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Part I

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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Fourth session
Geneva, 9-20 December 1991
Item 2(a) of the provisional agenda

ELEMENTS RELATED TO THE PREAMBLE,
PRINCIPLES AND COMMITMENTS

Text submitted by the Bureau of Working Group I

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Explanatory Note

In accordance with the mandate given to the Bureau of Working Group I at the third session of the INC this text has been prepared on the basis of the revised conference room papers. These papers will be made available at the fourth session and are contained in document A/AC.237/WG.I/WP.1.

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment (Stockholm 1972) and in particular Principle 21 which provides that "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction",

Recognizing the need to strengthen international cooperation on climate change through the development, within a global framework of appropriate policies including the preparation of protocols on specific problems and by means of increasing research into atmospheric science as well as into the social and economic impacts of climate change, systematic observations, cooperation on scientific, technical and legal matters and exchange of information,

Recalling the provisions of General Assembly resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989 and 45/212 of 21 December 1990 on Protection of Global Climate for present and future generations of mankind,

Recalling also the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development,

change will be environmentally, socially and economically most effective if they are based on and continually re-evaluated in the light of relevant scientific, technical and economic consideration,

Affirming that the protection and enhancement of the environment and economic development should be coordinated harmoniously and be viewed in an integrated manner, taking into full account that developing countries have as their main priority the eradication of poverty and the achievement of social and economic development,

Recognizing that the need to improve the international economic environment for the developing countries and promotion of their sustained economic development are prerequisites for enabling developing countries to participate effectively in the international efforts to protect the global environment,

[Reaffirming the importance of integrating environmental concerns and considerations into policies and programmes in all countries without introducing a new form of conditionality in aid or development financing or constituting a pretext for unjustified barriers to trade,]

Determined to protect global climate for present and future generations,

that lack of full scientific certainty should not be used as a reason for postponing cost-effective measures and that high priority must be given to solving the remaining major uncertainties regarding causes and effects of climate change.

3. Equity and common but differentiated responsibility

All States have an obligation to protect the climate for the benefit of present and future generations of mankind. This obligation shall be equitably distributed between countries in accordance with their common but differentiated responsibility and capabilities and different time frames set out for implementation noting that the largest part of current emissions of greenhouse gases originates from developed countries and those countries have the main responsibility in combating climate change and the adverse effects thereof.

4. Right to development

[The right to development is an inalienable human right. All peoples have an equal right in matters relating to living standards. An appropriate level of economic development is the prerequisite for adopting concrete control measures to address climate change. The energy consumption of developing countries must grow. Any limitation of control measures shall take full account of the per capita emission level of various countries and the development needs of developing countries.]

III. OBJECTIVE OF THE CONVENTION

The Parties agree that the objective of the Convention is to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level which would prevent dangerous anthropogenic interference with climate and which would minimize risk to and adverse effects on the ecosystem, ecological processes and climatic conditions essential for the functioning of the biosphere and the sustainable development of societies and economies. [The anthropogenic emissions of carbon dioxide from States should converge at a common per capita level, taking into account net carbon dioxide emissions during the century.]

4. Promote the protection and enhancement of sinks and reservoirs of greenhouse gases through the:

- (a) management of forests in a sustainable manner and practice of appropriate agricultural techniques, with the aim of reducing the degradation of forests and other ecosystems, taking into account local socio-economic needs and land-use patterns as well as maintaining the ecological balance in the area concerned;
- (b) implementation of site-based afforestation and regeneration measures in order to create additional forests as CO₂ sinks and improve the CO₂ binding process in existing forests;
- (c) maintenance and enhancement of the amount of biomass in forest ecosystems and promotion of their health and ability to absorb CO₂ and other greenhouse gases;
- (d) management of forest ecosystems, as extensively as possible in their best possible structure, by counteracting the causes of the threat posed to them i.e. the emissions of pollutants or environmentally damaging use;
- (e) reduction of the rate of deforestation, where appropriate, with the primary aim of stabilizing the forest area, and secondly increasing it further;

9. Encourage the promotion of public education and awareness of the environment, socio-economic impacts of climate change and promote the participation of environmental non-governmental organizations in these activities.

10. Develop and adopt policies and practices to prepare for climate change as appropriate to their circumstances and capacities.

11. Develop, coordinate and harmonize if necessary, economic instruments, such as subsidies, taxes and charges, as well as other relevant instruments aimed at limiting net emissions of greenhouse gases.

IV.2 Other commitments

1. The [Parties]/[developed country Parties] shall undertake without undue delay on the basis of the best available and economically reasonable and appropriate technology, in accordance with local specific conditions suitable cost-effective measures for the effective limitation/reduction/control of net emissions of [all] greenhouse gases in particular CO₂.

2. Developing country Parties [may]/[shall], in accordance with their national development plans, priorities and objectives, consider feasible measures with regard to climate change provided that the full incremental costs involved are

Alternative B

net emission of greenhouse gases as soon as feasible, recognizing differences among countries in a number of respects.

* US recommends deletion of this paragraph.

2. Reduction of emissions

The developed country Parties shall commit themselves to take steps towards reducing all [energy related] CO₂ emissions between the years 2005 and 2010 taking into account the most authoritative scientific advice available and setting targets to reduce and limit all [energy related] emissions of greenhouse gases.

* US recommends deletion of all reference to emissions so that the paragraph would only call for Joint implementation of commitments generally made under the Convention.

Joint implementation

Countries shall have the option to implement specific emission commitments individually or jointly in cooperation with another Party. This cooperation may take place on a bilateral, regional and global level. When Parties cooperate in implementing commitments, the net reduction in emissions shall be credited to their respective commitments under this Convention in accordance with agreements between the cooperating Parties, [and subject to criteria approved by the Parties.]

US would also delete this phrase. This indicates, I believe, that the US will resist any benchmarks that even the national plans will have to meet.

(b) adapt to and mitigate the adverse effects of climate change in accordance with their national development plans, priorities and objectives, and compensate the social and economic imbalances that result from the implementation of the Convention;

(c) provide assured access to appropriate environmentally [safe and] sound "state-of-the-art" technologies;

(d) complement their efforts to create and develop their endogenous capacities in scientific and technological research and development, systematic observations and information directed at combating climate change;

(e) strengthen operative institutional capacities for dealing with climate change, including human resources development;

(f) promote research on emission control of the GHGs from existing activities especially in the energy, transport, agriculture and industrial sectors;

(g) conduct research and pilot projects on the enhancement of natural GHG sinks including afforestation of deserts and other ecosystems, halophyte afforestation and expansion of coral reefs and oyster bank ranges.

- (i) facilitation of the acquisition of environmentally [safe and] sound technologies by other Parties;
- (ii) provision of information on up to date environmentally [safe and] sound technologies and equipment, including supply of special manuals or guides to other Parties;
- (iii) supply of necessary equipment and facilities for research and systematic observation; and.
- (iv) appropriate training of scientific, technical and managerial personnel.

4. [Non-compliance procedure and intellectual property rights should not be applied against developing country Parties if patented technology mandated by conventions is not accessible to them.]

for such fuels or do not possess the flexibility to switch to non-fossil fuels, or because of their dependency upon the production and exportation of fossil fuels and associated energy intensive products.

4. The Parties recognize that in the implementation of the commitments of the Convention a certain degree of flexibility to stabilize their economy and modernize their industry and agriculture has to be given to countries with economies in transition.

30 October 1991
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**INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE**
Fourth session
Geneva, 9-20 December 1991
Item 2(b) of the provisional agenda

**REVISED SINGLE TEXT ON ELEMENTS
RELATING TO MECHANISMS**

A/AC.237/Misc.13
GE.91-62699

REVISED SINGLE TEXT ON ELEMENTS RELATING TO MECHANISMS

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Article 2**RESEARCH AND DEVELOPMENT AND SYSTEMATIC OBSERVATION*****Cooperation**

1. The Parties shall undertake to initiate and cooperate in, directly or through competent international and intergovernmental bodies, the conduct of research and development and systematic observation related to the climate system and climate change as elaborated in Annex I.

National jurisdiction

2. Within areas under its jurisdiction, each Party shall undertake research and development and systematic observation.

Beyond national jurisdiction

3. In areas beyond national jurisdiction, the Parties shall encourage cooperation in research and development and systematic observation, taking into account relevant laws and activities at both the national and international levels. Special measures shall be implemented to promote equal access to data obtained from these areas.

Strengthen networks and capacity

4. The Parties shall support international and inter-governmental efforts to strengthen the observational networks and data collection and research capacities, particularly in developing countries.

* See Annex I on "Research and Development and Systematic Observation" which can be found at the end of this document.

Article 4**EDUCATION, TRAINING AND PUBLIC AWARENESS****Promotion**

1. In order to increase the understanding of climate change and to facilitate appropriate responses, the Parties shall promote education, training and public awareness related to climate change.

National

2. At the national level and in accordance with the means at their disposal, the Parties shall promote and facilitate:

- (a) the development and implementation of public awareness and education programmes on climate change;
- (b) public access to information on climate change;
- (c) public participation in addressing climate change issues and developing appropriate responses; and
- (d) appropriate training of scientific, technical and managerial personnel.

International

3. At the international level, using existing organizations, institutions and channels where appropriate, the Parties shall cooperate in and promote:

- (a) the development and exchange of public awareness and educational material on climate change; and
- (b) the development and implementation of education and training programmes, including the exchange or secondment of personnel, in particular for developing countries.

Secretariat

- *a substantial, professional body to service the Conference of the Parties and its subsidiary bodies.*

There are two other issues related to institutions that we would like to address - the matter of an "executive committee" and how we have dealt with verification and compliance.

Executive committee

The term "Executive Committee" has been used in a variety of ways. For example, it could mean:

1. *An expanded Bureau of the Conference of the Parties; or*
2. *a permanent, standing body open to all Parties.*

Although we did receive proposals for an "Executive Committee" from several countries, we were unable to have a full airing of views on this subject in Nairobi. As we have proposed that the Conference of the Parties meet more frequently than is normally the case for such bodies (i.e. annually) and as we have also proposed a bureau to manage the operations of the Convention between meetings of the Conference of Parties, we felt that a permanent standing body open to all Parties would not be needed. However, we have provided the Conference of the Parties with the authority to create such a body if at some time in the future it should so decide.

Verification and Compliance

We believe that "verification and compliance" should be looked at as a process and not institutionalized in a single mechanism. The process as elaborated in the articles which follow includes the following elements:

- *reporting by the Parties on the measures taken to implement their obligations under the Convention (Article 9 on Reporting);*
- *assistance to the Parties to enable them to be in compliance with the Convention (Articles 9 on Reporting and 10 (Alternative B) on Resolution of Questions regarding Interpretation and Implementation of the Convention);*
- *review of reports and other relevant information to identify requirements for assistance and, if necessary, the need for consideration by the Conference of the Parties (Article 8 on Advisory Committee on Implementation);*
- *procedures to allow Parties or subsidiary bodies to raise questions regarding interpretation or implementation of the Convention (Article 10 (Alternative A) on Resolution of Questions);*
- *all decisions regarding compliance would be the prerogative of the Conference of the Parties (Articles 5 on Conference of the Parties, 8 on Advisory Committee on Implementation, and 10 (Alternative A) on Resolution of Questions);*

Article 5

CONFERENCE OF THE PARTIES

Establishment

1. A Conference of the Parties is hereby established. All other bodies established under the Convention are subsidiary to the Conference of the Parties.

Functions

2. The Conference of the Parties shall keep under continuous review the implementation of this Convention and its protocols and make the decisions necessary to ensure the effective operation of the Convention. To this end, it shall, inter alia,

Policy decision-making

- (a) review and revise, as necessary, the objectives of the Convention;
- (b) assess and review the implementation of the obligations of the Convention [and its protocols] and publish regular reports thereon;
- (c) consider the information submitted in accordance with Article 9 (on Reporting) and review the mechanisms and timetables for its transmission;
- (d) consider reports from subsidiary bodies and take such actions as it deems necessary;

Administrative mechanism

- (e) provide policy direction and operational guidelines to the administrative mechanism for financial resources and technology transfer;

- (n) promote the coordination or harmonization of policies, strategies and measures to address climate change, taking into account the differing circumstances of Parties to the Convention;
- (o) seek to mobilize financial resources with a view to ensuring the full implementation of the obligations under the Convention;
- (p) consider and recommend programmes for research and development and systematic observation, exchange of information, education, training and public awareness, and scientific, technological and technical cooperation;
- (q) establish such subsidiary bodies, including any body to coordinate its activities when it is not in session, as are deemed necessary for the implementation of this Convention;
- (r) agree upon and adopt its rules of procedure and any amendments thereto, by consensus;
- (s) consider and decide upon financial and budgetary matters of this Convention including the financial rules and provisions governing its operation, that of its subsidiary bodies and the secretariat;
- (t) consider and adopt, as may be agreed upon, in accordance with the relevant articles, amendments to this Convention, additional annexes and amendments of annexes to this Convention;
- (u) consider, in accordance with the relevant articles, any protocol to this Convention, as well as any amendment to such protocol, additional annexes and amendments of annexes to any protocol, and, if so decided, recommend their adoption to the Parties to the protocol concerned; and
- (v) exercise such other functions and powers as are conferred on it by this Convention or are required for the achievement of its purposes.

SECRETARIAT

Note by the Co-Chairs of Working Group II

The Working Group will need to consider the following questions:

- *should a permanent secretariat be established or designated in the Convention?*

OR

- *should an interim secretariat be designated in the Convention with the provision that the Conference of the Parties would decide on the permanent secretariat at its first meeting?*

With regard to both of the options, we will also need to consider whether a new secretariat should be established or whether the functions should be carried out by an existing body or bodies.

In addition, the Working Group might wish to consider whether provision should be made for secretariat work (by an existing body) in the period between signature and entry into force of the Convention.

[(Designation of interim secretariat

3. The secretariat functions will be carried out on an interim basis [by the ad hoc secretariat established under Resolution 45/212 of the General Assembly of the United Nations] [by the United Nations Environment Programme and the World Meteorological Organization] until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to Article 5 on the Conference of the Parties. At its first ordinary meeting, the Conference of the Parties shall establish or designate a secretariat.]

- (g) to have access to the relevant scientific and technical information provided by the Parties pursuant to Article 9 on Reporting and to furnish opinions and recommendations thereon to the Conference of the Parties;
- (h) to identify on its own initiative matters within its mandate that need to be addressed and to report and make recommendations thereon to the Conference of the Parties;
- (i) to establish such subsidiary bodies, subject to the approval of the Conference of the Parties, as it may deem necessary to assist in the performance of its functions; and
- (j) to perform any other function assigned to it by the Conference of the Parties or under any protocol to the Convention.

Membership

3. The Advisory Committee on Science shall have fifteen members, who are experts in natural, technological, social and economic sciences. They shall be elected by the Conference of the Parties, with due regard to the principle of equitable representation, and shall serve in their individual capacities. Each member shall be elected for an initial term of four years and may serve additional terms subject to the procedure set forth above.

Officers

4. The Advisory Committee on Science shall elect from among its members a chair, two vice-chairs and a rapporteur each to serve for a term of two years, and who may, be re-elected to serve additional terms.

Rules of procedure

5. The Advisory Committee on Science shall agree upon and adopt its rules of procedure, and any amendments thereto, by consensus.

Meetings

6. Unless the Conference of the Parties decides otherwise, the Advisory Committee on Science shall be convened within six months after the first meeting of the Conference of the Parties. Thereafter, unless it or the Conference of the Parties decide otherwise, the Committee shall meet at least annually.

Observers

7. The meetings of the Advisory Committee on Science shall be open to observers designated by any Party.

8. The Advisory Committee on Science may invite, as necessary appropriate experts to participate in or observe its meetings.

Article 8**ADVISORY COMMITTEE ON IMPLEMENTATION****Establishment**

1. An Advisory Committee on Implementation is hereby established.

Functions

2. The Committee shall review the progress by the Parties in implementing all their obligations and actions under the Convention. It shall provide information and advice to the Parties on the development and implementation of national strategies to meet these obligations and on the fulfilment of the reporting requirements under the Convention. To this end, the Committee shall:

- (a) advise individual Parties, at their request, on the ways and means of meeting the reporting requirements set forth in Article 9 and Annex III, including the development of national climate change strategies, devising and implementing new or additional response measures and identifying national programmes that require financial and technological resources;
- (b) review and consult with individual Parties on the report submitted by those Parties in accordance with Article 9 and request, as necessary, additional information or clarification thereon;
- (c) report and make recommendations, as appropriate, to the Conference of the Parties on the overall implementation of the obligations and the extent to which the cumulative effect of the actions to implement the Convention's obligations meets the objective of the Convention;
- (d) identify to the Conference of the Parties those Parties that have not submitted reports in accordance with the provisions of Article 9;

REPORTING

Note by the Co-Chairs of Working Group II

Strong support for the concept of reporting was evident during our discussion in Nairobi. This was seen as a means to facilitate and promote compliance with the obligations under the Convention and to assist countries in developing national climate change strategies. Reporting purely for the sake of reporting would not be desirable. Consequently, we would see information such as national climate change strategies, measures taken to implement obligations, and emissions inventories as appropriate examples for reporting.

There was a strong consensus that the Parties have an obligation to report. The manner in which such reports would be prepared should be determined by the individual country. As several delegations pointed out, this would not preclude Parties from designating a national body to help prepare their reports.

In the absence of consensus on matters such as the frequency and content of reporting, but drawing on the discussion in Nairobi, we have developed some proposals in the following draft Article and in Annex III. We would very much welcome your suggestions for improvements or alternative approaches.

We would underline three additional points:

- the proposed reporting requirements for developed and developing countries would be differentiated as a result of their differentiated obligations and in terms of timing;*
- the Advisory Committee on Implementation would have as one of its principal functions the provision of assistance, to those Parties requesting it, in the preparation of reports and development of the related national strategies; and*
- the proposal builds in safeguards for confidentiality of information.*

RESOLUTION OF QUESTIONS REGARDING INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION AND

SETTLEMENT OF DISPUTES

Note by the Co-Chairs of Working Group II

In reviewing the kinds of mechanisms that may be required to promote compliance with Convention obligations and to resolve questions and disputes we have come to the conclusion that traditional approaches are insufficient. Climate change is a truly global problem. All Parties are affected by the action, or inaction, of all other Parties. Strict reliance on bilateralism whereby one Party raises a complaint or dispute with another Party will not, in our view, meet the needs of a convention on climate change. We have an opportunity to break new ground. In this regard, your Co-Chairs are proposing a new option (Article 10, Alternative B). The options considered in Nairobi are also included (Article 10, Alternative A although we have attempted to streamline and simplify them).

We share the view expressed in Nairobi that the first step in resolving questions must be cooperative. Consequently, we have emphasized procedures to ensure that the initial focus of any question relating to interpretation and implementation of the Convention will be on consultation and cooperation to assist Parties to come into compliance with their obligations.

We must also recognize that ultimately those who have accepted obligations under the Convention have a right to expect that all Parties will meet their obligations. Procedures will therefore be required to give effect to this.

Our proposal has the following key points:

- pursuant to the discussions in Nairobi, the Conference of the Parties would be the point of entry for any questions and the body responsible for all decisions;*
- questions relating to the interpretation and implementation of the Convention could be brought to the Conference of the Parties by any Party or Parties or by one of the subsidiary bodies;*
- such questions would be disposed of in a timely fashion, but dictated by the frequency of meetings of the Conference of Parties;*
- the Conference of the Parties would consider such questions and could establish an ad hoc panel drawn from the members of the Conference of the Parties;*
- if the question related to a specific Party, the Party would be invited to attend the meetings of the Panel;*
- the first step in reviewing any question raised would be consultation with the Party that was the subject of the question with particular reference to the means and mechanisms available under the Convention to assist Parties to implement their*

commitments. The Panel could also consult with any party or subsidiary body;

- *the panel would report the results of its consultations to the Conference of the Parties within one year. This report would include, if necessary, a recommendation for resolution;*
- *the Conference of the Parties would then consider this report and take whatever action it deemed necessary;*
- *as many of the questions would relate to interpretations of the Convention, one of the options open to the Conference of the Parties or the ad hoc Panel would be to seek, at any time in the process, an advisory opinion from a panel of legal experts. The Conference of Parties could also request an advisory opinion from the International Court of Justice;*
- *in the event that the Party that is the subject of the question did not comply with a decision of the Conference of the Parties, the latter could take any action it deemed necessary to further the objectives of the convention;*
- *as decision-making by consensus would not always be a practical option in this procedure, we have proposed decision-making by a two-thirds majority if necessary; and*
- *the details regarding the establishment of ad hoc panels and panels of legal experts would be elaborated in an Annex which could be drafted by the Working Group or by the Conference of the Parties once the Convention enters into force.*

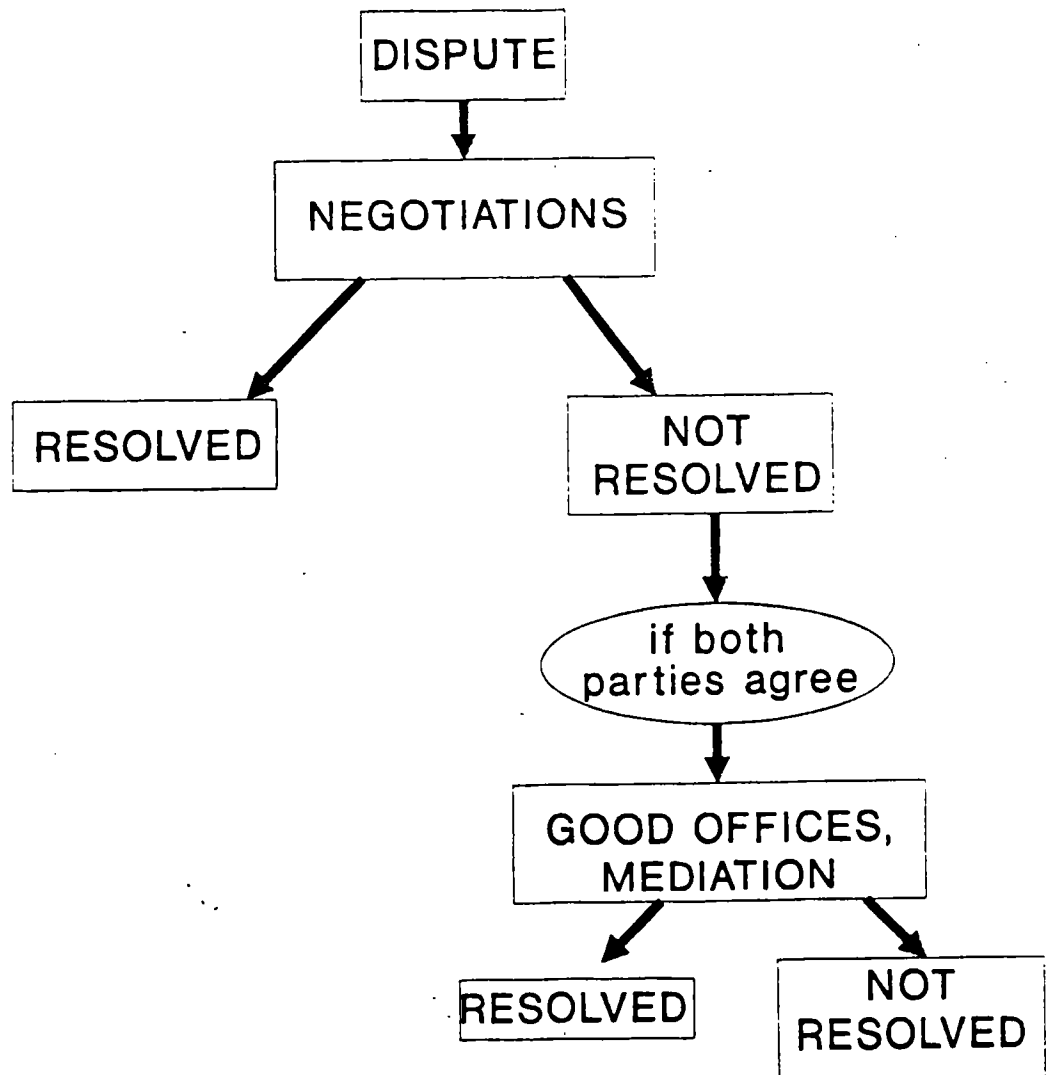
Article 10 (Alternative A)**RESOLUTION OF QUESTIONS REGARDING
INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION****Process**

1. The Conference of the Parties shall, in a timely fashion, consider and resolve questions regarding the interpretation and implementation of the Convention that are brought to its attention in writing by Parties or by its subsidiary bodies. To this end, it may establish one or more ad hoc Panel(s) of its members, designated in accordance with Annex __ (Annex to be drafted). If questions relate to a specific Party, the ad hoc panel(s) shall invite a representative of the Party that is the subject of the question (hereinafter referred to as the "Party concerned") to attend the meetings of the Panel. In considering the question before the next ordinary meeting of the Conference of the Parties and following the meeting at which the ad hoc Panel was established, the ad hoc Panel shall:

- (i) if the question relates to a specific Party, notify in writing the Party concerned that a question regarding its interpretation and implementation of the terms of the Convention has arisen;
- (ii) if the question relates to a specific Party, request the Party concerned to respond and take part in consultations with the Panel;
- (iii) consult, as it deems necessary, representatives of any Party and other expert bodies;
- (iv) request that the Party concerned advise the ad hoc Panel(s) of its capacity to implement fully the provisions that were the subject of the question, the provisions of the Convention as a whole, and of its needs relevant to the implementation of the Convention;
- (v) promote, using the means, institutions, and funds available under the Convention, the capacity of the Party concerned to comply with and implement its commitments under the Convention;

SETTLEMENT OF DISPUTES

Model 1



Article 10 (Alternative B)
SETTLEMENT OF DISPUTES

MODEL 1

Negotiation and other peaceful means:

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention or any Protocol thereto, the Parties concerned shall seek solution by negotiation.
2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

MODEL 2

Negotiation and other peaceful means:

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention or any Protocol thereto, the Parties concerned shall seek solution by negotiation.
2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

Recourse to other third-party procedures

3. If the Parties concerned cannot settle their dispute in the manner set forth in paragraphs 1 and 2 of this Article, and if they so agree, the dispute shall be submitted to the International Court of Justice or to arbitration in accordance with Annex IV.
4. Failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration does not absolve the Parties from the responsibility of pursuing the means of settlement pursuant to paragraphs 1 and 2 of this Article.

