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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Second session
Geneva, 19-28 June 1991
Agenda item 1 (e)

DRAFT PROVISIONAL AGENDA FOR THE THIRD SESSION

Submitted by the Chairman

1. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work;
 - (c) Dates and venues of subsequent sessions;
 - (d) Provisional agenda of the fourth session.
2. Preparation 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 by the Plenary of progress reports 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.

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Second session
Geneva, 19-28 June 1991
Agenda item 2

COMPILATION OF POSSIBLE ELEMENTS
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
SUBMITTED BY DELEGATIONS,
CONTAINED IN DOCUMENT A/AC.237/MISC.1, ADDENDA 1 - 9

Note by the secretariat

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A. EXPLANATORY NOTE

1. The structure of this compilation is based on that of paragraphs 6 and 7 of Committee decision 1/1. Thus, the two main sections deal respectively with "Commitments" and "Mechanisms". A third section related to "other matters", has been added to cover possible elements of a convention not expressly mentioned in paragraphs 6 and 7 of decision 1/1 (i.e. preamble, definitions, principles).

2. This compilation draws exclusively on the texts submitted by delegations and contained in Addenda 1 to 9 to document A/AC.237/Misc.1. To the extent possible, the entire contents of these papers are reproduced, including, where necessary, the subject headings or introductory language contained therein. In a few cases (e.g. technical annexes, issue papers), material has been selected, in consultation with the submitting delegations, or cross-referenced. No attempt has been made to point out similarities or dissimilarities in the texts included.

3. Under each heading of the compilation, texts are included in the alphabetical order of the delegation submitting them. Each paragraph under a heading is numbered consecutively for easy reference. References to the sources of texts indicate page numbers in the respective Addenda to document A/AC.237/Misc.1.

4. Instances where submitting delegations have asked for additions or amendments to be introduced in their previous texts are indicated in the compilation.

5. The compilation does not list or otherwise compare the structures for a framework convention proposed in the various submissions.

6. This compilation is intended as an informal contribution to the substantive work of the Committee and its Working Groups on the preparation of a framework convention on climate change. It merely presents the basic material before the Committee in a manner intended to facilitate reference and comparison.

7. As it will not be possible to prepare any further comprehensive compilation of texts during the current session of the Committee, any additional material submitted by delegations will appear only in further Addenda to document A/AC.237/Misc.1. Such Addenda should be taken fully into account in using this compilation.

B. STRUCTURE OF THE COMPILATION

I. Texts related to "Commitments"

A. Texts related to "Appropriate commitments, beyond those required by existing agreements, for limiting and reducing net emissions of carbon dioxide and other greenhouse gases, on the protection, enhancement and increase of sinks and reservoirs, and in support of measures to counter the adverse effects of climate change, taking into account that contributions should be equitably differentiated according to countries' responsibilities and their level of development" (Decision 1/1, paragraph 6 (a)).

B. Texts related to "Appropriate commitments on adequate and additional financial resources to enable developing countries to meet incremental costs required to fulfil the commitments referred to above and to facilitate the transfer of technology expeditiously on a fair and most favourable basis" (Decision 1/1, paragraph 6 (b)).

C. Texts related to "Commitments addressing the special situation of developing countries, taking into account their development needs, including, inter alia, the problems of small island developing countries, low-lying coastal areas and areas threatened by erosion, flooding, desertification and high urban atmospheric pollution, also taking into account the problems of economies in transition" (Decision 1/1, paragraph 6 (c)).

II. Texts related to "Mechanisms"

A. Texts related to "Legal and institutional mechanisms, including, inter alia, entry into force, withdrawal, compliance and assessment and review" (Decision 1/1, paragraph 7 (a)),

- (a) Assessment and review
- (b) Compliance
- (c) Conference of the Parties
- (d) Right to vote
- (e) Secretariat
- (f) Settlement of Disputes
- (g) Adoption of Protocols
- (h) Relationship between the Convention and its Protocols
- (i) Relationship between the Convention and other legal instruments
- (j) Amendment of the Convention or its Protocols
- (k) Adoption and Amendment of Annexes
- (l) Signature
- (m) Ratification, Acceptance or Approval
- (n) Accession
- (o) Entry into Force
- (p) Reservations and Declarations
- (q) Withdrawal
- (r) Depositary
- (s) Authentic texts

[Note: Sub-items (c) to (s) are typical legal or institutional headings derived from the various submissions by delegations. They are used here solely for the purpose of organizing texts.]

B. Texts related to "Legal and institutional mechanisms related to scientific co-operation, monitoring and information" (Decision 1/1, paragraph 7 (b)),

- (a) Scientific Co-operation
- (b) Information
- (c) Monitoring

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

III. Texts related to other matters

- A. Preamble
- B. Definitions
- C. Principles

C. LIST OF INFORMAL PAPERS CONTAINED IN
ADDENDA 1 TO 9 TO DOCUMENT A/AC.237/MISC.1

ADDENDUM 1

1. AUSTRALIA: Possible compliance mechanism for inclusion in a framework convention on climate change (sent with letter of 15 March 1991).
2. AUSTRIA/SWITZERLAND: Open paper, elaborated by some experts in their personal capacity, submitted by Austria and Switzerland. Shopping list. Main elements for inclusion in a framework convention on climate change or related protocols (sent with letter of 20 February 1991).
3. FRANCE: Suggestions concerning the limitation of greenhouse gases (translated from French) (circulated during first session of INC).
4. GERMANY: Non-paper. Important elements for an International Climate Convention (circulated during first session of INC).
5. MALAYSIA/MALTA: Informal paper. Outline of proposed elements of an effective framework convention on climate change (7 February 1991).
6. NETHERLANDS: Compilation of texts related to "Main Elements" (Shopping List) for a framework convention on climate change and on related protocols which have been informally circulated. Informal support-paper compiled by experts of the Netherlands' delegation to the first session of the Intergovernmental Negotiating Committee, based on discussions with a number of other experts (14 February 1991).
7. NETHERLANDS: Addendum, worked out by some experts, to the Shopping List circulated informally by Austria and Switzerland (see item 2 above) and to the Compilation of Texts related to main elements (Shopping List), circulated informally by the Netherlands' delegation (see item 6 above) (13 February 1991).
8. REPUBLIC OF KOREA: Comments on Non-papers submitted by certain delegations at the first session of the Intergovernmental Negotiating Committee (sent with letter of 16 April 1991).
9. UNITED KINGDOM: Draft framework convention on climate change, based on the consensus elements of the Topic Group on Legal Measures, prepared and circulated by the delegation to the United Kingdom at the first session of the Intergovernmental Negotiating Committee.
10. UNITED KINGDOM: Draft paper. Possible elements for inclusion in a framework convention on climate change (sent with letter of 26 March 1991).
11. UNITED STATES OF AMERICA: Submission of the United States to the Intergovernmental Negotiating Committee on Climate Change (sent with letter of 15 March 1991).
12. Inventory on Research, Systematic Observations, Assessments and Information Exchange. Paper compiled by a group of scientists from a wide range of delegations during the first session of the Intergovernmental Negotiating Committee (14 February 1991).

ADDENDUM 2

13. FRANCE: Further submission of France, pertaining to national policies for the prevention of the greenhouse effect (sent with letter of 30 May 1991).
14. NORWAY: Norwegian non-paper (released 10 June 1991).

ADDENDUM 3

15. INDIA: Non-paper. Draft framework convention on climate change (sent with letter of 12 June 1991).
16. VANUATU: Elements for a framework convention on climate change, proposed by Vanuatu on behalf of States Members of the United Nations and of the specialized agencies that are members of the Alliance of Small Island States (AOSIS) (sent with letter of 5 June 1991).

ADDENDUM 4

17. CHINA: Non-paper. Possible structure and some draft articles of a framework convention on climate change (submitted on 19 June 1991).

ADDENDUM 5

18. NEW ZEALAND: Informal paper - Proposal for chapters IX-XIII of the framework convention on climate change (submitted on 19 June 1991).

ADDENDUM 6

19. SWEDEN: Non-paper. Commitments in chapter IV.1 (submitted on 19 June 1991).

ADDENDUM 7

20. JAPAN: Informal paper. Pledge and review process as a possible mechanism to implement commitments defined on the basis of the convention (submitted on 20 June 1991).
21. SINGAPORE: Non-paper. Chapter IV specific commitments on emissions, sinks and counter measures (submitted on 20 June 1991).

ADDENDUM 8

22. KENYA: Non-paper - Elements for a framework convention (submitted on 21 June 1991).

ADDENDUM 9

23. KUWAIT, SAUDI ARABIA, UNION OF SOVIET SOCIALIST REPUBLICS: Paragraphs 7, 14 and 16 of the Ministerial Declaration of the Second World Climate Conference (SWCC) 1990 (submitted on 21 June 1991).
24. KUWAIT (submitted on 22 June 1991).
25. YUGOSLAVIA: Basic elements that should be incorporated into the International Convention on Climatic Changes (submitted on 21 June 1991).

D. ABBREVIATED REFERENCES

France refers to informal paper No.3

France Addendum refers to informal paper No.13

Netherlands Compilation refers to informal paper No.6

Netherlands Addendum refers to informal paper No.7

United Kingdom refers to informal paper No.10

United Kingdom Compilation refers to informal paper No.9

24 June 1991
ENGLISH ONLY

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Addendum 3

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III. Texts related to other matters

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III. TEXTS RELATED TO OTHER MATTERS

A. PREAMBLE

China (Add. 4, pp. 3-4)

[THE PARTIES TO THIS CONVENTION,]

1. Being aware of the significant potential impact of climate change upon the human environment and economic development,
2. Recalling that the United Nations General Assembly Resolution 43/53 which states that Climate Change is a common concern of mankind,
3. Noting the Ministerial Declaration adopted at the Second World Climate Conference in 1990,
4. Noting the First Assessment Report of the Intergovernmental Panel on Climate Change,
5. Recognizing the need to improve further the scientific knowledge of climate change and to research further into its socio-economic impact and related response strategies,
6. Being aware of the need to take, in light of the best available scientific knowledge on climate change, realistic and feasible measures which are beneficial to the environment without prejudicing opportunities for economic development, and stressing that measures which are likely to have negative impacts upon or to cause damage to economic and other social activities of mankind should of necessity be taken on a sound and scientific basis,
7. Recognizing that the international community has a common but differentiated responsibility in respect of climate change and bearing in mind that the emission of greenhouse gases affecting the atmosphere has hitherto originated mainly from developed countries, which should therefore have the main responsibility in addressing the problem,
8. Recognizing also the need for sincere and effective international co-operation based on the principle of equity amongst all the nations in the international community to address climate change,
9. Affirming that the protection and enhancement of the environment and economic development should be co-ordinated harmoniously and be viewed in an integrated manner, taking into full account that developing countries have as their main priority alleviating poverty and achieving social and economic development,
10. Stressing that improvement of 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,
11. Fully aware of the special circumstances of the developing countries, particularly their need for financial resources and the requisite technologies,

12. Reaffirming the principles enshrined in the Stockholm Declaration on Human Environment of 1972, particularly its 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",
13. Reaffirming that the principles of sovereignty of States and of non-interference in the internal affairs of other countries, shall be adhered to in all international affairs, including those relating to the protection of global environment,
14. Determined to protect global climate for present and future generations,
[HAVE AGREED AS FOLLOWS:]

Germany (Add.1, pp. 15-17)

[The preamble should in particular contain the following elements:]

15. The protection of the climate is a common concern of mankind.
16. The climate changes resulting from the anthropogenic greenhouse effects present a global danger to mankind and the entire biosphere. The prevention and containment of this danger has become one of the major challenges to mankind. Thus, for reasons of precaution and in the interest of present and future generations, strategies and measures designed to protect mankind and the environment should be initiated and developed immediately.
17. A global answer, as well as national and international action to protect the climate, taking into consideration the sovereignty of each country are necessary.
18. The Contracting Parties are prepared to contribute towards a sustainable development and in doing so, to use the limited resources available in such a way that the atmosphere's pollution tolerance is put under as little strain as possible.
19. In doing so, we are aware of the special responsibility and obligation in particular of the developed countries with regard to developing and taking appropriate measures and strategies since these countries have been the main sources of the increase in atmospheric concentrations of climate-relevant trace gases.
20. We understand in particular the special situation of the developing countries which have to make the development necessary due to their economic and social circumstances compatible with measures for the protection of the environment and the climate. However, it is only with their broad participation that the global challenge can be met effectively.
21. We are fully aware that not every country is able to take the necessary measures by itself alone. For this reason, the developed countries declare their readiness to grant the necessary, adequate support.

22. The transfer of knowledge and environmentally sound technology is of particular importance for all Contracting Parties, in particular the developing countries.
23. The developed countries recognize the need to support the developing countries by providing adequate and additional financial resources.
24. The various interdependencies involved are to be taken into account so that the proposed measures ensure that no unacceptable ecological and social damage and risks arise and that at the same time other adverse consequences and risks are reduced and/or minimized as far as possible.
25. It is necessary to carry out further research and systematic observation in order to deepen further scientific knowledge both on the complex interrelations between various implications of climate change and on strategies for action.

India (Add. 3, pp. 3-4)

26. Recalling the provisions of General Assembly resolutions 45/53 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,
27. Acknowledging that global climate change is a matter of common concern for mankind,
28. Recognizing the valuable scientific work on global climate change initiated by the United Nations Environment Programme and the World Meteorological Organization,
29. Recognizing also the need for continuing and extensive scientific research to promote a fuller and more definitive understanding of various aspects of climate change,
30. Noting the fact that the largest part of the current emission of pollutants into the environment originates in developed countries, and recognizing therefore that these countries have the main responsibility for combating such pollution,
31. Concerned that excessive past and present anthropogenic emissions of greenhouse gases have led to accumulated concentrations in the atmosphere which may, in the absence of ameliorative action result in such incremental warming as will adversely affect mankind,
32. Reaffirming the direct interrelationship between environment and development, and recognizing therefore the crucial importance of a favourable international climate for ensuring sustained economic growth, particularly in developing countries,
33. Recognizing that the developing countries have as their main priority the eradication of poverty and the achievement of economic and social development and that their emissions must grow to accommodate their development needs, reflecting the equal right of all peoples in matters relating to living standards,

34. Recognizing also that adequate, new and additional financial resources and technology transfers on preferential and non-commercial terms are necessary to enable developing countries to effectively contribute to limiting, adapting to and mitigating the adverse effects of global climate change,

35. 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,

Malaysia/Malta (Add. 1, p. 24)

36. Recognizing climate change as the common concern of mankind.

United Kingdom Compilation (Add. 1 pp. 54-57)

[The Parties to this Convention]

37. Recognizing the need of mankind for an environment of a quality that permits a life of dignity and well-being for present and future generations,

38. Acknowledging that change in the Earth's climate is a common concern of mankind since climate is an essential condition that sustains life,

39. Concerned that emissions from human activities are substantially increasing atmospheric concentrations of greenhouse gases, and that these increases will result in additional warming of the Earth's surface and thus adversely affect mankind through shifts in rainfall patterns, increased climate instability and rises in sea level, thereby threatening present and future generations of mankind,

40. Aware of the potentially severe social and economic consequences, as well as the consequences for human health and the environment, of such adverse effects,

41. Recalling Resolution 43/53 of 6 December 1988 by which the General Assembly of the United Nations determined that action should be taken to deal with climate in a global framework and endorsed the establishment of the Intergovernmental Panel on Climate Change,

42. Mindful of 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,
43. Noting the significant contribution made towards combating activities that result in adverse effects on the Earth's climate by the Vienna Convention for the Protection of the Ozone Layer, adopted on 22nd March 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16th September 1987 and adjusted and amended on 29th June 1990,
44. Conscious of the valuable work that has already been instituted, particularly at the scientific level, on change in the global climate by the United Nations Environment Programme, the World Meteorological Organization, the Intergovernmental Panel on Climate Change and other organizations, as well as under the auspices of individual States,
45. Endorsing the concept of sustainable development as a key test in promoting, in a consistent and balanced manner, long-term economic growth and the conservation of the environment for present and future generations,
46. Acknowledging the special circumstances and needs of developing countries, particularly for financial assistance and access to environmentally sound technologies,
47. Affirming that States have an obligation to protect and conserve the Earth's climate for the benefit of mankind and, to this end, have a duty to cooperate with each other in seeking to limit, reduce, modify and control human activities that result in, or are likely to result in, adverse effects on the Earth's climate,
48. Recognizing the need for States to take responsibility for striving at the national, regional and global levels to limit or reduce their emission of the greenhouse gases, to prevent activities that are likely significantly to affect the Earth's climate and to develop strategies for the absorption of greenhouse gases, such as through the protection and enhancement of greenhouse gas sinks, including the Earth's forests,
49. Taking into account that on the one hand most emissions affecting the atmosphere currently originate in industrialized countries in which the scope for change in practices is the greatest, and that on the other hand emissions from the developing countries are increasing and may need to grow further in order to meet their development requirements, thereby over time representing an increasingly significant percentage of global emissions, and that, therefore, action to prevent, limit and reduce such emissions and to protect and to enhance sinks ought to take place in different time frames for different categories of countries,
50. Desiring 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 aspects of climate change, systematic observations, cooperation on scientific, technical and legal matters and exchanges of information,

51. Reaffirming that where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation,

[Have agreed as follows:]

United Kingdom (Add. 1, pp. 83-84)

[The preamble should:]

52. Recall all recent UNGA resolutions on climate change, and the Ministerial Declaration from the Second World Climate Conference,

53. Recognize the common but differentiated responsibilities of all states,

54. Acknowledge the need for co-operation between developed and developing countries to enable the latter to play a full part in the international response to climate change,

55. Recognize the desirability of adopting over time, a comprehensive approach, embracing all greenhouse gases, sources and sinks, in action to combat the adverse effects of climate change, as advances in scientific and technological knowledge permit this,

56. Recognize that parties may want to make joint arrangements to meet their obligations under the Convention and its associated protocols,

57. Recognize the particular vulnerability to climate change of low-lying and small island states and arid and semi-arid areas of the world,

United States of America (Add. 1, pp. 89-90)

[The IPCC Legal Measures paper and the UK draft convention contain many appropriate preambular clauses. In particular, the preamble should:]

58. Acknowledge that climate change is a common concern of the international community,

59. Recall the relevant resolutions of the United Nations General Assembly, particularly Resolution 45/212,

60. Recall relevant declarations such as the Ministerial Declaration of the Second World Climate Conference, the Bergen and Noordwijk Ministerial Declarations, the Declaration of the 1990 Houston Economic Summit and Principle 21 of the Declaration of the United Nations Conference on the Human Environment (Stockholm 1972),

61. Recognize the interdependence of environmental protection and economic growth, and the need to pursue strategies of global stewardship that advance both these goals,

62. Recognize, welcome and encourage measures that are being taken or have already been taken at the national, regional and international levels that help address issues of climate change, including relevant national actions taken pursuant to the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and other international agreements,

63. Recognize that different nations have different social, economic and other circumstances, including different sets of net emissions, and will accordingly need flexibility in the choice of any response options,
64. Acknowledge the important scientific work that has already taken place, particularly that of the IPCC and other international bodies (e.g. World Meteorological Organization (WMO), the United Nations Environment Programme (UNEP), the International Council of Scientific Unions (ICSU), the International Geosphere-Biosphere Programme (IGBP) and the Intergovernmental Oceanographic Commission (IOC),
65. Endorse further scientific research and systematic observation and further study of possible social and economic impacts of climate change, and of measures that might be used to address them,
66. Recognize that strategies to understand and address climate change will be most environmentally effective and most economical if they address all sources, sinks and reservoirs of greenhouse gases and their precursors comprehensively, are based on, and continually re-evaluated in light of, relevant scientific, technical, and economic considerations, and are as equitable and economically efficient as possible,
67. Recognize that each greenhouse gas has a different effect on climate and impact on climate change, as well as other important impacts on the environment, all of which need to be taken into account in selecting sound response strategies,
68. Stress the need for all nations to participate in any international responses to climate change, in accordance with the means at their disposal and their capabilities,
69. Reaffirm that lack of full scientific certainty should not be used as a reason for postponing measures that are commensurate with the expected extent and likelihood of any adverse impact of climate change, that reflect the costs and benefits of such measures, and that are directed as appropriate, towards understanding, limiting, reducing, facilitating adaptation to and preventing such adverse impacts,

Vanuatu (Add. 3, pp. 22-23 and Corr. 1)

[Elements listed under heading "1. Preamble"]

70. Problem

- (a) Overwhelming importance of climate to the global environment and to human society.
- (b) Need to protect atmosphere.
- (c) Scientific observation that human activity is affecting climate in a manner that is unpredictable and potentially catastrophic.
- (d) The very existence of low-lying coastal and small vulnerable island countries is placed at risk by the adverse consequences of climate change, particularly sea level rise.

71. Action

Need to take immediate action based on the Precautionary Principle so that the consequences of climate change can be averted.

72. Context of Action

- (a) Responsibility for the problem lies historically with industrialized countries. Currently responsibility lies with all countries, but not equally: the principle of differentiated responsibility.
- (b) Responsibility for the solution lies with all countries on the basis of historic contributions and differentiated responsibility, taking into account the special circumstances of developing countries, particularly their need for appropriate technology and new and additional funding.
- (c) Responsibility for the Global Commons.
- (d) This convention, and participation in the negotiations leading to its conclusion, is without prejudice to the existing rights under international law, including rules governing international liability for damage to people, property and the environment.

73. Relevant International Instruments

- (a) Declaration of the UN Conference on the Human Environment (Stockholm Declaration) Principle 21:

"States have ... 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"
- (b) UNGA Resolutions 45/53 and 44/207 recognize climate change as a common concern of mankind and urge that action should be taken at a global level to combat climate change.
- (c) UNGA Resolution 44/206 recognizes the possible adverse effects of sea level rise on islands and coastal areas, particularly low-lying coastal areas (Submitting delegation: add reference to Report by the Secretary-General of the UN in response to this resolution (A/46/156).)
- (d) General Assembly Resolution 44/228 convening the UNCED.
- (e) The First Assessment Report of the IPCC.
- (f) UNGA Resolution 45/212 convening the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change.
- (g) The Ministerial Declaration of the Second World Climate Conference (A/45/696/Add.1, annex III).

Yugoslavia (Add. 9, p.5)

[The preamble should include among other things the following:]

74. Climate protection as a common good for today's and future generations.
75. The effect of anthropogenic factors on climatic change and the undertaking of precautionary measures to alleviate and eliminate negative effects.
76. Actions of States on national and international fields with full respect for the sovereignty of States.
77. Peaceful exploitation and implementation of climate and the principle of good neighbourly relations as concerns climate issues.
78. The principle of sustainable development.
79. The responsibility of developed countries and their obligations as regards GHG stabilization measures and support to developing countries.
80. Obligations in respect to the development of an environmentally safe technology.
81. The needs of developing countries for new financial sources and technology transfer under favourable conditions.
82. The need for further research and systematic observation in order to gain knowledge on the climate/man cause and effect relations.

