6.2 and Article 6.4. Carbon credits issued under the national crediting mechanism can be authorised under Article 6.2 for international transfer if they belong to a category eligible for Article 6.2 authorisation.

## Peru

Peru has a legal framework composed of the Framework Law on Climate Change and the National Registry of Mitigation Measures (RENAMI, Registro Nacional de Medidas de Mitigación) decree. The [RENAMI Decree](#) establishes essential aspects for the development of mitigation measures under the voluntary market and cooperative approaches of Article 6.2. It includes an institutional framework led by the Ministry of Environment; detailed requirements and procedures for the registration of mitigation actions; establishes the process for the authorisation of ITMOs and allows their use for compliance in another country's NDC, other international purposes (e.g. CORSIA), and other uses permitted under the Paris Agreement.

## Honduras

In 2023, Honduras adopted a special [law on forest carbon transactions for climate justice](#). The law includes provisions for the authorisation of ITMOs generated in forestry sector projects or programs. It establishes a general procedure for obtaining authorisations and a governance framework for forest carbon markets. The National Commission for Carbon Transactions is in charge of authorizing ITMOs while the Secretariat of Natural Resources and Environment (SERNA) has been designated as Honduras' Designated National Authority (DNA).

Sources:

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

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