OPTION 1: Conciliation Commission

shall be submitted to a Conciliation Commission. The Commission shall be composed of an equal number of members appointed by each Party concerned, and of a chairman chosen jointly by the members appointed by the Parties. The Commission shall render a final, non-binding decision, which the Parties shall consider in good faith.

OPTION 2: Judicial settlement

may be submitted, at the request of any one of the Parties, to the Arbitral Tribunal.

Entry into force of amendments

- 5. Instruments of acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph (3) above shall enter into force on the ninetieth day after the day of receipt by the Depositary of notification of their acceptance, by at least [two-thirds] [three-fourths] of the Parties to this Convention unless otherwise provided in the amending instrument itself.**
- 6. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of acceptance of amendments.**

Article 13**ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION****Annexes are integral to the Convention**

1. The Annexes to this Convention shall form an integral part of this Convention, and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.

Adoption of additional annexes to the Convention

2. Additional annexes to the Convention shall be proposed and adopted according to the procedure set forth in Article 11 (on Amendments to the Convention).

Procedure for entry into force of additional annexes to the Convention

3. Annexes which have been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention one hundred twenty days after the date on which the Depositary issued notices to such Parties of the adoption of the Annex, except for those Parties which have notified the Depositary, in writing, within that period of their non-acceptance of the Annex. The Annex shall enter into force for Parties which have withdrawn their notification of non-acceptance on the ninetieth day after the date of withdrawal of such notification has been received by the Depositary.

Procedure for amendments to annexes

4. The proposal, adoption and entry into force of amendments to Annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of Annexes to the Convention.

5. If an additional annex or an amendment to an annex involves an amendment to the Convention, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention enters into force.

Article 15

DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of this Convention.

Article 17**RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION**

1. The Convention shall be subject to ratification, acceptance, approval and accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval and accession shall be deposited with the Depositary.

Regional economic integration organizations

2. Any regional economic integration organization which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

Declarations of competence

3. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will in turn inform the Parties, of any substantial modification in the extent of their competence.

Option 4:

the ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] instrument of ratification, acceptance, approval or accession, or the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession from States or regional economic integration organizations whose [net] emissions of greenhouse gases [CO₂] represent [two-thirds] [three-fourths] of estimated total global net emissions in [year], whichever is the earlier.

Entry into force for parties once convention already in force

2. For each State or regional economic integration organization which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

Regional economic integration organizations

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 20

WITHDRAWAL

Written notification of withdrawal from Convention

1. At any time after [three] [four] [five] years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

Effective date of withdrawal

2. Any such withdrawal shall take effect upon expiry of one year from the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

Withdrawal from Convention considered as withdrawal from Protocol

3. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

- C. Texts related to "Legal and institutional mechanisms related to adequate and additional financial resources and technological needs and cooperation, and technology transfer to developing countries corresponding to the commitments agreed to in Working Group I" (Decision 1/1, paragraph 7 (c))

Note by the Co-Chairs of Working Group II

During the third session of the Committee, Working Group II engaged in an extensive discussion of the legal and institutional mechanisms related to financial resources and transfer of technology. Many delegations responded directly to the questions your Co-Chairs had posed on pages 59 and 60 of document A/AC.237/Misc.8. On the basis of this discussion, we believe that many of the major issues relating to mechanism(s) on financial resources and technology transfer were clarified and we have prepared this Note accordingly.

Policy Direction

The Co-chairs believe that in Nairobi there was a consensus that the responsibility for policy direction and the authority to establish the operational criteria for the management of the financial resources and transfer of technology mechanism must rest with the Conference of the Parties. We have therefore factored this approach into the functions for the Conference of the Parties which have been set out separately in this document.

Administration

In addition, it is our belief that in Nairobi there was broad agreement that any financial mechanism established under the Conference of the Parties should maintain a unique identity i.e. regardless of whether the financial mechanism is an independent body or associated with an existing institution, the funds allocated for meeting the provisions of the Convention would be discrete and separate.

Contrary to the discussion on responsibility for policy-making and the separate nature of the financial resources and technology transfer mechanism, there was no consensus in Nairobi on how, or which body should administer the above mechanism. Nonetheless, the Nairobi discussion was useful in clarifying which options might be considered. In broad terms, most of the proposals relating to the administration of a financial resources and technology transfer mechanism can be divided into two categories - those that felt the administration should be done through the modified Global Environmental Facility (GEF) of the World Bank/UNEP/UNDP, and those that felt the administration should be clearly separated from the GEF.

Article 22**ADMINISTRATIVE MECHANISM FOR
FINANCIAL RESOURCES AND TECHNOLOGY TRANSFER****Establishment**

1. An administrative mechanism for the administration of the financial resources and the transfer of technology, with a democratic and transparent system of governance, is hereby [established] [designated under the auspices of].

Functions

2. The administrative mechanism for financial resources and technology transfer shall:
 - (a) pursuant to the operational guidelines and policy direction of the Conference of the Parties, be responsible for the administration of funds, including those funds related to the promotion of transfer of technology, provided by the Parties for the fulfilment of the obligations of the Convention;
 - (b) be accountable to the Conference of the Parties for its allocation of the funds and for ensuring that the funding priorities and criteria established by the Conference of the Parties are adhered to in its financial activities;
 - (c) receive and collect assessed funds from the Parties to the Convention;
 - (d) be responsible for receiving voluntary contributions, either financial or in kind (technology) provided by Parties, in accordance with criteria set out by the Conference of the Parties;
 - (e) establish appropriate accounting procedures to ensure that all assessments and contributions made to fulfil the obligations of the Convention are properly recorded and credited;

INSURANCE

Note by the Co-Chairs of Working Group II

The establishment of an innovative insurance mechanism to address in particular the problems associated with sea-level rise resulting from climate change was raised in Geneva and discussed further in Nairobi. Delegations expressed interest in the concept although many questions remain. A brief and general article on insurance has been submitted and follows this note. It would be elaborated on in an annex which has yet to be drafted.

We would pose two questions that you may wish to consider:

- ***what has been proposed is an international insurance pool that would be separate from an administrative mechanism for financial resources and technology transfer. What would be the relationship between such an insurance fund and the administrative mechanism for financial resources and technology transfer?***
- ***do you believe that the proposed insurance fund is appropriate for the Convention at this time, or should it be developed by the Conference of the Parties?***

ANNEX I

RESEARCH AND DEVELOPMENT AND SYSTEMATIC OBSERVATION

1. The Parties recognize that the major scientific issues related to climate change are:
 - (a) understanding the interactions between changes in the climate system and the physical, chemical, biological, hydrological and geological processes and solar cycles in the atmosphere, oceans and land;
 - (b) understanding the impacts of climate change on ecosystems and social and economic systems; and
 - (c) evaluating the methodologies for assessing options for mitigating and adapting to climate change, including consideration of costs and benefits of such options.
2. The Parties recognize the need to cooperate in conducting research and development and systematic observation, in accordance with Article 2, in such areas as:
 - (a) Systematic Observations. Long term systematic observations of the Earth's atmosphere, oceans, seas, terrestrial and socio-economic systems on global and regional scales, including documenting the contemporary and historical changes in the Earth's environment using an integrated space, land and ocean based observing system and relevant paleoenvironmental data. Specifically there is a need for systematic observations to measure and/or estimate:
 - (i) atmospheric parameters, including,
 - greenhouse gases, aerosols and their possible precursors;
 - clouds, by type, amount, height, composition and optical properties;
 - precipitation, evaporation and water vapour, temperature, wind and radiative fields.

(b) Process research. Research of the coupled physical, chemical, biological, hydrological, geological, economic and social processes that affect the Earth's climate system. There is a need for an improved understanding of the processes and development of methodologies governing:

(i) the sources and sinks of greenhouse gases, aerosols, and their possible precursors, which affect future atmospheric concentrations and the Earth's radiative balance, and how these may be influenced by climate change. Specifically:

- identification, quantification and development of an understanding of the processes that control oceanic, terrestrial, and atmospheric sources, sinks and reservoirs of anthropogenic and natural origin;
- quantitative estimation of radiative properties and lifetimes;
- improved indices that reflect the radiative forcing of greenhouse gases, taking into account historical emissions;
- development and improvement of methodologies for national inventories of sources, sinks and reservoirs.

(ii) atmospheric cycling of radiation, heat and water, with emphasis on cloud formation, dissipation and radiative properties, which influence the response of the atmosphere to greenhouse forcing. Specifically, research on:

- the atmospheric distribution of water vapour, precipitation, and clouds;
- evaluating the radiative properties of clouds;
- evaluating the temporal variability of solar radiative input and atmospheric transmission;
- the evaluation and mapping of surface albedo.

- (vi) The biosphere and the oceans, including those of the Antarctica and the Arctic regions, as reservoirs or sinks, as well as ways and means of preserving and enhancing sinks and reservoirs and creating new ones.
- (vii) economic and social processes, which contribute and react to climate change. Specifically, studies of how the climate system is influenced by:
 - economic growth, policies and practices;
 - technology and practices in a wide range of sectors including energy, agriculture, forestry, transportation and industry; and
 - social systems, policies and practices.
- (c) Modelling and prediction. Prediction of the magnitude and rate of future climate change, including an identification and assessment of uncertainties, through the development and validation of integrated climate system models with enhanced regional and national resolution, social and economic models, and the links and feedbacks between climate change and social and economic processes. At a global, regional and national scale, there is a need for:
 - (i) improved representation within models of processes affecting climate;
 - (ii) evaluation of the predictability of climate;
 - (iii) comparison of model output with current observation, past records and transient climate parameters; and

(iii) water resources. Examining, on a regional basis, effects of changes in the hydrological cycle on:

- provision of drinking, irrigation and industrial water supplies;
- impact on agriculture and inland navigation;
- combined effects of climate change and land use changes on water resources;
- drought and desertification.

(iv) coastal environment

- evaluating sea level and temperatures, and their subsequent regional impacts on geological and ecological processes, including coral and planktonic populations;
- the viability and quality of human settlements; and
- frequency and magnitude of marine disasters such as severe storms and storm surges and their impact on coastal structures.

(v) Social systems and economics. Investigating the effects of changes in climate, weather, sea level and temperature on:

- disease vectors, viability of pathogens, nutrition and other factors relevant to human health;
- the viability and quality of land use, human settlements, the built environment and all other aspects contributing to the quality of life;
- the economic, social and cultural consequences for societies, especially for vulnerable small island countries.

(iii) Assessing the costs, benefits, and environmental and social consequences of mitigation and adaptation responses, including:

- as a function of the timing and magnitude of climate change;
- the direct and indirect links between responses and economic activity, including eradication of poverty and trade; and
- the distributional and other social implications of responses within and between countries and regions; and
- countries which are not in a position to use substitutes for fossil fuels or do not possess the flexibility to switch to non-fossil fuels.

(iv) **Environmentally safe and sound technologies, practices and measures.**

2. Technological, Technical and Socio-economic Information

This includes information on:

- (a) the availability, feasibility and costs of alternative technologies, and agricultural and forestry practices to reduce emissions and increase sequestration of greenhouse gases, as well as related planned and ongoing research, including appropriate information on relevant safe technologies and related equipment and their manuals and guides;**
- (b) the limitations involved in using such alternative technologies and agricultural and forestry practices;**
- (c) national strategies and programmes to mitigate and adapt to climate change, including actions taken, relevant socio-economic information and available assessments of effectiveness; and**
- (d) relevant business and commercial activities.**

3. Legal Information

This includes information on:

- (a) national laws, administrative measures and legal research relevant to the objectives of the Convention;**
- (b) international agreements, including bilateral agreements, relevant to the objectives of the Convention; and**
- (c) methods and terms of licensing and availability of patents relevant to alternative technologies and agricultural and forestry practices.**

ANNEX IV**ARBITRATION****Article 1**

Unless the Parties to a dispute otherwise agree, the arbitration referred to in Article 10 (Alternative B on Settlement of Disputes) of the Convention shall be conducted in accordance with the procedure set out in articles 2 to 17 below.

Article 2

The claimant party shall notify the secretariat of the reference of a dispute to arbitration pursuant to Article 10 (Alternative B) on the International Implementation Committee of the Convention. The notification shall state the subject matter of the arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which is at issue. The secretariat shall forward the information thus received to all Parties to the Convention or to the protocol concerned.

Article 3

1. In disputes between two parties, the Arbitral Tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator within two months of the notification referred to in article 2 of this Annex and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chair of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two parties, parties in the same interest shall appoint one member of the Tribunal jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 9

Unless the Arbitral Tribunal determines otherwise because of the particular circumstances of the case, the costs of the Tribunal shall be borne by the parties to the dispute in equal shares. The Tribunal shall keep a record of all the costs, and shall furnish a final statement thereof to the parties.

Article 10

Any Party to the Convention or, as the case may be, to a protocol thereto, that has an interest of a legal nature in the subject matter of the dispute that may be affected by the decision in the case, may intervene in the proceedings with the consent of the Tribunal.

Article 11

The Tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 12

Decisions both on procedure and substance of the Arbitral Tribunal shall be taken by a majority vote of its members.

Article 13

If one of the parties to the dispute does not appear before the Arbitral Tribunal or fails to defend its case, the other party may request the Tribunal to continue the proceedings and to render its final decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the Arbitral Tribunal must satisfy itself that the claim is well founded in fact and law.

CAN-US COMMENTS ON WORKING GROUP TEXTS - EXECUTIVE SUMMARY

Working Group I (A/AC.237/Misc.12)

I. Preamble

- ▶ The Preamble should make explicit references to:
 - The adverse effects of additional global warming on ecological systems;
 - The multisectoral nature of global warming;
 - The critical importance of addressing energy use, including efficiency and renewables;
 - The role of public financial institutions such as the World Bank;
 - The contribution of non-governmental organization;
 - The need for increased technology cooperation and financial assistance to developing countries.
- ▶ Sustainable development should not be treated as an absolute prerequisite to developing countries' national efforts.
- ▶ There should be no implied conflict between environmental protection and trade, nor should there be any implication that trade rules limit the rights of states to establish stricter environmental standards.

II. Principles

- ▶ Sustainable Development. No state has an unqualified right to use energy regardless of the consequences. Energy production and consumption must reflect the full societal cost.
- ▶ Precautionary Principle. The reference to "cost effective measures" raises significant questions as to how costs will be defined. Linking the precautionary principle to remaining "major uncertainties" tends to vitiate the impact of the principle.
- ▶ Right to Development. An "appropriate level of economic development" is not a prerequisite for all control measures. Certain control measures, such as energy efficiency, promote economic development.
- ▶ Polluter Pays Principle. One of the most important means of bringing this principle into practice is to adopt full cost pricing. The principle as drafted appears to mix this concept with the concept of liability. The polluter pays principle should not be subject to the "capacity" of responsible countries.

systems, that lead to greenhouse gas emissions, such as promotion of fossil fuel and production and cutting of primary forest.

► All Parties should create National Advisory Panels consisting of NGOs, the scientific community, industry, and other interested parties to advise their governments on climate policy, assist with implementation of control measures, and participate in the development and review of national reports.

Working Group II (A/AC.237/Misc.13)

Conference of the Parties

► Some decisions should require less than a two-thirds majority vote of the CP, for example, the decision to refer questions to another body or to authorize the formation of an ad hoc panel.

► To be able to quickly respond to new information, the CP should have authority to adjust and amend substantive commitments. Such adjustments and amendments should not require ratification.

► The CP should coordinate with and seek the cooperation of all competent bodies, including public financing institutions and non-governmental organizations.

► The convention must specifically provide for observer status for NGOs to all meetings of the CP and all its subsidiary bodies. Observers should receive all documents and reports and have the right to make statements.

Secretariat

► Since the Secretariat is at the center of the Convention's institutional structure, and is its principle standing body, it should have a more dynamic role. It should oversee and report to the CP on matters of compliance, recommend the formation of and review reports from ad hoc panes, assist in national plans, and assist the advisory committees in carrying out their mandates.

Advisory Committee on Science

► The ACS should coordinate with and seek assistance from competent NGOs.

► The Convention should stress the independence of the ACS and provide for the presentation of minority reports.

► An ACS consisting of only fifteen members will probably not be able to perform all the work assigned to it. Provision must be made for the ACS to obtain assistance from other scientific bodies. Specifically, it should collaborate with the IPCC and other scientific programs of UNEP and WMO.

CAN-US COMMENTS ON WORKING GROUP TEXTS - DETAILED NOTES

Working Group I (A/AC.237/Misc.12)

I. Preamble

- A. The Preamble in its opening paragraph should also make an explicit reference to the adverse effects on ecological systems from additional global warming.
- B. Moreover, the Preamble could be strengthened by references to the importance of limiting greenhouse gas emissions, on the multi-sectoral nature of the problem, on the critical importance of addressing energy use, including efficiency and renewables, on the role of public financial institutions such as the World Bank, on the contribution of non-governmental organizations in addressing climate change and on increased technology cooperation and financial assistance to developing countries.
- C. The importance of the Montreal Protocol, particularly in light of the recent science assessments, appears to be overstated in terms of its direct contribution to combatting global warming.
- D. While sustainable economic development is critical for effective LDC action on the climate change issue, national efforts to limit climate change should not be perceived as separate from, but rather an integral part of sustainable economic development.
- E. There should be no presumption that environmental programs constitute a barrier to trade and there should be no implication that trade rules override the right of states to establish stricter environmental standards.

II. Principles

Many of the principles would appear to be either preambular in nature or relevant to general obligations of the Parties either individually or collectively. As important as these principles are, it is critical that negotiators get down to negotiating specific obligations rather than generalized points. To the extent that principles are included, they should guide State's parties in implementing the objectives of the Convention, including decision-making by the Conference of Parties.

- II.1. Sustainable Development. Consistent with Principle 21 of the Stockholm Declaration referred to in the Preamble, no country has an unqualified right to use of energy regardless of the environmental implications. The full societal costs must be reflected in the production and consumption of energy. While respecting the need for energy consumption to grow in developing countries, such growth must be sustainable.
- II.2. Precautionary Principle. The precautionary principle is a critical tenet in halting global warming. The reference to "cost-effective measures" raises significant questions of how costs are defined regarding the impacts of climate change. In addition, while importance must be attached to continuing scientific research on climate change linking the precautionary principle to remaining "major" uncertainties tends to vitiate the impact of the principle.
- II.3. Equity and Common but Differentiated Responsibility. Protection of the climate needs to be defined as the interest isn't in protecting the climate per se, but human kind and ecological systems from adverse changes in climate
- II.4. Right to Develop. While an appropriate level of economic development, in fact a level closer

- E. There should be a common obligation that all states parties should create an independent climate advisory body comprising NGOs, the scientific community, industry, etc. to advise governmental bodies on climate policy. Countries should also establish cross-sectoral ministerial mechanisms to address climate change.
- F. Establish a ceiling on the radiative forcing from all anthropogenic increases in greenhouse gas concentrations that is consistent with the objective of the convention, based on the best available scientific information. Analysis discussed at the Second World Climate Conference suggests that this limit should be approximately 475 ppm CO2 equivalent.
- G. Review the national and regional programmes and strategies called for in IV.1.2, including the expected trends in greenhouse gas emissions as described in Annex III of Misc.13, for consistency with the ceiling on radiative forcing. The Advisory Committee on Implementation and the Advisory Committee on Science should conduct this review and report to the Conference of Parties. If the Advisory Committee on Science determines, based on these programmes, strategies, and scenarios, that the ceiling on radiative forcing is likely to be violated then the Advisory Committee on Implementation shall recommend additional measures to reduce greenhouse gas emissions for consideration by the Conference of Parties. Parties shall revise their plans in light of these recommendations and any decisions adopted by the Conference of Parties.
- H. Protect primary and old growth forests as the top priority in the context of IV.1.4 (see specific suggestions below).
- I. Reduce methane emissions from natural gas systems by 60%, coal mining by 25%, and landfills by 75% by the year 2000. Develop techniques to reduce emissions from other methane sources and adopt the best available control technology to reduce these methane emissions. The incremental costs for developing country parties to carry out these commitments will be provided by industrialized country parties.
- J. Negotiate a carbon dioxide agreement, to be concluded by 1993, that contains commitments for CO2 emission reductions from industrialized countries of 25% in 2005 and 40% in 2010.

The text of the existing paragraphs in section IV of Misc.12 should also be revised to reflect the need to involve local people and non-governmental organizations in the formulation and implementation of national strategies, to ensure that national strategies protect natural forests and biological diversity, and to ensure that the initial commitments by industrialized countries reflect the need to reduce, rather than merely stabilize, CO2 emissions. The proposed language is as follows (changes from the original text are in brackets):

IV.1.2. Formulate and implement[, in collaboration with local peoples and nongovernmental organizations,] national or regional programmes and strategies with regard to the limitation of greenhouse gas emissions, conservation and [environmentally sound and appropriate] enhancement of sinks as well as strategies to mitigate adverse effects of climate change including preventive measures which can also be beneficial for reasons other than climate change. These programmes should include information about current and projected emission levels, the current and projected status of forests and other carbon sinks, [the socio-economic impact of the programmes,] and measures - planned or in force - to combat global warming.

...

IV.1.4.

protocol, the structure was diluted to permit ratification of a framework convention only. Although the two-step process has received much praise since completion of the Montreal Protocol, THE USE OF A FRAMEWORK CONVENTION/PROTOCOL STRUCTURE IN THE CLIMATE NEGOTIATIONS MUST BE SERIOUSLY QUESTIONED.

Policy decision-making: While the CP is charged with considering national reports and reviewing the timetables for their delivery, delivery times are now left wholly to the discretion of the CP.

- Because the CP meets annually, THE CONVENTION MUST EXPLICITLY REQUIRE REPORTS BE DELIVERED TO THE CP ON AN ANNUAL BASIS.

Other functions: Full participation of public financing institutions is an essential component of this process. The convention must explicitly provide that the CP should seek the services of these institutions. Accordingly, SECTION (I) SHOULD BE REVISED TO READ: "...BODIES, INCLUDING THE FULL COLLABORATION WITH PUBLIC FINANCING INSTITUTIONS."