B. DEFINITIONS

India (Add. 3, p.4)

1. "Climate" means the statistical description of weather taken over a period long enough to be generally representative.
2. "Adverse effects" means changes in the global climate that have, or are likely to have, significant deleterious effects on the health of all life forms, or on natural and managed ecosystems or life-support systems.
3. "Greenhouse gases" means those gases which, when released into the atmosphere, block the outward reflection of the sun's energy from the earth's surface, and lead to a rise in the temperature of the earth's atmosphere.
4. "Developing countries" means those countries which are so defined for purposes of assessment of contributions to the budget of the United Nations, and "Developed countries" means all other parties to this Convention.
5. "Parties" means, unless the text otherwise indicates, Parties to this Convention.
6. "Protocols" means protocols to this Convention.

7. "Environmentally sound technology" means technology which satisfies both environmental and economic criteria and is otherwise appropriate in the specific circumstances prevailing in a country and which is so accepted by the Government of that country.

United Kingdom Compilation (Add. 1, pp. 57-58)

8. "Adverse effects" means changes in the global climate that have, or are likely to have, significant deleterious effects on human health or on natural and managed ecosystems, sea levels or materials useful to mankind.

9. "Climate" means the statistical description of weather taken over a period long enough to be generally representative of a locality.

10. "Greenhouse gases" means those anthropogenic emissions to the atmosphere arising from energy production and use, non-energy industrial activities (principally the production and use of chlorofluorocarbons), agricultural systems and change in land use patterns (including deforestation and burning of bio-mass) that result in adverse effects on the global climate.

11. "Parties" means, unless the text otherwise indicates, Parties to this Convention.

12. "Protocols" means protocols to this Convention.

13. "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures to sign, ratify, accept, approve or accede to the instruments concerned.

14. "Sinks" means those natural processes by which greenhouse gases are removed from the atmosphere and are absorbed or contained in a manner that prevents their rerelease.

United States of America (Add. 1, pp. 90-91)

[Following are definitions of terms used in this submission, which could be included in the convention.]

15. "Climate" means the average weather (including its appropriate components, such as temperature, precipitation and wind) over a period of years, together with the natural variations of those components.

16. "Climate change" means the variation in the climate beyond what is attributable to natural variability.

17. "Impacts" means effect on human health, economic activity, social systems, water resources, agriculture, sea levels, and natural and managed ecosystems.

18. "Greenhouse gases" means gases which alter the radiative transmissive properties of the atmosphere, principally through impeding the emission of long-wave terrestrial radiation.

19. "Greenhouse gas precursors" means substances that interact in the atmosphere to produce greenhouse gases indirectly or that prolong the atmospheric lifetimes of greenhouse gases.
20. "Greenhouse gases and their precursors" means greenhouse gases and greenhouse gas precursors.
21. "Sinks" means all anthropogenic and biogenic activities and processes that remove greenhouse gases and their precursors from the atmosphere.
22. "Sources" means all anthropogenic and biogenic activities and processes that lead to greenhouse gases and their precursors being emitted into the atmosphere.
23. "Reservoirs" means storage media for greenhouse gases and their precursors.
24. "Net emissions" means emissions from sources minus removals by sinks.
25. "Greenhouse warming potential index ('GWP')" is an index that defines the time-integrated warming effect due to the release of a unit mass (1 kg) of a given greenhouse gas relative to that of carbon dioxide.
26. "Cooperative arrangement" means any arrangement whereby any group of two or more countries cooperates together to achieve the objectives of the convention or any subsidiary instrument.

Vanuatu (Add. 3, pp. 23-24)

[Elements listed under heading "2. Definitions"]

27. General Language of Convention:

"Climate"

"Activities affecting Climate"

"Climate Change"

"Consequences of Climate Change"

"Developing Country"

"Fiscal and other Incentives"

"Fossil Fuels"

"Greenhouse Gases" (exclude GHGs already the subject of international regulation)

"Sinks"

Reservoirs"

Subsidies"

"Industrialized/Developed Country"

"International Trade"

In the context of Funding: "New", "Adequate" and "Additional".

In the context of Technology Transfer: "Fair and most favourable"

C. PRINCIPLES

Austria/Switzerland (Add. 1, p. 7)

1. Principles, e.g., recognition of the different circumstances of countries, including the particular circumstances of developing countries and countries with economies in transition.

China (Add. 4, pp 4-5)

Article 2: General principles.

2. Climate change is a common concern of mankind, and countries have common but differentiated responsibilities in addressing the Climate Change issue.

3. The Parties shall conduct effective international co-operation based on the principle of equity to deal jointly with the climate change issue without prejudice to sovereignty of states.

4. The obligations shall be equitably distributed between developed and developing countries in accordance with their responsibility and capabilities, and different time frames be set out for implementation, noting that the largest part of the current emission of greenhouse gases originates in developed countries and that those countries have the main responsibility for combating the adverse effects thereof.

5. Environmental protection and economic development shall proceed in an integrated manner in light of country-specific conditions.

6. An appropriate level of economic development is the prerequisite for adopting concrete control measures to address climate change, and all the peoples in the world are entitled to an appropriate standard of living. Therefore, the energy consumption of developing countries must grow. Any limitation or control measures shall take full account of the per capita emission levels of various countries and the developmental needs of developing countries.

7. The special circumstances and needs of the parties that are developing countries shall be taken into full consideration, and the Parties shall exert all efforts to ensure that the developing countries are provided with the necessary financial resources and the requisite technologies and means in order to adequately address the problem of climate change.

France (Add. 1, p. 10)

ACTION PRINCIPLES

8. In order to build up and maintain the general support essential for the success of the enterprise, a certain number of principles must be observed:

(a) Responsibility and preponderant role of the industrialized countries,

(b) The necessary participation of all countries from the very beginning,

(c) Equitable sharing between countries or major regions of the objectives established,

(d) The greatest possible harmonization of the measures adopted in order to avoid the distortions of competition,

(e) Consideration of the specific needs of the developing countries both as regards the adoption of commitments and the financing and transfer of technology.

Kuwait (Add. 9, p. 4)

9. In respect to the world community's effort to protect the atmosphere and climate change, we would like to stress the adoption of a balanced and parallel method in dealing with the different aspects of concluding an international convention to control GHG through a global approach, which would take into consideration all GHGs and activities that lead to these phenomena. In so doing, we should be careful that the solutions we are adopting do not encourage new ecological, economic or social problems, which would place increased burdens on LDCs.

10. The control of GHG emissions should not be limited to the gas and energy sector alone, and there should be equivalent and parallel consideration of other GHGs, specifically methane and NOx, and of other industrial sectors, agriculture, and domestic activities (for example, solid waste disposal methods).

11. It is also essential to work with equal zeal in enhancing existing sinks and the creation of new ones. This means working actively on protecting forests and wet areas, as well as development and transfer of technology related to salt-tolerant plants in arid and semi-arid areas. The transfer of technology should also include increasing combustion efficiency to reduce NOx, and the development of agricultural and solid waste disposal techniques that generate less GHG.

Kuwait, Saudi Arabia, USSR (Add. 9, p. 3)

12. In order to achieve sustainable development in all countries and to meet the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of, and mitigate the adverse consequences of, environmental degradation that might result from climate change. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent such environmental degradation. The measures adopted should take into account different socio-economic contexts.

13. We recommend that in the elaboration of response strategies, over time, all greenhouse gases, sources and sinks be considered in the most comprehensive manner possible and also that limitation and adaptation measures be addressed.

14. The specific difficulties of those countries, particularly developing countries, whose economies are highly dependent on fossil fuel production and exportation, as a consequence of action taken on limiting greenhouse gas emissions, should be taken into account.

(The above are paragraphs 7, 14 and 16 of the Ministerial Declaration of the Second World Climate Conference (SWCC) 1990)

Norway (Add. 2, p. 12)

Basic principles

15. A long-term objective of climate policies should be to take appropriate action to stabilize greenhouse gas concentrations in the atmosphere at a level which minimizes damages to the sustainable development of societies and to ecosystems, ecological processes, and climatic conditions essential for the functioning of the biosphere.

16. A balance must be struck between potential ecological and socio-economic consequences of climate change, the cost of abatement policies and the cost of adaptation. Climate policies must be combined with policies to foster vigorous economic growth to combat poverty, safeguard the development priorities of developing countries and create the necessary resources to combat local and regional environmental degradation.

17. Climate policies should include all relevant sources and sinks of greenhouse gases. Emission targets should be defined in terms of net emissions of the greenhouse gases that are adequately measurable, measured as CO₂-equivalents, taking into account requirements under the Montreal Protocol and other agreements.

18. The need for equitable burden-sharing, both between industrialized and developing countries and between the industrialized countries, must be secured.

19. High priority must be given to solving the remaining major uncertainties regarding causes and effects of climate change, including the risk for non-linear and rapid changes, as well as uncertainties regarding economic projections and cost estimates.

Governing principles

20. This convention shall be based upon and interpreted in the context of the following principles:

(a) The Precautionary Principle: the principle which operates where there is sufficient evidence to identify a threat of serious or irreversible harm to the environment to establish a duty to take measures which anticipate, prevent and attack the causes of environmental degradation prior to conclusive scientific proof that the threat will or does harm the environment.

(b) The Principle of Inter-connectedness: the principle that all elements of the ecosystem are linked, interrelated and interdependent, so that actions in one area influence and have effects upon other areas.

(c) The Polluter Pays Principle: the principle that those responsible for causing damage to the environment bear the responsibility for rectifying that damage.

(d) Sustainable Development.

(e) Equity: Action to be taken should be based on equity, in accordance with the proportionate contributions to the problem, with due regard to the development requirements of developing countries, especially those whose current emissions are low.

(f) Differentiated Responsibility: There should be different targets with different time-frames for different categories of countries so that the right to development of developing countries is taken into account. Countries with low energy consumption can set appropriate targets by, inter alia, taking advantage of more energy efficient and less pollutive technologies.

(g) Inter-generational Equity: the duty of all States to preserve and protect natural capital for the benefit of present and future generations.

(h) Liability: This Convention shall be without prejudice to the application of the rules of international law governing the liability of States.

(i) Relevant Scientific, Technical and Economic Considerations: Implementation of this Convention shall be based on relevant scientific and technical considerations. Action shall be taken by the parties in accordance with the means at their disposal and their capabilities.

(j) Clean Production.



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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Second session
Geneva, 19-28 June 1991

DRAFT 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

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I. INTRODUCTION

1. The second session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC) was held at Geneva from 19 to 28 June 1991. The meeting was convened in pursuance of General Assembly resolution 45/212 of 21 December 1990, entitled "Protection of global climate for present and future generations of mankind", further to resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989. 1/

II. ORGANIZATIONAL MATTERS

A. Opening of the session

2. In opening the second session, the Chairman, Mr. Jean Ripert, drew attention to the tasks before the session and expressed appreciation for the papers submitted by member States, both developed and developing, which would promote the work of the Committee on an effective framework convention. He complimented the secretariat on its preparations for the session.

B. Attendance

3. The meeting was attended by representatives of the following States:

Afghanistan	Germany	Pakistan
Algeria	Ghana	Papua New Guinea
Argentina	Greece	Paraguay
Australia	Guinea	Peru
Austria	Haiti	Philippines
Bangladesh	Holy See	Poland
Barbados	Honduras	Portugal
Belgium	Hungary	Republic of Korea
Benin	Iceland	Romania
Bhutan	India	Rwanda
Bolivia	Indonesia	Saint Lucia
Botswana	Iran (Islamic	Samoa
Brazil	Republic of)	Sao Tome and Principe
Brunei Darussalam	Ireland	Saudi Arabia
Burkina Faso	Italy	Senegal
Burundi	Jamaica	Sierra Leone
Byelorussian Soviet	Japan	Singapore
Socialist Republic	Kenya	Solomon Islands
Cameroon	Kiribati	Spain
Canada	Kuwait	Sri Lanka
Cape Verde	Lesotho	Sudan
Central African	Libyan Arab	Sweden
Republic	Jamahiriya	Switzerland
Chad	Luxembourg	Thailand
Chile	Madagascar	Togo
China	Malawi	Tonga
Colombia	Malaysia	Trinidad and Tobago
Costa Rica	Maldives	Tunisia
Cuba	Mali	Turkey
Czechoslovakia	Malta	Tuvalu
Democratic People's	Mauritania	Uganda
Republic of Korea	Mexico	Union of Soviet Socialist
Denmark	Mongolia	Republics
Dominican Republic	Morocco	United Kingdom of Great Britain
Ecuador	Mozambique	and Northern Ireland
Egypt	Myanmar	United Republic of Tanzania
El Salvador	Namibia	United States of America
Equatorial Guinea	Nauru	Uruguay
Ethiopia	Nepal	Vanuatu
Federated States of	Netherlands	Venezuela
Micronesia	New Zealand	Viet Nam
Fiji	Nicaragua	Yugoslavia
Finland	Niger	Zaire
France	Nigeria	Zambia
Gabon	Norway	Zimbabwe

4. The following United Nations offices and programmes were represented at the meeting: Office of the Director-General for Development and International Economic Co-operation, United Nations Conference on Environment and Development (UNCED), United Nations Environment Programme (UNEP) and the United Nations Conference on Trade and Development (UNCTAD).

5. The following specialized agencies were represented at the meeting: Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission (UNESCO/IOC), World Bank, World Meteorological Organization (WMO), United Nations Industrial Development Organization (UNIDO) as well as the International Atomic Energy Agency (IAEA) and General Agreement on Tariffs and Trade (GATT).

6. The following intergovernmental organizations were also represented at the meeting: Asian-African Legal Consultative Committee (AALCC), European Free Trade Association (EFTA), European Economic Community (EEC), Intergovernmental Panel on Climate Change (IPCC), International Energy Agency (IEA), League of Arab States, Organisation for Economic Co-operation and Development (OECD), Organization of African Unity (OAU), Organization of Petroleum Exporting Countries (OPEC) and South Pacific Regional Environment Programme (SPREP).

7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented: Category I: International Chamber of Commerce and World Federation of United Nations Associations; Category II: Greenpeace International, International Council of Environmental Law, International Council of Scientific Unions (ICSU), International Petroleum Industry Environmental Conservation Association, World Coal Institute and World Resources Institute; Roster: Friends of the Earth, International Organization of Automobile Manufacturers, International Studies Association, National Audubon Society and Natural Resources Defense Council.

8. The following non-governmental organizations were also represented: American Forestry Association, Ancient Forest International, Canadian Electrical Association, Center for Clean Air Policy, Centre for Our Common Future, Centre for Science and Environment, Chemical Manufacturers Association, Climate Action Network, Climate Council, Climate Network Europe, Edison Electric Institute, Environmental Defense Fund, Environmental Protection Society (Malaysia), Environment and Development of the Third World, Forum of Brazilian NGOs to UNCED, Foundation of Environmental Conservation, Global Climate Coalition, Haribon Foundation for the Conservation of Natural Resources, Harvard Law School Global Warming Project, Indonesian Environmental Forum (WALHI), International Council for Environmental Law, Kenya Energy and Environment Organizations, Latin American Forestry Institute, National Association of Regulatory Utility Commissioners, Royal Institute of International Affairs, Save the Forests - Save the Planet, the Kenya Consumers' Organization, Union of Concerned Scientists, Worldwatch Institute, World Wildlife Fund and Zero.

C. Adoption of the agenda

9. At its 1st plenary meeting, on 19 June 1991, the Committee adopted the following agenda:

1. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work;
 - (c) Election of the officers of the Working Groups;
 - (d) Dates and venues of subsequent sessions;
 - (e) Provisional agenda of the third session.
2. Preparation 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 by the Plenary of progress reports submitted by the Working Groups.
3. Requests for scientific and technical advice from the Intergovernmental Panel on Climate Change.
4. Review of extrabudgetary funds:
 - (a) Special voluntary fund to support the participation of developing countries;
 - (b) Trust fund for the negotiating process.
5. Adoption of the report.

D. Documentation

10. The documents before the Committee at its second session are listed in annex I to the present report.

E. Election of officers

11. At the 4th plenary meeting, on 21 June, the Chairman reported to the Committee that, following consultations with representatives of the regional groups, it had not been possible to achieve consensus on the designation of the Chairmen for the two Working Groups. After considering recourse to a

vote, he had come to the conclusion that the preferred option among the different regional groups would be to elect two Co-Chairmen for each Working Group.

12. He stressed that, notwithstanding any precedents in the United Nations for such a device, the election of Co-Chairmen was, in the view of all, an exceptional measure. It also did not imply any departure from an integrated approach to the subject-matter dealt with by the Working Groups and that it would be the responsibility of the Chairman of the Committee to ensure the harmonious functioning of the arrangement. On the proposal of the Chairman, the Committee waived rules 50 and 40 of its rules of procedure to permit the Committee to elect officers of the Working Groups.

13. The Committee then elected the following officers of Working Group I:

Co-Chairmen: Mr. N. Akao (Japan)
Mr. E. de Alba-Alcaraz (Mexico)

Vice-Chairman: Mr. M.M. Ould El Ghaouth (Mauritania)

and of Working Group II:

Co-Chairmen: Ms. E. Dowdeswell (Canada)
Mr. R.F. Van Lierop (Vanuatu)

Vice-Chairman: Mr. M. Sadowski (Poland)

F. Organization of work

14. The Chairman noted that the tasks of the Working Groups should be organized according to Committee decision 1/1 (A/AC.237/6, annex, part II, paras. 6 and 7).

15. At its 5th plenary meeting, on 24 June, on the proposal of the Chairman, the Committee agreed that work on principles and definitions would be addressed by the two Working Groups, as necessary, but that the bulk of the consideration was expected to take place in Working Group I. There was also an understanding that this was to be a first reading, which would not preclude the presentation of further proposals at a later stage.

III. PREPARATION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

A. Statements by the representatives of programmes and organizations of the United Nations system

16. At the 1st plenary meeting, on 19 June 1991, statements were made on behalf of the Executive Director of UNEP, the Secretary-General of UNCED and the Secretary-General of WMO. All three statements reviewed and reaffirmed the support of their respective organizations for the negotiating process in the Committee and for its secretariat and welcomed the good collaboration established with the latter.

17. In a statement read by Mr. William Mansfield III, Deputy Executive Director of UNEP, Dr. Mostafa K. Tolba, Executive Director of UNEP, emphasized the need for an effective convention with commitments, a need which was supported by increasing scientific evidence of global warming. Referring to the importance of providing assistance to developing countries, he stated that UNEP, in collaboration with the Intergovernmental Panel on Climate Change (IPCC), intended to support studies in a few countries to analyse the costs of responding to climate change.

18. Mr. Nitin Desai, Deputy Secretary-General of UNCED, speaking on behalf of the Secretary-General, Mr. Maurice F. Strong, noted that the Preparatory Committee of UNCED sought to provide a framework for integrating distinct activities such as the negotiations on a climate change convention in a broad-based programme of action for sustainable development. The progress achieved in these negotiations would be an important factor in determining the outcome of the UNCED. Implementing that outcome would require new and additional financial resources, arrangements for the transfer of relevant technologies, particularly to developing countries, and legal and institutional development.

19. Dr. Victor Boldirev, Director of the World Climate Programme of WMO, made a statement on behalf of the Secretary-General, Professor G.O.P. Obasi. He outlined developments at the Eleventh World Meteorological Congress, held in May 1991, which adopted resolutions on matters fundamental to work on climate change, including the World Climate Programme (WCP), the Global Climate Observing System (GCOS), IPCC and INC itself. He described the implementation strategy of the World Climate Programme and the role of the Co-ordinating Committee.

20. The Chairman noted that the Committee would need to take into account the relevant decisions of the Preparatory Committee of UNCED, the Governing Council of UNEP and the Eleventh World Meteorological Congress.

B. Statements by delegations

21. At the 2nd plenary meeting, on 19 June, statements were made by the representatives of several countries relating to their submissions before the Committee, reproduced in documents A/AC.237/Misc.1 and Add.1 to 8.

22. At the 3rd and 4th plenary meetings, the representatives of some countries made statements commenting on document A/AC.237/Misc.2/Rev.1, entitled "Compilation of Possible Elements for a Framework Convention on Climate Change", prepared by the secretariat as an informal contribution to the Committee's work on agenda item 2. The Executive Secretary responded to those comments. At its 4th plenary meeting, the Committee agreed that the secretariat should prepare a further compilation comprising the texts submitted by delegations and contained in addenda 1-9 to document A/AC.237/Misc.1 and structured in accordance with paragraphs 6 and 7 of decision 1/1 of the Committee (A/AC.237/6).

23. At the 6th plenary meeting one representative referred to the Ministerial Conference of Developing Countries on Environment and Development, which was held in Beijing on 18 and 19 June 1991. He added that texts of the Beijing Ministerial Declaration on Environment and Development adopted at the Conference were available.

C. Report of Working Group I: Commitments

24. At its 1st plenary meeting, on 19 June 1991, the Intergovernmental Negotiating Committee allocated to Working Group I, in accordance with its decision 1/1, item 2 (a) of its agenda entitled "Preparation of a framework convention on climate change: (a) Elements related to commitments". In addition, the Committee at its 5th plenary meeting, on 24 June 1991, decided that Working Group I should address the issue of principles and definitions.

25. At its 2nd meeting, on 24 June, Working Group I adopted the organization of its work (A/AC.237/WG.I/L.1)

26. Working Group I held one private meeting on 21 June and eight open meetings from 24 to 27 June 1991.

PRINCIPLES

27. Working Group I considered the matter at its 2nd meeting, on 24 June.

28. Statements were made by the representatives of 40 States.

29. Working Group I agreed that, on the basis of the above discussion, the principles should be compiled under various headings.

30. At its 8th meeting, Working Group I had before it in document A/AC.237/WG.I/L.3 a draft proposal by the Bureau on a "Draft compilation of principles". Statements were made by representatives of 24 States.

Elements related to commitments

(a) Appropriate commitments, beyond those required by existing agreements, for limiting and reducing net emissions of carbon dioxide and other greenhouse gases, on the protection, enhancement and increase of sinks and reservoirs, and in support of measures to counter that contributions should be equitably differentiated according to countries' responsibilities and their level of development.

32. Working Group I considered the matter at its 3rd and 4th meetings, on 25 June.

33. Statements were made by the representatives of 45 States and one observer.

(b) Appropriate commitments on adequate and additional financial resources to enable developing countries to meet incremental costs required to fulfil the commitments referred to above and to facilitate the transfer of technology expeditiously on a fair and most favourable basis.

34. Working Group I considered the matter at its 5th and 6th meetings, on 26 June.

35. Statements were made by representatives of 40 States.

(c) Commitments addressing the special situation of developing countries, taking into account their developing needs, including inter alia, the problems of small island developing countries, low-lying coastal areas and areas threatened by erosion, flooding, desertification and high urban atmospheric pollution; also taking into account the problems of economies in transition.