Decisions by Conference of the Parties: MISC.13 requires a two thirds majority for deciding questions of interpretation and implementation, as well as for appointing ad hoc panels. Such a requirement may be onerous, particularly with respect to the formation of ad hoc panels, as it may hamper the ability of the CP to react in an efficient manner.

- THE CONVENTION SHOULD ADOPT A LOWER THRESHOLD, FOR INSTANCE A MINIMUM NUMBER OF PARTIES, TO HAVE A QUESTION REFERRED TO ANOTHER BODY OR TO AUTHORIZE THE FORMATION OF A PANEL.

Observers: Admission and participation of observers is currently subject to at least two limitations: denial of admission by one-third of the parties present and rules of procedure that may be adopted by the CP.

- The contribution of nongovernmental actors is one of the most significant developments in international environmental negotiations. Complex scientifically-based problems require input from more than the traditional governmental negotiators; a variety of competent actors, including representatives from the scientific, academic, environmental, industrial and trade communities will be called upon. Moreover, because solutions to climate change will require transformation of individual behaviors, successful control strategies necessitate the participation of citizen based representation.
- A SUCCESSFUL CONVENTION MUST INCLUDE SPECIFIC REFERENCE TO THE RIGHT OF OBSERVER STATUS FOR NGOS.
- The right to observe must include access to all sessions of the CP, and to any subsidiary bodies that may be subsequently established, including financing bodies. Moreover, accredited NGOs should be accorded the right to seek constitution of ad hoc panels.
- NGOs recognize the need for the exclusion of nonParties in certain circumstances, and support closure should a certain number of the Parties present object to nonParty presence. Nonetheless, no other contrary provisions of the convention, including the Rules of Procedure, should be permitted to limit or exclude NGO attendance.
- Observers should be accorded the right to receive all documents and reports of the convention, and the right to make statements.

- The ACI is charged only with identifying to the CP those Parties that have not submitted reports in accordance with the requirements. The Convention does not currently charge any one body with the explicit responsibility for identifying issues of noncompliance or potential noncompliance and bringing them to the attention of the CP, nor does it require the ACI to report to the CP countries who are out of compliance.
- Because the ACI is best able to identify and assist such countries, THE ACI MUST BE REQUIRED TO ASSIST COUNTRIES WHO ARE OUT OF COMPLIANCE. Further, THE ACI SHOULD BE EXPLICITLY CHARGED WITH RESPONSIBILITY FOR IDENTIFYING COUNTRIES WHO ARE LIKELY TO BE OUT OF COMPLIANCE AND FOR REPORTING NONCOMPLIANCE TO THE CP.
- So that the ACI can adequately perform these functions, THE ACI SHOULD BE ACCORDED THE RIGHT TO CONDUCT "ON THE GROUND" FACTFINDING.

Membership: Unlike the provisions for the members of the ACS, MISC.13 does not require members of the ACI serve in their individual capacities. THE CONVENTION SHOULD EXPLICITLY NOTE THAT MEMBERS OF THE ACI ARE TO SERVE IN THEIR INDIVIDUAL CAPACITIES.

Miscellaneous: MISC.13 contains no institutional capability for creating a plan to identify or meet long term goals of the convention, nor is there any institution situated between the ACS and the ACI to synthesize the findings of these bodies in order to prepare such a plan. THE ACI, IN CONSULTATION WITH ACS, MUST BE REQUIRED TO DEVELOP AND DELIVER TO THE CP A PROGRAM FOR IMPLEMENTING THE LONG TERM GOALS OF THE CONVENTION.

- Like the ACS, the ACI has been given a vast mandate without full explanation as to how only fifteen people will be able to perform all of the necessary work. This shortfall could be supplemented by other bodies, and reinforces the need for a strong Secretariat. THE CONVENTION SHOULD EXPRESSLY UTILIZE THE TECHNICAL STAFF OF THE S TO ASSIST THE ACI IN CARRYING OUT ITS MANDATE.
- There is a demonstrated need for wide participation in developing, implementing and evaluating strategies to slow the rate of climate change. MISC.13 includes no provision for entities other than parties to raise questions of interpretation and implementation. There are various methods to ensure wider participation. For instance, the convention could permit accredited NGOs to petition the CP to order a review of an issue of interpretation or implementation. Accredited NGOs could be permitted to bring questions of interpretation or implementation directly to the ACI. Additionally, a cross sectoral National Advisory Body (see below for further explanation) could entertain questions from NGOs and relay relevant issues to the ACI.
- THE CONVENTION MUST INCLUDE MECHANISMS WHEREBY PARTICIPANTS OTHER THAN PARTIES MAY RAISE QUESTIONS OF INTERPRETATION AND IMPLEMENTATION.

ARTICLE 9: REPORTING

Submission of Report: MISC.13 contains no requirements regarding regular report submissions or the timing of delivery. The only requirement relates to when Parties must submit their first national plans. Delivery of subsequent reports is at the discretion of the CP.

- THE FREQUENCY ON WHICH REPORTS ARE TO BE DELIVERED MUST BE

Miscellaneous: MISC.13 includes no process for connecting the dispute resolution process to the work of the ACI. THE CONVENTION MUST MAKE EXPLICIT THE NEED FOR THE USE OF REPORTS AND RECOMMENDATIONS OF THE ACI IN THE DISPUTE RESOLUTION PROCESS.

- NGOs have important contributions to make to the dispute settlement process. THE CONVENTION MUST EXPLICITLY RECOGNIZE AND EXPAND THE ROLE OF NGO ACTORS IN THE DISPUTE SETTLEMENT PROCESS. Should cross sectoral advisory panels be established, this body could be the repository for all information regarding issues of noncompliance and dispute settlement proceedings. Absent such a panel, accredited NGOs must receive notice of dispute settlement proceedings and be permitted to attend proceedings. The Convention must authorize accredited NGOs to petition the CP or the ACI to review questions of noncompliance.

Annex III

Paragraph 1(f) should specify that a scenario for future emissions extending at least 40 years must be developed in order to make a consistency check with the general objective possible. The language could recognize that such scenarios are not predictions or commitments and that uncertainty about future emissions increases with the time horizon. Paragraph 2 should probably specify annual reporting, rather than biennial, to be consistent with annual meetings of the CP. Long-term scenarios could be updated every two years rather than annually. Finally, regarding confidential information, paragraph 3(d) should additional type of confidential information be approved by the ACI, or by the CP?

CONVENTION TEXT

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TUESDAY, DECEMBER 17, 1991

FYI: You are staying at the Hotel
Intercontinental, 9 Ch du Petit
Sacconex Tue-Thur Night
PHONE: 41-22-734-6091
FAX: 41-22-734-2864

9:35a Arrive Geneva, where you
will be met by Control Officer
John Weiss & Conf Services Officer
Chris Dehaene

10:30a Arrive U.S. Mission
11, Route de Pregny
1292 Chambesy

10:35a Mtg w/ Amb Abram, accomp
by Mr Reinstein (Dep Asst Sec
for the Enviro, Health & Natural
Resources); Dept of State rep &
Katie

11:00a Depart U.S. Mission for Hotel
Intercontinental

11:10a Arrive Hotel Intercon
9, Ch du Petit Sacconex
(41-22-734-6091)

1:00p Met at hotel by John Weiss
for drive to Palais

1:10p Arrive Palais des Nations

1:15p Lunch w/ Mr Jean Ripert,
Chrm of INC, at the Palais
Restaurant, 8th Floor

*KM: We should
prepare a
report for the
observer groups
on what is
going on here.*

3:00p Mtg w/ Mr Chandrashekhar
Dasgupta, Head of G-77 India
& Richard Benedict, former
State Dept Negotiator on Montreal
Protocol
(MEET OUTSIDE THE HALL OF WORKING
GROUP ONE to be directed to mtg
location)

4:00p Mtg w/ Australian Head
of Delegation Penny Wensley
in Delegates Lounge, Palais,
New Bldg

4:30p Attend INC Working Group
II Mtg in Room XVII, Palais
(?? Interview w/ NGOs)

5:30p Depart Palais for Hotel

5:40p Arrive Hotel Intercontinental

6:15p Depart Hotel Intercon for Amb
Abram's residence w/ Weiss

7:00p Arrive Amb's residence,
accompanied by Weiss for informal
discussion, light supper w/ Exec
Brd of American Intl Club

9:00p Leave Amb's residence

9:20p Arrive Hotel Intercontinental

WEDNESDAY, DECEMBER 18, 1991

HAPPY BIRTHDAY NELLIE!!!

8:00a Met at hotel Intercon by
John Weiss

8:10a Mtg w/ Mr Reinstein at U.S.
Mission, Botanic Bldg

8:30a Mtg w/ U.S. Delegation

9:45a Depart Botanic Bldg

10:00a Arrive Palais for INC
Working Group mtg, Room XIX,
New Bldg- accomp by John Weiss

11:00a Mtg w/ Head of Soviet Deleg
Alexander Metalnikov in Delegates
Lounge, Palais, New Bldg

11:30a Return to INC Working Group
mtg

1:15p HOST LUNCH FOR G-77 REPS:

Brazil -- Mr Luis Filipe de Macedo
Soares

Ghana -- Mr James Naadjie

India -- ??

LOCATION: Palais Restaurant
* Mr Reinstein will also be
included in lunch

3:00p INC Working Group I resumes,
Palais, Room XIX

4:00p Mtg w/ Chinese Head of Deleg
Mr Sun Lin in Delegates Lounge,
Palais, New Bldg, accomp by Mr
Reifsnnyder or Ms Kisney of U.S.
Deleg

5:15p Depart Palais

5:15p FYI Kristin's Basketball
game v. Bishop O'Connell (away)

5:25p Arrive Hotel Intercon

6:15p or 6:45p: Met at hotel by
John Weiss

7:00p or 7:30p: Arrive Amb Abram's
residence for Mtg w/ Working Group
Co-Chrs in Library
(Sen Baucus will also be present)

7:30p Drinks followed by dinner

10:30p Depart Amb's residence w/
John Weiss

10:50p Arrive Hotel Intercon

THURSDAY, DECEMBER 19, 1991

8:00a Met at hotel by John Weiss

8:15a Arrive airport

8:55a Dep Geneva on Sabena Flight
#370

10:10a Arrive Brussels airport

11:00a Mtg w/ Carlo Ripa di Meana,
Mbr of the Commission of European
Communities in charge of the
Environment, together w/ Hemmo
Muntingh & Francois Roelants
du Vivier, European Commission
Office, Berlaymont Bldg, 200
Rue de la Loi, Bruxelles

12:30p Lunch at the restaurant of
the European Parliament
* Guests will include Hemmo
Muntingh MEP, Carlos Pimenta MEP;
Ken Collins, Chrm of Cmte on the
Environment (possibly)

3:00p Mtg w/ European Parliament
Cmte on the Environment
* YOU will be introduced by
the Chrm & asked to make a short
speech (10 minutes), after which
you will answer questions from
the members

3:45p Visit to the GLOBE Intl
Office & Mtg w/ Hemmo Muntingh,
MEP; Carlos Pimenta MEP &
Francois Roelants du Vivier,
50 Rue du Taciturne, 1040
Bruxelles

4:00p FYI Kristin's Basketball
game v. Flint Hill (home)

5:15p Depart for airport

6:25p Dep Geneva on Sabena Flight
#373

7:30p FYI: NCS/STA Christmas
Service

7:50p Arrive Geneva from Brussels,
transp by taxi to hotel (unaccomp)
(This WILL COST YOU APPROX 15
FRANCS)

8:10p. Arrive hotel

8:30p Mtg w/ gathering of U.S.
delegation & environment officers
from various missions in Geneva at
home of John Weiss, #14 Chemain
Collandon (this is very close to
hotel)

* This is VERY INFORMAL
(788-4074-phone)

FRIDAY, DECEMBER 20, 1991

7:35a Met at hotel Intercon by
Weiss

7:45a Arrive U.S. Mission for
continental bfast mtg w/ the
following delegation mbrs:
EC-- Mr Jorgen Henningsen ???
Germany-- Ms Cornelia Quinnet
The Netherlands-- Mr Bert Metz
UK-- Mr David Fisk
Portugal-- His Excellency Mr Joao
Pereira Bastos (tent.)
U.S. Participants-- Katie
Mr Weiss

9:25a Depart Mission for airport,
accomp by Weiss, Dehaene

9:40a Arrive Airport

10:40a Depart Geneva on TWA Flight
#895 for Washington, DC
(one-stop Paris, no change)

11:00a FYI Beauvoir Christmas
Chapel Service w/ Carols in the
Great Corssing of the Washington
Cathedral
* Parents will be seated in
regular Cathedral seats & children
must be picked up from CLASSROOM

1:15p FYI NCS School Dismissal

3:50p Arrive Dulles, met by Jody



UNITED STATES MISSION TO INTERNATIONAL ORGANIZATIONS
GENEVA, SWITZERLAND

VISIT OF SENATOR ALBERT GORE, JR.

Geneva
December 17 - 20, 1991

INDEX

1. Schedule of Meetings.
2. Guest List: Reception Hosted by Ambassador and Mrs. Abram, Tuesday, December 17, 7:00 - 9:00 p.m. at the Residence.
3. Guest List: Dinner Hosted by Ambassador and Mrs. Abram, Wednesday, December 18, 7:30 p.m. at the Residence.
4. Guest List: Informal Reception Hosted by Dr. John M. Weiss, U.S. Mission Environment Officer, Thursday, December 19, 8:30 p.m. at 14 Ch. Colladon, 4e etage.
5. List of Participants: Breakfast Meeting with the INC Delegation Members at the U.S. Mission, Conference Room A, on Friday, December 20.
6. Biographical Information on INC Leadership.

16:30 Attend INC Working Group II meeting in Room XVII,
Palais

17:30 Depart Palais for Hotel

17:40 Arrive Hotel Intercontinental.

18:15 Depart Hotel Intercontinental for Ambassador Abram's
Residence with Weiss for informal discussion, light
supper with Executive Board of American International
Club.

21:00 Leave Ambassador's residence.

21:20 Arrive Hotel Intercontinental.

WEDNESDAY, DECEMBER 18, 1991

08:00 Pickup at Hotel Intercontinental by John Weiss.

08:10 Meet with Mr. Reinstein at U.S. Mission Annex, Botanic
Building.

08:30 Meet with U.S. delegation.

09:45 Depart Botanic Building.

10:00 Arrive at Palais for INC Working Group I meeting, Room
XIX, New Building accompanied by John Weiss.

11:00 Meet with Head of Soviet Delegation Alexander
Metalnikov in Delegates Lounge, Palais, New Building.

11:30 Return to INC Working Group meeting.

11:50 Depart Palais for Botanic Building.

12:00 Meet with UNCED Secretary General Maurice Strong,
Botanic Building, 5th Floor

12:45 Depart Botanic Building for Palais

13:15 Host a lunch for G-77 representatives:

Brazil	Mr. Luis Filipe de Macedo Soares
Ghana	Mr. James Naadjie
India	To be named later

at the Palais Restaurant. Mr. Reinstein will also be included in luncheon.

15:00 INC Working Group I resumes, Palais, Room XIX.

16:00 Meet with Chinese Head of Delegation Mr. Sun Lin in Delegates Lounge, Palais, New Building, accompanied by Mr. Reifsnyder or Ms. Kinney of U.S. delegation.

17:15 Depart Palais.

17:25 Arrive Hotel Intercontinental.

18:15 Pickup at hotel by John Weiss.

19:00 Arrive at Ambassador Abram's Residence. Meet with Working Group Co-Chairs in Library.

19:30 Drinks followed by Dinner.

22:30 Depart Ambassador's Residence with John Weiss.

22:50 Arrive Hotel Intercontinental

THURSDAY, DECEMBER 19

08:00 Pickup at hotel by John Weiss.

08:15 Arrive Airport.

08:55 Leave Geneva Sabena Flight 370 for Brussels.

19:50 Arrive Geneva Sabena Flight 373 from Brussels. Transportation by taxi to hotel, unaccompanied.

20:30 Informal reception in honor of Senator Gore hosted by U.S. Mission Environment Officer John Weiss in his residence, 14 chemin Colladon, 4e etage, Tel: 788-4074. Guest list includes U.S. delegation and environment officers from various missions in Geneva which is attached.

FRIDAY, DECEMBER 20

07:35 Pickup at Hotel Intercontinental by Weiss.

07:45 Arrive at U.S. Mission for continental breakfast
meeting with the following delegation members:

EC	Mr. Jorgen Henningsen
Germany	Ms. Cornelia Quinnet
The Netherlands	Mr. Bert Metz
UK	Mr. David Fisk
Portugal	His Excellency Joao Pereira Bastos
US Participants	Ms. McGinty
	Mr. Weiss

09:25 Leave U.S. Mission for airport accompanied by
Weiss, Dehaene.

09:40 Arrive airport.

10:40 Depart Geneva TWA Flight 895 for Washington
Dulles.

GUEST LIST

Reception hosted by Ambassador and Mrs. Morris B. Abram
in honor of Senator Albert Gore, Jr.
Tuesday, December 17, 1991, 7:00 - 9:00 p.m.
Residence

MEMBERS OF THE EXECUTIVE COMMITTEE OF THE
AMERICAN INTERNATIONAL CLUB OF GENEVA

TOTAL ACCEPTS (Includes Ambassador and Mrs. Abram): 50

(Note: 2 calls have not been responded to as of 12/16 5:30 p.m.)

GUEST LIST

Reception hosted by Ambassador and Mrs. Morris B. Abram
in honor of Senator Albert Gore, Jr.
Tuesday, December 17, 1991, 7:00 - 9:00 p.m.
Residence

MEMBERS OF THE EXECUTIVE COMMITTEE OF THE AMERICAN INTERNATIONAL CLUB OF GENEVA

<u>President</u>	Mr. and Mrs. Richard J. Piliero American Express Bank, Switzerland SA
<u>Secretary</u>	Mr. and Mrs. James Bissel Hopital de la Tour
<u>Executive Committee:</u>	Mr. and Mrs. John Kennedy Chase Manhattan Bank
	Mr. and Mrs. Norman Collins A T & T
	Mr. and Mrs. Leo Murray Ernst & Young
<u>Club Development Committee</u>	
	Mr. Herbert Schott Hotel Intercontinental
	Mr. Don Person Arthur Andersen SA
	Mr. and Mrs. Jeffrey Kelly Director Public Affairs Dupont de Nemours (Replaces Mr. and Mrs. Killheffer who regret unable to attend.)
<u>Office Administration</u>	Mr. Claud Basset Credit Suisse (*Faxed - no reply yet.)
<u>Speakers Committee</u>	Mr. and Mrs. J. C. Peterschmitt Digital

Professional Programs

Mr. Frank Peel
Lawyer and Speaker for USIA

Corporate Relationship

Mr. Andre Kaplun
Lalive & Budin

Special Events

Mr. and Mrs. Dan Greaser
Ralston Energy System

Membership

Mr. and Mrs. Bruce Adams
Consultant

Election Night

Mr. and Mrs. Russel Harless
CBI-TDB

Publications

Mr. and Mrs. Dick O'Regan
Oriole Int'l Publications

Competitive Events

Mr. and Mrs. Chand Kaul
Teksels SA

Government Liaison

Mr. and Mrs. H. CLarke Rodgers
Deputy Chief of Mission
U.S. Mission Geneva

Civic Concerns

Rev. Jerry Moser and Ms. Carole Hambleton
Emmanuel Church

Membership Benefits

Mr. Eric Schaerer
MM Mirabaud & Company

External Club Relations

Mr. and Mrs. John Silvin
Brit & Commonwealth Bank

Swiss Government Liaison

Mr. Robert Vieux
Consultant

Advisory Members

Mr. Neil Mowrey
*(Left msg on answering service)

Mr. and Mrs. Harless
Caterpillar Overseas

U.S. Congress

Senator Albert Gore, Jr.
Ms. Kathleen McGinty

U.S. Mission

Mr. and Mrs. H. Clarke Rodgers (*included
in list under Government Liaison)
Mr. John Weiss
Mr. and Mrs. John D. Garner
Mr. and Mrs. John Swafford
Mr. and Mrs. Ross Koller
Mr. Philip C. Raveling

GUEST LIST

Dinner hosted by Ambassador and Mrs. Morris B. Abram
in honor of The Honorable Albert Gore, Jr.
United States Senator, (D-TN)
Wednesday, December 18, 1991, 7:30 PM
Residence

His Excellency
Gerald Shannon
Permanent Representative of Canada
and Mrs. Anne Park

His Excellency
The Permanent Representative of India
and Mrs. Prakash Shah (Veenu)

The Honorable
Max Baucus
United States Senator (D-MT)

Dr. and Mrs. Ramanathan Sundararaman (Gita)
Executive Secretary, Intergovernmental Panel for Climate
Change

Intergovernmental Negotiating Committee for a Framework
Convention on Climate Change:

Mr. Jean Ripert (France)
Chairman

Mr. Michael Zammit-Cutajar (Malta)
Executive Secretary

Mrs. Elizabeth Dowdeswell (Canada)
Co-Chairman
Assistant Deputy Minister for the Environment

Ambassador Nobutoshi Akao (Japan)
Co-Chairman
Ambassador of Japan for Global Environmental Affairs

Mr. Robert Van Lierop (Vanuatu)
Co-Chairman

Dr. Edmundo de Alba Alcaraz (Mexico)
Co-Chairman
Executive Coordinator, National Commission of Ecology and
Urban Development of Mexico

Mr. Raoul Estrada Oyuela (Argentina)
Vice Chairman

Mr. Robert Reinstein
Head of U.S. Delegation

Mr. Daniel Reifsnyder
Deputy Head of U.S. Delegation

Ms. Kathleen McGinty
Aide to Senator Gore for Energy/Environmental Affairs

UNITED STATES MISSION:

Mr. John Weiss
Environmental Affairs Officer

GUEST LIST

Informal reception hosted by Dr. John M. Weiss
U.S. Mission Environment Officer

In honor of Senator Albert Gore, Jr.

Thursday, December 19, 1991, 8:30 p.m.
14 Ch. Colladon, Apt. 42, 4th floor

Permanent Mission Environment Officers

ARGENTINA	Ms. Ana Maria Moglia
AUSTRIA	Mr. Hugo Schalley and guest
AUSTRALIA	Mr. Palitha Kohona and guest
BRAZIL	Mr. Pedro Coelho
CANADA	Mr. and Mrs. John Sloan
FINLAND	Mr. and Mrs. Klaus Korhonen
FRANCE	Mr. and Mrs. Philippe Delacroix
GERMANY	Mr. and Mrs. Joachim Hettler
IRELAND	Ms. Clare O'Flaherty
JAPAN	Mr. Yoshiaki Nishimura
JAPAN	Mr. Tsutomu Osawa
KENYA	Ms. Amina Mohamed
NETHERLANDS	Mr. and Mrs. Simon Smits
NEW ZEALAND	Mr. and Mrs. Peter Rider
PAKISTAN	Mr. Irfan Baloch
SWEDEN	Mr. and Mrs. Erik Wennerstrom
UNCED	Mr. and Mrs. Andre Vavilov
UK	Mr. and Mrs. Anthony Godson
VENEZUELA	Mr. Carlos Marcedo

U.S. Delegation

LIST OF PARTICIPANTS

U.S. Mission
Conference Room A

Friday, December 20, 1991, 7:45 a.m.

Continental breakfast meeting with the following INC delegation members:

EC	Mr. Jorgen Henningsen
Germany	Ms. Cornelia Quinnet
The Netherlands	Mr. Bert Metz
UK	Mr. David Fisk
Portugal	His Excellency Joao Pereira Bastos
US Participants	Ms. McGinty
	Mr. Weiss

Coal News

December 23, 1991 • No. 5074

Climate Change Meeting Closes With Intense Disagreement

After nine days of long—and at times contentious—debate, delegates left from the fourth session of the Intergovernmental Negotiating Committee (INC) for a convention for climate change last Friday with a draft text that is far from complete and heavy with disagreement.

The INC began its negotiations last February in Chantilly, Va. and met again in June in Geneva and September in Nairobi. The meetings are designed to negotiate an international convention to address the issue of climate change and the emissions of greenhouse gases.

Several countries would like to see the convention include strict targets for the reduction of carbon dioxide (CO₂) emissions within a very short time frame—no later than 2000 or 2005. Other countries, including the United States, do not see the scientific evidence of climate change that would be required before such economically costly actions would be undertaken.