36. Working Group I considered the matter at its 6th meeting, on 26 June.

37. Statements were made by the representatives of eight States.

38. The representatives of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO/IOC) also made statements.

39. At its 7th meeting, Working Group I considered a possible structural classification of items under paragraphs 6 (a) (b) and (c) of decision 1/1 on the basis of a draft proposal by the Bureau on a "Draft structure for classifying commitments" (A/AC.237/WG.I/L.2)

40. Statements were made by representatives of 15 States.

41. Working Group I agreed that any new proposals related to commitments, as well as proposals contained in document A/AC.237/Misc.1 and Add.1 to 9, should be reflected in a new compilation, provided that the new proposals are communicated in writing by the Secretariat no later than 15 July 1991.

D. Report of Working Group II: Mechanisms

42. At its 1st plenary meeting, on 19 June 1991, the Intergovernmental Negotiating Committee allocated to Working Group II, in accordance with its decision 1/1, item 2 (b) of its agenda entitled: "Preparation of a framework convention on climate change: (b) Elements related to mechanisms".

43. At its 1st meeting, on 24 June, Working Group II decided, as agreed at its 1st (private) meeting on 21 June, that bearing in mind rule 46 of its rules of procedure its meetings would be open unless it decided otherwise

44. Also at the same meeting, Working Group II approved the organization of its work (A/AC.237/WG.II./L.1).

45. Working Group II held one private meeting, on 21 June, and six open meetings, from 24 to 27 June 1991.

Elements related to mechanisms

46. In accordance with the provisions of paragraph 7 of Committee decision 1/1, Working Group II considered elements relating to mechanisms as follows:

(a) Legal and institutional mechanisms, including, inter alia, entry into force, withdrawal, compliance and assessment and review.

47. Working Group II considered the question of legal and institutional mechanisms, including, entry into force, withdrawal, compliance and assessment and review at its 3rd and 6th meetings, on 25 and 27 June.

48. At its 3rd meeting, statements were made by representatives of 23 States.

49. At the 6th meeting, Working Group II decided to request its Co-Chairmen (Ms. E. Dowdeswell (Canada) and Mr. R.F. Van Lierop (Vanuatu)) to present to the Plenary an oral report summarizing the views of the Working Group on the question.

(b) Legal and institutional mechanisms to scientific co-operation, monitoring and information.

50. Working Group II considered the question of legal and institutional mechanisms related to scientific cooperation, monitoring and information at its 1st, 2nd and 6th meetings, on 24 and 27 June.

51. At the 1st meeting, on 24 June, Working Group II heard statements by representatives of 19 States.

52. At the 2nd meeting, on 24 June, Working Group II heard statements by representatives of 12 States.

53. Working Group II held three informal meetings to consider various drafts and other proposals by delegations on this question. *After H57* ~~At its 6th meeting, on 27 June, on the basis of informal consultations, Working Group II decided to recommend to the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change the adoption of the following draft decision:~~

The Intergovernmental Negotiating Committee for a Framework Convention on Climate Change decides to request the Co-Chairmen of Working Group II to prepare a single text on the elements relating to mechanisms under the mandate of Working Group II as follows:

(a) This text is to be based on the various submissions already before the Working Group and those which might be submitted by delegations to the Secretariat in writing on or before 15 July 1991, as well as on the discussions held by the Working Group during the second session of the Intergovernmental Negotiating Committee;

(b) This text is to include areas of convergence and, where necessary, to present alternate versions where there is no convergence.

(c) This text could serve as a possible basis for consideration and discussion by Working Group II at the third session of the Committee and is to be distributed prior to that session which is to be held at Nairobi from 9 to 20 September 1991.

c) Legal + institutional mechanisms related to adequate financial resources
54. Working Group II considered the question of 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 at its 4th to 6th meetings, on 26 and 27 June.

55. At the 4th meeting, on 26 June, statements were made by 20 representatives of States. One representative of a specialized agency also made a statement.

56. At the 5th meeting, on 26 June, statements were made by 20 representatives of States.

57. At the 6th meeting, on 27 June, Working Group II decided to request its Co-Chairmen (Ms. E. Dowdeswell (Canada) and Mr. R.F. Van Lierop (Vanuatu)) to present to the Plenary an oral report summarizing the views of the Working Group on the question.

IV. REQUESTS FOR SCIENTIFIC AND TECHNICAL ADVICE FROM THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

A. Statement by the Chairman of the Intergovernmental Panel on Climate Change

58. At its 6th plenary meeting, on 25 June, the Committee heard a statement by the Chairman of the Intergovernmental Panel on Climate Change, Professor Bert Bolin. He foresaw that negotiations on climate change would continue long beyond June 1992 and that IPCC could be the provider of independent scientific and technical advice for the negotiations: in each of its tasks, IPCC distinguished between work which could be completed in time to make results available to INC, and long-term work whose results would become available after 1992. He drew attention to the report of the Panel's fifth session and mentioned that it had been made available to the Committee. He outlined the six main tasks the Panel had defined:

- (a) Assessment of national net greenhouse gas emissions;
- (b) Predictions of the regional distributions of climate change and associated impact studies, including model validation studies;
- (c) Specific issues related to energy and industry;
- (d) Specific forestry-related issues;
- (e) Vulnerability to sea level rise;
- (f) Emissions scenarios.

He considered these tasks might serve INC in its current efforts in the best possible way, but stressed that IPCC would welcome requests from INC as foreseen by General Assembly resolution 45/212.

B. Statements by delegations

59. In the debate which followed, statements were made by representatives of 21 member States. There was general appreciation of the presentation by Professor Bolin and of the work of IPCC, as well as encouragement for it to support INC by providing objective scientific and technical advice. A number of countries made proposals on scientific and technical topics on which IPCC

advice might help. Some thought these should include socio-economic analyses of relevant issues, whilst others expressed the view that socio-economic analyses of the response strategies should be an integral part of work of INC as the single negotiating process. Several countries referred to the value of national studies and reports, and felt that they should be compiled by countries themselves, using an agreed and shared methodology. There was also support for regional studies. A number of countries considered that the Executive Secretary should have a clear indication of the advice which members of the Committee needed from IPCC.

60. In response Professor Bolin said that he was grateful for the discussion, had noted the points made and would give them his full attention. He noted that the outcomes of IPCC discussions were, of course, not binding on countries; they provided information to help INC in its deliberations.

61. Summarizing the debate, the Chairman of the Intergovernmental Negotiating Committee said that several delegations had made proposals on technical and scientific advice INC might request from IPCC: countries would need to consider the results of IPCC's work; the preponderance of speakers had spoken in favour of the six tasks IPCC had adopted, though there were varying appreciations of their priority; there was strong agreement that developing countries should play their full role in the scientific and technical work of IPCC and that the relationship between INC and IPCC was unchanged - the Executive Secretary was charged to cooperate closely with the IPCC to ensure that the Panel could respond to needs for objective scientific and technical advice during the negotiating process.

V. REVIEW OF EXTRABUDGETARY FUNDS

A. Special voluntary fund to support the participation of developing countries

62. At the 7th plenary meeting, the Executive Secretary reported on recent changes in the status of contributions to the special voluntary fund; these are recorded in document A/AC.237/8/Add.1. He further explained the basis on which it was decided to offer travel and subsistence costs to one delegate each from 99 developing countries (including all the least developed countries and many small island developing countries). He noted that the number of delegations from developing countries at this session with representation from capitals had more than doubled by comparison with the first session and that many of these delegations included experts. He sought guidelines from the Committee concerning the adequacy of the arrangements made and the use of the fund for future sessions of the Committee.

63. Concerning future funding needs, the Executive Secretary reiterated the estimate that a further \$US 1 million would need to be contributed to this fund, beyond amounts already pledged, if the arrangements made for the second session were to be continued and if the Committee were to hold a further session in 1992. He expressed the hope that such contributions would be forthcoming and appealed for prompt payment of moneys currently pledged in order to enable timely arrangements to be made for financing participation in the third session.

64. A number of delegations made statements concerning the adequacy of funds available and the arrangements made by the Executive Secretary for the use of the fund for the second session, including the determination of the list of countries eligible for support and of the number of delegations to be funded for each country. One of these delegations drew attention to the imminence of its payment to the fund; another announced that it would increase its contribution; two others drew attention to their bilateral funding arrangements.

65. In the light of these statements and of the responses made by the Executive Secretary to questions raised, the Chairman expressed the general satisfaction of the Committee, and its sense, that the Executive Secretary should continue to use this fund for travel and subsistence for delegations from developing countries along the lines adopted in connection with the second session, and its encouragement to him to explore ways of further supporting the effective participation of developing countries. He further expressed the gratitude of the Committee to members that had made new pledges or payments, and its concern that sufficient money should reach the Fund in time for arrangements to be made to support participation in the third session. He appealed on behalf of the Committee to all countries in a position to do so to make new or increased pledges to contribute to this Fund.

B. Trust fund for the negotiating process

66. Also at the 7th plenary meeting, the Executive Secretary described plans for the further operation of the Committee's secretariat and referred to a number of important decisions on administrative and financial arrangements which needed to be taken in order to ensure that the secretariat work efficiently. He undertook to assess the performance of the secretariat at the current session and, if necessary, to reinforce its capacity to provide substantive servicing to future sessions, seeking assistance for this purpose from cooperating organizations.

67. Drawing attention to information regarding the costs of the secretariat given in document A/AC.237/8 and subsequently provided to the Committee, he estimated that the expenses for which finance was sought from this Trust Fund (\$US 560,000) would amount to some 20 per cent of the total costs of the secretariat. This estimate assumed that it would not be necessary to use this fund to finance staff costs. He expressed appreciation to the organizations providing staff to the secretariat on a non-reimbursable basis, to the Government providing bilateral funding for an associate expert and to those which had indicated interest in making similar bilateral arrangements. He suggested that such arrangements might be extended to associate experts from developing countries so as to ensure a proper diversity in the staffing of the secretariat.

68. A number of delegations commented on these matters. Some expressed distress and concern at the continuing uncertainty about the administrative and financial arrangements for the secretariat, as well as interest in the possibility of assigning associate experts from developing countries to the secretariat. Reference was made to decision 16/4 of the Governing Council of UNEP, requesting the Executive Director to support INC and its secretariat, as

well as to the ad hoc, and therefore temporary, character of the secretariat. One representative announced that his Government would make a contribution to this trust fund. The Chairman, on behalf of the Committee and the Executive Secretary, expressed gratitude for this contribution.

69. Summing up the discussion, the Chairman conveyed an appeal from the Committee to all potential donors identified in paragraph 22 of General Assembly resolution 45/212, as well as to concerned organizations, to support the negotiating process, through its secretariat, inter alia, by contributing to this trust fund. He reiterated the deep concern of the Committee about the inadequacy of facilities provided in support of its work and undertook to convey to the appropriate authorities of the United Nations Secretariat the urgent request of the Committee that the necessary administrative and financial decisions should receive high priority.

VI. ARRANGEMENTS FOR FUTURE SESSIONS OF THE COMMITTEE

A. Provisional agenda for the third session

70. The Committee had before it the following provisional agenda for the third session (A/AC.237/L.6):

1. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work;
 - (c) Dates and venues of subsequent sessions;
 - (d) Provisional agenda of the fourth session.
2. Preparation 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 by the Plenary of progress reports 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.

B. Date and place of future sessions

71. At its 6th and 7th plenary meetings the Committee considered the date and place of its third and fourth sessions. It adopted the following programme of sessions:

3rd session from 9-20 September 1991 at Nairobi;

4th session from 2-20 December 1991 at Geneva.

72. At its 7th plenary meeting the Committee decided to include a session between January and June 1991 in its plans. The Executive Secretary was requested to explore possibilities of date and venue, and to report to the September 1991 session.

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Second session
Geneva, 19-28 June 1991
Agenda item 2

COMPILATION OF POSSIBLE ELEMENTS
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
SUBMITTED BY DELEGATIONS,
CONTAINED IN DOCUMENT A/AC.237/MISC.1, ADDENDA 1 - 9

Note by the secretariat

Addendum 1

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I. Texts related to "Commitments"

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Explanatory Notes

1. A number of submissions by delegations contained elements under the heading "General Obligations". These are included at the beginning of section I. A in their entirety, in order to preserve the integrity of these texts, even though part of the subject matter may relate to other parts of the compilation.
2. In some cases, material has been placed in the compilation according to indications given by the submitting delegation.
3. All elements relating to financial resources and transfer of technology have been listed in section I. B, to facilitate comparison among them. These texts are also relevant to section II. C of the compilation and are also reproduced there.
4. Three dots (...) appearing before and/or after a text indicate that this element has been separated from other provisions in the original text, which appear elsewhere in the compilation as appropriate.
5. In cases where texts appear relevant to more than one sub-section, the texts are quoted in one and cross referenced in the other(s).

E. COMPILATION

I TEXTS RELATED TO "COMMITMENTS"

- A. Texts related to "Appropriate commitments, beyond those required by existing agreements, for limiting and reducing net emissions of carbon dioxide and other greenhouse gases, on the protection, enhancement and increase of sinks and reservoirs, and in support of measures to counter the adverse effects of climate change, taking into account that contributions should be equitably differentiated according to countries' responsibilities and their level of development" (Decision 1/1, paragraph 6 (a))

Austria/Switzerland (Add. 1, p. 6)

General Obligations

1 Long Term Global Objective:

(a) Stabilization of greenhouse gas concentrations in the atmosphere at a level which minimises risks to ecosystems, ecological processes, and climatic conditions essential for the functioning of the biosphere and the sustainable development of societies and economies. [The question of quantification of stabilization levels will have to be elaborated further.

In particular, a time horizon and mechanisms for defining and reviewing stabilization levels will have to be developed].

2. (b) Obligation to minimize adverse effects of global climate change. [terminology to be defined in an article on the definitions]

3. Obligation to take appropriate action in pursuance of the long term global objective, on the basis of the Precautionary Principle.

As a first step:

(a) Stabilization of carbon dioxide emissions by industrialized countries at 1990 levels by the year 2000;

(b) Stabilization of carbon dioxide emissions by other countries at 1990 levels by a year to be agreed upon;

(c) Obligations should be equitably differentiated according to countries.

4. Obligation for the Parties to prepare, within a given time frame, national and/or regional programmes or strategies to combat global warming. At this point, it will have to be discussed whether policy instruments contained in these programmes or strategies should be further qualified, especially economic, fiscal and financial instruments.

5. Obligation to aim at energy conservation and rational use of energy and development of renewable energy sources.

6. Obligation to conduct environmental impact assessments in order to avoid taking measures which cause or could cause other adverse social and environmental effects and risks.
7. Obligation to refrain from subsidizing activities, inter alia, in the energy domain, which contribute to global warming.
8. Obligation to conserve natural carbon reservoirs and sinks and to develop integrated strategies to increase sinks.
- ...

China (Add. 4, p. 5, Article 3)

General Obligations

9. The Parties shall, in accordance with the means at their disposal and their capabilities:
 - (a) Co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities on climate and the environmental and socio-economic impact of climate change;
 - (b) Adopt appropriate legislative and administrative measures, and co-operate in harmonizing appropriate policies to address climate change;
 - (c) Co-operate effectively with competent international organizations to meet the objectives of the Convention;
 - (d) Encourage the promotion of public education and awareness of the environmental and socio-economic impacts of greenhouse gas emissions and of climate change and co-operate therein;
 - (e) Co-operate in development and application of relevant technologies.
10. The Parties undertake to ensure, through appropriate mechanisms, that Parties which are developing countries have access to the funds and relevant technologies and equipment necessary to combat the adverse effects of global climate change.

Netherlands Compilation (Add. 1, p. 29)

General obligations

Obligation to aim at energy conservation and rational use of energy and development of renewable energy sources. [criteria to be discussed].

11. Promoting efficient use of energy, development of lower and non-greenhouse gas emitting energy technologies and paying special attention to safe and clean new and renewable sources of energy.

United Kingdom Compilation (Add. 1, pp. 58-60)

General obligations

12. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party, to limit, reduce, modify and control human activities that result, or are likely to result, in adverse effects on the global climate.

13. To this end the Parties shall, in a spirit of good neighbourliness, within the means at their disposal and in accordance with their scientific and technical capabilities:

(a) Co-operate by means of systematic observations, research and information exchange in order better to understand and assess the effects of human activities on the global environment and the effects on human health, socio-economic conditions and the environment of changes in the global climate;

(b) Adopt and, where necessary, strengthen legislative or administrative measures and co-operate in formulating and harmonising appropriate policies and strategies to limit, reduce, adapt to and, as far as practicable, prevent climate change;

(c) Co-operate in the formulation of agreed measures, procedures and standards with a view to the adoption of protocols and annexes;

(d) Promote public education and awareness of the environmental and socio-economic impacts of climate change and, in particular, of emissions of greenhouse gases;

(e) Develop appropriate mechanisms for the purposes of providing financial and technical assistance, including the transfer of technologies, to facilitate the fulfilment by the developing countries of their obligations under this Convention and protocols to which they are party;

(f) Co-operate with competent international bodies to implement effectively this Convention and protocols to which they are party.

14. The provisions of this Convention shall in no way affect the right of parties to adopt in accordance with international law, domestic or international measures additional to those referred to in paragraphs 1 and 2 above (see paragraphs 12 and 13), nor shall they affect additional domestic or international measures already taken, or entered into, by a Party, provided that those measures are compatible with their obligations under this Convention and any protocol to which they are party.

15. The Parties shall, in taking the measures referred to in paragraph 1 (see paragraph 12) above, ensure that the implementation of these measures does not result in the creation of other types of environmental degradation.

United Kingdom (Add. 1, p. 84)

General obligations

The Convention should contain the following general obligations in addition to those set out in the common elements text.

16. To undertake co-ordinated action with the ultimate global objective of stabilizing the climate change effect of greenhouse gases at a level which would prevent dangerous anthropogenic interference with the climate.
17. To adopt, as quickly as possible, measures which will have the effect of limiting emissions of greenhouse gases and which are beneficial for reasons other than climate change and justified in economic terms.
18. To encourage, taking into account the particular needs of developing countries, the development and rapid diffusion of technologies, best practice, training and other skills which could contribute to the control and limitation of greenhouse gas emissions and the protection and enhancement of sinks for greenhouse gases.

United States of America (Add. 1, pp. 91-93)

General obligations

19. The framework convention should provide mechanisms for developing the scientific, technical, economic and environmental bases for formulating and implementing, as appropriate, measures to address the potential modification of climate caused by greenhouse gases and the possible adverse impacts therefrom. It should require the Parties to develop and pursue, in accordance with the provisions of the convention and to the extent deemed desirable in light of the scientific, technical, economic, and environmental bases outlined above, appropriate measures that prevent, limit, reduce, or facilitate adaptation to climate change. The Parties, in developing and taking such measures, should address the net emissions of all greenhouse gases and their precursors comprehensively, taking into account the best available greenhouse warming potential index ("GWP") and other environmental impacts of the gases. The framework convention should enable the Parties to fashion economically efficient and effective implementation, including through the use of cooperative arrangements. It should also recognize and encourage actions taken by nations that help address climate change, including national actions and actions under other international agreements.

20. To these ends, the Parties should:

- (a) Co-operate in systematic observations, research and information exchange to better monitor, understand, and predict changes in the global climate, their impacts, potential responses thereto and the costs and benefits of such responses;
- (b) Adopt measures which are justified for a variety of reasons, and which also have the effect of limiting or adapting to any adverse effect of climate change.

(c) Develop and make public national inventories of net emissions, using an agreed methodology that is developed in light of the work of the IPCC.

(d) Establish national strategies to address and facilitate mitigation of and adaptation to climate change and make public an accounting of the elements of such strategy and their effect on net emission.

(e) Base any additional responses on thorough assessments, by the IPCC and other competent international bodies, of climate change and potential responses to that change;

(f) Co-operate in promoting public awareness of climate change;

(g) Encourage the development and transfer of relevant technologies, as well as the provision of technical and financial assistance, to facilitate the fulfilment by the developing countries of their obligations;

(h) Co-operate with competent international bodies.

21. The article on general obligations should include a provision in which the Parties agree that, in developing and implementing measures pursuant to the convention or any subsidiary instrument, they should take into account other types of environmental impacts that such measures could have. In addition, the convention should provide the opportunity for Parties to meet their obligations under the convention and any subsidiary instrument through bilateral, multilateral or regional cooperative arrangements. The convention and subsidiary instruments should also recognize and count the effect on net greenhouse gas emissions of relevant actions taken under national policy and other international agreements.

Austria/Switzerland (Add. 1, p. 9)

Protocols/Annexes

22. Protocols/Annexes on programmes for actions setting targets for the limitation and/or reduction of net greenhouse gas emissions, in particular CO₂, might cover the following issues:

- (a) Emissions of CO₂ and/or other greenhouse gases including funding mechanisms;
- (b) Sustainable forest management/reforestation/afforestation, including funding mechanisms;

France (Add. 1, pp. 10-14)

General considerations

23. The conclusions of IPCC, corroborated by the work of the French Academy of Science, recommend:

- The limitation of the climate change now under way by stabilizing the radiating effect of human emissions of greenhouse gases (CO₂, N₂O, CH₄, CFC and HFA) or of gases contributing indirectly to the greenhouse effect (CO, NO_x, HC).
- Immediate adoption of measures to prevent the consequences of climate change. In this respect, prevention measures will be all the less costly because they will have been decided on in time.

24. A world-wide strategy must be initiated as soon as possible because the reduction of greenhouse gases by only a few States will not suffice. This strategy must be based on action principles.

...

Elaboration and follow-up of strategies

25. The convention should allow the elaboration by States or international organizations of strategies or programmes of action endorsing the objectives adopted and the means chosen. The convention should provide a general framework for the elaboration of such strategies.

26. These national reports might contain a list of the emissions of greenhouse gases, the internal measures taken to reduce them and the results obtained; they will make it possible to verify the fulfilment of the commitments undertaken and to facilitate the harmonization of measures.

27. These reports will be published and communicated to the parties within the framework of a follow-up mechanism and may give rise to discussion and comments and public evaluations.

Establishment of limitation objectives

28. All gas emissions which contribute to the greenhouse effect should be limited but carbon dioxide deserves special attention because of the juxtaposition within it of four specific characteristics:

- it is mainly responsible for the additional anthropogenic greenhouse effect;
- it remains for a very long time in the atmosphere once it has been emitted and this period becomes still longer as a result of the weakening of the ocean's role as a sink and as the warming effect increases;
- it requires important structural modifications in our economies, harmonized at the international level, in order to prevent carbonic emissions as distinct from other gases;
- the quantities of CO₂ fossil emissions are the best known. Their control today is the only one practicable, in the same way as CFC emissions.

29. Thus, even if the negotiations must take into account all the gases contributing to the greenhouse effect, it is inappropriate to seek to negotiate a global objective for the limitation of emissions, without running the risk of failing to adopt specific short-term commitments.

In the following paragraphs we shall deal with the limitation of CO2 emissions of fossil origin.

30. While the establishment of objectives cannot of itself produce all the actions necessary for the campaign against the greenhouse effect, it will signify the political will of States to take appropriate measures and will define the ultimate aim which we must pursue.

31. These objectives will be established over two time-frames:

- A long-term common objective whose aim would be to stabilize the concentration of greenhouse gases in the atmosphere.

For CO2, this objective must be formulated on the premise that emissions from States will converge at a common level expressed in tons per inhabitant.

It would correspond, according to the IPCC studies, to an overall reduction of more than 50 per cent compared to present global emissions, i.e. 0.35 of a ton of carbon per inhabitant per year by 2030.

It reflects the idea that it is possible to obtain comparable results from every nation in energy efficiency or alternative energy substitutes for fossil energies, since a certain time period is stipulated for the implementation of the necessary adjustments. Conversely, it reflects the idea that it is unrealistic to think that every nation can reduce its emissions by the same percentage, even if that weakens the principle of equity recalled in the preamble.

In order to take into account past efforts, the room for manoeuvre that still exists and predictable future trends, the target should be expressed in absolute terms and not in relative terms with respect to a level of emission in an arbitrarily selected year.

- A short term objective: Establishing a short-term objective with respect to CO2 (by the year 2000) should result in the formulation of a first set of commitments by industrialized countries along the lines of the Luxembourg Declaration (October 1990) and the Ministerial Declaration of the Second World Climate Conference (November 1990).

This short-term objective will demonstrate the political will of industrialized countries to combat the greenhouse effect and may take the form of limitation objectives at a given level of emission, depending on the situation of each country.

32. France, which has already reduced its CO2 emissions by nearly 30 per cent since 1980 is prepared, for its part, to set itself a national stabilization target by the year 2000 at a level below two tons per inhabitant per year, provided that major industrialized countries take a similar approach.

33. The possibility of regional accords must be recognized, through which, if need be, the measures taken can be optimized economically. The European Community should thus be considered in its entirety.

34. From developing countries, for example, such commitments as improved energy efficiency, and more particularly CO2 efficiency, will be sought with concomitant financing.

Adoption of harmonized instruments

35. It is commonly acknowledged that CO2 emissions reduction requires "tough" policies at yet undetermined costs, particularly since the objectives established must be ambitious in order to meet the objective of stabilizing the warming effect.

36. In this context, countries cannot undertake commitments unless they are assured that the actions decided will not create situations in which competition is distorted.

37. International harmonization of the economic and regulatory measures to be taken is essential even if certain countries are penalized at the expense of others.

38. It is therefore important that the convention define these principles, establish guidelines and define phases.

39. As recommended in the final IPCC report, countries must initially consider the subsidies and tax incentives which favour the energy and greenhouse gas producing sectors. France for its part, believes that such an analysis would bring about the rapid disappearance of fossil energy subsidies.

40. Industrialized countries should institute within their national tax systems a graduated surtax on fossil energy at a uniform rate to cover the external costs of the greenhouse effect. This tax would be applied in the industrialized countries under conditions which would avoid both distortions in competition and the dislocation of industrial sites.

41. The implementation of actions designed to reduce CO2 emissions will be the natural corollary of the signal sent by this pricing. It cannot in itself build a genuine market for energy efficiency. Reaction to the price must be accompanied by the simultaneous implementation of the following actions:

- (a) Introduction of harmonized incentives or regulatory measures in areas of industry, transport and construction;
- (b) Emergence of a co-ordinated international effort for technological developments in energy management.

See French submission under II. A (France Addendum (A/AC.237/Misc.1/Add. 2, pp. 5-9)).

Germany (Add. 1, pp. 17-21)

42. The Contracting Parties should commit themselves to undertake without delay and in the interest of precaution, on the basis of the best available technology, suitable measures:

- (a) for the effective limitation/reduction of emissions of anthropogenic climate-related gases, in particular CO₂, CH₄, N₂O and NO₂, CO and VOC as precursors of tropospheric ozone;
- (b) for the conservation and creation of CO₂ reservoirs and sinks, as well as
- (c) to develop strategies and measures to adapt to changes in the climate and to reduce climate-related damage.

43. The various countries' share of reduction respectively degree of limitation in climate-relevant emissions as well as the provisions for the conservation and creation of CO₂ reservoirs and sinks are to be determined by a scheme which takes into account the major criteria. Account is to be taken of the economic and social development of each individual country.

44. The Contracting Parties should commit themselves to carry out the measures to limit and reduce emissions of anthropogenic climate-relevant gases in such a way that

- (a) the global energy-related, climate-relevant emissions of in particular carbon dioxide (CO₂), methane (CH₄), nitrogen oxides (NO_x), carbon monoxide (CO), and volatile organic compounds (VOC) as precursors of tropospheric ozone are considerably reduced.

This requires:

- a stabilization of the global energy-related CO₂ emissions at their 1990 level by the year 2000 and first steps towards their reduction in the years 2005 and 2010 as well as
- a definition of the objectives and measures to reduce and limit further energy-related emissions, in particular CH₄, NO_x, CO and VOC emissions.

This requires immediate and drastic measures on the part of the developed countries in order to stabilize and reduce their emissions.

Countries which until now have had a relatively low energy consumption and thus low emissions, but which will continue to grow because of their economic and social situation can set appropriate objectives and strategies for their development. They ought, however, to play their part in limiting the increase of emissions by accepting the obligation to strive for more efficient energy use in their economic activity and thus for a limitation of emissions.

(b) emissions are to be limited and reduced in the following areas:

- the use of fossil fuels in the combustion process;
- in the preceding processes, particularly in methane emissions from coal mining (mine gas), oil extraction, the extraction of natural gas and leakages during the transportation and distribution of natural gas;
- measures to reduce energy use in the final consumption process, i.e. domestic use, small-scale use, industry, traffic and transport;
- as well as measures in the area of waste/garbage/recycling;

Measures are in future taken both in the developed and - adjusted to their respective circumstances - the developing countries to reduce and/or limit emissions of climate-relevant trace gases, initially in particular in view of more rational energy generation and use, energy saving as well as increased use of renewable energy sources.

(c) further climate-relevant emissions, in particular CH₄ and N₂O emissions from agriculture are to be limited and reduced.

45. With regard to the conservation and creation of CO₂ reservoirs and sinks, the Contracting Parties should commit themselves within the framework of the convention

- (a) to conserve their forests as extensively as possible in their best possible structure by counteracting the causes of the threat posed to them i.e. the emission of pollutants or environmentally damaging use;
- (b) to set differentiated objectives and measures to reduce the annual deforestation rate with a view to ending forest destruction completely;
- (c) to carry out site-based afforestation and regeneration measures in order to create additional forests as CO₂ sinks and to improve the CO₂ binding process in existing forests.
- (d) to quantify the forest area required for reasons of climate protection and to use this figure as an objective for all activities in the field of forest conservation and afforestation;
- (e) to develop measures with regard to further CO₂ sinks and reservoirs (in particular oceans and seas).

46. The Contracting Parties should commit themselves to develop strategies and measures to adjust to changes in the climate and to reduce climate-related damage. This includes in particular strategies and measures in the fields of coastal protection, agriculture, nature conservation, soil conservation, water protection, protection of human settlement, etc.

47. The Contracting Parties should commit themselves to drawing up protocols to develop further the obligations on:

- reduction and limitation of climate-relevant emissions,
- the conservation and creation of CO2 reservoirs and sinks and
- the adjustment to climate change and the prevention and containment of climate-related damage.

These protocols are to put the necessary measures on a more concrete footing.

48. The Contracting Parties shall use means and instruments of their choice to implement measures to comply with their obligations in line with this Convention and its protocols.

49. The Contracting Parties shall ensure that the measures they take do not lead to any unacceptable ecological or social damage and at the same time as far as possible reduce and/or minimise further adverse consequences and risks. The Contracting Parties are to assess the environmental impact of the measures to be taken.

India (Add. 3, pp. 4-5)

Commitments

50. The Parties agree to cooperate by means of systematic and sustained research and information exchanges in order to better understand the causes and impacts of climate change and the response strategies required to deal with such change.

51. The Parties agree to work towards a common long-term objective of stabilizing the concentration of greenhouse gases in the atmosphere, at an appropriate level to be agreed upon in the light of future scientific findings, and on the basis of an equitable formula requiring, *inter alia*, that anthropogenic emissions of carbon dioxide from States should converge at a common per capita level, and which would take into account net carbon dioxide emissions during this century.

52. Developed country Parties shall, as immediate measures: (a) declare, adopt and implement national strategies to stabilize and reduce their per capita emissions of greenhouse gases, particularly carbon dioxide; stabilization of emissions of greenhouse gases other than those controlled by the Montreal Protocol, particularly carbon dioxide, should be achieved by the developed countries Parties at the latest by the year 2000 and should be set at 1990 emission levels, with the goal of achieving at least a (20%) (30%) (40%) (50%) reduction on these stabilized levels by the year 2005;

53. Developing country Parties may, 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 met by provision of new and additional financial resources from the developed countries Parties.

Japan (Add. 7, p. 3)

Pledge

54. Each country (or regional group) makes public a pledge, consisting of its past performance strategies to limit greenhouse gas emissions and targets or estimates for such emissions as the result of the strategies.

- (1) Participating countries (or regional groups) must make pledges as soon as possible (within three months) after the ratification (entry into force) of the Convention. The pledges will be made public as soon as possible.
- (2) The pledges should include concrete response measures to be taken in each sector, e.g. energy, industry, agriculture, forestry, etc.
- (3) Regional pledges by regional groups must, in principle, be accompanied by subpledges of each country.
- (4) Necessary technical and procedural matters, etc., for the pledging should be spelled out in the Convention or an annex of the Convention.

See section II. B for elements on "Review".

Kuwait, Saudi Arabia, USSR (Add. 9, p. 3)

55. We recommend that in the elaboration of response strategies, over time, all greenhouse gases, sources and sinks be considered in the most comprehensive manner possible and also that limitation and adaptation measures be addressed.

Malaysia/Malta (Add. 1, p. 24)

Annexes

56. There could be two annexes establishing appropriate commitments in the following area(s): for the limitation, stabilization and reduction of anthropogenic concentrations of carbon dioxide in the atmosphere, including the protection, enhancement and increase of sinks and systematic monitoring and research.

Netherlands Compilation (Add. 1, p. 33)

Sustainable forest management, reduction of deforestation, and afforestation

57. Sustainable forest management practices and agricultural techniques which reduce greenhouse gas emissions.

Preparation for anticipated climate change

58. Coping with negative impacts due to sea level rise resulting from climate change caused by man made activities.

Netherlands Compilation (Add. 1, p. 41, Annex 1)

Main elements for inclusion in a Protocol
concerning the control of GHG-emissions

(Suggested by the Netherlands delegation)

59. We prefer a Protocol concerning the control of GHG-emissions.

Theoretically a comprehensive approach of the GHGs, CO₂, CH₄, N₂O, tropospheric ozone, CFCs and halons would be preferable. However, the control of the emission of CFCs and halons is being dealt with in the Montreal Protocol. Of the remaining GHGs, our knowledge concerning CO₂ is largest at present. Therefore concrete agreements concerning CO₂ are necessary now. This approach would make it possible to adopt a different approach, if required, for the GHGs not controlled by the Montreal Protocol.

60. Our aim is to agree on a concrete reduction of the CO₂ emission in a subsequent phase. Moreover it is important that in a next phase we start with controlling the other GHGs not controlled by the Montreal Protocol (e.g. to start with a stabilization of the emission of CH₄ and N₂O for highly industrialized countries).

Protocol concerning the control of GHG-emissions

61. - The lack of scientific proof should be no reason to postpone measures. "Action now", referring to the Bergen Conference and the SWCC Precautionary Principle. (cost-effective measures, taking into account the different socio-economic consequences).

62. - Introduction of the principle of exchange between different GHGs (in CO₂-equivalents) "in order to allow flexibility while still achieving overall improvement". Elaboration however at a later stage.

63. - The ultimate target:
Stabilization of GHG-concentrations at such a level that a dangerous impact on climate can be avoided;
Acceptation of the principle of a long-term quality target for the climate.

64. - Preliminary target:
Temperature increase: < 0.2 degr. C per decade, max. 2 degr. C above preindustrial,
SLR: < 0.05 m per decade, max 0.5 m,
GHG-concentration well below a CO₂-equivalent doubling.

65. - Recognize that further elaboration is required.

66. - Formulation as soon as possible of GHG-emission targets.

- 67. - Acceptation of the principle of a differential approach:
Differentiated commitments of e.g. industrialized and developing countries.
- 68. - Adoption of a phased/differentiated approach.
- 69. - During the first phase a CO2 stabilization target:
Stabilization in the year 2000 at 1990-level, on the basis of the principle of burden sharing.
- 70. - During the next phase a CO2-reduction target:
Further reduction in the year 2010 at 1990 level.
- 71. - An emission target for CH4 and N2O in highly industrialized countries (stabilization as a first step).
- 72. - Adopt a paragraph in the protocol that e.g. in 1995 an additional Protocol be negotiated on CO2 reduction targets.

Netherlands Compilation (Add. 1, p. 43, Annex 2)

Main elements for a protocol on forests

(Suggested by the Netherlands delegation)

73. Each country or group of countries should set in or before 1995 a target for the permanently absorbed amount of CO2 in forests and trees. This target should be reached by the year 2050 using a step by step approach, taking into account:

- a reference year (e.g. 1990),
- the overall CO2 target,
- other relevant measures concerning CO2 and the forestry situation and perspectives.

74. Each country should fix the amount of CO2 that is absorbed in forests in the reference year (1990). This should be accomplished within a certain time frame (e.g., by 1995).

75. The CO2-target concerning the absorption in forests should be "translated" into country targets in relation to the surface area and quality of the forests. These tasks should be accomplished by the year 2000.

76. In the interim, (until 2000) countries should aim at:

- the conservation of existing forests,
- the provision of afforestation when such conservation is not possible,
- the improvement of forest management in relation to CO2 absorption.

77. This will require:

- provisions (preferably through existing organizations and fora) on monitoring, verification and coordination,
- a monitoring system for the surface area and quality of forests,
- research on the absorption of CO₂ by various types of forests,
- financial resources for research and the facilitation of the implementation measures under (2) and (3) (see paragraphs 74 and 75 above).
- a financial mechanism to compensate for the incentives taken by countries which are particularly active (through grants or through tradeable CO₂ emission rights).

Norway (Add. 2, pp. 12-14)

Objectives, targets and commitments in a Climate Convention

Cost of measures to counter and adapt to climate change

78. The possible ecological, social and economic effects of climate change will depend on a number of factors and may be difficult to quantify. The mobility of ecosystems in response to movements of temperature zones, and the vulnerability of low lying and arid areas will be important for the ecological effects. The impacts on agriculture, forestry, fisheries and on the need for relocation of population, industry and infrastructure will have crucial socio-economic consequences.

79. It is reasonable to assume that minor changes in temperature will have moderate impacts and that total costs will grow increasingly higher as temperature change increases. So far, we have no detailed information on how total impact may depend on the change in temperature, partly due to the lack of reliable regional estimates.

80. There have been some efforts to estimate levels of temperature change beyond which the risks of severe damages might be expected to increase rapidly. On the basis of research done so far, the UNEP/WMO/ICSU Advisory group on Greenhouse gases has stated that a rate of mean global temperature rise of 0.1 degree/decade, and an absolute rise of between 1 and 2 degrees above preindustrial mean temperature, might be a significant level.

81. The social and economic consequences of various abatement measures, such as emission reduction and sink enhancement may vary greatly. Some of these are "no-regrets" measures. Due to economic or other environmental reasons, such measures are justifiable in their own right. Other measures entail social and economic costs. For small limitations in emission patterns, the costs might be modest. On the other hand OECD studies imply that global stabilisation of net emissions in the long run might entail costs amounting to 2-5% of world GDP. If emission targets grow more ambitious over time, costs are expected to escalate rapidly.

82. Countries will have to consider various measures to adapt to climate change. This could include reducing vulnerability to sea level rise by building dikes and dams, changes in land use and agricultural policies and relocation of industries and populations.

83. The costs of adaptation may vary greatly between countries. Given a gradual implementation, the costs of adaptation policies may be fairly modest. An OECD report on potential costs of adapting to sea level rise of one meter indicates total costs to be in the order of 0,1% of GNP within the OECD countries. For vulnerable regions adaptation costs may be very substantial. For some countries complete adaptation may not be possible. In the absence of effective adaptation measures the IPCC has estimated that some island countries and 10 - 15% of the area of certain countries with large river deltas may be flooded.

84. There remain a number of major uncertainties regarding the possible extent as well as the effects of climate change, including potential socioeconomic costs, and the costs of abatement and adaptation measures. The question of how to handle this uncertainty and the development of "insurance policies" based on the precautionary principle will be essential in the development of efficient climate policies.

85. At this stage, research to reduce uncertainty about the extent, as well as the socioeconomic costs of climate change and policy measures should be given high priority. In addition, a balanced mix of adaptation and abatement policies should be pursued. The level and strength of climate policy targets should fully reflect the current state of risks and uncertainties and their expected resolution over time. Climate targets should at all times be based on the best available knowledge regarding the balance between possible damages, abatement costs and adaptation costs, and be revised at regular intervals.

Objectives, targets and commitments

86. The long-term objective in the initial framework convention on climate change should be of a general, qualitative nature. It should be linked to the major determinants for climate change, as well as the need to develop international co-operation to respond effectively to this challenge.

87. To achieve these objectives, it must be recognized that climate change is a global challenge that requires global participation. An environmentally efficient and cost-effective climate regime therefore requires short-term emission targets set at the global level.

88. Commitments by countries to meet long term global objectives and short term targets should be based on the principle of equity and the common but differentiated responsibility of countries. Therefore, groups of countries at different levels of economic development should take on different emission control commitments.

89. The short-term commitment for OECD countries should be stabilization of greenhouse gas emissions, excluding the requirements under the Montreal Protocol, at 1989 levels by 2000. Groups of non-OECD countries could take on commitments that are consistent with their economic circumstances and development needs as well as the long-term objectives of the convention.

Norway (Add. 2, p. 20)

Mechanisms to allocate and implement objectives, targets and commitments

Conclusions

90. The negotiation of an effective climate agreement will be a lengthy process. The initial agreement should be process-oriented and thus have a structure that facilitates timely revision of current elements and inclusion of new elements.

91. The climate agreement should aim at universal participation. The special circumstances of certain countries should, to the largest degree possible, be handled as an integral part of the climate agreement.

92. The initial framework convention should initiate the process towards harmonization of greenhouse gas taxes and other appropriate mechanisms in the participating countries, for instance through a set of minimum tax levels. It should contain commitments to avoid unfair trade effects.

93. The allocation of initial net emission commitments between countries at different levels of economic development could be based primarily on equity grounds. This implies that the most developed countries take on the largest commitments. Initial targets for developing countries and countries with economies in transition should be of a kind consistent with their economic situation and development needs.

94. The allocation of initial commitments between countries at the same level of economic development should be based on both equity and cost-effectiveness. This implies that countries with high emissions, where the cost of emission reductions are comparatively low, take on the largest commitments.

95. Countries should have the option to achieve quantitative emission commitments alone or in co-operation with other countries. The framework convention should initiate the process towards the establishment of a clearing house system. This would facilitate transfer of financial resources to the developing countries and countries with economies in transition and contribute to a cost-effective allocation of net emission reductions on a global basis.

Republic of Korea (Add. 1, p. 51)

96. Taking into account the fact that the developed countries are responsible for a major part of emissions of greenhouse gases, actions aimed at stabilizing emissions of greenhouse gases should be initiated by the developed countries, and the difficulties of the developing countries in stabilizing their emissions of greenhouse gases should be fully considered, because their energy consumption will continue to increase in parallel with their economic growth.

Singapore (Add. 7, p. 6)

Specific commitments on emissions, sinks and counter measures

97. In the examination of remedial measures, special consideration should be given to countries which are not in a position to use substitutes for fossil fuel, or do not possess the flexibility to switch to non-fossil fuels such as hydroelectric, geothermal, nuclear and wind power, taking into account the prevailing state of technology and levels of attainable efficiency in fossil fuel usage.

Sweden (Add. 6, pp. 3-5)

98. The framework convention must in one or the other form contain commitments on limitation of emissions, in particular of CO₂. A practical approach to this issue has to integrate two principles:

- early action of a concrete nature in limited but important areas.
- a phased approach, enabling countries to take on more and more demanding commitments gradually.

99. For the purpose of such an approach, countries can be divided into categories with mechanisms for the transfer from one category to another when countries are able to take on more demanding commitments. We believe that a number of categories are needed, perhaps 5-6, to take into account different circumstances in different groups of countries (e.g. OECD-countries, countries with economies in transition, developing countries with a substantial industrial sector, other developing countries, countries in special conditions such as small island states ...).

Countries can be divided into categories according to appropriate criteria which would be decided by the Parties and included in the Agreement.

100. We are aware that a number of points, such as the definition criteria, should be further elaborated and would appreciate any comments from delegations.

101. This paper only deals with commitments on limitations of emissions, which does not exclude that other measures, such as those related to sinks, could also be incorporated in this kind of approach.

102. In the convention, such commitments in different categories might be expressed as follows:

103. For the purpose of the following paragraphs, the Parties are divided into categories ()-() according to the criteria set out in Annex ... (to be developed):

104. The Parties in all categories shall, in accordance with Chapter IX, Article ..., submit public national reports including an emission inventory and a national strategy to combat the greenhouse effect.

105. The parties in all categories shall use their best efforts in limiting emissions of greenhouse gases from, in particular, energy, transport, agriculture, industrial processes, landfills and from the extraction and transport of fossil fuels. They shall base their actions on best available technology and practices.

106. The Parties in category ()-() shall implement, inter alia, the following policy measures or similar measures with the same effect, not later than five years from the entry into force of this Agreement:

- (a) Mandatory fuel efficiency standards for fossil fueled motor vehicles. Such standards shall aim at reducing the average new vehicle's emission of CO₂ by the year (2000) compared to 1992 with at least 20% for passenger cars, 15% for light duty trucks and 10% for heavy duty vehicles. They shall as a minimum correspond to the values set out in Annex ... (to be developed).
- (b) Measures to encourage the introduction and widespread use of non-fossil fuels in the road transportation sector.
- (c) Mandatory energy efficiency standards for space heating boilers, electric and gas water heaters, stoves, cookers, refrigerators, freezers and air conditioning devices. Such standards shall as a minimum correspond to the values set out in Annex ... (to be developed).