After a short session on Dec. 9, the

two working groups began discussion on draft papers prepared from previous deliberations. More than 120 nations were represented at the session in Geneva.

The first group debated reasons for the conventions, the principles upon which the convention should be based and commitments—both general and specific—that should (or should not) be included. The second group focused on the legal mechanisms that would be used to enforce the convention once ratified.

As the discussions evolved, it became quickly apparent that no agreements on substantive issues would be reached at the session. Particularly contentious issues included the matter of commitments—specific targets; which countries have the most responsibilities for the reduction of greenhouse gases; and payment of costs for undeveloped countries.

It also appeared that aside from the United States and one or two other countries, the issue of scientific evidence is not a consideration. The issues are as much economic as environmental and are politically, rather than scientifically based.

The European Community (EC) continues to insist that all Organization for Economic Cooperation and Development (OECD) countries have a responsibility for the problem and that OECD countries must take the lead in reducing emissions, especially CO₂, within a very short time frame. The EC representatives made

(See INC MEETING, Page 3)

EC Ministers Vote In Favor of Energy Tax Bill

The European Community (EC) energy and environment ministers in a recent joint meeting voted to bring forward legislation for an energy tax. Such a tax would increase the average cost of oil by 6 percent.

The tax is intended to cut carbon dioxide emissions. In October, the energy ministers vetoed the plan, however, in November they said that such a tax would not be effective. Several ministers said the EC cannot impose such a tax without cooperation from the United States and Japan, because of the potential harm to international competitiveness throughout the EC. The Bush administration has consistently opposed such a levy.

As it is being developed, the tax would be about \$10 for each barrel of oil by 2000. The impact to coal could mean a 30 percent increase in prices by 1996 and a 61 percent rise by 2000 in comparison to current prices.

(See ENERGY TAX, Page 3)

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Next Coal News: Jan 6

Coal News will not be published next Monday, Dec. 30, because of the Christmas holiday. The next issue, a special year-end look at how coal fared in 1991, will appear on Monday Jan. 6. The Coal News staff wishes all readers a happy and safe holiday season.

Employment throughout the mining industry remained stable in November at about 296,000 employees during the month, according to the **Department of Labor**. The average weekly salary for miners dropped slightly from \$631.16 to \$630.48, which however, was far greater than the national average salary for all private industrial workers, which was \$359.14...**Ashland Coal Inc.** plans to sell metallurgical coal in Europe, the company recently announced. The coal the company plans on making available will be supplied by **Mingo Logan Coal Co.**, a subsidiary of Ashland. The West Virginia-based company is expected to produce 6 million tons of coal in 1992...The state of Indiana awarded **Foertsch Construction Co. Inc.**, Lamar Ind., the "Excellence in Mining and Reclamation Award" for its Little Sandy No. 1 mine in Daviess County for its first-class reclamation efforts. It is the sixth such award to be given in Indiana..."Minerals Revenues 1990 Report on Receipts from Federal and Indian Leases," the **Minerals Management Service's (MMS)** newest publication is now available. The booklet includes information on the MMS Royalty Management Program, including collection of \$4.6 billion in revenues. Free copies are available through MMS's public affairs office. For more information, call 303-231-3162.

Katlic, Reilly Reelected to NCA Leadership; New Members Named

The NCA board reelected J.E. "Jack" Katlic and Michael K. Reilly as board chairman and vice chairman, respectively, at its December meeting in Washington, D.C.

Katlic is senior vice president of American Electric Power Service Corp. (AEP) and Reilly is Zeigler Coal Co.'s chairman and chief executive officer.

At AEP, Katlic is responsible for the general management of the coal mining, the company's operating utilities preparation and transportation subsidiaries and overall fuel procurement.

Reilly, who joined Zeigler in 1963, was elected president in 1980. Last month he relinquished the president's position to Chand B. Vyas.

In other board action, Fredrick D. Palmer, general manager and chief executive officer of Western Fuels Association, was elected to the executive committee of the board representing mid-level producers.



Katlic

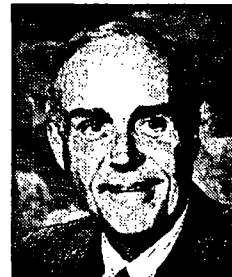
George Barberich, vice president of Alternate Fuels Inc., was elected to a similar position representing smaller producers.

Jack L. Mahaffey, the former president of Shell Mining Co., was elected as honorary director in recognition of his service to the association.

Douglas H. Ashby, president and chief executive officer of AMAX Coal Industries Inc., was named chairman of NCA's finance committee for a second year.

New members of the finance committee include Irl F. Engelhardt, president and chief executive officer, Peabody Holding Co.; Joseph W. Craft III, president of MAPCO Coal Inc.; and Ashland Coal Inc. President and Chief Executive Officer William C. Payne.

New members appointed to the board by their companies include Joseph C. Farrell, president and chief executive officer of The Pittston Co.; Robert C. Sharp, president of Kerr-McGee Coal Corp.; and Blair Gardner, senior counsel of Arch Mineral Corp.



Reilly

Eastern Mineral Law Holding Special Institute On Europe's Economic, Political Integration

The Eastern Mineral Law Foundation is holding a special institute on the "Economic and Political Integration of Europe-New Opportunities for Coal and Mineral Exporters" Jan. 9-10 at the Ocean Grand Hotel in Palm Beach, Fla.

Peter A.D. Teare of C&M International Ltd., London, will present an overview of the integration of Europe and its future.

Charles M. Ludoph, director of the Department of Commerce's (DOC) Office of European Community Affairs, will talk about the impact of European integration on U.S. companies.

Information on U.S. business expansion in Eastern European and Soviet markets will be presented by Susanne Lotarski, director of DOC's Office of Eastern Europe and Soviet Affairs.

Dr. William Nicoll, of the Center for European Community Studies at George

Mason University, is scheduled to discuss the European Community and Eastern Europe as a single market.

Space still is available for the meeting. For additional information, call the Institute's Sharon Daniels at 304-293-2470.

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Editorial Staff

Thomas B. Johnson, asst. v.p., editorial services
Deborah Schwartz, editor, *Coal News*
Aundrea Cika, editor, *Coal Voice*
Gloria C. Castro, editorial assistant

INC Meeting

(Continued from page 1)

much of the "lead" taken by the community in considering a carbon tax and continually criticizing the United States in particular for not taking similar actions.

The developing countries, under the name of "Group of 77," continues to insist that climate change is not their problem and that they have no responsibilities here. Any actions taken to reduce CO₂ emissions and to increase energy efficiencies must be paid for by the OECD nations and "new technologies" must be put in place in the developing nations "on a preferential and non-commercial" basis. Further, this group is pressing for large amounts of "new and additional" monies.

The United States delegation, led by Robert Reinstein, deputy assistant secretary for environment, health and natural resources at the State Department, repeated the U.S. position first announced a year ago: The U.S. favors a process-oriented convention that encourages countries to take actions that are sensible and economically advantageous on their own merit.

Research is Best Weapon

Research relating to the needs of a country and a program of technology cooperation that ensures both economic growth and environmental protection are the major building blocks of a convention that will offer stable, long-term answers, Reinstein stressed.

Short-term, economically disruptive actions would, over time, undermine efforts to protect the environment, he added.

Non-governmental representatives included both business and environmental interests. Business representatives included NCA, the Edison Electric Institute, the World Coal Institute, the International Motor Vehicle Manufacturers and the Global Climate Coalition. About 36 environmental groups were represented.

INC's fifth session is scheduled to begin in New York on Feb. 18.

Continued Funding of Waterway Projects Vital to Coal Transportation

Although Congress has authorized and appropriated funds for nine critical inland waterway lock and dam projects since 1986, at least 11 additional projects vital to coal transportation remain under consideration.

Five of these—Marmet Locks and Dam on the Kanawha River in West Virginia; Locks and Dams 2,3, and 4 on the Monongahela River in Pennsylvania (which would be replaced by two new installations); and the Kentucky Locks and Dam on the Tennessee River in Kentucky—are particularly high on the coal industry's list, said Joseph E. Lema, NCA's vice president, transportation.

NCA has been instrumental in securing previous authorizations and

appropriations for construction of capacity improvements on the waterway system.

The Kanawha, Monongahela and Tennessee rivers combined handle a total of 26 percent of overall annual waterway coal traffic. In general, river barges account for between 150 million-to-180 million tons of coal traffic annually, and are often an economical means of moving coal to market.

In addition, waterfront shipment facilities are becoming important as sites for coal storage; blending to meet air quality requirements; and intermodal transfer operations—increasing their overall importance to coal's present and future.

A summary of important coal-related waterways construction projects:

<u>Waterway</u>	<u>Lock(s) & Dam</u>	<u>Status</u>
Black Warrior River	William Bacon Oliver	Auth./Compl. 1991
Ohio River	Gallipolis	Auth./Under Const.
Kanawha River	Winfield	Auth./Under Const.
Mississippi River	Melvin Price L&D 26 (add 2nd chamber)	Auth./Under Const.
Monongahela River	Gray's Landing L&D 7	Auth./Under Const.
Monongahela River	Point Marion L&D 8	Auth./Under Const.
Ohio River	Olmsted (replacing L&D 52 & L&D 53)	Auth./Land Ac. Underway
Ohio River	McAlpine	Auth./Const. Pending
Kanawha River	Marmet	Auth. Required
Monongahela River	L&D 2 (replace) L&D 3 (remove) L&D 4 (replace)	Auth. Required
Tennessee River	Kentucky	Auth. Required
Ohio River	Emsworth	Auth. Required
Ohio River	Dashields	Auth. Required
Ohio River	Montgomery	Auth. Required
Ohio River	Uniontown	Auth. Required
Ohio River	Newburgh	Auth. Required
Ohio River	Cannelton	Auth. Required

Energy Tax – (Continued from page 1)

Germany, Denmark, Italy and the Benelux countries favored the tax and the United Kingdom agreed in principle.

Ministers from France wanted to tax fossil fuels the heaviest. However, the new tax would be split equally between fossil fuels and non-renewable fuels.

The European Commission estimates the full tax would increase the costs of power generation facilities and industry by 58 percent for hard coal, 45 percent for heavy fuel oil and 34 percent for natural gas.

The joint council of ministers has set May 1992 as the deadline for a decision.

In the News . . .

The Detroit News

DEC 3 | 1991

• November 15, 1991 •

Global Warming Theory May Be Falling Apart

President Bush's much-criticized position that more study is needed before committing the nation to an expensive program to combat "global warming" is looking better and better. The evidence that global warming is occurring as a result of human pollution has always been shaky. New evidence suggests that this hypothesis may be falling apart altogether.

Science, the prestigious publication of the American Association for the Advancement of Science, published a study in its Nov. 1 edition by two prominent European climatologists that shows an incredibly close correlation between the fluctuations in the length of the sunspot cycle and the rise and fall of temperatures in the Northern Hemisphere. In other words, global warming may somehow be related to the immense bursts of energy released by the sun from time to time.

By contrast, there is no such close correlation between temperatures and carbon dioxide buildup, which is thought by some scientists to create a "greenhouse effect" that warms the atmosphere. Virtually all of the warming trend since 1895 had taken place by 1940. Yet 70 percent of the carbon dioxide buildup in the atmosphere has taken place since then.

As the *New York Times* report of the European study summed up: "(The report) would mean that heat-trapping atmospheric gases placed a smaller role in the warming than some scientists have believed likely."

Even James Hansen, the NASA scientist who touched off the global warming scare in 1987 with his pronouncement to a congressional committee that a fatal warming cycle had already begun, admitted to the *Times* that "my gut feeling is that

they're at least partly right."

Two years ago the White House viciously attacked for citing a report by the George C. Marshall Institute, authored by Dr. Robert Jastrow, that offered a similar explanation for warming. A 1990 paper in *Nature* magazine by David Thomson and others from Bell Laboratories shows that since 1958, CO₂ changes have lagged the global temperature trends by about five months.

MIT Sloan Professor of Meteorology Richard Lindzen this week repeated his contention that the ocean determines the chemical equilibrium of the atmosphere either by sinking or emitting CO₂ depending on temperature trends. (Dr. Lindzen also denied a published report that he had recanted his skepticism about global warming.)

No wonder a leading climatologist, Francis Bretherton, reportedly warned a private assembly of his colleagues recently that during the next six months the lid could blow off the conventional "global warming" hypothesis, with "ruinous" effects on the credibility of many leading scientists. The failure of the scientific community to stand up to the political hysteria behind global warming has been a very troubling phenomenon.

An upcoming international conference on climate change is placing pressure on the Bush administration to go along with the doomsayers, despite the lack of solid scientific evidence. The mere possibility of climate change as a result of man-made pollution would justify huge changes in Western economies, in the view of climate change enthusiasts. But the White House shouldn't allow itself to be stampeded into action, particularly in view of mounting doubts over the causes of global warming.

U.S. Statement on Financial Resources and Technology Transfer

INC Fourth Session,
Geneva, December 13, 1991

Thank you very much, Mr Chairman.

I agree with India that these sections must be integrated with sections on other commitments, e.g., on sources and sinks. Technology assistance and financial assistance need to be specifically linked to satisfying the obligations under the convention and are necessary to assure developing countries' full and effective participation in the convention. Only a true global partnership that recognizes and accommodates the different circumstances and capabilities of countries will enable us to reach our common goal.

I will not repeat my remarks from the interventions on this subject in our last session in Nairobi in September, but wish only to draw the attention of delegates to the point that I made then, that the resources available to help us in our common task, toward our common objective are not infinite. We must find ways to maximize the benefits possible based on the available resources. Countries which are in a position to do more must reach out and make a common effort in cooperation with those who are less able because of their specific national circumstances. We need to find the most cost-effective ways to do this.

With regard to technology cooperation, including technology transfer, I also remind delegates that, as noted at INC III, there is an urgent need to focus not just on transfer of technology but on the real technology needs of all Parties, particularly developing countries and countries with economies in transition, over the longer term. As we have noted before, a country study process could be very helpful in identifying these needs and exploring the benefits of a cooperative approach. This implies a major effort in technology development, an aspect of technology cooperation that is not really addressed in the illustrative inventory of technology cooperation which we distributed to delegates at this session. In this essential long-term response, there are many opportunities for mutually beneficial partnerships between all groups of countries, with a key role to be played by the private sector. Governments can and must facilitate this kind of cooperation, and the convention should focus on promoting the most effective relationships to pursue these goals.

Specific comments on the text: U.S. Proposal:

V. Commitments on Financial Resources and Technology Transfer

The developed country Parties may provide on a voluntary basis financial resources to enable developing country Parties to meet agreed costs required to fulfill the commitments under the Convention and facilitate the transfer of environmentally sound technologies to developing country Parties expeditiously on a fair basis.

V.1. Provision of financial resources

1. The Parties shall identify by (date) an international fund to expeditiously mobilize financial resources from Parties in a position to do so for other Parties with demonstrated needs in order to:

(COMMENTS ON SUBPARAGRAPHS (a) THROUGH (g) WILL FOLLOW AT A LATER DATE)

(PARAGRAPH 2 WILL NEED TO BE RECONSIDERED IN LIGHT OF FURTHER DEVELOPMENTS RE THE G.E.F.)

V.2 Technology Cooperation

(CHANGE TITLE FROM TECHNOLOGY TRANSFER; WE BELIEVE, AS WE HAVE NOTED SEVERAL TIMES, THAT THIS IS A CRITICAL AREA, ESSENTIAL TO THE EFFECTIVE LONG-TERM IMPLEMENTATION OF THE CONVENTION. IT IS MUCH BROADER THAN SIMPLY TRANSFER OF TECHNOLOGY)

1. The Parties shall take steps to facilitate the expeditious transfer of requisite environmentally safe and sound technologies so as to meet the needs of other Parties, in particular developing countries, in implementing their commitments under the Convention.

2. DELETE THIS PARAGRAPH. IF WE EVENTUALLY NEED TO AGREE ON SOME ADJECTIVES TO DESCRIBE THIS TRANSFER, THEY CAN BE INSERTED IN PARAGRAPH 1 AS APPROPRIATE.

(3. THIS PARAGRAPH IS NEITHER BROAD ENOUGH TO COVER ALL IMPORTANT ASPECTS OF TECHNOLOGY COOPERATION, NOR DOES IT DESCRIBE ANY OF ITS SPECIFIED ASPECTS IN AN ADEQUATELY FOCUSED WAY. IN PARTICULAR, SUBPARAGRAPH (i) IS REDUNDANT AND SHOULD BE DELETED, SUBPARAGRAPH (ii) SHOULD REFER TO "FACILITATION OF ACCESS TO" RATHER THAN "SUPPLY OF" NECESSARY EQUIPMENT, AND SO FORTH, AND BOTH (iii) AND (iv) SHOULD BE LINKED TO THE TEXT ON SCIENTIFIC COOPERATION BEING CONSIDERED BY WGII. IT WILL BE NECESSARY TO RETURN TO THIS PARAGRAPH WHEN IT HAS BEEN RE-DRAFTED TO CONSIDER THE REVISED TEXT.)

(4. THIS PARAGRAPH SHOULD BE DELETED. IT RUNS COUNTER TO POINTS MADE IN NAIROBI, I.E., THAT ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS WILL BE NECESSARY IN ORDER TO PROVIDE THE APPROPRIATE INCENTIVES FOR THE DEVELOPMENT OF SUCH TECHNOLOGY. IF WE DO NOT PROVIDE INCENTIVES FOR THE DEVELOPMENT OF TECHNOLOGY BY THE PRIVATE SECTOR, WE ARE LIKELY NOT TO HAVE ENOUGH TECHNOLOGY TO MEET THE REQUIREMENTS OF THE CONVENTION. THE PRIVATE SECTOR IN THIS REGARD PLAYS THE CRUCIAL ROLE; ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IS NECESSARY TO HAVE THEM PLAY THAT ROLE.)

Article 5

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. [It shall be the highest authority under the Convention]. [[Any] [all] other bodies established by or under the Convention shall be subsidiary to the Conference of the Parties]].

2. The Conference of the Parties shall keep under [continuous] review the implementation of this Convention and any [protocols] [other related legal instruments that may be agreed upon] and make [,within its mandate provided in this Article,] the decisions necessary to [ensure] [promote] the effective [operation] [implementation] [and as necessary the future development] of the Convention. To this end, it shall, [inter alia.]:

- (a) [assess and review the implementation of the [obligations] [operation] of the Convention [and its protocols]];
- (b) [[consider the information submitted in accordance with Article 9 (Reporting) ^{to} ~~and~~ assess the totality of the global response] [and review the mechanisms and timetables for its transmission]];
- (c) [[consider reports from subsidiary bodies [and take such actions as it deems necessary in accordance with the functions described in Articles 6 (Secretariat), 7 (Advisory Committee on Science), 8 (Advisory Committee on Implementation), and 9 (Reporting)]];
- (d) [publish regular reports on the progress in implementing the objectives of the Convention];
- (e) [[provide [policy direction and operational guidelines] [guidance] [rules] to the [administrative mechanism] for financial resources and [environmentally safe] technology transfer] [including establishing criteria and priorities and selection of projects] provided for in Article 22 (Administrative Mechanism)];

- (f) [establish criteria under which the [administrative] mechanism for financial resources and [environmentally safe] technology transfer will develop "global accounting credit standards" for contributions of technology;]

(Alternative to (f))

[establish criteria for joint implementation of commitments by Parties in accordance with Article x (Joint Implementation) and Article 22 (Administrative Mechanism)];

(Alternative to (e) and (f))

[provide policy direction and establish criteria for the functioning of the [administrative] mechanism for financial resources and technology transfer];

- (g) [consider and decide upon questions of interpretation and implementation of the Convention in accordance with Article 10 (Alternative A) (Resolution of Questions)];
- (h) [[seek] [[request] and utilise]] the [services and] cooperation of, and utilize the information provided by, [competent] [appropriate] [specialized] international [organizations] and intergovernmental [and non-governmental] bodies :
- (i) review [periodically] [the evolution of the world climate and the effects of measures taken under this convention (and its protocols) on the basis of] relevant scientific, [environmental], technological, technical, legal and socio-economic information [[relating to [climate change and climate change response strategies] [climate system and its changes] [and draw up conclusions [synthesis reports] on the subject];
- (j) [promote] the coordination [[or [as appropriate] harmonization] of [appropriate] policies, strategies and measures] [programmes] to address [the adverse consequences of] climate change, taking into account the [differing circumstances] [respective responsibilities and capabilities] of Parties to the Convention;

(Alternative to (j))

[ensure intensive exchange of information concerning policies, strategies and measures to address climate change in order to avoid the offsetting of the policies, strategies and measures due to their incompatibilities];

- (k) [[seek to] mobilize [new and additional] financial resources [for meeting the full incremental costs] with a view to [ensuring] [promoting] [the full implementation] of the obligations of the Convention];
- (l) promote public awareness of the climate change issue;
- (m) consider and [where appropriate] [recommend] [adopt] programmes for research [and development] and [systematic observation, [of climatic changes] exchange of information, education, training and public awareness, and scientific, technological [socio-economic] and technical cooperation] [including endogenous capacity building and technology transfer] [in accordance with Articles 2 (Research, Development and Systematic Observation), 3 (Exchange of Information) and 4, (Education, Training and Public Awareness)];

(Alternative to (m))

[consider questions related to research and development and systematic observation, exchange of information, education, training and public awareness, and scientific technological and technical cooperation and seek advice on these from relevant international and inter-governmental bodies];

- (n) establish [any] such subsidiary bodies, [[including any body] to coordinate its activities when it is not in session], as are deemed necessary for the implementation of this Convention;
- (o) [agree upon and adopt [its] rules of procedure [for itself and for any subsidiary bodies] and any amendments thereto, by consensus];
- (p) [consider and decide [by consensus] upon financial and budgetary matters for this Convention including the financial rules and provisions governing its operation, and that of its subsidiary bodies and the secretariat];

(Alternative to (o) and (p))

[agree upon and adopt by consensus rules of procedure and financial rules for itself and for any subsidiary bodies that are established by or under the Convention];

- (q) consider and adopt, as may be agreed upon, [by consensus] in accordance with the relevant articles, amendments to this Convention, additional annexes and amendments of annexes to this Convention;

- (r) [review {and revise, as necessary,} in accordance with Article 11 (Amendments), the objectives of the Convention];
- (s) consider, [and ~~may~~ adopt] ^{as may be agreed in accordance w/ Art. 12.} in accordance with Article 12 (Protocols), any protocol[s] to this Convention,
- (t) [consider any amendment to such protocol[s], additional annexes and amendments of annexes to any protocol[s], and, if so decided, [by consensus] recommend their adoption to the Parties to the protocol[s] concerned;
- (u) make recommendations on any matters necessary for the efficient [operation] [implementation] of the Convention; and
- (v) exercise such other functions and powers as are conferred on it by this Convention [or are required for the achievement of its purposes].

Decisions by the Conference of the Parties

3. [The Conference of the Parties shall make every effort to take its decisions under the Convention by [consensus][general agreement], [unless otherwise expressly provided for]. If all efforts at [consensus] [general agreement] have been exhausted, decisions [on substantive issues] shall, as a last resort, be taken by a [two thirds] [three quarters] majority vote of the Parties present and voting].

Meetings

4. [The first meeting of the Conference of the Parties shall be convened [insert name of the secretariat designated on an interim basis under the Article on the Secretariat] not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held [annually] [every two years] unless otherwise decided by the Conference].

5. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within [three] [six] months of the request being communicated to the Parties by the secretariat, it is supported by at least [one-third] [one-half] of the Parties.

Observers

6. [The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any other body or agency, whether national or international, governmental or non-governmental, competent in matters covered by the Convention which has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted [according to the Rules of Procedure] [unless at least one-third of the Parties present object]. The [admission and] participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties]].

Article 6

SECRETARIAT

[Establishment

1. A secretariat is hereby established to service the Conference of the Parties and [its] [any] subsidiary bodies.]

Functions

2. The functions of the secretariat shall be:

- (a) to arrange for and service meetings provided for in Articles [5, 7, 8, 10, 11, 12 and 13 (on Conference of the Parties, Advisory Committees, Resolution of Questions, Amendment to the Convention, Protocols and Adoption and Amendment of Annexes)];
- (b) to [prepare and] [compile and] transmit reports based upon information received in accordance with Articles 3 and 9 (on Exchange of Information and Reporting), as well as upon information derived from meetings of [any] subsidiary bodies [that might be established];
- (c) to prepare reports on its activities carried out in the implementation of its functions under the Convention and present them to the Conference of the Parties;

(Alternative to (c))

[to register, process and coordinate information as decided by the Conference of the Parties with a view to providing the necessary information support to the Conference of the Parties in its task of implementing the Convention;]

- (d) [to provide assistance in the compilation of national reports];
- (e) to ensure the necessary coordination with relevant [international] [and intergovernmental] bodies;

- (f) to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions [and as authorized by the Conference of the Parties];
- (g) to perform the functions assigned to it by any [protocol] [other related legal instrument that might be agreed upon] to the Convention; and
- (h) to perform such other functions as may be determined by the Conference of the Parties.

Designation of interim secretariat

3. The secretariat functions will be carried out on an interim basis by the ad hoc secretariat established under Resolution 45/212 of the General Assembly of the United Nations until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to Article 5 on the Conference of the Parties. At its first ordinary meeting, the Conference of the Parties shall designate a secretariat. [At this meeting the Conference of the Parties shall evaluate the implementation by the interim secretariat of the functions assigned to it.]

Article 7

[ADVISORY COMMITTEE ON [SCIENCE] [CLIMATE CHANGE] [CLIMATE PROTECTION
AND DEVELOPMENT]

Establishment

1. A [multi-disciplinary] Advisory Committee on [Science][s] [Climate Protection and Development] is hereby established. [The Conference of the Parties, at its first meeting, shall consider and decide the structure and operational matters of this Committee, including provisions on its membership, meeting, and election of officers].

Functions

2. The Advisory Committee on [Science] [Climate Protection and Development] [shall have an advisory [and consultative] role and] shall perform the following functions, making use, to the greatest extent possible, of competent [international and] intergovernmental [and non-governmental] bodies:

- (a) to [provide] [ensure the provision of] regular assessments to the Conference of the Parties on the state of knowledge in the fields of natural, technological, social and economic [and development] sciences pertaining to [climate change and] [observations, predictions and [development]] responses to climate change [and development];
- (b) to [provide] [ensure the provision of] regular assessments to the Conference of the Parties on the adequacy of, and priorities for, [international cooperation on] research [and development] and systematic observation undertaken in support of the Convention [and Annex I] and to make recommendations thereon;
- (c) [to review, from a scientific viewpoint, the cumulative effect of measures taken in implementation of the Convention;]
- (d) to respond to [scientific] questions and any other matters [within its mandate as specified in this Article] referred to it by the Conference of the Parties or any body subsidiary to the Conference of the Parties;
- (e) to [provide] [ensure the provision of] scientific [and technical] advice to the Parties, upon request, in fulfilling their [reporting requirements] [obligations];

- (f) to seek [as appropriate] the assistance, advice and services of competent international [, intergovernmental and non-governmental] bodies and scientific committees;
- (g) [to [consult and report on] [consider] [review] research, assessments and other information relevant to the purposes of the Convention whether conducted by Parties, non-Parties or other national, international, governmental or non-governmental bodies or agencies [and make [such] recommendations [to such institutions] as it may deem necessary];]
- (h) [to [have] access [to] the relevant [scientific and technical] information provided by the Parties in accordance with Article 9 (Reporting) [the work of the mechanism established under] and Article 22 (Administrative Mechanism)] and [upon request of the Conference of the Parties] to furnish opinions and recommendations thereon to the Conference of the Parties [and to the other subsidiary organs involved in the review process];]
- (i) to identify on its own initiative matters within its [scientific] mandate [as specified in this Article] that need to be addressed [including the scientific aspects of the future development of the Convention] and to report and make recommendations thereon to the Conference of the Parties;
- (j) [to establish such [subsidiary] [ad hoc] bodies, subject to the approval of the Conference of the Parties, as it may deem necessary to assist in the performance of its functions;] and
- (k) to perform any other function assigned to it by the Conference of the Parties or under any [protocol to the Convention] [related legal instruments as may be agreed upon].

Possible Additional Text:

[For the purposes of the Convention, such Committee shall take up responsibility for all functions so far carried out by IPCC, which, upon the entry into force of this Convention, will be invited, by the Contracting Parties, to integrate the structure of the Convention, under the Advisory Committee. The Advisory Committee shall, besides incorporating the functions until now undertaken by IPCC, provide regular assessments on questions related to developmental concerns and implications of the new regime for cooperation on climate change, as set forth in this Convention].

Membership

3. The Advisory Committee on [Science] [Climate Protection and Development] shall [have [fifteen] members], [be open-ended] who are [experts] [government representatives] in natural, technological, social and economic [and development] sciences. They shall be elected by the Conference of the Parties, with due regard to the principle of equitable [geographic] [development level] [scientific capability] representation, [and shall serve in their individual capacities]. Each member shall be elected for an initial term of four years and may serve [one] additional term[s] subject to the procedure set forth above.

4. [Each year the Conference of the Parties shall review the membership of the Advisory Committee on Science in the light of the required expertise and efficiency in the performance of its tasks. If deemed necessary, the Conference of the Parties may decide to reduce or extend the number of members, due account being taken of the criteria, procedures and links of terms of office set forth above.]

[Alternative for Paragraphs 3 and 4]

[The [Advisory Committee] on Science shall be open to representatives of all States Parties who are experts in natural, social and economic sciences.]

[Alternative for Paragraphs 3-8]

[The Conference of the Parties shall, at its first meeting, decide on the composition, terms of membership and election of officers of the Advisory Committee on Science.]

Meetings

5. [Unless the Conference of the Parties decides otherwise, the Advisory Committee on Science shall be convened within six months after the first meeting of the Conference of the Parties. Thereafter, unless [it or] the Conference of the Parties decide otherwise, the Committee shall meet at least annually.]

Election of Officers

6. [The Advisory Committee on [Science] [Climate Protection and Development] shall elect from among its members a chair, two vice-chairs and a rapporteur each to serve [in rotation] [for a term of [one] [two] year[s]], and who may be re-elected to serve additional terms].]

Rules of procedure

7. [The Advisory Committee on Science [Climate Protection and Development] shall agree upon and adopt its rules of procedure, and any amendments thereto, by consensus.]

Observers

8. [The meetings of the Advisory Committee on Science [Climate Protection and Development] shall be open to observers designated by any Party.]

9. [The Advisory Committee on Science [Climate Protection and Development] may invite, as necessary appropriate [non-governmental] [international and intergovernmental] experts to participate in or observe its meetings.]

10. [The Conference of the Parties, in drawing up the rules of procedure for the Advisory Committee on Science, shall make appropriate provisions for the participation as observers of representatives of any body or agency, whether national or international, governmental or non-governmental competent in matters covered by the Committee.]

ADVISORY COMMITTEE ON IMPLEMENTATION

Establishment

1. An [Advisory] Committee on Implementation is hereby established. [The Conference of the Parties, at its first meeting, shall consider and decide the structure and operational matters of this Committee, including provisions on its membership, meetings, and election of officers].

Functions

2. [Without prejudice to the national sovereignty of the Parties, and upon their request] The Committee shall review [the implementation by the Parties of their obligations] [the progress by the Parties in implementing all their obligations [and actions] under the Convention. It shall provide information and advice to the Parties on the development [and implementation of national strategies] to meet these obligations and on the fulfilment of the reporting requirements under the Convention. [The socio-economic circumstances of the Parties shall be taken into consideration when the Committee prepares its reports]. To this end,] the Committee shall:

- (a) advise individual Parties, at their request, on the ways and means of meeting the reporting requirements set forth in Article 9 [and Annex III (Reporting)], [including the development of national climate change strategies,] [devising and implementing new or additional response measures] [and identifying national programmes that require [financial and technological resources] [transfer of new and additional financial resources and state of the art technology on preferential and non-commercial terms]];
- (b) review and consult with individual Parties on the reports submitted by those Parties in accordance with Article 9 (Reporting) [and request, as necessary, additional information or clarification thereon];
- (c) [report and make recommendations, as appropriate, to the Conference of the Parties on the [implementation by individual parties of their obligations under the Convention and on] [review of individual report and the] [overall] implementation of the obligations and the extent to which the cumulative effect of the actions to implement the Convention's obligations meets the objective of the Convention];

Possible additional text:

- (c.1) [on the basis of Article 9 (Reporting) and the review, consultation, information or clarification under paragraphs (b) and (e), report and make recommendations as appropriate to the Conference of the Parties on the action of a Party or Parties to implement the Convention's obligations;]
- (c.2) [review the reports submitted by the Parties in accordance with Article 9 (Reporting) to determine, from a technical point of view;
 - (i) whether a report is complete, in accordance with Article 9;
 - (ii) whether the estimated net greenhouse gas reductions of the specific actions identified by a Party in its report could in fact be realized;
 - (iii) whether the methodologies used to make the estimates were technically valid; and
 - (iv) if proposed projects have been identified, whether they would be likely to achieve the net greenhouse gas reductions anticipated and whether the estimated costs are consistent with the scope of the proposed projects;]

End of possible additional text

- ✓ (d) [confirm to the Conference of the Parties that particular parties have submitted reports in accordance with the provisions of Article 9 (Reporting) and that their strategies meet their general and specific commitments under the Convention;]
- ✓ (e) [[seek], [receive and]] consider [relevant] information from competent international and intergovernmental bodies and [[accredited] non-governmental organizations] [other sources];
- (f) [consult with, and seek the advice of, the Advisory Committee on [Science] [Climate Protection and Development], as necessary;] and
- (g) [assist the Conference of the Parties and individual members in the development and coordination of implementation plans].

Membership

3. The Committee shall [have [fifteen] members, who are], [be open-ended and composed of] [experts on matters related to climate change] [government representatives] [and shall serve in their individual capacities]. Members shall be elected by the Conference of the Parties with due regard to the principle of equitable representation. Each member shall be elected for a term of four years and may be re-elected to serve additional terms subject to the procedure set forth in this paragraph.

Meetings

4. [The first meeting of the Committee shall be convened not more than six months after the first meeting of the Conference of the Parties. Unless the Conference of the Parties decides otherwise, subsequent meetings shall be convened at least biannually].

Election of Officers

5. [The Committee shall elect from among its members, a chair and two vice-chairs and a rapporteur, each to serve for a term of two years, and who may, subject to re-election, serve additional terms].

Rules of procedure

6. [The Committee shall agree upon and adopt its rules of procedure and any amendments thereto, by consensus].

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- 1 -

Article 9

REPORTING

Submission of Reports

1. [In accordance with its particular circumstances and capabilities] Each Party [shall] [may] submit to the secretariat, a report on [its national strategy and on the policies and] the measures it [has undertaken] [is undertaking] to implement its obligations [as well as the opportunity costs of fore~~g~~oing a national development option and projects for transfer of financial resources and technologies] under the Convention as well as on any other actions it deems relevant [with respect to the objectives to the Convention], [including the extent to which those measures will contribute to meeting such obligations], [[drawn up] [in accordance with] [and may include] the provisions set forth in [Annex III] to this Convention] [consistent with national laws and regulations]. [For developing country Parties, the fulfilment of this obligation will be conditional on the availability of corresponding new and additional financial resources].

First Report

2. For developed country Parties, the first report [shall] [may] be submitted within [one] [two] year[s] of the entry into force of the Convention [for it] or within [one] [two] year[s] of ratification, acceptance or approval of, or accession to, the Convention. For developing country Parties, the first report [shall] [may] be submitted within [two] [four] [five] years of the entry into force of the Convention [for it] or within [two] [four] [five] years of ratification, acceptance or approval of, or accession, to the Convention.

[3. The developing country Parties to this Convention shall be assisted in the preparation of the report. Such assistance will include both technical and financial assistance as well as the identification of the technical and financial needs associated with the implementation and review of such reports.]

Frequency of Reports

(See also Annex II, paragraph 3)

[4. The frequency according to which reports and their updating will be submitted will vary from one year to five years, depending on the different levels of energy related CO₂ emissions per capita, as defined by the Conference of the Parties, based on internationally accepted data.]

Regional/Group reporting

[5. Any group of Parties may, subject to the prior notification to the [Advisory Committee on Implementation] [body in charge of implementation], [and with the approval of the Conference of the Parties], submit a single report in fulfilment of their obligation under paragraph 1 above [provided that such a report includes details of each Party's contribution to fulfilment of its individual obligations].]

Transmittal to Conference of the Parties

6. The secretariat [shall] [may] transmit the reports submitted by the Parties to the Conference of the Parties, [within four months of receiving such reports] except as provided for in paragraph 8 below.

Transmittal to Advisory Committee on Implementation

[7. The secretariat [shall] [may] transmit the reports submitted by the [Parties to the [Advisory Committee on Implementation] [body in charge of implementation].]

Confidential Information

8. The secretariat shall ensure that information [designated as confidential by the supplying Party] [and] [meeting the criteria for confidentiality established in Annex III] is not disclosed [[to other Parties and is aggregated] [and shall aggregate it] to protect its confidentiality [before it is made available to all Parties].]

- 2 -
ANNEX III

REPORTING

1. [The manner in which, and content in which, such reports would be prepared, should be determined by the individual Party.] Reports submitted pursuant to Article 9 (Reporting) [shall] [may] contain [inter alia] the following information:

() *description of nat'l circumstances;*

(a) [for developed country Parties,] [measures] [national strategies] [policies] to mitigate and adapt to climate change [including a description of specific actions being taken or to be taken ~~for~~ each sector selected for action by the Party];

1 w/r/t each gas in

[(b) for developing country Parties, projects for transfer of technology and financial resources to mitigate and adapt to climate change.]

(c) measures taken in fulfilment of the [obligations] [specific commitments] under the Convention, [with particular attention to [reductions of emissions, transfer of financial resources and technology] [energy efficiency and conservation, new [and renewable] energy sources,] [mitigating the adverse consequences of climate change] [protection and enhancement of] sinks, [land use and management,] coastal zone management, transportation and industrial processes [and agriculture];

(d) relevant national laws[, policies] and administrative measures, [including the use of economic instruments];

[(e) efforts [,as appropriate,] to coordinate and harmonize measures to avoid trade distortions;]

[(f) [need for and requirements of financial and technology transfer and] contributions to the financial and technology transfer mechanism;]

[(g) effective measures in fulfilment of obligations and specific commitments relative to the provision of adequate, new and additional financial resources, and access to and transfer of environmentally sound technology on a preferential and non-commercial basis;]

- [(h) national inventories of [gross and where possible] [net] emissions of [main] greenhouse gases [and sinks] [prepared in accordance with internationally accepted methodologies] [covering all [main] greenhouse gases and greenhouse gas precursors and all sink enhancement ~~or~~ ^{and} destruction];]
- [(i) description of methodologies used in making its estimates;]
- [(j) expected changes and trends in [net] emissions of [main] greenhouse gases [and sinks] [including estimates of the [net] effects of its actions on national [net] greenhouse gas emissions] [and sinks] [with particular reference to the achievement of any target established in the Convention];]
- (k) relevant national research [and development] and systematic observation programmes and participation in international programmes;
- (l) national [programmes] [measures] and international cooperation with regard to education, training and public awareness [and technology transfer];
- [(m) efforts to implement [obligations] [specific commitments] jointly with another Party or Parties;] and
- (n) such other actions relevant to the achievement of the objective of the Convention.

[Possible additional text

[2. Further, reports may, on a voluntary basis, identify proposed projects in need of investment (including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects) and an estimate of the costs and net greenhouse gas emission reduction associated therewith.]]

Timing

3. Unless otherwise decided by the Conference of the Parties, reports to update the information contained in the first Report shall be submitted [within [two] [five] years of the date of submission of the first Report and biennially thereafter]. [Due account shall be taken of the differentiated [obligations] [capabilities and capacities] [capabilities and responsibilities] of Parties.]

Confidential Information

4. A Party may designate [the following] [any] type[s] of information contained in its report as confidential[.][:]

[Possible alternative chapeau

A Party and the Advisory Committee on Implementation may agree that certain information contained in the report of that Party is confidential. Categories of confidential information include:]

- [(a) information that is directly related to the national defence [and security] of that Party;]
- [(b) information that is of a proprietary commercial nature;]
- (c) information the release of which would result [directly] in [significant] economic or commercial dislocation for that Party; or
- [(d) such other information as [the Party believes is confidential] [agreed upon] [thought necessary by the Party] [by the Party and the Advisory Committee on Implementation].]

U.S. Statement on General Commitments
INC Fourth Session,
Geneva, December 11, 1991

Thank you very much, Mr Chairman.

We have a number of comments on this section. I would like to make a few general comments before I comment on specific paragraphs.

I think first we must try to organize this material. This has relevance also to the discussions we have been having on the earlier material on the preamble and on principles. There is a basic threshold question: What kind of a convention are we working toward here? Although we have many different ideas, broadly speaking we can say they seem to point in either of two directions. Either toward a rather specific, quantitative, legally binding convention, with obligations that have rather major political and economic implications, or on the other hand, toward a convention of a more general nature, a framework convention that is a flexible instrument establishing an evolutionary process for developing the most comprehensive and effective global response over the longer term.

Time is limited, Mr. Chairman, and it is apparent from the discussions we have had so far this week, as well as the discussions we have had in previous sessions, that there are some fairly significant differences among the countries represented here. We favor the latter approach, because we think that it is most probably what is reasonably achievable in the limited time available, and is likely to achieve the broadest possible participation of countries in pursuit of an objective that must be inclusive of the largest number of countries. I should say that in our view the emphasis should be on actions, on measures. These are what will lead to the reduction of greenhouse gas emissions, to the enhancement and preservation of sinks, to adaptation to climate change (and I think we all understand that there is likely to be some climate change), and to cooperation in a global partnership between developed and developing countries. We must clearly recognize the different circumstances of different countries -- and that there are several categories of countries in this respect.

Now, with regard to the text itself, we see here perhaps five broad areas of commitments, or types of commitments.

- * First, we see a commitment to develop some assessment of current emissions (that is to say, of the specific situation of each country). This is clearly needed so that we have a picture of what the global situation is. The data available today is not complete, is not reliable. That must be a first objective. We must all make commitments to do what we can in that regard.
- * Second, there needs to be a commitment to the preparation of some sort of national response. It can be some kind of a plan in a broad sense, or rather, a pragmatic description of the national approach. I was struck by a number of things mentioned by the European Community in this regard.
- * Third, there needs to be language on commitments with regard to cooperation in the area of scientific research, monitoring, and the sharing of information.
- * Fourth, commitments, not only on a national basis, but also on an international basis, aimed at enhancing public information and awareness. We need to have the broad understanding and support of the general public. Governments can do only so much. It is only when the public understands and joins in the effort we are trying to create here that we will have real success.
- * Finally, Mr. Chairman, we need to look at cooperation in the area of technology and financial assistance. We have done some work just to try to get a picture of what we in the United States are doing in the area of technology cooperation and have found from a rather incomplete view (just to find some examples, looking at some countries -- not all countries, some agencies within the United States government -- not all agencies) to illustrate what kinds of activities are currently being carried out by parts of the United States government in the area of technology cooperation. We have a small publication that describes this initial effort which will be made available to all delegations within the next day or so.

Specific Comments on the Text:

Title:

Rename "General Commitments"

Chapeau:

Delete "responsibilities" and change to "their capabilities." Capabilities imply responsibilities.

Paragraph 1:

I agree with EC that we need to set some objective to agree on this methodology; it must be agreed. Whether we will be capable of agreeing to it by the first Meeting of the Parties, I think we should be flexible on that; we should make an effort to do so. We should realize that there are complex technical issues that are still unresolved, and allow ourselves the possibility to seek to reach agreement by then, but to continue to do work on the methodology. It will need to be refined over a number of years.

Paragraph 2:

This is the key paragraph, because it lays out a way for all countries, in principle, to participate in the global effort. Here we see (with the EC) the importance of developing an annex that would go into some detail regarding the contents, format and methodology for preparation of such documents. We note that there seem to be different preferences for what we should call them -- plans, strategies, reports -- and we can be flexible on that. They should be documents that serve as a very useful tool, not only to national governments, but on an international basis, for cooperation, for constructive sharing of information. They should cover such things as energy and industry -- and there, not only sources of emissions, but also plans for adaptation of those sectors to possible climate change. They should cover forests and agriculture, with respect to sources, sinks and adaptation measures. They should cover coastal zones -- again, sources, sinks and adaptation. And other resources, including sinks. They should also cover efforts undertaken with other countries to cooperate -- both technical and financial -- to make it clear that what we want to do is give incentives for the broadest, most cost-effective effort. All efforts to join countries together toward our common objective should be encouraged.

With respect to the specific text, we would recommend that it begin by referencing the article on reporting and the annex that would have to be developed (see attached text). Countries should be asked to prepare (and not only to prepare, but to update on a regular basis to be agreed upon by the parties) national or regional measures, programs, policies and/or strategies which in the view of

the particular party or group of parties, are necessary with regard to the limitation of greenhouse gas emissions, conservation and enhancement of sinks, and mitigation of adverse effects of climate change, including (and here I don't think we need to be restricted to preventative measures) all measures which can also be beneficial for reasons other than climate change.

The last sentence of paragraph 2, and paragraph 3, paragraph 4 and paragraph 5 all cover more specific details that we think could be treated in a balanced way in the annex referred to. Indeed, we can examine many different measures, and list them as measures to be considered for inclusion in national plans - for example, measures related to promoting energy conservation, and so forth, as noted.

Paragraph 4.

This paragraph is a bit too detailed, and has a bit too much emphasis on forests only; we need to look at other terrestrial sinks (forests are not the only important terrestrial sinks) as well as other non-terrestrial sinks. We understand that Finland has done some important work in this area and we look forward to working with them as well as with other countries, particularly developing countries, who have an interest in this area of our work, with the idea that we would develop a balanced and mutually acceptable list of items to be considered for inclusion in such national plans.

Paragraph 5

This is an important item for inclusion, but we note that all parties are not likely to have large coastal areas. Therefore, we recommend changing the language to read: "Develop, as appropriate, national coastal zone management plans, emergency procedures and response mechanisms, and water resource and agriculture management plans, and undertake assessments of the resilience and adaptability of resources." Note that we suggest that "plans" be plural; there is probably more than one plan, depending on various aspects of coastal zone management. We also recommend deleting mention of the ocean observing network here; this concept belongs more properly under the science provisions which we will come to later.

Paragraph 6.

This refers to the important concept of environmental assessment. We support this concept very much, but think it properly belongs in the modification of paragraph 2 where we are talking about the preparation of these plans and the update of these plans (see attached text). The first part of the paragraph is unnecessary.

Paragraph 7 & 8

These are important; however, they relate in particular to work being done in WG II on mechanisms. We are quite comfortable with the content, and we would hope that these two paragraphs can be integrated with the work being done in WG II so that the commitment and the mechanisms referred to here can be agreed on by most of us.

Note that in paragraph 7, we need to talk about "cooperating in research and systematic observations and information exchange" and we might refer to specific appropriate articles.

In paragraph 8, we do not need to refer to the "development of additional scientific research" but rather, we can directly "promote additional scientific research and exchange of information on the role of soils, forests, oceans and seas as sources, sinks and reservoirs for greenhouse gases." We should not neglect these items as sources as well as sinks and reservoirs.

Paragraph 9

This paragraph is also being treated in WG II; we should make some attempt at harmonizing the text.

Paragraph 10.

Not particularly helpful. Not as specific as a number of other provisions. We think that the concepts are better covered elsewhere.

Paragraph 11

These things will occur as we gain experience on a national basis, and compare and share our experiences through the national plan process that we would see being created by paragraph 2. We might draw on some of the concepts here in examining what we do when we all come together having submitted these national plans, or lists of measures. Perhaps somewhere in that part of the process, we could introduce some of these concepts.

Section IV.2

In light of the above comments, we do not see how this section contributes much. Basically what is described in these two paragraphs can adequately be covered in the earlier paragraphs, as well as in the annex which would be developed to describe the creation of the national reports or plans.

All of this, Mr. Chariman, is obviously directly related to further commitments, particularly in the area of financial resources and technology transfer. I will wait until we come to those sections to elaborate further on how those relate to what I have just described.

Thank you.

Proposed Text

IV.1. General Commitments

In pursuance of the above global objective, the Parties shall commit themselves to cooperate in accordance with the means at their disposal and their capabilities to:

1. Develop and periodically update public national inventories of sources and sinks of greenhouse gases using a methodology to be agreed to at the First Meeting of Parties.