107. Other Parties shall implement these measures not later than five years after entering category ()-().

108. The Parties in category ()-() shall also implement the following policy measures, or similar measures with the same effect, not later than five years from the entry into force of this Agreement:

- (a) Taxation of fossil fuels according to their carbon content. These taxes or other economic instruments with the same effect shall by the year (2000) as a minimum corresponding to \$xx per ton of CO₂ emitted. Bunker oils and aircraft fuels shall be included in this taxation.
- (b) Reduction of subsidies for the production and use of fossil fuels with a view to abolish such subsidies at the latest by the year (2000).

109. Other Parties shall implement these measures not later than five years after entering category ()-().

110. (Quantitative commitments on stabilization/reduction of CO₂ emissions by countries in certain categories could also be included in a phased approach, with mechanisms for phasing-in of new countries as they enter into these categories).

111. The Parties shall, not later than three years from the entry into force of this Agreement and in accordance with the procedures set out in Chapter X, report on their national implementation of the commitments in the preceeding paragraphs.

United Kingdom (Add. 1, pp. 85-86)

Specific obligations

112. All States should commit themselves to preparing, and submitting to the Secretariat, national targets or strategies which will limit emissions of greenhouse gases and protect and enhance sinks for greenhouse gases. These should describe:

- (a) current levels and sources of greenhouse gas emissions;
- (b) projected future levels of greenhouse gas emissions;
- (c) current forest areas;
- (d) estimated future forest areas;
- (e) the measures already in hand to control emissions of greenhouse gases and protect and enhance sinks and reservoirs;
- (f) potential and/or planned additional measures in these regards;
- (g) the likely impact that these measures will have on future levels of emissions of greenhouse gases and forest areas and other sinks and reservoirs, and their cost effectiveness.

113. Developed countries should undertake to provide such strategies to the secretariat one year after entry into force of this Convention for them. Developing countries should undertake to do so within two years. Developed countries should commit themselves to cooperating with developing countries on the preparation of such strategies through the provision of financial and technical assistance.

114. In formulating these strategies developed countries should agree to take as a guideline that stabilization of greenhouse gas emissions should be achieved by them as soon as possible. For CO₂, stabilization of emissions should be achieved by them as soon as possible, in general at present levels.

115. Developing countries should agree to take as a guideline that they will keep future net growth of greenhouse gas emissions to the lowest level possible, having due regard to their development requirements and their capabilities.

116. The more specific obligations which countries will enter into shall be elaborated in protocols to this Convention.

117. Parties will ensure that the measures they take, as described in their national strategies are consistent with the obligations of other relevant international instruments and do not serve to introduce trade barriers between Parties to this Convention.

118. To help developing countries to meet the incremental costs required to achieve further limitation of greenhouse gas emissions, and to help them meet their specific obligations under the Convention, developed countries agree to mobilize financial resources for developing countries through the Global Environment Facility of the World Bank/UNEP/UNDP and to take steps to improve the speed and diffusion to developing countries of environmentally sound technologies on a fair and most favourable basis (SWCC).

118. All States undertake to promote the protection and enhancement of sinks and reservoirs for greenhouse gases. In particular, States agree to set appropriate national forestation targets which take account of their different circumstances and comprise targets for the maintenance of existing forest area or re and afforestation.

119. Developed countries commit themselves to support the actions of developing countries to protect and enhance sinks and reservoirs through technical and financial co-operation.

United States of America (Add. 1, p. 94)

Assessment and consideration of response measures

120. Specific commitments for emissions reductions should not be included in the framework convention because of the need for flexibility in nations' choices of their own measures. Further, there is a real need for further analysis of the costs and benefits of international responses, at the same time that prudent steps may be taken by nations even in the face of great uncertainty. Accordingly, the framework convention should include an article on assessment and response measures that is modelled on Article 6 of the Montreal Protocol on Substances that Deplete the Ozone Layer and that requires the Parties to periodically assess the available scientific, technical, and economic information with respect to:

- (a) greenhouse gases and their precursors and their effects on climate;
- (b) the possible impact of such effects; and
- (c) possible response measures that could be taken at the national, regional, and/or international levels.

121. As part of this work, the parties should be required, as necessary, to update and to make public, using a standardized methodology developed in light of the work of the IPCC and other competent international bodies, national inventories of all sources and sinks of greenhouse gases and their precursors.

122. In light of this work, the Parties would be obligated:

- (a) to update national, regional, and international strategies and policies to limit, reduce, facilitate adaptation to, and as far as appropriate, to prevent the adverse impacts of climate change, in accordance with the provisions of the convention and any subsidiary instrument;
- (b) to update programs for research, systematic observation, information exchange and the development and transfer of technology and knowledge;
- (c) to consider and undertake any additional action that may be appropriate in light of the purposes of the convention.

123. In the assessment and consideration of response measures, and in particular, in the development of national, regional and international response strategies, the Parties should take into account the best available GWP. In addition, the Parties should consider, in consultation with the IPCC and other relevant international bodies, whether the GWP should be revised at some future date.

Vanuatu (Add. 3, pp. 25-27)

International and regional co-operation

General objectives

124. The Parties shall take all necessary measures in accordance with the terms of this Convention to ensure that human activities within their jurisdiction or control do not contribute to climate change.

125. This Convention shall in no way affect the right of parties to adopt measures which go beyond its terms.

General obligation of international co-operation

126. Undertaking to co-operate with (i) other parties and (ii) the relevant competent international institutions to ensure:

- effective implementation of the convention
- sharing information
- monitoring and observation
- research into relevant areas
- implementation.

Development of improved regional co-operation

127. Recognition that the impact of climate change will differ from region to region.

128. Development of regional response strategies promoting regional co-operation in relation to inter alia, research, monitoring and observation implementation.

...

National Inventories

129. The Parties agree to compile information on activities within their jurisdiction or control which affect, or are likely to affect climate, in accordance with (specified criteria).

130. This information must be submitted to (appropriate international body) within six months of the deposit of the instrument which ratifies this convention.

131. Annual Reports will be submitted to the (appropriate international body) thereafter.

132. Information contained within National Inventories may be disseminated in accordance with the terms of Article 10 (see Section II B).

Vanuatu (Add. 3, pp. 28-31)

National climate plans

133. The Parties shall draw up specific action plans on the basis of the information submitted pursuant to Article 12 (see paragraphs 129 to 132 above) to reduce the effect of human activities on climate with the objective of achieving the goals set out in this Convention.

134. Plans to cover (period) - to be submitted to (the appropriate international body) within (one year of ratification) and then annually.

Specific obligations

Greenhouse gases: general obligations

135. The Parties undertake to stabilize atmospheric concentrations of Greenhouse Gases at (specified level) by (date).

136. Action taken to control the effects of human activity on climate must not have any consequential effects which are damaging to the environment.

137. Immediate action shall be taken in accordance with the Annexes to this Convention. The Annexes do not preclude the negotiation of specific protocols dealing with the same topics. [Annexes to be decided upon].

Emissions

138. To achieve the objectives of this Convention, especially those stated in Article 15 (see paragraphs 135 to 137 above), the Parties agree to reduce anthropogenic emissions of Greenhouse Gases by taking immediate action in accordance with Annex 1.

Sinks/reservoirs

139. To achieve the objectives of this Convention, especially those stated in Article 15 (see paragraphs 135 to 137 above), the Parties agree to preserve protect and enhance Sinks of Greenhouse Gases taking immediate action in accordance with Annex 2.

140. Without prejudice to the development requirements of developing countries, action to be taken in relation to sinks will include appropriate commitments on the preservation of bio-diversity.

Measures to counter the consequences of climate change

141. Development of national coastal zone management plans to identify coastal areas at risk and deal with sea level rise in such a way that danger to populations is minimized and ecosystems are protected.

142. Development of emergency procedures and coastal zone response mechanisms to reduce vulnerability to coastal storms.

143. Development of a global ocean-observing network to monitor changes including coastal erosion and to disseminate data and information on sea level change and options in response.

144. Monitoring the current state of natural resources and resource use and management practices.

145. Undertaking studies and assessments of the resilience and adaptability of resources and their vulnerability to climate change, in order to formulate strategies for their preservation.

146. Development of technologies which, while consistent with the principles of sustainable development, increase productivity and efficiency of land and water use.

Energy efficiency and conservation

147. Parties to have obligations in respect of energy efficiency and conservation which are based upon their differentiated responsibility for climate change.

148. Duty to encourage energy efficiency and energy conservation; Minimum energy efficiency standards [and] targets to be set on the basis of differentiated responsibility.

Subsidies

149. Prohibition on subsidizing activities which contribute to climate change.

150. Elimination of subsidies and incentives for inefficient resource use.

151. Prohibition on the dumping of goods benefitting from subsidies which support activities adversely affecting climate.

Renewable energy resources

152. Parties shall develop and encourage use of renewable energy resources including wind, wave, biomass, solar and geothermal sources of energy.

153. Parties shall be entitled to provide fiscal and other incentives, including subsidies, for the development and use of renewable energy resources.

Yugoslavia (Add. 9, p. 5)

154. The obligation of States signatories to undertake, as a precaution on the basis of best available technologies, the following measures:

- to decrease GHG, in particular CO₂, by using the best available technology;
- to conserve and develop CO₂ sources and reservoirs;
- to develop strategies for climate change adaptation and for neutralizing negative effects.

155. The obligation of States, the developed countries in particular, to stabilize SO₂ emission in a given time frame and to draw out measures for decreasing the other GHG.

156. Measures for limiting emissions in certain sectors of the economy (power generating industry, industry, wood industry, agriculture...).

157. Together with the defining of obligations of States signatories there should be protocols on:

- GHG decrease;
- ways for securing and investing new and additional financial resources and technology transfer.

- B. Appropriate commitments on adequate and additional financial resources to enable developing countries to meet incremental costs required to fulfil the commitments referred to above and to facilitate the transfer of technology expeditiously on a fair and most favourable basis (Decision 1/1, paragraph 6 (b))

Austria/Switzerland (Add. 1, pp. 7 & 9)

Specific provisions.

1. Obligation to co-operate in the development of funding mechanisms, particularly through existing mechanisms, for the transfer of additional financial and technological resources for the above mentioned countries in order to assist them in preparing for anticipated climate change and in meeting the obligations under the convention and its related protocols.

2. Development and transfer of technology and technical assistance.

Protocols/Annexes

3. Protocols/Annexes on programmes for actions setting targets for the limitation and/or reduction of net greenhouse gas emissions, in particular CO₂, might cover the following issues:

Development and transfer of technology

China (Add. 4, p. 6)

Funding mechanism

4. The Parties shall establish, pursuant to paragraph 2 of Article 3 (see section I. A, paragraphs 8-9), a mechanism for the purposes of providing financial and technical co-operation, including the transfer of technologies, to the Parties that are developing countries.

5. The mechanism established under paragraph 1 (see paragraph 4 above) shall include a Multilateral Fund composed of adequate, additional and timely financial resources. Such a Multilateral Fund shall not exclude any other means or arrangements of multilateral, regional and bilateral co-operation.

6. The Parties shall agree at a meeting of the Conference of the Parties, through appropriate procedures, upon the specific measures to implement the obligations set out in paragraphs 1 and 2 of this Article (see paragraphs 4 and 5 above). Such measures shall be included, as appropriate, in the relevant protocols to the Convention.

Transfer of technology

7. The Parties shall take every practicable step to ensure that requisite environmentally-sound technologies are expeditiously transferred so as to meet the technological needs of the Parties that are developing countries in implementing the obligations set out in Article 3 above (see Section I. A, paragraphs 8-9).

8. The Parties shall have the obligations to ensure that the transfer referred to in paragraph 1 (see paragraph 7 above) be made to the Parties that are developing countries under fair and most favourable conditions.

9. The Parties shall agree at a meeting of the Conference of the Parties, through appropriate procedures, upon the specific measures to implement the obligations set out in paragraphs 1 and 2 of this Article (see paragraphs 7 and 8 above). Such measures shall be included, as appropriate, in the relevant protocols to the Convention

10. The Parties shall ensure the effective implementation of the provisions of this Article by adopting appropriate measures.

Germany (Add. 1, p. 22)

11. The developed countries shall declare their readiness to support developing countries in the participation of the present Convention whose own economic performance does not suffice to comply with obligations arising from this agreement and its protocols. They shall provide adequate and additional financial resources.

12. The Contracting Parties shall declare their readiness to cooperate in the development and transfer of knowledge and technology in line with their national legislation, regulations and practice.

13. The Contracting Parties shall regard the application of economic and fiscal instruments as appropriate. In this respect, the fullest use possible should be made of existing possibilities for achieving signaling effects.

India (Add. 3, p. 5)

14. Developed country Parties shall, as immediate measures:

(b) provide new and additional financial resources for developing country Parties for the objective described in paragraph 4 (see paragraph 53) below and for them to adapt to and mitigate the adverse effects of climate change and for this purpose to establish a Climate Fund; (c) provide assured access to appropriate, environmentally sound technology on preferential and non-commercial terms, to developing countries; and (d) to support developing countries in their efforts to create and develop their endogenous capacities in scientific and technological research and development directed at combating climate change.

India (Add. 3, pp. 6-8)

Co-operation in legal, technical and scientific fields.

14bis. The Parties shall cooperate, consistent with their national laws, regulations and practices and taking into account the particular needs of developing countries, in promoting directly or through competent

intergovernmental bodies, the development and transfer of technology and knowledge relevant to scientific and technical research. Such cooperation shall be carried out particularly through:

- (a) Facilitation of the acquisition of environmentally sound technologies by other Parties;
- (b) Provision of information on environmentally sound technologies and equipment, including supply of special manuals or guides, to other Parties;
- (c) The supply of necessary equipment and facilities for research and systematic observations; and
- (d) Appropriate training of scientific, technical and managerial personnel.

Climate Fund

15. The Parties shall establish a Climate Fund. The Climate Fund shall meet on a grant basis, and according to criteria to be decided upon by the Parties, the costs for developing countries Parties to adapt to and mitigate the adverse effects of climate change and for meeting the objective described in paragraph 4 (see paragraph 53) of article 2 of this Convention. The secretarial services and related support costs of the Climate Fund shall be a charge on the Climate Fund.

16. The Climate Fund shall operate under the authority of the Parties who shall decide on its overall policies.

17. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of financial resources, for the purpose of achieving the objectives of the Climate Fund. The Executive Committee shall discharge its tasks and responsibilities, to be specified in its terms of reference as agreed by the Parties at their first meeting, with the cooperation and assistance of the United Nations Environment Programme. The members of the Executive Committee shall be selected on the basis of an equitable representation of developed countries Parties and of developing countries Parties.

18. The Climate Fund shall be financed by contributions from developed countries Parties in convertible currency or, in exceptional circumstances, in national currency.

19. The Parties shall decide upon the programme budget of the Climate Fund for each fiscal period.

20. Resources under the Climate Fund shall be disbursed only to developing countries Parties.

21. Decisions by the Parties under this article shall be taken by consensus as far as possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two thirds majority vote of the Parties present and voting, representing a majority of the developed countries Parties and of the developing countries Parties, present and voting.

22. This article is without prejudice to any future arrangements as regards funding that may be developed with respect to Protocols under this Convention.

Transfer of technology

23. Parties shall take every practicable step, consistent with the programmes supported by the Climate Fund, to ensure that:

- (a) Environmentally sound technologies are expeditiously transferred to developing countries Parties; and
- (b) The transfers referred to in subparagraph(a) above occur under preferential and non-commercial terms.

Kenya (Add. 8, pp. 3-4)

24. A financial mechanism be established and be administered by members-party to the framework convention and not through other existing mechanisms or institutions;

25. The transfer of environmentally safe technology be guaranteed and provided on a preferential and non-commercial basis. Furthermore, negotiations and commitments on finance and technology should not under any circumstances be separated from those on other commitments;

Malaysia/Malta (Add. 1, p. 24)

Annexes

26. There could be two annexes establishing appropriate commitments in the following area(s):

...
Transfer of technology and the financing of the needs of developing countries in particular the needs of specially affected island states.

Netherlands Compilation (Add. 1, pp. 44-45, Annex 3)

Financial aspects to be considered in the context of a climate convention and related legal instruments (annexes, protocol, etc.)

27. Elements to be considered:
Finance and assign clearing house functions to:

- (a) Assist recipient countries through country-specific studies and other technical co-operation, to identify their needs in relation to climate change. (in case differentiation of obligations under the convention is envisaged, some non-developing countries might also be considered as recipient countries);

- (b) Facilitate technical co-operation to meet these identified needs;
 - (c) Strengthen institutions, develop human resources, distribute information and undertake related activities for the benefit of recipient countries.
28. Funds should become available through relevant channels for the purpose of:
- (a) Promoting efficient use of energy, development of lower and non-greenhouse gas emitting energy technologies and paying special attention to safe and clean new and renewable sources of energy;
 - (b) Arranging expeditious transfer of the best available environmentally sound technology on a fair and most favourable basis to recipient countries and promoting rapid development of such technology in these countries;
 - (c) Sustainable forest management practices and agricultural techniques which reduce greenhouse gas emissions;
 - (d) Limiting and reducing greenhouse gas emission for agricultural activities;
 - (e) Enhancing atmospheric, oceanic and terrestrial observation networks, particularly in recipient countries, to facilitate conducting research, monitoring and assessment of climate change and the impact on those countries;
 - (f) Coping with negative impacts due to sea level rise resulting from climate change caused by man made activities;
 - (g) Enhancing the capacity of recipient countries to develop programs to address climate change, including research and development activities and public awareness and education;
 - (h) Co-operation with recipient countries to enable their full participation in international meetings on climate change.
29. Financing of secretarial services and related support costs.
30. Mechanisms/channels for disbursement of funds:
- (a) Directly related to the execution of functions under the Convention;
 - (b) To be made available directly or indirectly for the purpose of implementing the objectives mentioned under 1 and 2 (see paragraphs 27 and 28 above).
31. Role of relations to executing international organizations, agencies, programmes and banks, and regional banks.

Netherlands Compilation (Add. 1, p. 32)

Promotion of the development and transfer of environmentally sound technologies and technical as well as financial assistance

32. Arranging expeditious transfer of the best available environmentally sound technology on a fair and most favourable basis to recipient countries and promoting rapid development of such technology in these countries

Norway (Add. 2, p. 19)

Clearing house system

33. An exchange system can be constructed at various levels of sophistication. One option could be a "bubble" system, based on a bilateral agreement between two countries or a regional agreement between several countries to pool the implementation of their commitments. The most elaborate option could be a system of emission permits that can be traded freely on a world market.

34. An intermediate variety could be a clearing house system. In our opinion, the establishment of a clearing house system seems to be the most promising option for further exploration and implementation in the initial framework convention. The agreement should also provide for research into further development and refinement of trading schemes, to be implemented as appropriate and with due consideration to the need for more elaborate compliance mechanisms. However, these more sophisticated trading schemes are probably not viable for implementation in the initial framework convention.

35. A clearing house could appraise and select projects for reducing emissions, according to their cost-effectiveness and coordinate the funding of these projects. The net reduction in emissions resulting from any specific project should be credited to the country that contributes to the funding of this project and deducted from its national commitment. A clearing house would have a large portfolio of potential projects, thereby facilitating a more efficient matching of projects and funds than a system of bilateral exchanges.

36. Even if one should not manage to agree on specific country commitments in the initial framework convention, a clearing house system might be of great value. Countries with self-declared commitments, or even without specific commitments, would still have the option to finance emission reductions in other countries as an alternative to more expensive reductions in their own countries.

37. In a clearing house mechanism, the transfer of financial resources between countries is integrated in the system. It seems probable that the flow of funds to a large extent will be from the industrialized countries to the developing countries and the countries in transition. This could be supplemented with other financial mechanisms. The clearing house mechanism should function in close cooperation with any such funding mechanisms. Eventually, these mechanisms should be integrated as much as possible. The Global Environmental Facility, which recently was established by the World Bank, UNEP and UNDP, gives a practical demonstration of how a financial mechanism could be organized.

Norway (Add. 2, pp. 21-23)

Financial Transfer Mechanisms/Special Situation of Developing Countries/Countries with an Abnormal Burden

38. Developing countries have as their main priority alleviating poverty and achieving social and economic development. Their emissions will have to be allowed to grow, reflecting their present low energy consumption, in order to accommodate their development needs. Growth in emissions will be allowed to continue until an understanding/agreement to the contrary is reached. However, developing countries should be encouraged on their own accord to accede to developed country status as regards obligations.

39. Developing countries' obligations could, inter alia, consist of ensuring that energy efficiency is improved in an agreed period by reducing the tons of carbon emitted per GNP by a given percent (to be agreed upon).

Financial Mechanism

40. A mechanism will have to be established for the purposes of providing financial and technical cooperation, including the transfer of technologies, to developing countries (DC) or countries with an abnormal burden (AB), to enable their compliance with energy efficiency obligations or self-imposed emission control measures. Transfers should meet all agreed incremental costs in order to enable compliance with obligations, thereby guaranteeing that productive investments are not undercut. Thus, investments in the protection of the global atmosphere that otherwise would not be undertaken due to an insufficient national rate of return, will be secured. Contributions to the mechanism will be separate from and additional to other financial transfers to recipient countries, including development assistance. As an example of such an approach, Norway has established a new budget item for global climate funding, additional to and separate from the development assistance budget. The Norwegian 1991 contribution to the IBRD/UNEP/UNDP Global Environment Facility comes from these funds and thus represents genuine additionality.

The Financial Mechanism established will include a Multilateral Fund:

- (a) To meet, on a grant or concessional basis, agreed incremental costs;
- (b) to assist Parties (DC and AB) through country studies to identify their need for cooperation;
- (c) to facilitate technical cooperation to meet identified needs;
- (d) to facilitate other multilateral cooperation to meet needs for capital investments in energy efficiency, low or non-greenhouse gas agricultural, forestry, industrial, transportation or infra-structural activities;
- (e) to facilitate operations favourable to the global environment that would not go forward without a special extra assistance to provide an acceptable return in relation to a given country's benefit.;

- (f) to facilitate investment by one country in another country that could either be a developing country or a country with abnormal burden, based on provisions in the agreement to achieve the most cost-effective solutions to counteract climate change or meet obligated control measures. Such investments should be credited the investor country proportional to the net GHG emission limitations obtained.

41. The Multilateral Fund will operate under the authority of the Parties to the Climate Convention. They will also decide on its overall policies.

42. The Parties may establish an Executive Committee to develop and monitor the implementation of operational policies in cooperation with the IBRD/UNDP/UNEP "GEF" which may administer the Multilateral Fund.

43. An alternative would be to use the "GEF" as the Financial Mechanism. In that case, no Executive Committee needs to be established between the Parties and the Financial Mechanism/GEF. In order for this to take place, the GEF decision making structure needs to evolve in a fashion conducive to policy control by the Parties, and real influence by the developing countries not hitherto a part of the Bretton Woods structure. One option would be for the GEF to become a separate branch of the World Bank, such as the IFC, MIGA, etc.