2. In accordance with Article ____ (on reporting) and Annex ____, prepare and update national or regional measures, programs, policies and/or strategies as in the view of the particular Party are necessary, taking into account possible significant adverse social, health, economic and environmental effects and risks, with regard to the limitation of greenhouse gas emissions, conservation and enhancement of sinks and mitigation of adverse effects of climate change, including measures which can also be beneficial for reasons other than climate change.

MATERIAL IN PARAGRAPHS 3 TO 6 BELONG IN ANNEX.

PARAGRAPHS 7, 8 AND 9 CAN BE RETAINED, BUT SHOULD BE COORDINATED WITH WORKING GROUP II.

PARAGRAPHS 10 AND 11, AND ALL OF SECTION IV.2 SHOULD BE DELETED.

U.S. STATEMENT ON SPECIFIC COMMITMENTS

INC FOURTH SESSION
December 13, 1991
Geneva

Thank you very much, Mr. Chairman. We are pleased to present our views at this time.

My comments on this section are closely linked to my comments made on Wednesday concerning the previous sections. In this regard, may I also remind delegates of my remarks at Nairobi in our last session regarding commitments on sources and sinks. In that statement, I outlined a number of reasons why the United States cannot agree to specific quantitative targets and timetables regarding reductions of greenhouse gas emissions. Our position has not changed, because the reasons explained at that time are still in our view valid. Thus, we cannot agree to paragraphs 1 and 2 in the text that was distributed earlier.

We take note of the text just developed by the bureau. It has some interesting concepts in it, and we will study it closely, but in light of the remarks which I made earlier. We will also study very closely the proposal made by the European Community, which also has some interesting ideas in it. We are particularly appreciative of their recognition of the importance of methane, as we have emphasized for some time the importance of looking at all greenhouse gases, all sources and sinks.

One of our problems with the approach that is presented in paragraphs 1 and 2 -- in addition to the points noted my intervention in the September session -- is that it divides the world into two groups, with all members of each group being treated alike and with very different treatment between the two groups. With all due respect to my Indian colleague and some other delegates who have intervened and emphasized this two-group division of the world, there are several different groups of countries with rather different situations, and sometimes significant differences within groups. We need an approach that can accommodate these differences in the most flexible way, encouraging responses from all countries in accordance with their circumstances and capabilities.

In our view, the substance of paragraphs 1 and 2 can be treated in the context of the national plans, which were discussed under section chapter IV.1 the other day.

With respect to paragraph 3, we think this is an important concept, and we think it should be broadened. We would suggest the following changes: First, in line 1 we would change "countries" to "parties", since we are referring here to parties. In the beginning of line 2, we would delete the word "emission", because in fact we should cooperate in

implementing all commitments. At the end of line 5, we would suggest changing "net reductions in emissions" to "result". And finally, at the end of the paragraph, we would suggest deleting the phrase "and criteria approved by the parties..."

Clearly, Mr. Chairman, if we get into specific quantitative obligations in the latter stages of our continually-evolving response to climate change, we will need to pay close attention to how accounting is done with respect to those commitments. In our view we are not at that stage, and we see some difficulty in developing precise criteria for rather broad cooperation of the type we would envisage in this paragraph.

The United States is committed to take action on climate change. Last February, we publicly indicated our first step -- those actions already committed for other reasons which were also identified at that time as contributing to efforts regarding climate change.

We are now studying what further measures can be identified for inclusion in our first national climate action plan, to be submitted under the convention. And, if we agree to this approach, the United States anticipates sharing our preliminary conclusions, regarding such measures, with other countries in the context of these negotiations.

These measures, these actions, will include:

- federal government measures, both legislative and administrative;
- state government measures;
- private-sector measures; and
- measures undertaken in cooperation with other countries.

We will quantify the results of these actions, relying on the best science available. And we believe the results will be quite significant in terms of limiting net greenhouse gas emissions, supporting adaptation, and assisting other countries in doing the same.

As I said in earlier remarks, it is actions which will limit emissions and meet other objectives of the convention. In this context, we applaud the Brazilian actions which were referred to earlier in this session. These are excellent examples of the kinds of actions which individual countries may undertake in support of these objectives.

As an indication of our commitment to such actions, the United States is prepared to put forward our draft national climate action plan for public consideration within one year after signing the framework convention in Rio next June. This is far in advance of the date for submission which would be specified in the convention. We invite all other industrialized countries to do the same.

Thank you very much, Mr. Chairman.

*Itinerary after
BKgrd. memo

CONTACT IN H: Scott Styles 647-8732
CODEL D.C. FAX: (202) 224-0580

As of 0800 EST December 13

PROPOSED SCHEDULE OF MEETINGS
FOR
SENATOR ALBERT GORE, JR.

Geneva, December 17-20, 1991

TUESDAY, DECEMBER 17, 1991

0935	Arrive Geneva, TWA-894 Met by Control Officer John Weiss and Conference Services Officer Chris Dehaene
1030	Arrive at U.S. Mission 11, route de Pregny 1292 Chambesy
1035	Meet with Ambassador Abram accompanied by Mr. Reinstein, Deputy Assistant Secretary for Environment, Health and Natural Resources, Department of State and Ms. McGinty
1100	Depart U.S. Mission for Hotel Intercontinental
1110	Arrive at Hotel Intercontinental 9, ch. du Petit Sacconex Tel: (022) 734-6091
1300	Pickup at Hotel Intercontinental by John Weiss
1310	Arrive at Palais des Nations.
1315	Lunch with Mr. Jean Ripert, Chairman of the INC, at the Palais Restaurant, 8th floor.
1500	Mtg. w/ Richard Benedict & Dasgupta (Head, Indian Delegation) INC Working Group I meeting in Room XIX, Palais New Building
1600	Meet with Australian Head of Delegation Penny Wensley in Delegates Lounge, Palais, New Building.

Outside WGI
Meeting
Room.

1630
1630

mtg. with NGO's - ² - *larger group* - 40 of ECO Interview
Attend INC Working Group II meeting in Room XVII,
Palais

1730

Depart Palais for Hotel

1740

Arrive Hotel Intercontinental.

1815

Depart Hotel for Ambassador Abram's Residence
with Weiss for informal discussion, light supper
with Executive Board of American International
Club.

2100

Leave Ambassador's residence.

2120

Arrive Hotel Intercontinental.

Briefing w/ NGO (small group)

WEDNESDAY, DECEMBER 18, 1991

0800

Pickup at Hotel Intercontinental by John Weiss.

0810

Meet with Mr. Reinstein at U.S. Mission, Botanic
Building.

0830

Meet with U.S. delegation.

0945

Depart Botanic Building.

1000

Arrive at Palais for INC Working Group I meeting,
Room XIX, New Building accompanied by John Weiss.

1100

Meet with Head of Soviet Delegation Alexander
Metalnikov in Delegates Lounge, Palais, New
Building.

1130

Return to INC Working Group meeting.

1200

Mtg. w/ Maurice Strong / Botanic Bldg

1315

Host a lunch for G-77 representatives:

Brazil
Ghana
India

Mr. Luis Filipe de Macedo Soares
Mr. James Naadjie
~~Mr. Chandrabekhar Dasgupta~~ (undecided)
(tentative)

at the Palais Restaurant. Mr. Reinstein will
also be included in luncheon but will pay for his
own meal.

1500

INC Working Group I resumes, Palais, Room XIX.

1600

Meet with Chinese Head of Delegation Mr. Sun Lin
in Delegates Lounge, Palais, New Building,
accompanied by Mr. Reifsnyder or Ms. Kinney of
U.S. delegation.

- 3 -

1715 Depart Palais.
 1725 Arrive Hotel Intercontinental.
 1815 Pickup at hotel by John Weiss.
 1900 Arrive at Ambassador Abram's Residence. ^{Meet}
 with Working Group Co-Chairs in Library.
 1930 ** Baveus will be at the dinner **
 Drinks followed by Dinner.
 2230 Depart Ambassador's Residence with John Weiss.
 2250 Arrive Hotel Intercontinental

THURSDAY, DECEMBER 19

0800 Pickup at hotel by John Weiss.
 0815 Arrive Airport.
 0855 Leave Geneva Sabena Flight ____ for Brussels.
 2000 Arrive Geneva Sabena Flight ____ from Brussels.
 Transportation by taxi to hotel, unaccompanied.
 2030 Meeting to be arranged in consultation with
~~2100~~ McGinty. One possibility: gathering of U.S.
 delegation and environment officers from various
 missions in Geneva at home of John Weiss.

X Very

Informal.

#14 Chemain

Collandon

Phone 788-4074

(John Weiss)

FRIDAY, DECEMBER 20

0735 Pickup at Hotel Intercontinental by Weiss.
 0745 Arrive at U.S. Mission for continental breakfast
 meeting with the following delegation members:
 EC (possible) Mr. Jorgen Henningsen
 Germany Ms. Cornelia Quinnet
 The Netherlands Mr. Bert Metz
 UK Mr. David Fisk
 Portugal His Excellency Mr. Joao
 Pereira Bastos
 US Participants Ms. McGinty
 Mr. Weiss
 0925 Leave U.S. Mission for airport accompanied by
 Weiss, Dehaene.
 0940 Arrive airport.
 1040 Depart Geneva TWA Flight 895 for Washington
 Dulles.

GUEST LIST

Dinner hosted by Ambassador and Mrs. Morris B. Abram
in honor of Senator Albert Gore, Jr.
Wednesday, December 18, 1991, 7:30 p.m.
Residence

His Excellency Gerald E. Shannon
Permanent Representative of Canada and Mrs. Shannon

His Excellency Prakash Shah
Permanent Representative of India and Mrs. Shah

Mr. Ramanathan Sunduraraman and Mrs.
Executive Secretary
Intergovernmental Panel on Climate Change
(USA)

Mr. Michael Zammit-Cutajar and Mrs.
Executive Secretary
Intergovernmental Negotiating Committee for
a Framework Convention on Climate Change
(Malta)

Mr. Jean Ripert
Chairman
Intergovernmental Negotiating Committee for
a Framework Convention on Climate Change
(France)

Ms. Elizabeth Dowdeswell
Vice-Chair
Intergovernmental Negotiating Committee for
a Framework Convention on Climate Change
(Canada)

His Excellency Nobutoshi Akao
Vice-Chair
Intergovernmental Negotiating Committee for
a Framework Convention on Climate Change
(Japan)

Mr. Robert F. Van Lierop
Vice-Chair
Intergovernmental Negotiating Committee for
a Framework Convention on Climate Change
(Vanuatu)

2 -

Mr. Edmundo de Alba-Alcaraz
Vice-Chair
Intergovernmental Negotiating Committee for
a Framework Convention on Climate Change
(Mexico)

U.S.

Mr. Robert Reinstein
Deputy Assistant Secretary
Environment, Health and Natural Resources

Mr. Daniel Reifsnyder
Director
Office of Global Change
Bureau of Oceans and International Environmental and
Scientific Affairs

Ms. Kathleen McGinty
Staffer
Office of Senator Gore

Mr. John Weiss
Environment/Science Officer
U.S. Mission Geneva

SUGGESTED ADD ON OR ALTERNATE:

Ms. Stephanie Kinney
Deputy Director
Office of Global Change
Department of State.

UNCLASSIFIED STATE 399988/01

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UNCLAS SECTION 01 OF 02 STATE 399988

FOR CONFERENCE SERVICES

E.O. 12356: N/A

TAGS: AORC, UN

SUBJECT: UN, 4TH SESSION OF THE UNITED NATIONS
INTERGOVERNMENTAL NEGOTIATING COMMITTEE (INC) FOR A
FRAMEWORK CONVENTION ON CLIMATE CHANGE. DECEMBER 2-20, 1991

1. OIC REQUESTS ACCREDITATION FOLLOWING U.S. DELEGATION

REPRESENTATIVE

ROBERT A. REINSTEIN
DEPUTY ASSISTANT SECRETARY FOR ENVIRONMENT, HEALTH AND
NATURAL RESOURCES
BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND
SCIENTIFIC AFFAIRS
DEPARTMENT OF STATE

ALTERNATE REPRESENTATIVE

DANIEL A. REIFSINDER
DIRECTOR, OFFICE OF GLOBAL CHANGE
BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND
SCIENTIFIC AFFAIRS

DEPARTMENT OF STATE

ADVISERS

DANIEL ALBRITTON
DIRECTOR, AERONOMY LABORATORY
NATIONAL ATMOSPHERIC AND OCEANIC ADMINISTRATION
DEPARTMENT OF COMMERCE

SUSAN BINIAZ
ASSISTANT LEGAL ADVISER FOR OCEANS, ENVIRONMENT AND SCIENCE
OFFICE OF THE LEGAL ADVISER
DEPARTMENT OF STATE

RICHARD A. BRADLEY
SPECIAL ASSISTANT FOR ENVIRONMENT
OFFICE OF THE SECRETARY
DEPARTMENT OF ENERGY

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CHRISTINE DAWSON
SPECIAL ASSISTANT TO THE UNDERSECRETARY
FOR ECONOMIC AND AGRICULTURAL AFFAIRS
DEPARTMENT OF STATE

JONATHAN ELKIND
POLICY ANALYST
COUNCIL ON ENVIRONMENTAL QUALITY
EXECUTIVE OFFICE OF THE PRESIDENT

GARY R. EVANS
SPECIAL ASSISTANT FOR GLOBAL CHANGE
SCIENCE AND EDUCATION
OFFICE OF THE SECRETARY
DEPARTMENT OF AGRICULTURE

JOHN F. FITZGERALD
OFFICE OF POLICY ANALYSIS
POLICY, PLANNING AND EVALUATION
ENVIRONMENTAL PROTECTION AGENCY

ALAN HECHT
DEPUTY ASSISTANT ADMINISTRATOR
OFFICE OF INTERNATIONAL ACTIVITIES
ENVIRONMENTAL PROTECTION AGENCY

STEPHANIE S. KINNEY
DEPUTY DIRECTOR, OFFICE OF GLOBAL CHANGE

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND
SCIENTIFIC AFFAIRS
DEPARTMENT OF STATE

ROBERT J. MCRIBBEN
OFFICE OF POLICY ANALYSIS
ECONOMIC AND STATISTICS ADMINISTRATION
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JONATHAN C. PERSHING
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SCIENTIFIC AFFAIRS
DEPARTMENT OF STATE

KATHLEEN REES
OFFICE OF INTERNATIONAL AFFAIRS
DEPARTMENT OF ENERGY

JULIAN R. SPRADLEY

LB

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UNCLAS SECTION 02 OF 02 STATE 398988

COUNSELOR, OFFICE OF THE UNDER-SECRETARY
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
DEPARTMENT OF COMMERCE

DENNIS TIRPAK
DIRECTOR, GLOBAL CLIMATE CHANGE DIVISION
POLICY, PLANNING AND EVALUATION
ENVIRONMENTAL PROTECTION AGENCY

HARLAN L. WATSON
PRINCIPAL DEPUTY ASSISTANT SECRETARY
OFFICE OF THE SECRETARY
DEPARTMENT OF INTERIOR

EDWARD R. WILLIAMS
DIRECTOR, OFFICE OF ENVIRONMENTAL ANALYSIS
DEPARTMENT OF ENERGY

2. DELEGATION IS REMINDED THAT ONLY OFFICIALLY ACCREDITED MEMBERS OF THE DELEGATION ARE AUTHORIZED TO PARTICIPATE IN CONFERENCE SESSIONS (1 FAM 533.1).

3. RECOMMENDATIONS OR COMMITMENTS WHICH CREATE OR IMPLY NEW U. S. FINANCIAL OBLIGATIONS, ESTABLISHMENT OF NEW ORGANIZATIONS, PARTICIPATION IN ADDITIONAL MEETINGS, AND OFFERS TO HOST MEETINGS IN THE U. S. REQUIRE EXPRESS AUTHORIZATION. INSTRUCTIONS TO U. S. DELEGATIONS ON ACTION TO RESTRAIN GROWTH OF INTERNATIONAL ORGANIZATION

ASSESSED BUDGETS IS CONTAINED IN PARA 3 OF STATE 333775 OF NOVEMBER 23, 1983.

4. HEAD OF DELEGATION IS RESPONSIBLE FOR ENSURING PROPER COORDINATION OF ALL U. S. DELEGATION ACTIVITIES AND FOR SUBMITTING TELEGRAPHIC SUMMARY OF CONFERENCE RESULTS PRIOR TO DEPARTURE.

5. ROBERT A. REINSTEIN, DANIEL A. REIFSNYDE, SUSAN BINIAZ, CHRISTINE DAWSON, STEPHANIE S. KINNEY, JOSEPHAN C. PERSHING, ALL HAVE TOP SECRET SECURITY CLEARANCES.

BA:ER

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Add. to Add. Advisers:

Jack Schick
Office of the Geographer
Dept of State

John Weiss
First Secretary

BACKGROUND MEMO

**UNITED
NATIONS****General Assembly**Distr.
GENERALA/AC.237/13
2 December 1991**ORIGINAL: ENGLISH**

**INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE**
Fourth session
Geneva, 9 - 20 December 1991
Item 1 of the provisional agenda

**REVISED PROVISIONAL AGENDA AND ANNOTATIONS,
INCLUDING SUGGESTIONS FOR THE ORGANIZATION OF WORK**

Note by the Executive Secretary

I. REVISED PROVISIONAL AGENDA

After consultation, and in light of the outcome of the sixth session of IPCC, the Chairman proposes that item 3 of the Provisional Agenda (Consideration of scientific advice from IPCC) be omitted, and provision made instead for a briefing on progress of work in IPCC, which could be given at an informal plenary meeting.

The revised provisional agenda is as follows:

1. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work;
 - (c) Future work:
 - (i) Calendar
 - (ii) Arrangements for approval of the framework convention
 - (d) Provisional agenda for the fifth session.

A/AC.237/13
Page 2

2. Negotiation of a framework convention on climate change:
 - (a) Elements related to commitments: draft text to be prepared by Working Group I;
 - (b) Elements related to mechanisms: draft text to be prepared by Working Group II;
 - (c) Consideration, integration and completion by the plenary of the draft texts submitted by the Working Groups.
3. Review of extrabudgetary funds:
 - (a) Special voluntary fund to support the participation of developing countries;
 - (b) Trust fund for the negotiating process.
4. Adoption of the report.

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

By its resolution 45/212 of 21 December 1990, the General Assembly decided "to establish a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation by an Intergovernmental Negotiating Committee of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon".

The first session of the Committee was held in Washington, D.C. from 4 to 14 February 1991. The report on that session, including its decisions, is contained in document A/AC.237/6 and Corr.1. The second session of the Committee was held in Geneva from 19 to 28 June 1991; the report on that session is contained in document A/AC.237/9. The third session of the Committee was held in Nairobi from 9 to 20 September 1991; the report on that session is contained in document A/AC.237/12.

The fourth session of the Intergovernmental Negotiating Committee will be held at the Palais des Nations, Geneva, from 9 to 20 December 1991. The session will be opened by the Chairman of the Committee on 9 December 1991, at 10:30 a.m., in Conference Room XIX.

1. Organizational matters:

(a) Adoption of the agenda

The Committee took note of the provisional agenda for its fourth session at its 5th plenary meeting on 20 September 1991. As stated above, it is proposed to omit item 3 (Consideration of scientific advice from IPCC). The provisional agenda is presented for adoption, as revised.

(b) Organization of work

(i) Participation

By paragraph 2 of its resolution 45/212, the General Assembly decided that "the Intergovernmental Negotiating Committee should be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly."

Notification of the date and venue of the fourth session has been communicated to the Permanent Missions of all participating States in Geneva and New York, as well as to observers. Efforts are being made to disseminate this information and the documentation for the session as widely as possible to facilitate full and effective participation (see Committee decision 1/2, para.6).

By paragraph 19 of its resolution 45/212, the General Assembly invited "relevant non-governmental organizations to make contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process, and taking into account decision 1/1 concerning the participation of non-governmental organizations adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session".^{1/}

In this connection, the attention of the Committee is drawn to decision 2/1 adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its second session, held at Geneva from 18 March to 5 April 1991^{2/}, and its subsequent accreditation of non-governmental organizations.

^{1/} Official records of the General Assembly, Forty-fifth session, Supplement No. 46 (A/45/46), annex I, decision 1/1.

^{2/} Official records of the General Assembly, Forty-fifth session, Supplement No. 48 (A/45/48), annex I, decision 2/1 and 2/2.

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(ii) Subsidiary organs

At its first session, by its decision 1/1, the Committee established two Working Groups and determined their tasks. It decided in this context that, if and when it is deemed necessary, the Working Groups, subject to the approval of the Committee, may establish ad hoc subgroups to deal with specific issues, with due respect to the understanding that no more than two meetings may be held at any one time within the Committee (decision 1/1, annex, para.11).

The two Working Groups started to function during the second session of the Committee and continued through the third session.

(iii) Schedule of meetings

The tentative schedule of meetings contained in annex I to the present document is based on the availability of facilities during normal working hours, Monday to Friday, when services are available for up to two simultaneous meetings from 10 a.m. - 1 p.m. and 3 p.m. - 6 p.m. Delegations are urged to use these services fully by starting all meetings promptly at the scheduled time.

The attention of delegations is drawn to:

- (a) The fact that meetings are programmed for both Working Groups on Saturday, 14 December;
- (b) The need for flexibility in the programme for the second week;
- (c) The requirement implied in agenda item 2(c) that the work of the Working Groups be completed in time for the plenary to start work on the integration of the draft texts submitted by them.

(c) Future work

(i) Calendar

With regard to dates and venues for the fifth session, the Committee was informed at its 5th plenary meeting, of available dates at the main United Nations centres. After weighing various considerations, including the availability of facilities at different United Nations centres and the schedule of other intergovernmental meetings on environment and development, and in particular the Preparatory Committee for UNCED, the Committee decided to recommend to the General Assembly that its fifth session be held in February 1992, with the possibility of a resumed session for a few days in April. It noted that services would be available for a February session only at United Nations Headquarters, in New York, and further recommended that this session be held there from 18 to 28 February 1992.

Action taken by the General Assembly concerning the calendar of meetings of the Committee will be brought to the attention of the Committee.

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(1) Arrangements for approval of the framework convention

After consultations with the Office of Legal Affairs, the Executive Secretary proposes that the Committee consider in due course the establishment of a credentials committee in order to verify the credentials of delegates attending the session of the Committee during which it is envisaged that the final text of the Convention will be adopted.

(d) Provisional agenda for the fifth session

A provisional agenda for the fifth session will be submitted for consideration and approval by the Committee at the end of the fourth session.

2. Negotiation of a framework convention on climate change

General Assembly resolution 45/212 and part I of the annex to Committee decision 1/1 provide general guidelines for the negotiation of a framework convention.

At the second session of the Committee, the secretariat circulated informal papers submitted by delegations in order to facilitate work on the convention (A/AC.237/Misc.1 and Add. 1-9). Subsequent submissions by delegations are contained in A/AC.237/Misc.1/Add.4/Rev.1 and A/AC.237/Misc.1/Addendum 10-15.

(a) Elements related to commitments: draft text to be prepared by Working Group I

In accordance with the mandate given to the Bureau of Working Group I at the third session of the Committee, a text containing elements related to the preamble, principles and commitments has been prepared, taking into account proposals and comments made by delegations, including those presented at the third session of the Committee in Working Group I. This text is before the Committee in document A/AC.237/Misc.12.

Attention is also drawn to document A/AC.237/WG.I/WP.1 which contains the annexes to the draft report of Working Group I on its work at the third session of the Committee and which were circulated separately during the session under different symbols as submissions by the Bureau of Working Group I.

(b) Elements related to mechanisms: draft text to be prepared by Working Group II

In accordance with the mandate given to the Co-Chairmen of Working Group II at the third session of the Committee, a revised Single Text has been prepared for consideration, with a view to having it serve as a basis for discussion at the fourth session of the Committee. It takes into account the views expressed at previous sessions and those received by the secretariat before 15 October 1991. This text is before the Committee in document A/AC.237/Misc.13.

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(c) Consideration, integration and completion by the plenary of the draft texts submitted by the Working Groups

The Committee may wish to work towards the aim of producing, as the main outcome of its fourth session, a single integrated text of a draft convention as the basis for its work at the fifth session. The Chairman intends to submit a provisional structure of the framework convention for consideration by the Committee, as an instrument of integration. The tentative schedule of meetings provides for a plenary meeting on Monday, 16 December to discuss questions relating to structure and to other modalities of integration and completion. It is further proposed that the plenary should meet in the second half of the second week of the session to consider the draft texts prepared by the Working Groups with a view to starting work on their completion and integration.

One element which will be required to complete the draft convention will be a section on definitions. At the request of the Chairman, an informal paper relating to definitions will be circulated by the Executive Secretary at the session (to be contained in A/AC.237/Misc. 14).

2. Review of extrabudgetary funds

(a) Special voluntary fund to support the participation of developing countries

By its resolution 45/212, paragraph 10, the General Assembly established "a special voluntary fund, administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations, to ensure that developing countries, in particular the least developed among them, as well as small island developing countries, are able to participate fully and effectively in the negotiating process". Governments, regional economic integration organizations and the relevant bodies of the United Nations system, in particular the United Nations Development Programme, the United Nations Environment Programme and the World Meteorological Organization, have been called upon by the General Assembly and/or the Committee to contribute generously to the special voluntary fund. The Executive Secretary is making arrangements to finance participation in the fourth session of the Committee from the special voluntary fund, following the same lines as for the second and third sessions.

(b) Trust fund for the negotiating process

The General Assembly, by its resolution 45/212, paragraph 20, decided "that the negotiating process shall be funded through existing United Nations budgetary resources, without negatively affecting its programmed activities, and through voluntary contributions to a trust fund established specifically for the purpose for the duration of the negotiations". It also invited "the World Meteorological Organization and the United Nations Environment Programme and other relevant bodies of the United Nations system, including those in the field of development, to make contributions to the negotiating process, including its funding". Governments, regional economic integration organizations and other interested organizations were similarly invited "to contribute generously to the trust fund" (paras. 21 and 22).

....

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Under this item, the Executive Secretary will submit a report (A/AC.237/14) on the state of the two extrabudgetary funds and the use being made of them. The Committee may wish to express its views on these matters and to call for the required contributions to both funds.

4. Adoption of the report

By paragraph 16 of its resolution 45/212, the General Assembly requested "the Intergovernmental Negotiating Committee, through the ad hoc secretariat and taking into account the relevance of the negotiations to the United Nations Conference on Environment and Development, to keep the Preparatory Committee for the Conference and the Secretary-General of the Conference, as well as the Secretary-General of the United Nations, regularly informed in a timely manner, through regular progress reports, of the progress of the negotiations".

The Vice Chairman acting as Rapporteur will prepare a draft report for consideration by the Committee, following consultations in accordance with usual practice, on the model of the report on the second and third sessions.

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ANNEX I

Tentative schedule of meetings^{a/}

A. First week

Monday, 9 December 1991

10.30 a.m. Opening of the session by the Chairman of the Committee

- Item 1(a) Adoption of the agenda
- Item 1(b) Organization of work

Followed by: Informal plenary meeting

Presentations by the Co-Chairmen of the Working Groups on pre-session preparations
[Regional group meetings after plenary if required and if time permits]

3 p.m. Informal plenary meeting

Briefing on progress of work in IPCC

Followed by: Opening of Working Groups I and II

Tuesday, 10 December - Saturday, 14 December 1991

Meetings of Working Groups I and II (detailed and co-ordinated schedules of work to be determined)

B. Second week (schedule to be adjusted, as needed, in the light of the outcome of the previous week)

Monday, 16 December 1991

- 10 a.m.^{b/}
- Item 2(c) Consideration, integration and completion by the plenary of the draft texts submitted by the Working Groups:
 - progress made in the Working Groups
 - questions relating to structure and to other modalities of integration and completion
 - Item 3 Review of extrabudgetary funds

^{a/} The numbering of the agenda items is in conformity with that of the revised provisional agenda

^{b/} Facilities would be available for one Working Group to meet simultaneously with plenary, as required.

Monday, 16 December 1991 (cont'd)

3 p.m. Meetings of Working Groups I and II

Tuesday, 17 December and Wednesday, 18 December 1991

Meetings of Working Groups I and II (conclusion of work)

Thursday, 19 December 1991

10 a.m. Item 2(c) Consideration, integration and completion by the plenary of the draft
& 3 p.m. texts submitted by the Working Groups (formal and informal meetings
as needed)

Friday, 20 December 1991

10 a.m. Item 2(c) (Continued)

3 p.m. Item 1(c) Future work:

- (i) Calendar
- (ii) Arrangements for approval of the framework convention

Item 1(d) Provisional agenda for the fifth session

Item 4 Adoption of the report

Closure of the session

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ANNEX II

List of documents for the fourth session of the Intergovernmental Negotiating Committee

Documents for the session

A/AC.237/12	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its third session, held at Nairobi, from 9 to 20 September 1991
A/AC.237/13	Revised provisional agenda and annotations, including suggestions for the organization of work
A/AC.237/14	Review of extrabudgetary funds established under General Assembly resolution 45/212
A/AC.237/Misc.1 Addenda 1-15 (English only)	Set of informal papers provided by delegations, including "non-papers", related to the preparation of a framework convention on climate change
A/AC.237/Misc.12	Elements related to the preamble, principles and commitments: submitted by the Bureau of Working Group I
A/AC.237/Misc.13	Revised Single Text on elements relating to mechanisms: submitted by the Co-Chairmen of Working Group II
A/AC.237/Misc.14 (English only)	Definitions: Note by the secretariat
INC/FCCC/INF.7	Information Note

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Other documents available at the session

A/AC.237/5	Rules of procedure
A/AC.237/6 and Corr.1	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its first session, held at Washington D.C., from 4 to 14 February 1991
A/AC.237/9	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its second session, held at Geneva, from 19 to 28 June 1991

.....

A/40/48 (Parts I and II)	Report of the Preparatory Committee of United Nations Conference on Environment and Development at its second and third sessions.
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Available for reference purposes:

General Assembly resolutions

- 45/212 Protection of global climate for present and future generations of mankind (21 December 1990)
- 45/211 United Nations Conference on Environment and Development (21 December 1990)
- 44/228 United Nations Conference on Environment and Development (22 December 1989)
- 44/207 Protection of global climate for present and future generations of mankind (22 December 1989)

• • • • •

- A/45/696/Add.1 Progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind - Report by the Secretary-General (Final statement of the Scientific/Technical session of the Second World Climate Conference and Ministerial Declaration of the Conference)

Regional intergovernmental meetings

- A/CONF.151/PC/10 Action for a common future. Report of the Economic Commission for Europe on the Bergen Conference (8-16 May 1990)
- A/CONF.151/PC/38 Report of the Economic and Social Commission for Asia and the Pacific on the Ministerial-level Conference on Environment and Development in Asia and the Pacific (Bangkok, 15-16 October 1990)
- A/CONF.151/PC/L.30 Tlatelolco Platform on Environment and Development, adopted by ministers of the Latin American and Caribbean countries at the end of the Regional Preparatory Meeting of United Nations Conference on Environment and Development (Mexico City, 7 March 1991)
- A/CONF.151/PC/85 Beijing Ministerial Declaration on Environment and Development adopted at the Ministerial Conference of Developing Countries on Environment and Development on 19 June 1991.

INC 4 AGENDA

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U.S. STATEMENT ON SPECIFIC COMMITMENTS

INC FOURTH SESSION December 13, 1991 Geneva

Thank you very much, Mr. Chairman. We are pleased to present our views at this time.

My comments on this section are closely linked to my comments made on Wednesday concerning the previous sections. In this regard, may I also remind delegates of my remarks at Nairobi in our last session regarding commitments on sources and sinks. In that statement, I outlined a number of reasons why the United States cannot agree to specific quantitative targets and timetables regarding reductions of greenhouse gas emissions. Our position has not changed, because the reasons explained at that time are still in our view valid. Thus, we cannot agree to paragraphs 1 and 2 in the text that was distributed earlier.

We take note of the text just developed by the bureau. It has some interesting concepts in it, and we will study it closely, but in light of the remarks which I made earlier. We will also study very closely the proposal made by the European Community, which also has some interesting ideas in it. We are particularly appreciative of their recognition of the importance of methane, as we have emphasized for some time the importance of looking at all greenhouse gases, all sources and sinks.

One of our problems with the approach that is presented in paragraphs 1 and 2 -- in addition to the points noted my intervention in the September session -- is that it divides the world into two groups, with all members of each group being treated alike and with very different treatment between the two groups. With all due respect to my Indian colleague and some other delegates who have intervened and emphasized this two-group division of the world, there are several different groups of countries with rather different situations, and sometimes significant differences within groups. We need an approach that can accommodate these differences in the most

vents
leniency
due to territorial
expense.

flexible way, encouraging responses from all countries in accordance with their circumstances and capabilities.

In our view, the substance of paragraphs 1 and 2 can be treated in the context of the national plans, which were discussed under section chapter IV.1 the other day.

With respect to paragraph 3, we think this is an important concept, and we think it should be broadened. We would suggest the following changes: First, in line 1 we would change "countries" to "parties", since we are referring here to parties. In the beginning of line 2, we would delete the word "emission", because in fact we should cooperate in implementing all commitments. At the end of line 5, we would suggest changing "net reductions in emissions" to "result". And finally, at the end of the paragraph, we would suggest deleting the phrase "and criteria approved by the parties."

Clearly, Mr. Chairman, if we get into specific quantitative obligations in the latter stages of our continually-evolving response to climate change, we will need to pay close attention to how accounting is done with respect to those commitments. In our view we are not at that stage, and we see some difficulty in developing precise criteria for rather broad cooperation of the type we would envisage in this paragraph.

*This is the
cheatily
shell game*

The United States is committed to take action on climate change. Last February we publicly indicated our first step -- those actions already committed for other reasons which were also identified at that time as contributing to efforts regarding climate change.

*It turns
out that, as
I suspected,
this was the
big secret
plan the
Admin. tabled.*

We are now studying what further measures can be identified for inclusion in our first national climate action plan, to be submitted under the convention. And, if we agree to this approach, the United States anticipates sharing our preliminary conclusions, regarding such measures, with other countries in the context of these negotiations.

*The news (see
next page)*

*is that US
commits to having plan done within
one year after signing of Convention.*

These measures, these actions, will include: • federal government measures, both legislative and administrative; • state government measures; • private-sector measures:

1000 points of light!

and • measures undertaken in cooperation with other countries.

We will quantify the results of these actions, relying on the best science available. And we believe the results will be quite significant in terms of limiting net greenhouse gas emissions, supporting adaptation, and assisting other countries in doing the same.

As I said in earlier remarks, it is actions which will limit emissions and meet other objectives of the convention. In this context, we applaud the Brazilian actions which were referred to earlier in this session. These are excellent examples of the kinds of actions which individual countries may undertake in support of these objectives.

As an indication of our commitment to such actions, the United States is prepared to put forward our draft national climate action plan for public consideration within one year after signing the framework convention in Rio next June. This is far in advance of the date for submission which would be specified in the convention. We invite all other industrialized countries to do the same.

Thank you very much, Mr. Chairman.

A handwritten signature, possibly "R. G.", written in dark ink. It consists of a long horizontal line that curves upwards and then loops back down to the right.

German Statement 13 Dec 91

N GER POS ECO6.

Mister Co-chairman,

Germany holds the view - as pointed out already several times - that the global problems of climate change really demand commitments by all Contracting Parties to the Convention. In our conviction, it is necessary to have general commitments for all countries, and in addition to that specific commitments for groups of countries, especially the industrialized countries. We therefore fully endorse the statement presented earlier by the delegation of the Netherlands on behalf of the European Community and its Member States. Let me just give some additional remarks:

1. As you might recall, a year ago, the German Government has set the target to reduce CO₂ emissions in Germany by 25 - 30 per cent until the year 2005, on the basis of 1987 emissions. Yesterday, the German Council of Ministers dealt with the matter again and took another decision on the issue. On the basis of a whole year of scientific, technical and economic analysis and assessment, they confirmed the former decision. In addition, they decided upon further concrete measures for implementation.

2. In view of the global nature of climate change a single country cannot successfully tackle the problem: global cooperation is indispensable. Given the current increase in global emissions, Germany's intended 25 - 30% reduction would be compensated for in just a few months.

We should think and act globally also when implementing the commitments of the Convention. Germany therefore would like to present to you our ideas for a joint implementation of commitments through an international crediting system to be established by the Convention and its protocols. The basic requirements of the system are the following:

FEDERAL REPUBLIC OF GERMANY

12 December 1991 (FINAL)

JOINT IMPLEMENTATION OF COMMITMENTS CONTAINED IN A GLOBAL CLIMATE CONVENTION (Emission Reduction Crediting System)

I. POINT OF DEPARTURE

The dramatic climate changes to be expected due to the increase in anthropogenic greenhouse gas emissions represent a global threat and challenge. Therefore relevant world-wide strategies for a solution are required which can only be achieved by cooperation among all countries. The negotiations conducted by the Intergovernmental Negotiating Committee on Climate Change (INC) aim at achieving a global climate convention:

1 - The Federal Republic of Germany holds the view that this convention must contain clear and concrete commitments for limiting greenhouse gases and, as an initial step, the commitment to stabilize CO₂ emissions by the year 2000 (as compared to 1990).

The industrialised countries, having been the main emitters up to now, must declare themselves ready to take drastic measures to reduce CO₂ in order to implement this commitment. The developing - countries ought to strive for improving both their energy - efficiency and a more rational use of energy.

2 - These obligations to be laid down in the convention shall have to be implemented by national strategy concepts and concrete measures. The global character of the climate-related problem suggests that the parties to the convention also cooperate closely when they implement these commitments in order to make as effective and efficient use of the limited resources as possible. II. JOINT IMPLEMENTATION OF NATIONAL REDUCTION OBLIGATIONS BY A CREDITING SYSTEM

Therefore the climate convention ought to contain regulations and mechanisms in order to allow cooperation of the parties to the convention to jointly implement their national commitments. It shall be up to the parties to decide in which

way they jointly fulfil the commitment (e.g. by international cooperation of industries).

The following basic requirements for a crediting system must be expected to be laid down:

1 - Each party to the convention shall have to implement a specified share of its reduction commitment by measures in its own country.

This is necessary in order to further develop the state of the art for the reduction of greenhouse gas emissions at a national level and in order to maintain in this way the necessary incentives for technological innovation.

2 - A party to the convention can moreover meet its remaining reduction obligations in cooperation with another party of the convention by taking measures to reduce emissions there. Parties to the convention with high marginal costs for national measures can thus choose implementation measures in countries with a greater potential of cost-effective measures. In particular, developing countries and countries with economies in transition probably have a high potential in this area. A crediting strategy opens up additional possibilities for these countries to work together with industrialised countries, thus leading both to a trend towards closing the technology deficit by means of increased transfer of technology and also to an increased flow of capital. These countries thereby receive a free contribution to reducing their environmental pollution, to increasing their energy efficiency and to offsetting their balance of payments.

Since the possibilities for reduction are considerably more cost-effective of the investing state if a crediting model is used, it could be considered to demand a certain degree of over-achievement so that the reduction effect achieved is calculated on the basis of a given differentiated deduction scale. The net reduction effect brought about by joint implementation (e.g. the difference in levels of emissions before and after the retrofitting a power plant) is to be attributed to the investing country or countries. This effect is to be deducted from their national commitments arising from

the climate convention on the basis both of the joint agreement and the criteria set by the parties to the convention.

The incentive for national investors to implement measures of this kind in other countries lies in the fact that they can offset their investment costs with existing obligations in their own country.

A strategy of joint implementation then does justice to the interests of the cooperating parties and is therefore an expression of a strengthened and equal partnership.

III. INSTITUTIONAL FRAMEWORK

1 - The parties to the convention set the criteria for the joint implementation of national commitments from a climate convention by means of provisions contained in the convention or its protocols, including

- the definition of possible projects
- criteria for assessment and crediting
- institutional framework, in particular procedures for - implementation and review.

2 - Within the framework of the conditions laid down in the convention the joint realisation requires a contractual agreement between the partners.

T E L E F A X

F R O M

THE ROYAL NORWEGIAN EMBASSY

WASHINGTON, D.C.
(202) 337-0870

TO: Ms. Kathleen McGinty
Office of Senator Gore
U.S. Senate
fax: 224-0580

DATE: 6 November 1991

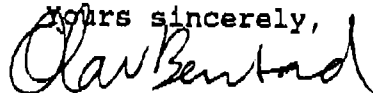
REF:

RE: Climate negotiations. Norwegian proposal.

Dear Ms. McGinty:

As promised I send a copy of a memorandum on the proposed clearing house mechanism and financial mechanism which we have received from the Prime Minister's Office in Oslo.

Yours sincerely,



Olav Berstad
First Secretary

N O R A M B

P.M.

Framework Convention on Climate Change.

A Clearing-House Mechanism for Cost-effective Implementation of Commitments across National Borders.

A new Partnership in Development Funding related to the Financial Mechanism.

1. Climate change is a truly global problem. A long-term solution requires participation by both industrialized and developing countries. The formulation of the climate convention will represent a challenge to the world community to strike the right balance between effective climate measures and the necessity of economic development. Otherwise, the cost of achieving the objective of stabilizing greenhouse gas concentrations may become prohibitive.

2. Therefore, it is of fundamental importance that climate policies should be cost-effective to ensure global benefits at lowest possible costs. To achieve this, climate policies should be comprehensive, include all relevant sources and sinks of greenhouse gases, comprise all economic sectors, and may be implemented in cooperation with other Parties.

3. Norway has presented proposals to the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change which would facilitate cost-effective implementation of commitments.

4. The point of departure of the proposals is the need for the framework convention to contain elements that point towards a global long-term solution in introducing the criteria of cost-effective implementation measures. One crucial element is the provision that specific country commitments to limit emissions may be implemented either individually or jointly in co-operation with other countries. This can be done by allowing for exchange of emission commitments between countries, whereby the country which have made the commitment would finance measures in another country which seeks finance. The ensuing reduction of greenhouse gas emissions would be credited to the former country. This cooperation could take place through a Clearing-House Mechanism, covering multilateral, bilateral and regional arrangements.

5. The Mechanism would appraise and select projects for reducing net emissions according to their cost-effectiveness, and co-ordinate funding for these projects in areas such as energy efficiency (industry/power sector), forestry and

2

agriculture/soil management. Projects submitted by developing countries as an integral part of their development strategy should be given priority. The Clearing-House Mechanism would have a large portfolio of potential projects, thereby facilitating a more efficient matching of projects and funds than a system of purely bilateral exchanges. Detailed criteria, rules and regulations should be established for the operation of the Mechanism.

6. Even if some groups of countries would not have quantitative emission targets in the Framework Convention, the proposed system might be of great value. Countries with specific emission commitments would still have the option to finance emission reductions in other countries as an alternative to more expensive reductions in their own countries, thereby facilitating measures of high environmental, economic and developmental value.

7. Due to the mutual benefits resulting from the proposed arrangement a true partnership can be achieved, giving rise to a flow of funds and technology that might otherwise not be forthcoming. This would be an important supplement to other financial mechanisms and could become a very substantial new source of development funding through the transfer of financial and technological resources.

8. The Clearing-House Mechanism would be part of the Financial Mechanism and under the authority of the Parties to the Convention. The other part should be a Climate Fund for the purpose of assisting developing countries to implement the commitments they have undertaken.

9. The Norwegian proposal aims at establishing a new source for financial and technology co-operation. It represents a concrete example of moving to a "second generation" of environmental agreements, based on the use of economic instruments and international partnership. These elements are essential in order to secure cost-effective policies which can be effective both for reducing the danger of climate change and for safeguarding world economic growth and development.

Oslo, 11. October 1991.

FROM CHRIS ROSE
TO ANNIE RONCEREL
FAX 00 322 2305713

HERE ARE THE EUROPEAN COMMUNITY, US AND GERMAN
STATEMENTS ISSUED TODAY.

PLEASE LET US KNOW ANY FURTHER DEVELOPMENTS ON THE C
TAX. PLUS YOUR REACTION FOR QUOTING.

Intervention by the Netherlands on behalf of the European
Community and its Member States

SPECIFIC COMMITMENTS (Misc. 12, p. 14-15)

1. Given the position of the EC and its Member States, that
Industrialised countries should take the lead in addressing the
problem of climate change, we would like to propose to modify
para 1 as follows:

- a) We have a strong preference for Alternative A (i).
- b) We want this Article to be applicable to Industrialised
countries only. This term needs however a more precise
definition and therefore we propose to substitute "Developed
Country Parties" with "Parties as defined in Article [].
We will at a later stage submit a proposal for a text of such an
article.
- c) We expect that the definition of CO2 emissions will require
some detailed choices on what to include. Therefore this
should in our opinion be dealt with in an Annex. If the details
of this Annex are not resolved in the Convention itself, we
believe that the Parties should commit themselves to agree on
this Annex in their first meeting.

The amended text of para 1 would then read:

"The Parties as defined in article [] shall individually or
jointly stabilise their CO2 emissions in general by the year
2000 at 1990 levels. The details of this commitment should
be elaborated in an Annex.

2. On para 2 regarding the reduction of emissions we propose to read that as follows:

"As part of the elaboration of a protocol on greenhouse gas emissions, in particular CO₂, reduction and/or further limitation targets for CO₂ and other greenhouse gases should be explored, including possible strategy options aimed at progressive reductions and/or further limitations at the horizon 2005 and 2010. In this context also an agreement on measures for limitation or reduction of CH₄ emissions in the energy and waste sectors should be considered as a priority."

3. Para 3 deals with the issue of joint implementation. In our opinion joint implementation on stabilisation targets has been dealt with adequately in para 1. The text in para 3 should be reserved exclusively for the phase to which para 2 on reduction of emissions applies. We therefore propose to modify the text as follows:

"Parties making commitments in such a protocol should be able to establish bilateral, regional or global cooperation to achieve these commitments. The conference of the Parties should establish the appropriate framework, criteria and modalities in order to provide the possibility of such cooperation."

4. The complement of stabilisation and reduction of emissions would be a strategy on reservoirs and sinks. As a strengthening of the general commitments set out in para [] to protect and enhance sinks and reservoirs, which apply to all countries, the EC proposes for the industrialised countries:

- the establishment of vigorous programmes for sustainable forest management and development;
- better protection of forests in general, regular documenting it in published reports;
- an assessment of areas suitable for afforestation.

We hope these actions may show the way towards further actions by developing countries.

5. Finally, we propose to add a short Article on the issue of fiscal and economic measures, reading as follows:

"Parties as defined in Article [] should analyze and, where appropriate, make best use of fiscal and economic measures particularly in the field of energy and transport.

Geneva, December 13, 1991

U.S. STATEMENT
on
COMMITMENTS ON SOURCES AND SINKS

Thank you, Mr. Chairman.

We have listened with interest to the statements of various delegations regarding commitments to be included in the convention on reducing net emissions of GHGs, in particular the statements of certain countries and groups calling for specific targets and timetables for reduction of CO2 emissions. We have some initial comments which we would like to share for consideration by other delegations.

First of all, the United States believes the convention should not only provide a framework for future cooperation with regard to global climate change but should also commit to long-term goals and objectives for combatting human-induced climate change and its adverse consequences and should set the direction for national and international efforts in support of these goals. Among the objectives which we might consider are:

- The stabilization of GHG concentrations at a level that would prevent dangerous anthropogenic interference with climate.
- The stabilization of net GHG emissions as soon as feasible, recognizing differences among countries in a number of respects.
- The development and dissemination of methods for adapting to climate change, due to either natural or anthropogenic causes.
- The development of specific national action plans or strategies for responding to global climate change and, in particular, for carrying out the obligations of the convention.
- The identification and encouragement of actions in specific sectors, such as energy, forestry, agriculture and transportation, which will contribute in a meaningful and effective way to limiting net GHG emissions (including the enhancement of sinks) or adapting to climate change, particularly those actions which will have other benefits as well.
- The identification and mobilization of ways and means of providing technical and financial assistance to countries less able to respond to global climate change, in particular, to developing countries.
- The enhancement of cooperative efforts to reduce scientific, technical and economic uncertainties regarding climate change.