44. The Financial Mechanism is to initially receive direct budgetary contributions from industrial countries on the basis of burden-sharing (e.g. relative GHG emission in a given year). However, as regards (a) to (e) above, the mechanism could progressively become an integral part of the very operation of the climate regime. In a system based on emission permits which would be freely tradable on the world market, arrangements for transfer of financial resources between countries are integrated in the system. It seems probable that the flow of funds to a large extent would be from the industrialized countries to the developing countries and countries in transition. This system could be supplemented by other financial mechanisms in order to secure adequate flows of funds for these countries. Eventually, these mechanisms should be integrated as much as possible.

45. The Financial Mechanism could as regards (f) above operate as a clearing house or broker. These latter functions can also be expanded to concern trades in GHG emission rights between countries to fulfill obligations in a market-based, cost-effective fashion.

46. A first priority as regards a financing mechanism must be the undertaking of country studies, on a comparable basis, in order to clarify the costs and the distributional effects of a climate strategy based on the concept of incremental costs. See further Norwegian non-paper on this subject.

47. The above in no way suggests that all activities in developing countries need concessional financing in order to have a beneficial effect on climate change. A wide spectrum of investments, e.g. in the energy, forestry/agricultural and industrial field, are of a no-regrets nature and make sense both from an environmental and economic point of view and could thus be financed on non-concessional terms, be it on an equity or credit basis.

48. In the negotiating process, both sub-groups under the Negotiating Committee will have a role to play vis-a-vis the Financial Mechanism. Group I might have the role initially to oversee country studies, what activities are to be financed, financing needs, defining/agreeing on incremental costs and clarifying additionality in terms of commitments by industrial countries.

49. At a later stage, the institutional issues will come to the forefront through Group II: How are agreed commitments/obligations to be implemented, which existing agencies can deliver the goods, what changes are needed in existing institutional arrangements, which new institutions are needed, and their relation to the Convention, the UN and the Bretton Woods system. (See also Norwegian Non-paper country studies (A/AC.237/Misc.1/Add. 2, p 31).

Norway (Add. 2, pp. 25-26)

Technology transfer related to the climate convention.

50. Technology transfer related to the climate convention should be within the following areas:

- (a) Establishment and improvement of monitoring systems;
- (b) Capabilities to assess alternative solutions;
- (c) Technologies to stabilize and mitigate greenhouse gases (many sectors);
- (d) Technologies to adapt to climate change: improved coastal management and improved and robust agricultural technologies, including forestry;
- (e) Energy sector: investment in human and institutional capabilities, for upgrading and more efficient use of existing investments in developing countries;
- (f) Co-development, technological development cooperation where funds should enable suppliers and public sector utilities to take part in international development projects on new and more efficient technology.

Towards a technology transfer mechanism

51. Steps towards a technology transfer mechanism [must comprise]:

- (a) An analysis of the needs of the developing countries and the Eastern European countries;
- (b) an overview of present obstacles to technology transfer;
- (c) overview of present organizations and systems dealing with technology transfer today, and the experience from these projects;
- (d) a study on how to treat technology transfer in view of existing and coming international environmental agreements.

Republic of Korea (Add. 1, p. 52)

52. Developed countries should undertake measures to provide developing countries with financial resources and environmentally sound technologies in order that developing countries may sooner stabilize GHG emissions.

United Kingdom Compilation (Add. 1, p. 59)

See Section I. A, paragraph 13 (e)

United Kingdom Compilation (Add. 1, p. 62)

Co-operation

53. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account the level of their development in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge relevant to scientific and technical research. Such cooperation shall be carried out particularly through:

- (a) The supply of necessary equipment and facilities for research and systematic observations, and
- (b) Appropriate training of scientific and technical personnel.

United Kingdom (Add. 1, p. 86)

See Section I. A, p. 21, paragraph 118

United States of America (Add. 1, p. 95)

Development and Transfer of Technology

54. Article 4(2) of the UK draft convention addresses the development and transfer of technology and is generally acceptable. It provides that the Parties, consistent with their national laws, regulations and practices, shall cooperate in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge relevant to scientific and technical research. The UK draft provides for such cooperation through the supply of necessary equipment and facilities for research and monitoring and through appropriate training of scientific and technical personnel.

"See United States submission under I. A (pp. 22-23, paragraphs 120-123).

55. The mechanisms related to financial resources and transfer of technology should be developed in light of United States' submission listed in paragraph 54 above.

[The above is new text received from submitting Delegation.]

Vanuatu (Add. 3, p. 30)

Financial resources and funding mechanisms.

56. Funding will be on the basis of new, additional and adequate financial resources which will not have any effect on existing multilateral or bilateral financial assistance arrangements.

57. Establishment of an International Climate Fund in accordance with Annex 3.

58. Financial assistance for developing countries to enable them to adapt their development strategies to integrate consideration of the effect of those activities on climate.

59. Fund to compensate developing countries (i) in situations where selecting the least climate sensitive development option involves incurring additional expense, and (ii) where insurance is not available for damage resulting from climate change.

Transfer of technology.

60. The parties are under a duty to make available to [an appropriate international body]: (i) any technology or technique that would assist the parties in carrying out their obligations under this convention which they are capable of obtaining or is in the public domain in the area under their jurisdiction or control (ii) the results of research into technology under Article 8 (see Section II. B).

61. All parties shall have equal access to the information and techniques held by the international body.

62. Transfers of technology from industrialized to developing countries must be on fair and most favourable terms.

C. Commitments addressing the special situation of developing countries, taking into account their development needs, including, inter alia, the problems of small island developing countries, low-lying coastal areas and areas threatened by erosion, flooding, desertification and high urban atmospheric pollution: also taking into account the problems of economies in transition (Decision 1/1, paragraph 6 (c))

Austria/Switzerland (Add. 1, p. 7)

Specific provisions

1. Transitional provisions and specific criteria for developing countries and for countries whose economy are in transition.

Germany (Add. 1, pp. 18-19)

2. Countries which until now have had a relatively low energy consumption and thus low emissions, but which will continue to grow because of their economic and social situation can set appropriate objectives and strategies for their development. They ought, however, to play their part in limiting the increase of emissions by accepting the obligation to strive for more efficient energy use in their economic activity and thus for a limitation of emissions.

Japan (Add. 7, p. 5)

3. Consideration for Developing Countries: [in Pledge and Review process]
 1. Developing countries will be entitled to delay its pledge by one year.
 2. Developing countries may request assistance for their country studies.
 3. The need for external financing in reviewing pledges made by developing countries.

Norway (Add. 2)

4. (see Norway A/AC.237/Misc.1/Add. 2, p. 21, Chapter on Financial transfer mechanisms/special situation of developing countries/countries with an abnormal burden)

Republic of Korea (Add. 1, pp. 51-52)

5. The classification of countries simply as either developed or developing can overlook the unique situation of countries that are in various stages of development. In this regard, newly industrialized countries which have continued to expand greatly their energy consumption to achieve industrialization should be given special consideration as should Eastern European countries whose economies are in transition.
6. To this end it will be necessary for all developing countries to pursue stabilization of GHG emissions within differentiated time-frames according to their economic and technical capacities.
7. To ensure the full participation of developing countries without hindering their national development, a grace period for developing countries will be needed for stabilizing GHG emissions.

United States of America (Add. 1, p. 94)

See United States submission under I. A, pp. 21-22, paragraphs 125-126: Assessment and consideration of response measures.

Vanuatu (Add. 3, p. 25 and Corr.1))

Special needs of certain categories of countries, regions and areas

8. Small island developing countries - low-lying coastal areas - arid and semi-arid areas - tropical regions liable to flooding - areas liable to drought and desertification.
9. Entitlement to participate in the work of the Committees established to implement the Convention thus ensuring representation of the special needs.
10. Financial assistance for adaptation strategies.
11. Financial and technical assistance for monitoring, observation and scientific research.
12. Consideration of specific, localized problems including coral bleaching (and related damage to near-shore marine systems and harvestable resources), increasing hurricane intensity, hydrology and storm surges.

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Second session
Geneva, 19-28 June 1991
Agenda item 2

COMPILATION OF POSSIBLE ELEMENTS
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
SUBMITTED BY DELEGATIONS,
CONTAINED IN DOCUMENT A/AC.237/MISC.1, ADDENDA 1 - 9

Note by the secretariat

Addendum 2

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II. Texts related to "Mechanisms"

- A. Texts related to "Legal and institutional mechanisms, including, inter alia, entry into force, withdrawal, compliance and assessment and review" (Decision 1/1, paragraph 7 (a));

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[Note: Sub-items (c) to (s) are typical legal or institutional headings derived from the various submissions by delegations. They are used here solely for the purpose of organizing texts.]

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Explanatory Notes

1. Some submissions contain identical texts relating to certain final provisions. In these cases, the text is reproduced once and the submitting delegations are listed alphabetically. (These delegations have been consulted).
2. In some cases, material has been placed in the compilation according to indications given by the submitting delegation.
3. All elements relating to financial resources and transfer of technology are reproduced in Section II.C, which is thus identical to Section I.B of the compilation.
4. In cases where texts appear relevant to more than one section or sub-section, the texts are quoted in one and cross-referenced in the other(s).
5. References to paragraph numbers within texts are to the numbers in the original submissions.

II. TEXTS RELATED TO "MECHANISMS"

- A. TEXTS RELATED TO "LEGAL AND INSTITUTIONAL MECHANISMS, INCLUDING, INTER ALIA, ENTRY INTO FORCE, WITHDRAWAL, COMPLIANCE AND ASSESSMENT AND REVIEW" (DECISION 1/1, PARAGRAPH 7 (a)):

II.A.(a) ASSESSMENT AND REVIEW

Austria and Switzerland (Add.1, pp.8-9, paras.8-8.4)

Institutional Aspects: Conference of the Parties,
Executive Committee, Secretariat and Review Panels

1. (a) Continuous review of implementation and compliance with the goals and obligations of the Convention and its related protocols.
- (b) Periodic review of available scientific, environmental, technical and economic information with respect to climate and climate change.
- (c) Definition and revision of the long term global objective and targets.
- (d) Promotion of coordination or harmonization of policies, strategies and measures for controlling and preventing activities which cause adverse effects of climate change.

(The above text also applies to II.A.(b): Compliance)

China (Add. 4, Article 6, pp.6-7)

Further Research and Assessment

2. The Parties shall initiate, directly or through competent international bodies, further research and scientific assessment on:
 - (a) Scientific knowledge regarding climate change;
 - (b) Environmental and socio-economic impacts resulting or likely to result from climate change;
 - (c) Optional response strategies and measures, including their costs and benefits and environmental, social and economic consequences;
 - (d) Other matters deemed by the Parties as necessary for further research and assessment.
3. The Parties shall co-operate, directly or through competent international bodies, in ensuring the collection, validation and transmission of research and observational data through appropriate world data centres in a regular and timely fashion.

France Addendum (Add. 2, pp. 5-7)

National Strategies for the Prevention of the Greenhouse Effect

4. The Parties shall, within () years from the date the Convention enters into force, draw up national strategies to combat the greenhouse effect, taking into consideration all emissions and all sinks of greenhouse gases and precursors, and setting out emission limitation measures designed to fulfil the objectives of the Convention; each strategy may include a section on adaptation measures. The strategy shall be the subject of a public national report.

5. Parties whose contribution to the anthropogenic greenhouse effect is considered to be lower than [] shall be required to prepare such a report only () years after the Convention enters into force, or when their emissions estimated in accordance with article () exceed (x) tons of carbon equivalent per capita.

6. Each national strategy shall subsequently be revised every () years. Each revision shall follow the same procedure as for the initial report.

7. At the midway stage, or every () years, each Party shall prepare a brief progress report containing an account of the implementation of the strategy adopted.

8. In the light of the inventory of emissions and sinks known for each gas, each strategy shall include:

- a cost/benefit statement of measures taken to limit the contribution to the greenhouse effect, as well as an evaluation of their impacts in economic terms and in terms of environmental protection;
- an examination of energy policy from the viewpoint of prevention of the greenhouse effect;
- a description of means of implementing these measures (economic, fiscal and regulatory instruments);
- an evaluation of results obtained in the recent period and those expected for the coming period, as measured against the objectives of the Convention.

9. The public report shall be organized in such a way as to contain at least the information listed in the annex.

10. Each Party shall send the report to the secretariat, which shall forward it to the Scientific Committee.

11. The secretariat shall assist the Scientific Committee with the analysis of the report. It may request the Party concerned to communicate to it any additional document, information or explanation that appears necessary to evaluate the content of the report. (Provisions of this type are predicated on the availability to the secretariat of ample resources and capabilities to discharge this ongoing function).

12. The Scientific Committee shall, within a period of () months, furnish its opinion on the relevance and effectiveness of the measures selected in the light of the objectives of the Convention, and also on the technical and economic options selected under this strategy.

13. It may address directly to the Party concerned recommendations for the strengthening of the national strategy, which shall be communicated to all the contracting Parties.

14. The Executive Council shall present to each meeting of the Conference of the Parties a consolidated report on activities in this area (and results obtained). It may propose resolutions designed to foster the application of these provisions.

15. (This paragraph [15] might appear in a common provision in each of the various annexes of the same type.)

The annex referred to in item 6 may be revised at the suggestion of the Scientific Committee, the secretariat or a contracting Party.

Amendments shall be adopted by consensus; when all efforts to that end have been exhausted, an amendment may be adopted by a three-quarters majority of the contracting Parties. It shall enter into force for all the contracting Parties () months after its adoption, except where a Party makes a declaration, notified to the secretariat before the time limit expires, that it cannot accept the amendment, or requires an additional period in order to accept.

Two amendments agreed by majority vote may not be introduced less than () years apart.

ANNEX

This annex might elaborate upon the following points, as far as presentation is concerned:

- The national inventory
- Economic options, measures selected and measures studied but not selected
- Energy policy
- For each measure, analysis of the risks that reductions will be offset by other emissions
- Quantifies evaluation of past and expected results.

National Measures for Adaptation to the Greenhouse Effect

16. Parties which so wish shall draw up a national report on adaptation measures which shall be subject to the same review procedure as national prevention strategies.

17. Any Party having experience or special knowledge as regards adaptation to the greenhouse effect shall report on it regularly to the secretariat, which shall facilitate the dissemination of such knowledge and techniques to all interested Parties.

18. Parties deciding to develop a national adaptation programme in keeping with paragraph 1 may request assistance from the secretariat or another Party in the formulation of such a programme.

Germany (Add.1, p.23, para.15)

19. Annual reporting by the Contracting Parties on the progress made in fulfilling the obligations provided by the Convention and protocols.

Japan (Add.7, pp.3-4)

Review

20. A review will be conducted periodically for each country/regional group by a team of experts from different countries/regional groups and the report will be submitted to the permanent review committee.

Note: Each country/regional group will submit an interim progress report during the interval.

- (1) The review team will send questionnaires and carry out on-site surveys.
- (2) Based on answers to questionnaires, on-site surveys and consultations with the government, the review team will draft a report, including evaluations of the current state of the implementation and appropriateness of the pledge.
- (3) The results of the review, i.e. the report, will be made public through appropriate procedures by the review committee and the Conference of the Contracting Parties. (By making public the report, it is hoped that international opinion will encourage positive action by participating countries.)
- (4) The report may include recommendations on the measures to be taken by the country/regional group. In the case of a developing country/regional group, it may include recommendations to the international community for assistance.
- (5) Necessary institutional and procedural matters, etc., for the implementation of the review should be spelled out in the Convention or an annex of the Convention.
- (6) Guidelines for the review will be established by the Conference of the Contracting Parties or the review committee.

Japan (Add.7, p.5)

Considerations for Developing Countries
[in Pledge and Review process]

21. Developing countries will be entitled to delay its pledge by 1 year.
22. Developing countries may request assistance for their country studies.
23. The need for external financing and technology transfer should be adequately considered in reviewing pledges made by developing countries

[The above text is also relevant to Section I.C]

New Zealand (Add.5, Article 9(A), pp.5-7)

Monitoring, Assessment and Review

24. The Assessment Committee is hereby established.
25. The membership of the Assessment Committee shall consist of 15 Parties, elected by ballot of the Parties with due regard to the principle of equitable geographical representation. Each member shall be elected for an initial term of four years, and may seek re-election. All other Parties and signatories may participate as observers in the work of the Assessment Committee. Each participating Party and signatory shall be represented by a person or persons having appropriate scientific, environmental, economic, technical, legal or other expertise relevant to the purposes of this Convention, one of whom shall be designated as its representative.
26. Unless the Conference of the Parties decides otherwise, the Assessment Committee 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 otherwise decide, the Assessment Committee shall meet at least annually. The first meeting of the Assessment Committee shall be convened by the Executive Director of the United Nations Environment Programme. The Assessment Committee shall elect from among its members a chair and a vice chair, each to serve (subject to re-election) for a term of one year.
27. The Assessment Committee shall by consensus agree upon and adopt its rules of procedure. The rules of procedure and any amendments thereto shall be subject to approval by the Conference of the Parties.
28. The functions of the Assessment Committee shall be to provide advice and assessments to the Conference of the Parties on all scientific, environmental, economic, technical and other aspects relevant to the purposes of this Convention. In addition, the Assessment Committee may:

- (a) review the extent and nature of the research and scientific assessment being conducted by the Parties in accordance under Chapter VIII of this Convention and make recommendations thereon to the Conference of the Parties;
- (b) review the extent and nature of the cooperation between Parties to facilitate and encourage the exchange of scientific, technical, socio-economic, commercial and legal information and to establish programmes for systematic observation under Chapter VIII of this Convention and make recommendations thereon to the Conference of the Parties;
- (c) review research or assessments of relevance to the purposes of this Convention being conducted by non-parties and by other bodies or agencies, whether national or international, governmental or non-governmental and report thereon as necessary to the Conference of the Parties;
- (d) receive reports from the Parties under Chapter III of this Convention on measures adopted by them in implementation of this Convention and forward these to the Conference of the Parties with any comments or recommendations thereon as may be appropriate;
- (e) seek, as appropriate, the services of competent international bodies and scientific committees in scientific research, systematic observations and other activities pertinent to the objectives of this Convention;
- (f) establish such subsidiary ad hoc bodies as it may deem necessary to assist it in the performance of its functions.

29. Reports of the Assessment Committee to the Conference of the Parties covering the matters provided for in paragraph 5 above and any other matters considered by the Assessment Committee at its meetings shall reflect the conclusions reached and all the views expressed by the members and its observers.

(This text is also related to II.B(c): Monitoring).

United States of America

30. Institutional considerations should include consideration of the mechanisms for implementation of the assessment and review procedures as described in section of United States' submission entitled "Assessment and consideration of response measures" (see A/AC.237/Misc.1/Add.1, p.94).

[The above is new text received from the submitting Delegation].

II.A.(b) COMPLIANCE

Australia (Add.1, pp.3-5)

Possible compliance mechanism for inclusion in a framework Convention on climate change

1. An international response to climate will not be effective unless the necessary measures are implemented globally. Therefore any Climate Change Convention and Protocols will need to contain sufficient incentive for countries to become a party to the Convention and thereafter to comply with the obligations under the Convention. These incentives and obligations should be integrated with a mechanism, the primary goal of which would be the early identification of problems or potential problems and the development of procedures for the State concerned either to eliminate the problem itself or be assisted in doing so.

2. Australia is of the view that such an implementation or compliance mechanism is essential to the success of the Convention and Protocols in combating climate change. The mechanism need not be overly adversarial or judicial in nature particularly if coupled with more positive inducements which might flow to a country which gives effect to the Convention.

3. The scale of the task of identifying problems in implementation of the Convention is large. The real difficulty is to devise a suitable mechanism which deals not only with the more obvious problems but also with those which might arise from minor but incremental activities. Obviously a supra-national mechanism capable of monitoring activities of this nature would, by itself, be prohibitively expensive and administratively impracticable. This means that substantial reliance will have to be placed on national institutions. Therefore one of the major functions of a compliance mechanism under the Convention will be to ensure that national mechanisms are themselves adequate to monitor implementation of internationally agreed standards locally.

4. ...These State bodies would report periodically and directly to an Implementation Committee established under the Convention. ...It would also be able to consider information obtained from other sources such as intergovernmental and NGOs. It would not have any power to issue binding directives but would report its assessments and findings to the meetings of the States Parties to the Convention.

Possible Draft Article for a Compliance Mechanism in a Climate Change Convention

5. Each State Party shall nominate a body within the State Party which shall be responsible for monitoring compliance with this Convention and its Protocols.

6. An International Implementation Committee shall be established. It shall consist of () experts on technical matters related to climate change who shall be elected in a personal capacity. The Committee shall be serviced by a secretariat.

7. The State Party monitoring body shall:

- (i) monitor compliance with this Convention and the Protocols to which it is also a Party, within the territory of that State Party;
- (ii) periodically report directly to the International Implementation Committee on:
 - measures (both legal and administrative) taken by the State Party to implement the Convention and its Protocols;
 - the adequacy of, and adherence to, those measures; and
 - problems encountered in the implementation of the Convention and Protocols; and
- (iii) - assist the Implementation Committee in carrying out its functions, including by supplying any relevant information requested and by facilitating visits by International Implementation Committee missions as provided for in sub-paragraph d (vi).

8. The International Implementation Committee shall be responsible for investigating and reporting on implementation of the Convention and Protocols by all States Parties, and for drawing the attention of a State Party to any discrepancy between its obligations under the Convention (and any Protocol to this Convention to which it is Party) and its laws and practices. In carrying out these functions the International Implementation Committee shall:

(i) examine and assess the periodic and other reports submitted by State Party monitoring bodies;

(ii) investigate complaints relating to implementation by a State Party received from any other Party;

(iii) consider information from other sources including intergovernmental organizations;

(iv) request the Party which is the object of the complaint to respond to the complaints made under sub-paragraph (ii) above;

(v) request further information or clarification on responses received under sub-paragraph (iv) above, on reports submitted by State Party monitoring bodies or by States Parties themselves, and in relation to information provided to the Committee by the sources referred to in sub-paragraph (iii) above;

(vi) with the consent of the Party concerned, send a visiting mission if, after receiving the information or clarification referred to in sub-paragraphs (iv) and (v) above, the Committee is of the view that enquiries in the territory of the Party concerned are necessary;

(vii) report its assessments and findings to the State Party concerned, drawing its attention to any discrepancy between that State's obligations under the Convention and Protocols and its laws and practices; and

(viii) report its assessments and findings including the information and observations provided by States Parties, to the next ordinary meeting of States Parties for their consideration and further action, including assistance to the State Party concerned, as appropriate.

9. (e) The foregoing shall be without prejudice to arrangements which may exist between States Parties for the settlement of disputes arising out of this Convention and its Protocols, including possible recourse to the International Court of Justice.

(The above text is also related to Section II.B.(c): Monitoring)

Austria and Switzerland

(Text found in Section II.A.(a) also applies to Compliance.)