INC #3 - September, Nairobi

The United States firmly supports the development of a convention that will incorporate commitments such as these. The convention must be structured so that it encourages the broadest number of countries to join in this effort. It thus must reflect the differing factors and situations that each country faces, and must do so in a flexible way.

In this regard, in the United States we have examined a number of possible approaches to addressing the goal of reducing net GHG emissions, including the proposal to stabilize CO2 emissions at 1990 levels by the year 2000 and to further reduce these emissions by 20 percent by 2010. Quite frankly, Mr. Chairman, we have indications, based on our analysis completed to date, that the costs of achieving these targets may be quite high for the United States, given our high dependence on our domestic coal resources for basic energy supply. Other studies seem to show that the costs could be lower. We have found that estimating these costs is a very complex task which must take into account many factors and elements of uncertainty. We are interested in comparing our results with those of other countries which seem to show that some targets can be achieved rather easily at relatively low cost. It would appear to us that the relative ease and cost of these results varies considerably from country to country.

At the same time, the benefits of taking these actions, while clearly in the right direction, are still uncertain with respect to their magnitude because of continuing scientific and economic uncertainties. Moreover, if only industrialized countries take these short-term actions, the effect on global atmospheric GHG concentrations, and on climate change, is likely to be small and transitory. Thus, we do not really know the costs of these actions, and we do not really know the benefits.

The analysis of costs and benefits of possible actions to respond to climate change, even though fraught with uncertainties, should be carried out by each country so that it can assess for itself what makes sense in its specific national situation. It should be clear that results will differ from country to country. This is one reason why we cannot accept a single quantitative limit on CO2 emissions, or GHG emissions in general, uniformly applied and to be met in a specific year. It simply does not seem to us to make practical sense at this time in light of the uncertainties to which I have referred. The unequal effects of such a limit would create trade distortions and other kinds of economic disruption, and would as a result constitute a major disincentive for countries disadvantaged in this way to join in such a common approach.

Rather, the United States believes we should be approaching the goals mentioned earlier in a more flexible, "bottom-up" manner, identifying and evaluating specific actions which can make a significant contribution to reducing net GHG emissions or to adapting to climate change in a cost-effective way -- actions which make sense, actions which will have other benefits as well, such as addressing other environmental goals, improving industrial

competitiveness, or enhancing energy security. In our future discussions, as we hear how each country is prepared to respond, we can determine how useful our total set of commitments would be in meeting global reductions.

A careful analysis of possible response options to assess technical, economic and market feasibility would enable each country to identify its best strategy for action. For developing countries and other countries with special circumstances, technical and financial assistance, possibly including assistance in country studies, would help facilitate this process of each country evolving a national strategy. The important point, Mr. Chairman, is for each country to understand as fully as possible its own situation and the implications for it of various possible actions. We have to know what our starting point is before we can determine how to reach our goal, and we have to know how to walk in the chosen direction before we begin to run.

The commitments we agree upon in the convention should give a clear signal to industry and consumers -- to all segments of the population engaged in activities associated with causing net GHG emissions -- as to the long-term direction of government policies and actions regarding responses to climate change. The signal should be steady and should be soundly based on scientific, technical and economic analysis. Industry in particular must be an integral part of the solution and not be viewed merely as part of the problem. The technologies needed for the long-term effective response to the problem will, in most cases, be developed by industry rather than governments. A clear and reasonable signal is essential in this regard, particularly as industry will be reluctant to make major investments if it perceives government policies as subject to change according to constantly shifting political winds. Targets and timetables for reductions in emissions of specific GHGs are one kind of signal, but by no means the only kind of signal, and, in our view not necessarily the most appropriate signal at this stage.

In formulating our commitments to responses to global climate change, we need to be concerned about the conditions to which future generations will be subjected, with a goal of providing as favorable quality of life as possible for our descendants. In this regard, we must recognize that environmental protection and economic development and well-being are interdependent. The basic activities necessary for achieving an acceptable quality of life for all peoples must be carried out in an ecologically -- and economically -- sustainable manner.

Thank you, Mr. Chairman.

NOTES
U.S. INTERVENTION ON CRP 2
Commitments on Sources and Sinks
September 17, 1991

Introductory Remarks

- U.S. has same problem as others in analyzing CRP 2.
- We agree with Norway and India on need to focus on text submitted by governments and will provide text of our own.
- U.S. recognizes that CRP 2 is not a negotiating text, although it is helpful for organizing general discussion.
- It is apparent to us and others that we will have to look carefully at the structure of the document. Norway's proposal is useful in this regard. We look to December for a negotiating text.
- We agree with India's comments yesterday that many "general" commitments are too specific.
- We must also be careful not to lump or mix different elements in the same paragraph or sentence. It is important to identify alternative ideas and discuss the differences.
- With regard to India's insistence that the phrase "adequate, new, and additional" cannot be changed: The INC is the sole negotiating body for climate, per UNGA 45/212, and since this phrase is not included in that resolution, we are not bound by it. How to deal with this issue is up to this Committee.
- With respect to who should undertake commitments: both developed and developing countries should have some commitments if this convention is to have a meaning and address the long-term problem. We recognize differences in our ability to respond and believe this should be taken into account, but we need to form a true partnership to work together to address this problem.

Specific Comments on CRP 2

I. GENERAL OBJECTIVE:

Of first two alternatives we prefer Alt. B up to word "climate" in line 3 with insertion of "atmospheric" before GHGs in the second line. This comes from SWCC. Delete the rest of B.

Second sentence of Alt. C is OK; suggest deletion of "naturally" in the second sentence of C and pair it with the first sentence of B.

The U.S. prefers Alt. D for this section.

II. GENERAL COMMITMENTS:

#1 is OK with brackets on "limit, reduce" and use of "modify" instead of "control".

#2 has some problems and should be bracketed. We agree with Finland that technology should be "economically reasonable". Also "best available" technology might not always be indicated; therefore we should use "appropriate" technology in line one. List of GHGs is inappropriate since this is a working text; some may fall out, others may be more important. In any case, CFCs should not be excluded.

but available

#3 Alt. A needs to be rewritten so that we recognize the two separate ideas at play here: "Prepare report on and update...strategies A) to developnational inventories of [net] GHG emissions using an agreed methodology and B) to identify measures which can limit net GHG emissions. In such programmes or strategies, emphasis should be placed on measures which are justified for" Alt. B should be bracketed.

#4 Prefer Alt. A. Replace "Aim at" with "promote." Alt. B may contain some good ideas but is too complex. Alt. C should be bracketed.

#5 Alt. A needs to include reference to more sectors such as agriculture.

Alt. B is not an alternative to A because it deals with a different idea.

Alt. C is too complex and detailed - bracket it.

#6 we prefer Alt. A with deletion of "national" and "carbon" and insertion of "of GHGs" after "sinks" on line 2 and insertion of "including for example" before "achieving" on line 2.

Last phrase of Alt B is a consequence or effect, not a practice.

#7 Alt. A is OK if we change to "assessments of environmental impact" because EIA is a term of art with specific meaning. In line 2 replace "adverse social and" with "significant adverse socioeconomic and/or" ...

Bracket Alt. B ~~but~~ but keep good idea about assistance for developing countries.

#8 Delete "remaining" in line 2 because it implies there are a finite number of uncertainties left and we won't discover some new ones. Don't list international organizations; refer instead to "relevant" international organizations.

#9-10 these point to important concepts but need reworking.

Use Alt B: delete "effectively" and change "harmonizing" to "coordinating"

#11 Replace "ensure" with "facilitate the" and add "appropriate and economically reasonable" after "best available". Define or delete "and safe" in line 2. Also in line 3 insert "all parties, particularly to " before "developing." In line 4 replace "such" with "appropriate" and add "for addressing global climate change" after "technology". Look for a simpler and more communicative word to replace "endogenous."

#12 Insert "Seek to" before "ensure" in line 1. Revise so that last line after brackets reads "necessary to promote their efforts in combating climate change."

#13 delete

#14 Insert before brackets on last line "and implications of possible responses to such change." Within brackets on last line insert "to" before "cooperate."

Delete suggested alternative for 3 - 7 and 13.

III. DIFFERENTIATION OF COMMITMENTS

We have problems with the entire formulation of this section. There is more than one basis for distinguishing among countries. We could not agree to categories unless they would be responsive to changes over time and would allow for countries to change from one category to another as their circumstances warrant.

IV. SPECIFIC COMMITMENTS

IV.1.1. STABILIZATION OF EMISSIONS

-- The section on commitments for developing countries should come first and these commitments should apply to all parties. They could be augmented by additional specific commitments for industrialized countries.

-- The sections on specific commitments on stabilization and reduction by industrialized countries should be combined and condensed.

-- All specific commitments involving targets and/or timetables should be bracketed.

We note that the section on sources has been divided into two parts (stabilization and reduction) but sinks are treated as a unit. The Norwegian approach is better. Commitments should be linked to objective of stabilizing atmospheric concentrations. We must balance short-term and long-term actions. Perhaps we could have a bracketed formulation with all quantitative options combined, with alternative coverage, base year and target year indicated with sub-brackets.

Alternatives for Developing Countries

We prefer Alt. A with the addition in the last line of "and recognizing the need for technology cooperation and financial assistance by developed country parties to facilitate meeting this commitment." This should apply to all Parties and be moved to the beginning of the section.

IV. 1.2. REDUCTIONS

There are many approaches that need to be forged into one or two sensible options. We would prefer to combine this section with the

section on stabilization. Again, we need to develop one or two alternatives that incorporate all of the options, in brackets.

We do not believe it is wise to exclude all ozone depleting substances. Our intent is not to duplicate the Montreal Protocol or create redundancies or internal contradictions. Rather, it is important to encourage actions (on CFCs and HCFCs, for example) that go beyond those required under the Protocol. Also, we should ensure that this convention provides an added incentive for parties outside the Montreal Protocol to join it.

IV.1.3. SPECIAL SITUATIONS

Please see U.S. comments of September 16. We also note Australia's helpful comments on this issue. These and other special situations should be integrated into the text on commitments and recognition of differences in national situations.

IV.2. SINKS

This section should cover all sinks, not just CO₂; therefore delete reference to CO₂ in line 2. We should also take into account the UNCED prepcom's work on an integrated forestry agreement/process and identify in this forum only those actions involving forests which are directly related to climate change. We would like to see this section condensed in line with the Finnish approach.

IV.3. [NATIONAL STRATEGIES OR PROGRAMMES]

We note that this is a critical concept which was embodied in the SWCC declaration. It is related to "pledge and review" and needs to be integrated with previous work on commitments. We will provide some written comments on this at a later date.

The U.S. reserves on all sections of CRP2; we hope these comments are helpful.

U.S. STATEMENT ON CRP.3
Working Group I
September 18, 1991

Introductory Remarks

- We appreciate Switzerland's suggestion that we reorganize CRP3; we also have some problems with it.
- We need to integrate concepts contained in this paper by linking them to other commitments.
- In order to address these issues, we need to establish an appropriate procedure that:
 - .. identifies the needs of parties that would be considered for assistance, especially developing countries;
 - .. identifies technology and financial resources with which to respond;
 - .. facilitates technology cooperation; and finally,
 - .. mobilizes financial resources.
- We agree with many of Japan's comments and may have others to add at a later time.

Specific Comments on CRP.3

PAGE ONE

- Para 1: We support Turkey's opposition to citing the OECD specifically in Paras 1&3. This is inappropriate.
 - Para 1, line 2: bracket "commit new, adequate and additional;" substitute "provide on a voluntary basis." The quantification or description of resources can only be considered when we know what we are discussing.
 - Para 1, line 3: bracket "full incremental." We need to clarify/define what we mean by this phrase. It raises interesting and complex questions. This is a more complicated issue in the context of climate change than it was in the Montreal Protocol. Given the very different and more complex nature of the climate issue, treatment of this issue under the Montreal Protocol is not necessarily a precedent and should not be considered as such.
 - Para 1, line 7: insert "appropriate" before "environmentally;" bracket "and safe", and insert "economically reasonable" before "technologies."
 - Para 1: Bracket last sentence, which should be deleted.
- Alternative A: Bracket entire alternative.

Specific comments on Alt. A include but are not limited to:

- line 1 sub-bracket "create;" substitute identify.
- line 2 sub-bracket "new and additional;" bracket "for" and substitute "to assist."
- line 3 sub-bracket bracket "new and additional"
- line 4 N.B.: "developing country parties" should be substituted for "developing countries" here and throughout the rest of the text.
- line 4 insert "on a voluntary basis" before "which shall...."
- (a)(b) link to discussion under 6(c); insert in line 9 "to fulfill the objectives of the Convention" after "projects;"
- (c) line 1: sub-bracket "provide" and substitute "facilitate."
- (c) line 2: sub-bracket bracket "and safe."

PAGE TWO

- (d)-(j) these are objectives that can be discussed but it should be noted that this list would more than overload any fund or resources that might be made available. If we were to agree to all of these it would demonstrate the inadequacy of the proposed fund. We will need to be more focused in our approach to this question.
- (d) sub-bracket; line 2: substitute "indigenous" for "endogenous", if this is what is meant. Find another word for "endogenous."
- (e) sub-bracket
- (f) sub-bracket "monitor" and "friendly;" these terms need clarification
- (g) sub-bracket; sub-bracket "deduct;" debt for nature/environment is an interesting concept. We agree with Japan that we need to consider whether/how this concept could be appropriately incorporated into the Convention.
- (i) the idea is generally accepted but this kind of activity is and should be carried out through a separate trust fund, not through any fund that might be established under the convention.
- (j) This is an interesting idea, which should be considered. In the last line, "these" is confusing and should be substituted with "the latter."

Alternative B: We prefer this alternative.

Specific comments include:

- line 1 See Alt. A, N.B. in line 4.
- line 3 sub-bracket " achieve further limitations of greenhouse gas emissions" and substitute "fulfill their obligations under the Convention."
- line 5 sub-bracket "and an enlarged UNDP."

PAGE TWO CONTINUED

- Para 3 line 1: sub-bracket OECD; see first comment under PAGE ONE.
- Para 3 line 1: sub-bracket "commit themselves to provide" and substitute "are urged to provide on a voluntary basis."
- Para 3 line 2: sub-bracket "according to those.....by the Parties."
- Para 3 line 5: sub-bracket "all agreed incremental costs in implementing."
- Para 3 line 6: sub-bracket " An indicated list ofto this Convention."
- Para 3 Sub-bracket last sentence.
- Para 4 Sub-Bracket entire para, which contains too many different ideas, some of which belong in the preamble.
- Para 4 line 2: substitute "faciliate the transfer of appropriate" for "transfer."
- Para 4 line 2: insert "economically reasonable" after "and safe,".

PAGE THREE

- Para 5 Alternative A - last line: sub-bracket "be carried out particularly through:" and substitute "address in particular."
- Para 5 (c): sub-bracket "The supply" and substitute "Provision"

Alternative B: This alternative is not acceptable. It refers to a fund that has been established. Bracket.

- Alt. B (a): sub-bracket "transferred" and substitute "facilitate."
- Alt. B (b): sub-bracket "preferential and non-commercial."
- Para 6 line 1-2: sub-bracket "With regardtechnologies and knowledge," and start sentence with "All Parties" instead of "all countries."
- Para 6 line 4: insert after "support," with a view to identifying technology needs and ways and means of meeting these needs."
- Para 7 Bracket. We support this concept presented here but need to examine how to include it in the convention. Japan's comments in this regard are helpful.
- Para 8 Here we need to distinguish between a clearing house for identifying technologies that may be useful and available and a clearing house for identifying funding options and business opportunities, including investments and joint ventures.

U.S. STATEMENT ON CRP.4
September 18, 1991

-- The concepts in this document need to be integrated into the rest of the convention. This deals with special circumstances but is hopelessly complicated. The entire text should be bracketed.

-- We need to identify the types of problems that require special consideration. As I see it here we have about six categories:

- 1) countries vulnerable to sea level rise;
- 2) countries vulnerable to changes in precipitation, including the problems of storms, flooding and desertification;
- 3) countries vulnerable to threats to biodiversity, especially as related to deforestation;
- 4) countries that are economically vulnerable, such as the least developed countries;
- 5) countries whose economies are in transition, such as those of eastern Europe; and
- 6) countries whose economies are dependent upon the production or consumption of fossil fuels.

-- The manner in which we respond will have to take into consideration such special circumstances. Countries will need to be treated in light of their own special conditions. They will need to be able to decide what kind of response makes the most sense for them, whether, for example, they should pursue an adaptive response, as in the case of sea level rise, or whether they should focus on mitigation, such as in cases where deforestation presents major concerns.

--In this regard I would note para 5 on page 2, which refers to country studies. An orderly country study process could be used to analyze the unique needs of all countries, especially those with special circumstances. Such a process could begin by assessing a country's vulnerability to climate change and its contribution to it. An assessment of a range of technological options could be the next step. Finally, a country could assess these options in terms of their costs and benefits, as well as their impact on national environmental, economic development, and security priorities. Thus, a country study process could ensure that unique and special circumstances are given due consideration as countries decide how they can best respond to climate change concerns.

The U.S. reserves on all sections of CRP4; we hope these comments are helpful.

Thank you, Mr. Chairman.

COMMITMENTS

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BIOGRAPHY



Ambassador Morris B. Abram

Morris Berthold Abram was named by President Bush February 2, 1989, as the United States Permanent Representative to the United Nations and other International Organizations in Geneva. As the permanent representative to the UN in Geneva and to over 15 international specialized agencies, including the World Health Organization (WHO), the UN High Commissioner for Refugees (UNHCR), the International Labor Organization (ILO), the International Telecommunication Union (ITU), and the UN Conference on Trade and Development (UNCTAD), Ambassador Abram's portfolio includes refugee and humanitarian affairs, trade and development, human rights, world health, telecommunications, and other interconnected global issues. A frequent commentator on international environmental policy, Ambassador Abram has twice represented the United States at UN environment conferences in Nairobi, Kenya.

Ambassador Abram's longstanding involvement in human rights and civil rights began on the US prosecution team at the International Military Tribunal at Nuremberg, Germany (1946). As a practicing attorney in Atlanta and New York City, he drafted a widely-adopted model law curbing threatening activities of the Ku Klux Klan, argued the landmark "one-man, one-vote" Supreme Court voting rights case, co-chaired the White House Conference on Civil Rights (planning session, 1965), vice-chaired the US Commission on Civil Rights (1984-86), and chaired the National Conference on Soviet Jewry (1983-88). Ambassador Abram has led US delegations to the UN Subcommittee on Prevention of Discrimination and Protection of Minorities (1963-65), the UN Commission on Human Rights (1965-68), and the Paris CSCE Conference on the Human Dimension.

Ambassador Abram has served, by presidential appointment, John F. Kennedy, Lyndon B. Johnson, Jimmy Carter, Ronald Reagan and George Bush.

His extensive record of public service includes the chairmanships of the President's Commission for Study of Ethics in Medicine and Biomedicine and Behavioral Research (1979-83), the Moreland Act Commission on Nursing Homes and Residential Facilities (1975-76), the Conference of Presidents of Major American Jewish Organizations (1986-89), and the United Negro College Fund (1970-79). He has served as president of the American Jewish Committee (1963-68), the Field Foundation (1965-82), and Brandeis University in Waltham, Massachusetts (1968-70).

He has also served on the boards of Morehouse College, the Institute of International Education, the Council on Foreign Relations, Benjamin N. Cardozo law school, Weismann Institute of Science, Yeshiva University, and Sarah Lawrence College.

A frequent lecturer and writer, Abram is author of "The Day is Short," an account of his life and struggle with leukemia.

Ambassador Abram was born in Fitzgerald, Georgia, on June 19, 1918. He holds degrees from the University of Georgia, the University of Chicago Law School, Pembroke College, Oxford, as well as numerous honorary degrees. For his military service in World War II he was decorated with the Legion of merit. He is married to the former Bruna Molina, and has five children by a previous marriage.

Close Hold

BIOGRAPHICAL INFORMATION ON INC LEADERSHIP
FOR SENATOR GORE

JEAN RIPERT, CHAIRMAN

Since retiring in 1988 as UN Director General for Development and International Economic Cooperation--the second-highest-ranking position in the UN--Jean Ripert has brought his substantial diplomatic and economic experience to the environmental policy arena. In addition to his IPC responsibilities, he heads the French delegation to the Intergovernmental Panel on Climate Change (IPCC). He represented France at the Second World Climate Conference (SWCC) and at the May 1990 White House Conference on Global Change.

Ripert earned a reputation during his UN service for forging alliances with third world (particularly francophone) countries. In 1989 and 1990 he chaired the IPCC subcommittee on the role of lesser developed countries in dealing with climate change. He has urged the United States to play a more constructive role in the climate convention negotiations and has stressed that industrialized countries show their willingness to make the tough choices they are asking of the developing countries.

Ripert is an imposing figure who projects both authority and charm. He is a skilled negotiator and adept at fending off undesirable proposals; however, he tends to be disorganized and long-winded in chairing meetings.

Ripert will turn 70 in February. An agricultural engineer by training, he served twenty years in the French State Planning Commission before serving as director general of the National Institute of Statistics and Economics in from 1967 to 1974. From 1974 to 1978 he served as commissioner of state planning and as an advisor to then President Valéry Giscard d'Estaing. He became UN under secretary general for international economic and social affairs in 1978. Ripert speaks excellent English but prefers French at official functions.

AMBASSADOR RAUL ESTRADA-OYUELA (Vice-Chair - one of four)

Estrada-Oyuela heads the UN office in the Argentine foreign ministry and is a former Argentine permanent representative to the UN in New York. He considers himself the parliamentarian of the climate talks and tends to prompt the co-chairs of Working Group I with points of order on how they should proceed. Given to machismo, he brought the June session in Geneva to a halt by insisting the convention contain a basic section on principles. Since then, however, he seems eager to ensure that a convention will be ready in time for the Rio conference. Known for his good sense of humor.

AMBASSADOR NOBUTOSHI AKAO (Co-Chair, Working Group I)

Career foreign service officer Akao is Japan's first environmental ambassador--a post created by the Ministry of Foreign Affairs (MOFA) in January 1991 in part to prepare for the UNCED in Rio. Akao had headed the MOFA's UN Bureau for a year before obtaining his current position.

Akao's lack of experience in climate matters and difficulty with spoken English was evident in earlier INC sessions but his capabilities are improving on both fronts. He has a reputation for being somewhat combative and defensive, he appears to be striving to be even-handed as co-chair.

Akao served several tours in the United States, most recently as economic minister-counselor at the Japanese Embassy in Washington 1988-1990. He is generally pro-U.S., but is sensitive to perceived U.S. badgering of Japan.

Akao turned 54 on December 7.

PROFESSOR EDMUNDO DE ALBA-ALCARAZ (Co-Chair, Working Group I)

De Alba is a Deputy Minister of Environment in Mexico. An academic by profession, specializing in physics, de Alba is reported as being highly regarded in the ministry and maintains a friendly, non-nationalistic attitude toward the U.S. Like Akao, he lacked experience to be Co-Chair of Working Group I, but has learned on the job. He is even-handed in the chair.

ELIZABETH DOWDESWELL (Co-Chair, Working Group II)

Dowdeswell is Assistant Secretary of Environment Canada, the Canadian Environment Ministry. She has proved an extraordinarily able, experienced, and effective co-chair. She takes a no-nonsense approach to meetings--starting on time, ruling delegates off the point if need be, steering the debate. She started her career in grass-roots politics in Saskatchewan and was a former member of Parliament.

ROBERT F. VAN LIEROP (Co-Chair, Working Group II)

Van Lierop is Permanent Representative for Vanuatu at the UN in New York. He is a native of Guyana, however, and was a New York lawyer before offering his services pro bono to Vanuatu. He is associated with the Harlem Dance Company (probably as a patron or fund-raiser) and writes poetry. He is an articulate and effective spokesman for developing countries in the climate talks, particularly the 35-member Alliance of Small Island States (AOSIS). He works well with his co-chair.

MICHAEL ZAMMIT-CUTAJAR (Executive Secretary)

Zammit-Cutajar, from Malta, was special assistant to UNCTAD Secretary General Dadzie. He is a long-standing associate of Jean Ripert from their economic and social affairs circles in the UN. He has spent most of his career in the Geneva area working for think tanks at the UN. After the Nairobi session of the climate negotiations, he gave a press conference in Geneva at which he criticized U.S. policy--inappropriate for a UN civil servant.