Germany (Add.1, p.21, para.7
and p. 23, para.16)

10. The Contracting Parties shall use means and instruments of their choice to implement measures to comply with their obligations in line with this Convention and its protocols;

... compliance with the agreement.

Kenya (Add. 8, p.4)

11. Effective mechanisms for compliance and the settlement of disputes be considered; ...

Netherlands Addendum
(Add.1, p. 48, para.3.3.2)

Compliance enforcement

12. At this point it will have to be considered if the principal task of compliance enforcement should be assigned to:

- (a) The Executive Committee
- (b) A special International Implementation Committee
- (c) The Conference of the Parties
- (d) A combination of the above-mentioned bodies

New Zealand (Add.5, Article 10 B, pp.8-11)

International Implementation Committee

13. The International Implementation Committee is hereby established.

14. The International Implementation Committee shall have 15 members, who shall be experts who are nationals of Parties to this Convention but who shall otherwise be elected in their personal capacity by ballot of the Parties, with due regard to the principle of equitable geographical distribution. Each member shall be elected for an initial term of four years, and may seek re-election.

15. Unless the Conference of the Parties decides otherwise, the International Implementation Committee 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 decides otherwise, the International Implementation Committee shall meet twice annually. The first meeting of the International Implementation Committee shall be convened by the Executive Director. The International Implementation Committee shall elect from among its members a chair and a vice chair, each to serve (subject to re-election) for a term of one year.

16. The International Implementation Committee shall by consensus agree upon and adopt its rules of procedure, including rules requiring any of its members who are nationals of a Party which is involved in a complaint under this Chapter to stand down on a temporary basis. The rules of procedure and any amendments thereto shall be subject to approval by the Conference of the Parties.

New Zealand
(Add.5, Article 10 C, pp.9-11)

Compliance Control

17. The International Implementation Committee shall assist compliance with this Convention and protocols by Parties thereto. It shall do so by:

- (a) receiving and assessing the annual reports of national monitoring bodies submitted under article 10C;
- (b) requesting any further information or clarification it requires from any national monitoring body or, if necessary, from any Party;
- (c) requesting any information or assessment it requires from competent international bodies and scientific committees;
- (d) receiving and assessing information provided by accredited non-governmental organizations;
- (e) reporting to each ordinary meeting of the Conference of the Parties on its activities under this paragraph.

18. In addition, the International Implementation Committee shall receive and investigate any complaint relating to a Party's compliance lodged by another Party. The International Implementation Committee shall deal with such complaints by:

- (a) arranging for notification forthwith to the Party which is the object of the complaint that the complaint has been lodged and requesting that it respond to the complaint within ninety days of the date of notification;
- (b) requesting further clarification or information from the complainant Party or the complained-of Party concerning the complaint or the response;
- (c) sending, if it deems it necessary and with the consent of the complained-of Party, a visiting mission to investigate the complaint either within the territory of the complained-of Party or elsewhere;
- (d) encouraging an amicable resolution of the matter on the basis of respect for the provisions of this Convention or protocol as the case may be;
- (e) reporting its conclusion to the complainant and complained-of Parties and to the next ordinary meeting of the Conference of the Parties, along with any recommendations thereon. Such recommendations may include measures to assist or to bring about compliance by a Party.

19. In dealing with complaints under paragraph (2) of this article the International Implementation Committee shall fix such time limits as it deems necessary for the expeditious determination of such complaints. The International Implementation Committee may seek or receive the views of other Parties, agencies and experts if necessary to help it carry out its functions.

20. The Conference of the Parties may, after consideration of a report submitted by the International Implementation Committee under paragraph (2)(e) of this article, and taking into consideration any further submission from the Parties concerned, decide to call for further steps to assist or to bring about compliance by a Party. Such steps may include but shall not be limited to the provision of technical assistance to the Party, the determination of provisional data for the Party, revocation of the Party's voting rights under this Convention and any protocols, suspension of the Party's right to receive benefits, whether financial or otherwise, under this Convention and any Protocol, and treating the Party as a non-party for the purposes of any provision of this Convention and any protocol.

Norway (Add.2, pp.27-30)

21. The Parties' compliance with the provisions of the Climate Convention will be crucial in determining the efficiency of the Convention in achieving its objectives.

22. The complexity of the Climate issue may require diversified compliance mechanisms in the Convention and its related Protocols in order to deal adequately with the compliance issues which are likely to emerge. The compliance system could be structured functionally, taking into account the possibilities of integrating or building upon existing mechanisms or institutions.

23. As the Climate Convention will be a first generation climate agreement, its compliance mechanisms should be flexible and adaptable, in order not to prejudice the Convention's possibilities to be process oriented. To some extent, parts of the compliance provisions in a first generation climate agreement are likely to be of an interim nature. The Convention's compliance mechanisms should therefore at the outset aim at utilizing the existing institutions to the extent practicable.

24. An adequate compliance system for the Climate Convention and its related Protocols will have to be considered with due regard to inter alia the following main questions.

Compliance decisions

25. When the facts regarding a Party's compliance with the provisions of the Convention have been established, as a result of monitoring and verification mechanisms, the review procedure or otherwise, decisions will have to be taken with respect to matters of non-compliance. Institutional authority will be needed under the Convention in order to handle compliance cases. The handling of compliance matters, at least on a day to day basis, can clearly not be undertaken by Meetings of the Parties. A likely possibility would be to leave all or parts of the handling of implementation matters to the Executive Body under the Convention. The mandate of the Executive Body will have to contain provisions clarifying its role in such matters, in particular:

- (a) should the Executive Body have executive and judicial powers in compliance matters;
- (b) should its role be limited to making decisions with regard to measures in response to non-compliance (including but not limited to sanctions), or should the Executive Body have wider powers in the field of implementing the Parties' obligations under the Convention.

Implementation of response measures

26. Among the questions that need clarification with regard to implementation of response measures are:

- (a) Should the Convention itself and its related Protocols contain provisions regarding implementation measures
- (b) How should disputes between Parties, or between one or more Parties and the Executive Body, with regard to compliance be handled

- (c) Should the Convention establish a settlement of disputes mechanism for the Convention in general or limited to compliance matters
- (d) Can already existing settlement of dispute mechanisms be utilized, in particular mechanisms within the U.N. system
- (e) What should be the relationship between compliance mechanisms established under or in the Convention and its Protocols on one side, and general conflict resolution mechanisms on the other side
- (f) Should the International Court of Justice play a role
- (g) Is a specialized international court or mechanism needed
- (h) Should Parties to the Convention be able to "opt out" of the compliance provisions in the Convention by transferring the compliance matter at hand to other institutions, like the ICJ, thereby avoiding the implementation of response measures

United Kingdom (Add. 1, p.87, para.11)

Specific Obligations

27. Each State Party to this Convention will also prepare, and submit to the Secretariat in good time before each meeting of the Conference of the Parties, a report on its current progress in meeting its obligations under the Convention, and its expected progress towards completing its obligations.

United Kingdom (Add.1, pp.87 and 88)

Monitoring and Compliance

28. The review panel or executive body whose establishment is proposed under the specific obligations section should be charged with the task of considering the progress reports which each Party would be required to submit to the Secretariat before each meeting of the Conference of the Parties.

29. Where the panel judge that additional action is needed in order to ensure that a Party meets its obligations, it should be required to report that finding, through the Secretariat, to the State concerned. The Secretariat should then consult with the State to determine what further steps might be taken.

30. If, when the Panel receives the next progress report from the State concerned, it judges that the additional action is still required, the Panel should report this to the next meeting of the Conference of the Parties so that the Conference can determine what further action, including assistance to the Party concerned, would be appropriate.

(United Kingdom text also relevant to II.B(c): Monitoring).

II.A.(c) CONFERENCE OF THE PARTIES

Austria and Switzerland
(Add.1, p.9, paras.8.6 and 8.7)

1. Co-operation with relevant international organizations e.g. WMO and UNEP
Arrangements for the co-operation with non-governmental organizations

Germany (Add.1, p.23, para.18)

Institutional structures

2. Establishment of Contracting Parties' Conference meeting at least once a year with tasks to be laid down in detail as well as the possible establishment of institutional structures to be laid down at a later stage using as far as possible existing institutions.

India (Add.3, Article 8, pp.8-10)

3. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
4. 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 six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
5. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish as well as financial provisions governing the functioning of the secretariat.
6. The Conference of the Parties shall keep under continuous review the implementation of this convention and take the decisions necessary to ensure its effective operation. To this end, it shall:
 - (a) Establish the form and the intervals for transmitting the information to be submitted in accordance with article 5 and consider such information as well as reports submitted by any subsidiary body;
 - (b) Review the scientific information concerning adverse effects on the global climate and on the likely consequences of such adverse effects;

(c) Monitor and review the implementation of measures envisaged in article 2, including the operation of its financial mechanism;

(d) Promote, in accordance with article 2, the harmonization of appropriate policies, strategies and measures for controlling human activities that cause or are likely to cause adverse effects on the global climate, and make recommendations on any other measures necessary for the efficient operation of this Convention;

(e) Develop appropriate procedures for monitoring compliance with the provisions of this Convention;

(f) Adopt, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge;

(g) Consider and adopt, as required, in accordance with articles 11 and 12, amendments to this Convention and its annexes;

(h) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the Parties to the protocol concerned;

(i) Consider and adopt, as required, in accordance with article 12, additional annexes to this Convention;

(j) Consider and adopt, as required, protocols in accordance with article 10;

(k) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

(l) Seek where appropriate the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from those bodies and committees;

(m) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

7. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any States not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to changes to the global climate 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 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.

Netherlands Addendum (Add.1, pp.47-48)

8. Status of the Conference of the Parties: Supreme and Central organ of the Climate Convention

Establishment; meetings; resolutions and decisions (based on consensus principle).

Specific tasks of the Conference of the Parties:

- (a) Continuous review of implementation and compliance
- (b) Periodic review of information with respect to climate change
- (c) Definition and revision of the long-term global objective and related targets
- (d) Coordination and harmonization of policies, strategies and measures
- (e) Decisions on research and systematic observation, development and transfer of technologies, exchange of information, public awareness
- (f) Institutional questions
- (g) Decisions on budget
- (h) Evaluation, revision and further evolution of the Climate Convention and related protocols

9. Executive Committee (Council?)

Status and working principles; composition; specific tasks; annual report.

Netherlands Addendum (Add.1, p.50)

Cooperation with other institutions

10. (a) Principle of coordination

(b) Specific provisions

(c) UN General Assembly: Reports to UNGA (?)

(d) Cooperation with relevant international organizations, particularly WMO, UNEP, FAO, UNESCO, World Bank (including participation of their representatives in the meetings of the CP and ExC; coordination meetings)

(e) Relations with intergovernmental and regional bodies

(f) Relations with non-governmental organizations (including accessibility of meetings, observer status in the Conference of the Parties and compliance mechanisms (?))

11. Budgetary provisions (for the running expenses of the organs)

New Zealand (Add.5, Article 11.1.A, p.12)

12. The Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

13. 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 months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

14. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish as well as financial provisions governing the functioning of the secretariat. It shall also approve the rules of procedure and agree upon and adopt the financial rules of the Assessment Committee established by article 9A and of the International Implementation Committee established by article 10A.

New Zealand (Add.5, Article 11.1.A, pp.13-15))

15. The Conference of the Parties shall keep under continuous review the implementation of this convention, and take the decisions necessary to ensure its effective operation. To this end, it shall:

(a) Establish the form and the intervals for the reports to be submitted by Parties under Chapter III of this Convention on measures adopted by them in implementation of this Convention and consider such reports as well as any comments or recommendations thereon forwarded by the Assessment Committee;

(b) Review the scientific information concerning adverse effects on the global climate and on the possible consequences of such adverse effects;

(c) Promote, in accordance with Chapter III the harmonization of appropriate policies, strategies and measures for controlling human activities that cause or may cause adverse effects on the global climate, and make recommendations on any other measures necessary for the efficient operation of this Convention;

(d) Adopt, in accordance with Chapter VIII, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge;

(e) Consider and adopt, as required, in accordance with Articles 13.3.A and 13.4.A amendments to this Convention and its annexes;

(f) Consider and adopt, as required, in accordance with article 13.4.A, additional annexes to this Convention;

(g) Consider and adopt, as required, in accordance with article 13.1.A, protocols to this Convention;

(h) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

(i) Seek where appropriate the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from those bodies and committees;

(j) Receive reports from the International Implementation Committee under article 10(C)(2)(e) and take action on such reports, if appropriate, in accordance with article 10C(4);

(k) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

16. 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 by observers. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to changes to the global climate 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 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.

United Kingdom (Add.1, p.87)

17. The Conference of the Parties shall establish an executive body or a review panel to receive, analyze and disseminate the information contained in the national strategies and the progress reports submitted by the Parties. Its task will be:

- (a) to assess and compare the measures adopted by individual nations and to circulate to all Parties, through the Secretariat, technical and economic information on their implementation and cost effectiveness;

- (b) to help, upon request, any Party to devise and implement further measures in their national strategies based on the information received.

18. Developed countries undertake to co-operate with developing countries to help them to take full advantage of the work of the Executive Body or Review Panel.

United Kingdom Compilation (Add.1, Article 5, p.63)

19. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

20. 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 months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

21. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish as well as financial rules to determine the financial participation of the Parties under this convention.

22. The Conference of the Parties shall keep under continuous review the implementation of this convention and take the decisions necessary to ensure its effective operation. To this end, it shall:

- (a) Establish the form and the intervals for transmitting the information to be submitted in accordance with article 5 and consider such information as well as reports submitted by any subsidiary body;

- (b) Review the scientific information concerning adverse effects on the global climate and on the likely consequences of such adverse effects;

- (c) Promote, in accordance with article 2, the harmonization of appropriate policies, strategies and measures for controlling human activities that cause or are likely to cause adverse effects on the global climate, and make recommendations on any other measures necessary for the efficient operation of this Convention;

- (d) Develop appropriate procedures for monitoring compliance with the provisions of this Convention;

- (e) Adopt, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge;

- (f) Consider and adopt, as required, in accordance with articles 9 and 10, amendments to this Convention and its annexes.

(g) Consider amendments to any protocol, as well as to any annexes, thereto, and, if so decided, recommend their adoption to the Parties to the protocol concerned;

(h) Consider and adopt, as required, in accordance with article 10, additional annexes to this Convention;

(i) Consider and adopt, as required, protocols in accordance with article 8;

(j) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

(k) Seek where appropriate the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from those bodies and committees;

(l) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

23. 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 by observers. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to changes to the global climate 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 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.

United States of America
(Add.1, p.92, paras.(f) & (h))

24. The Parties should:

- (a) Co-operate in promoting public awareness of climate change;
- (b) Co-operate with competent international bodies.

United States of America (Add.1., p.93)

25. The articles of the UK draft convention establishing a conference of the Parties and a secretariat (U.K. draft articles 6 and 7) are generally acceptable. However, whereas the U.K. draft provides that the interim secretariat would be provided by UNEP, we believe that both UNEP and WMO should provide interim secretariat assistance

Vanuatu (Add. 2, p.31)

26. [See list in Part VI of document A/AC.237/Misc.1/Add.2 on "Implementaton: Institutional Aspects" including paragraph no. 27 on "Scientific Committee, Economic Committee, Legal Committee and Renewable Energy Committee."

II.A (d) RIGHT TO VOTE

India (Add.3, Article 17, p.15)

1. Except as provided for in paragraph 2 below, each Party to this Convention or to any protocol shall have one vote.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention or the relevant protocol and which are present and voting at the time the vote is taken. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

United Kingdom Compilation (Add.1, Article 15, p.73)

3. Except as provided for in paragraph 2 below, each Party to this Convention or to any protocol shall have one vote.
4. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

II.A (e) SECRETARIAT

India (Add.3, Article 9, pp.10-11)

1. The functions of the Secretariat shall be:

(a) To arrange for and service meetings provided for in articles 8 [Conference of the Parties], article 10 [Adoption of Protocols], article 11 [Amendment of the Convention or Protocols] and article 12 [Adoption and Amendment of Annexes];

(b) To prepare and transmit reports based upon information received in accordance with Articles 4 [Co-operation in the Legal, Scientific and Technical Fields] and 7 [Transmission of Information], as well as upon information derived from meetings of subsidiary bodies established under Article 8 [Conference of the Parties];

- (c) To perform the functions assigned to it by any protocol;
- (d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
- (e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
- (f) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The Secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to Article 8. At its first ordinary meeting, the Conference of the Parties shall designate the Secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the Secretariat functions under this Convention.

Kenya (Add. 8, p.4)

3. The envisaged interim secretariat be established under UNEP which currently manages the world climate studies programme.

Netherlands Addendum (Add.1, p.49)

- 4. - Status and working principles
 - Establishment/organization (using facilities of UNEP and WMO)
 - Place
 - Head of the Secretariat (procedures for nomination)
 - Specific tasks of the secretariat
 - Preparation, organization and follow-up
 - (a) Conference of the Parties
 - (b) Executive Committee
 - (c) Scientific Advisory Committee
 - (d) Other organs
- Compilation of research and observation data
- Budget management

New Zealand (Add.5, Article 11:3.A, p.15-16)

5. The functions of the Secretariat shall be:

- (a) To arrange for and service meetings provided for in Chapters IX, X, XI and XIII; [Conference of the Parties, Adoption of Protocols, Amendment of the Convention or Protocols and Adoption and Amendment of Annexes];
- (b) To transmit reports received from Parties in accordance with Chapters III and VIII, from meetings of any subsidiary bodies established under article 11.1.A, and from meetings of the Assessment Committee and International Implementation Committee;
- (c) To perform the functions assigned to it by any protocol;
- (d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
- (e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
- (f) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

6. The Secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 11.1.A. At its first ordinary meeting, the Conference of the Parties shall designate the Secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

[(Executive Committee (to be considered further)) found in New Zealand text 11.2 p.15].

United Kingdom Compilation (Add.1, Article 7, p.66-67)

7. The functions of the Secretariat shall be:

- (a) To arrange for and service meetings provided for in article 6 [Conference of the Parties], article 8 [Adoption of Protocols], article 9 [Amendment of the Convention or Protocols] and article 10 [Adoption and Amendment of Annexes];
- (b) To prepare and transmit reports based upon information received in accordance with articles 4 [Co-operation in the Legal, Scientific and Technical Fields] and 5 [Transmission of Information], as well as upon information derived from meetings of subsidiary bodies established under article 6 [Conference of the Parties];

- (c) To perform the functions assigned to it by any protocol;
- (d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
- (e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
- (f) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

8. The Secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6. At its first ordinary meeting, the Conference of the Parties shall designate the Secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

United States (Add.1, p.93)

9. The articles of the United Kingdom Draft Convention establishing a Conference of the Parties and a Secretariat (U.K. Draft Article 6 and 7) are generally acceptable. However, whereas the U.K. draft provides that the interim secretariat would be provided by UNEP, we believe that both UNEP and WMO should provide interim secretariat assistance

II.A (f) SETTLEMENT OF DISPUTES

India (Add.3, Article 13, pp.13-14)

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, 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.
3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

- (a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting;

(b) Submission of the dispute to the International Court of Justice.

4. If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree,

5. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a final and recommendatory award, which the parties shall consider in good faith.

6. The provision of this article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

New Zealand (Add.5, Article 12A, p.16-17)

Choice of Dispute Settlement Procedure

7. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may choose, by written declaration, one or both of the following means for the settlement of disputes concerning the interpretation or application of this Convention and any protocol thereto:

(a) submission of the dispute to the International Court of Justice; and/or

(b) arbitration by the Arbitral Tribunal established in accordance with the procedure set out in the Arbitration Annex to this Convention.

8. A declaration made under this paragraph shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

9. A declaration made under paragraph 1 above shall not affect the operation of article 12 B (1) of this Convention.

10. A Party that has not made a declaration under paragraph 1 above or in respect of which a declaration is no longer in force shall be deemed to have accepted the competence of the Arbitral Tribunal.

11. If the parties to any dispute have accepted the same means for the settlement of a dispute, the dispute may be submitted only to that procedure, unless the parties otherwise agree. If, however, the parties have not accepted the same means for the settlement of the dispute, or if they have accepted both means, the dispute may be submitted only to the Arbitral Tribunal, unless the parties otherwise agree.

12. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the Arbitral Tribunal, unless the parties to the dispute otherwise agree.

13. Declarations and notices referred to in this Article shall be deposited with the Depositary who shall transmit copies thereof to all Parties.

New Zealand (Add.5, Article 12 B, p.18)

Settlement of Disputes

14. In case of a dispute between Parties as to the interpretation or application of this Convention or any protocol thereto, the Parties concerned shall, at the request of any one of them, seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

15. If, after the expiry of twelve months of a request made under paragraph 1 above, the Parties concerned have not been able to settle their dispute through the means mentioned in that paragraph, the dispute may be submitted at the request of any of the parties to the dispute for settlement in accordance with the procedure determined by the operation of article 12 A(3) or (4) of this Convention.

16. The rights of any Party provided for in this article are in addition to the rights provided for in article 10 C (2) of this Convention. If, however, a Party has lodged a complaint with the International Implementation Committee in accordance with that article, no dispute relating essentially to the same matter that is the subject of that complaint may be submitted for settlement in accordance with paragraph 2 of this article until that complaint has been dealt with by the International Implementation Committee and its report on the complaint has been considered by the next ordinary meeting of the Conference of the Parties referred to in article 10 C (2)(e).

[See also New Zealand Arbitration Annex (Articles 1-17, pp.23-27 of doc. A/AC.237/Misc.1/Add.5)]

United Kingdom Compilation (Add.1, Article 11, pp.70-71)

17. In case of a dispute between Parties as to the interpretation or application of or compliance with this Convention or any protocol thereto, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

18. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the parties to the dispute so agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in annex III. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration, shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1 [17], above.

19. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare that it recognises as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice; and/or
- (b) Arbitration in accordance with the procedure set out in Annex III.

20. Such declaration shall be notified in writing to the secretariat which shall communicate it to all Parties.

[See: United Kingdom Compilation, Annex III: Arbitration (pp. 77-82 of document A/AC.237/Misc.1/Add.1)]

United States of America (Add.1, p.95)

Settlement of Disputes and Compliance

21. We note the suggestion in the IPCC Legal Measures paper that dispute settlement provisions similar to those in the Vienna Convention for the Protection of the Ozone Layer might be employed in the framework climate convention. This suggestion is reflected in Article 11 of the United Kingdom draft convention and in Annex III thereto. We believe that it is important that all Parties comply fully with the obligations that they undertake in the framework convention and any subsidiary instrument thereto. Dispute settlement provisions are one means of achieving such objectives as are other mechanisms such as the compliance procedures developed by the Parties to the Montreal Protocol. To be most effective, however, such procedures and mechanisms should be tailored to specific obligations contained in a given agreement. Accordingly, these questions should be considered after INC has reached agreement on the substantive obligations to be included in the framework convention.

II. A(g) ADOPTION OF PROTOCOLS

India (Add.3, Article 10, p.11)

1. The Conference of the Parties may at a meeting adopt protocols pursuant to article 2.
2. Each such Protocol shall include, as an integral feature, a separate and distinct funding mechanism controlled by an executive committee composed of States Parties to such a protocol.
3. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before such a meeting.

Netherlands Compilation (Add.1, Annexes 1-3, pp.41-45)

4. Annex 1: Main elements for inclusion in a Protocol concerning the control of GHG-emissions [see Section IA of this compilation]
5. Annex 2: Main elements for a Protocol on Forests (see Section IA of this compilation;)
6. Annex 3: Financial aspects to be considered in the context of a climate convention and related legal instruments (annexes, protocol etc.) (see Section I.B and II.C of this compilation).

New Zealand (Add.5, Article 13.1.A, p.19)

7. The Conference of the Parties may at a meeting adopt protocols pursuant to this Convention.
8. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least three months before such a meeting.
9. The requirements for the entry into force of any protocol will be established by that instrument, and may include provisions regarding accelerated procedures for entry into force.

United Kingdom (Add.1, p.88)

10. The Parties to the Convention should commit themselves to making every possible effort to adopt a protocol including specific obligations on sources of greenhouse gases, in particular CO₂ and a protocol on sinks for greenhouse gases, in particular forests, at the second regular meeting of the Conference of parties to the Convention.

United Kingdom Compilation (Add.1, Article 8, p.67)

11. The Conference of the Parties may at a meeting adopt protocols pursuant to article 2.
12. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least three months before such a meeting.

Vanuatu (Add.2, p.31)

[See list contained in document A/AC.237/Misc.2/Add.2 on "Technical" including para. 32-34 on Annexes; Protocols; and Amendments to the Convention, Annexes and Protocols.]

II.A (h) RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS

Austria and Switzerland (Add. 1, p.9)

Protocols/Annexes

1. Implementation of the Convention through Protocols/Annexes.

India (Add.3, Article 18, p.15);

New Zealand (Add.5, Article 13.2.A, p.19);

United Kingdom Compilation (Add.1, Article 16, p.73)

2. Except as otherwise provided in a protocol for the purposes of that instrument, the provisions of this Convention relating to its protocols shall apply to any protocol to this Convention.

2. Decisions concerning any protocol shall be taken only by the Parties to the protocol concerned.

3. A State or regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

United States of America (Add.1, p.95)

Final Clauses

4. The final clauses contained in the U.K. draft are generally acceptable [Articles 8-10 and 12-21]. However, procedures for entry into force of protocols, amendment of protocols, and withdrawal from protocols, as well as the provisions relating to the proposal, adoption and entry into force of annexes to protocols, should be left to any such protocol. This would permit the Parties to tailor those provisions to any particular protocol.

II. A (i) RELATIONSHIP BETWEEN THE CONVENTION AND OTHER LEGAL INSTRUMENTS

China (Add.4, p.8)

[China text includes a subheading on "Relation To Other International Treaties"]

Malaysia/Malta (Add.5,p.24)

The relationship between the Convention and Other Instruments and Entities

1. In developing the Convention and its annexes, the INC may wish to consider their relationship with (i) other existing international legal instruments (e.g. the Convention on the Protection of Ozone Layer) or those which may be concluded by June 1992 (e.g. Forest Convention and Biodiversity Cpnvention) (ii) the IPCC and (iii) the other relevant Organisations (e.g. WMO, UNESCO, UNDP and FAO).

Vanuatu (Add.2, p.31, para. 35)

[Vanuatu text includes a sub-heading under "Part VII: Technical" on "Relationship with other International Conventions."]

II. A (j) AMENDMENT OF THE CONVENTION OR PROTOCOLS.

Austria/Switzerland (Add.1, p.9, para.8.8)

1. Evaluation and revision of the Convention and its related protocols.

Germany (Add.1, p.23)

2. Germany includes a heading on "Amendment of the Agreement or its Protocols".

India (Add.3, Article 11, pp.11-12)

3. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of the present state of scientific and technical knowledge.

4. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Convention for information.

5. The Parties to the instrument in question shall make every effort to reach agreement on any proposed amendment to this Convention or a Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-thirds majority vote of such Parties present and voting at the meeting, and shall be submitted by the Depositary to all such Parties for ratification, acceptance or approval.

6. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 above shall enter into force between parties having accepted them on the ninetieth day after the day of receipt by the Depositary of notification of their ratification, acceptance, or approval by at least two thirds of the Parties to this Convention or a protocol thereto, unless otherwise provided in such protocol or in the amending instrument itself. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of amendments.

7. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

New Zealand (Add.5, Article 13.3.A, p. 20)

8. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of the present state of scientific and technical knowledge.

9. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to that protocol. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the Secretariat at least three months before such a meeting unless the Conference of the Parties, or the meeting of the Parties to that protocol, agrees to waive this requirement. The Secretariat shall also communicate proposed amendments to the signatories to the Convention for information.

10. The Parties to the instrument in question shall make every effort to reach agreement on any proposed amendment by consensus. If all efforts at consensus have been exhausted, and no agreement reached, an amendment to this Convention shall as a last resort be adopted by a two-thirds majority vote of Parties to this Convention present and voting at the meeting. An amendment to any protocol shall be adopted in accordance with the provisions of that protocol.

11. Instruments of ratification, acceptance or approval of an amendment of this Convention shall be deposited with the Depositary. Amendments of this Convention adopted in accordance with paragraph 3 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, acceptance or approval by at least one half of the Parties to this Convention. Amendments to any protocol shall enter into force in accordance with the provisions of that protocol, which may include provisions regarding accelerated procedures for their entry into force.

12. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

United Kingdom Compilation (Add.1, Article 9, pp.67-68)

13. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of the present state of scientific and technical knowledge.

14. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the Secretariat at least three months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Convention for information.

15. The Parties to the instrument in question shall make every effort to reach agreement on any proposed amendment to this Convention or a Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-thirds majority vote of such Parties present and voting at the meeting, and shall be submitted by the Depositary to all such Parties for ratification, acceptance or approval.

16. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph [3] above shall enter into force between parties having accepted them on the ninetieth day after the day of receipt by the Depositary of notification of their ratification, acceptance, or approval by at least two thirds of the Parties to this Convention or a protocol thereto, unless otherwise provided in such protocol or in the amending instrument itself. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of amendments.

17. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

II.A (k) ADOPTION AND AMENDMENT OF ANNEXES

India (Add.3, Article 12, pp.12-13)

1. The Annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention or any protocol shall be proposed and adopted according to the procedure laid down in Article (11) paragraphs 2 and 3;

(b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within three only months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annex in question shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to the protocol concerned that have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

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

New Zealand (Add.5, Article 13.4.A, pp.21-22)

5. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

6. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 13.3.A (2) and (3), including the provision for waiver of the requirement for three months advance circulation of proposals; as if the proposed annex were a proposed amendment to this Convention or to any protocol.

(b) Annexes which have been adopted in accordance with sub-paragraph (a) above shall enter into force for all Parties to the Convention or to the protocol of which the annex is to form an integral part twelve months 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.

7. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

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

United Kingdom Compilation (Add.1, Article 10, pp.68-70)

9. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

10. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article (9), paragraphs 2 and 3;

(b) Any party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within three months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annex in question shall thereupon enter into force for that Party.

(c) On the expiry of three months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to the protocol concerned that have not submitted a notification in accordance with the provision of subparagraph (b) above.

11. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

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

II.A (1) SIGNATURE

India (Add.3, Article 14, p.14);

United Kingdom Compilation (Add.1, Article 12, p.71)

1. This Convention shall be open for signature by States and by regional economic integration organizations in [] from [] to [], and at the United Nations Headquarters in New York from [] to [].

II. A (m) RATIFICATION, ACCEPTANCE OR APPROVAL

India (Add.3, Article 15, p. 14);

United Kingdom Compilation (Add.1, Article 13, pp.71-72)

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instrument[s] of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to [(concurrently) India] exercise rights under the Convention or relevant protocol [(concurrently.) United Kingdom].

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary, who will in turn inform the Parties of any substantial modification in the extent of their competence.

II. A (n) ACCESSION

India (Add.3, Article 16, p.15);
United Kingdom Compilation (Add.1, Article 14, p.72)

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modifications in the extent of their competence.

3. The provisions of Article 15 [13], paragraph 2, shall apply to regional economic integration organizations that accede to this Convention or to any protocol.

II. A (o) ENTRY INTO FORCE

India (Add.3, Article 19, p.16)

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.

2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance or approval of such protocol or accession thereto.

3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which the party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that party, whichever shall be the later.

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

United Kingdom (Add.1, p.88)

6. The convention shall enter into force on the ninetieth day after the date of receipt of the [xth] instrument of ratification, acceptance, approval or accession, or after receipt of ratification etc. from Parties whose net emissions of greenhouse gases represent [y%] of estimated total global net emissions in an appropriate year, whichever is the later.

[Text modified at the request of the submitting delegation.]

United Kingdom Compilation (Add.1, Article 17, p.74)

7. This Convention shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession.

8. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance or approval of such protocol or accession thereto.

9. For each State or regional economic integration organisation that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fortieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

10. Any protocol, except as otherwise provided in such protocol, shall enter into force for a State or regional economic integration organization that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which the party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that Party, whichever shall be the later.

11. 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.

II. A (p) RESERVATIONS AND DECLARATIONS

India (Add.3, Article 20, p.16)

1. No reservations may be made to this Convention.

United Kingdom Compilation (Add.1, Article 18, p. 75)

2. No reservations may be made to this Convention.

3. Except as otherwise provided in any protocol, no reservations may be made to a protocol.

4. Paragraphs 1 and 2 above shall not, however, preclude a State or regional economic integration organization, when signing, ratifying, accepting, approving or acceding to this Convention or a protocol, from making declarations or statements, however phrased or named, with a view inter alia to the harmonization of its laws and regulations with the provisions of this Convention or the protocol concerned, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of the Convention or the protocol concerned in their application to that State or regional economic integration organization.

Vanuatu (Add.2, p.31)

[See list contained in Part VII ("Technical") of document A/AC.237/Misc.2/Add.2 including para. 41 on "Reservations and Declarations".]

II. A (q) WITHDRAWAL

India (Add.3, Article 21, pp.16-17)

1. At any time after four 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.
2. Except as otherwise provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a Party, that Party may withdraw from the protocol by giving written notification to the Depositary.
3. 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.
4. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

United Kingdom Compilation (Add. 1, Article 19, pp.75-76)

5. At any time after three 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.
6. Except as otherwise provided in any protocol, at any time after three years from the date on which such protocol has entered into force for a Party, that Party may withdraw from the protocol by giving written notification to the Depositary.
7. 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.
8. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

Vanuatu (Add.2, p.31)

[See list contained in Part VII ("Technical") of document A/AC.237/Misc.2/Add.2 including para. 42 on "Withdrawal and Denunciations."]

II. A (r) DEPOSITARY

India (Add.3, Article 22(1), p.17);
United Kingdom Compilation (Add.1, Article 20, p.76)

1. The Secretary-General of the United Nations shall be the Depositary of this Convention and of any protocols thereto.

India (Add.3, Article 22 (2) p.17)

2. The Depositary shall inform the Parties, in particular, of :

(a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance approval or accession in accordance with Articles 15 and 16;

(b) The date on which the Convention and any protocol will come into force in accordance with Article 19;

(c) Notifications of withdrawal made in accordance with Article 21;

(d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date of entry into force in accordance with Article 11;

(e) All communications relating to the adoption and approval of annexes and to the amendment of annexes in accordance with Article 12;

(f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereof.

(g) Declaration made in accordance with Article 13, paragraph 3.

II. A (s) AUTHENTIC TEXTS

India (Add.3, Article 23, p.17);
United Kingdom Compilation (Add.1, Article 21, p.76)

1. The originals of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. In witness whereof the undersigned, being duly authorized to that effect, have signed this Convention.

3. Done at this day of 19.....

B. LEGAL AND INSTITUTIONAL MECHANISMS RELATED TO SCIENTIFIC CO-OPERATION,
MONITORING AND INFORMATION (DECISION 1/1, PARAGRAPH 7(b))

II.B.(a) SCIENTIFIC CO-OPERATION

Austria and Switzerland (Add.1, p.7, para.3.9)

International Cooperation

1. Obligation to cooperate in the following areas:

- (a) Research and systematic observations, modelling;
- (b) Formulation, coordination or harmonization of policies, strategies, and measures;
- (c) Development, coordination or harmonization of market policy instruments;
- (d) Formulation, coordination or harmonization of energy efficiency standards;
- (e) Internalisation of external costs in energy prices;
- (f) Promotion of the development and transfer of environmentally sound technologies, and technical as well as financial assistance;
- (g) Sustainable forest management, reduction of deforestation, and afforestation;
- (h) Preparation for anticipated climate change;
- (i) Pursuit of policies aimed at sustainable development
- (j) Promotion of education and information;

Austria and Switzerland (Add.1, p.9)

2. Protocols/Annexes on programmes for actions setting targets for the limitation and/or reduction of net greenhouse gas emissions, in particular CO₂, might cover the following issues:

...Scientific issues.

Germany (Add.1, p.22)

3. The Contracting Parties shall commit themselves to continue or initiate research and scientific assessments. This holds in particular true for research on the causes of climate change, for a better understanding of the climatic and atmospheric system, on the implications of a different climate on man and his nature, socio-economic and technical environment as well as on regional peculiarities of climate change, the potential to reduce climate-relevant trace gas emissions and strategies for their reduction and prevention.

India (Add.3, Article 3, p.5-6)

Research, systematic observation and assessment

4. The Parties undertake, as appropriate to initiate and cooperate in, directly or through competent international bodies, the conduct of research and scientific assessment on:

(a) The physical, chemical and biological processes that may affect the global climate;

(b) The identification of the substances, practices, processes and activities that have, or are likely to have significant adverse effects on the global climate, and of appropriate strategies for controlling them;

(c) The methods of predicting future changes in the global climate that are due to human activities, including the preparation of improved climate models;

(d) The techniques for monitoring and measuring greenhouse gas emission rates and their uptake by sinks;

(e) The impacts, in particular in low-lying coastal areas, on health and the environment, as well as the social and economic costs and benefits of changes to the global climate;

(f) The costs and benefits of implementing effective strategies to modify human activities that may result in significant adverse effects on the global climate;

(g) Environmentally sound technologies and practices for mitigating the adverse effects of changes in the global climate arising from human activities, including greater efficiency in energy use, due account being taken of the fact that measures appropriate in some countries may not be relevant elsewhere on account of, inter-alia, differing economic, social or environmental situations;

(h) The full incremental cost to developing countries of limiting/adapting to and mitigating the adverse effects of global climate change.

5. The Parties undertake to promote or establish, as appropriate, directly or through competent intergovernmental bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the global climate.

6. The Parties undertake to cooperate, directly or through competent intergovernmental bodies, in ensuring the collection, validation and transmission of research and observational data on changes in the global climate through appropriate world data centres in a regular and timely manner.

Inventory on Research and Systematic Observation

(Add. 1, p.97)

Paper compiled by scientists from a wide range of delegations
(see: 12 of List of References in document A/AC.237/Misc.5, p.5)

7. In particular these scientists felt that an Annex on Research and Systematic Observation would:

(a) underscore the role of research and systematic observations in providing the scientific and economic basis for policy decisions,

(b) outline the priority areas of scientific, technical and economic research needed to support decision making,

(c) provide the means to :

(i) address the special research and technical training needs of developing countries,

(ii) promote broad co-operation among national and international research programmes, and

(iii) state the requirements for regular scientific and economic assessments.

[The above text was taken from cover note of Inventory dated 14 February 1991. See Annex I of paper 12: Inventory on Research and Systematic Observations, Assessments and Information Exchange (pp. 98-102 (Misc.1))]

Kenya (Add.8, p.3, para.(b))

8. The Parties to develop, strengthen and improve the research capabilities of developing countries.

[Para.(b) modified by submitting delegation]

Netherlands Addendum (Add.1, pp.49-50, paras.5.4.1 - 5.5)

Scientific Advisory Committee

9. (a) General status (independence), tasks and working principles
- (b) Establishment and composition
- (c) Meetings
- (d) Specific tasks
- (e) Independent evaluation of scientific data;
- (f) Recommendations on research and evaluation programmes;
- (g) Support and assistance to Conference of Parties and Executive Committee (as may be requested by these bodies);
- (h) Reports to CP and ExC;
- (i) Continued work on the issues hitherto dealt with by the IPCC (?).

Netherlands Compilation (Add.1, para.2.9.1, p.30)

International Cooperation

10. Obligations to cooperate in the following areas: ...enhancing atmospheric, oceanic and terrestrial observation networks, particularly in recipient countries, to facilitate conducting research, monitoring and assessment of climate change and the impact on those countries.

United Kingdom Compilation (Add.1, Article 3, pp.60-61)

Research and Systematic Observation

11. The Parties undertake to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessment on :

(a) The physical, chemical and biological processes that may affect the global climate;

(b) The identification of the substances, practices, processes and activities that have, or are likely to have, adverse effects on the global climate and of appropriate strategies for controlling them;

(c) The methods of predicting future changes in the global climate that are due to human activities including the preparation of improved climate models, particularly for regional climates;

(d) The techniques for monitoring and measuring greenhouse gas emission rates and their uptake by sinks;

(e) The impacts, in particular in low-lying coastal areas, on human health and the environment, as well as the social and economic costs and benefits, of changes to the global climate;

(f) The costs and benefits of implementing effective strategies to limit, reduce, modify and control human activities that result in adverse effects on the global climate;

(g) Alternative substances, technologies and practices for mitigating the adverse effects of changes in the global climate arising from human activities, including greater efficiency in energy use. Such research and scientific assessment shall be carried out in the light of the considerations specified in annexes I and II).

12. The Parties undertake to promote or establish, as appropriate, directly or through competent international bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the global climate and other relevant parameters, as elaborated in annex I.

13. The Parties undertake to co-operate, directly or through competent international bodies, in ensuring the collection, validation and transmission of research and observational data on changes in the global climate through appropriate world data centres in a regular and timely fashion..

[See United Kingdom Compilation, Annex I: Research and Systematic Observation (p. 77 of document A/AC.237/Misc.1/Add.1). See also United Kingdom text under Section II.A.(a).]

United Kingdom Compilation (Add.1, Article 4, p.62)

Co-operation

14. The Parties shall facilitate and encourage the exchange of scientific, technical, socio-economic, commercial and legal information relevant to this Convention as further elaborated in annex II. Such information shall be supplied to the Secretariat which shall ensure that information regarded as confidential by the supplying Party is not disclosed and is, where so requested by the supplying Party, aggregated to protect its confidentiality before it is made available to all Parties.

[See also United Kingdom Compilation Annex II: Information Exchange
(p. 77 of document A/AC.237/Misc.1/Add.1)]

Vanuatu (Add.3, p.26,

Research

15. Continue and, where appropriate, implement research programmes on [specify the full details of projects] the following:

climate; atmospheric protection; the effects of human activity on climate, including, inter alia, land use and energy generation; the consequences of climate change for the global environment, regional environment and human society.

16. Positive duty to promote research into technology and techniques which:

- minimize the effect of human activity on climate ("Abatement")
- allow human society to adapt to the predicted consequences of Climate Change ("Adaptation")

17. Parties are encouraged to develop joint technology research projects where Developed and Developing Countries work together to develop appropriate technologies and strategies.

II.B.(b) INFORMATION

Austria and Switzerland (Add.1, p.8)

Information Exchange

1. Exchange of scientific, statistical, technical, socio-economic, legal and other relevant information.

Austria and Switzerland (Add.1, p.8, para.6.1)

Reporting

2. Obligation to provide periodic reports on progress in implementation of the goals and obligations of the Convention and its related protocols.

China (Add.4, Article 7, p.7)

Exchange of Information and Exchange
and Training of Personnel

3. The Parties shall encourage and facilitate the exchange of scientific, technical, socioeconomic, commercial and legal information relevant to this Convention and its protocols. Such information shall be supplied to international bodies agreed upon by the Parties. Any such body receiving information regarded as confidential by the supplying Party shall ensure that such information is not disclosed.

4. The Parties shall co-operate, taking into account in particular the circumstances and needs of the developing countries, in promoting the development and dissemination of the relevant scientific and technical knowledge. Such co-operation shall be carried out particularly through:

- (a) Exchange of scientific and technical personnel;
- (b) Appropriate training of scientific and technical personnel;
- (c) Facilitation of the acquisition of relevant technological knowledge by other Parties;
- (d) Provision of information on relevant technologies and related equipment including supply of special manuals or guides to them;
- (e) Supply of necessary equipment and facilities for research and systematic observations;
- (f) Holding appropriate seminars and training courses.

China (Add.4, Article 8, p.7)

Transmission of Information

5. The Parties shall transmit, through the secretariat under Article 10, to the Conference of the Parties established under Article 9 information on the measures adopted by them in implementation of this Convention and its protocols to which they are party in such form and at such intervals as agreed by the Parties.

Germany (Add.1, p.23, para.14)

6. Obligation to exchange information on scientific, economic and technological development as well as on climate-related strategies and policies in line with their national legislation, regulations and practice.

7. Public awareness, training and education.

India (Add.3, Article 7, p.8)

Transmission of information

8. The Parties shall transmit, through the Secretariat to the Conference of the Parties established under article 8 information on the measures adopted by them in implementation of the Convention and of Protocols to which they are a Party in such form and at such intervals as the meetings of the Parties to the relevant instrument may determine.

Netherlands Compilation (Add.1, p.33, para. 2.9.10)

Promotion of Education and Information

9. Enhancing the capacity of recipient countries to develop programs to address climate change, including research and development activities and public awareness and education.

United Kingdom Compilation (Add.1, Article 5, p.62)

Transmission of Information

10. The Parties shall transmit, through the Secretariat, to the Conference of the Parties established under Article 6 information on the measures adopted by them in implementation of the Convention and of protocols to which they are party in such form and at such intervals as the meetings of the parties to the relevant instrument may determine.

United States of America (Add.1, pp.92-93)

General Obligations

11. Co-operate in systematic observations, research and information exchange to better monitor, understand, and predict changes in the global climate, their impacts, potential responses thereto and the costs and benefits of such responses.

Research, Systematic Observation and Information Exchange

12. A strong program of research, systematic observation and information exchange must be a cornerstone of the framework convention. An aggressive effort to obtain better information is an environmentally essential strategy that will help the international community to tailor response strategies that are appropriate, effective and sustainable over the long term.

13. The research and systematic observation article (Article 3) and information exchange article (Article 4 (1)) of the U.K. draft convention provide a good starting point for convention text on research, systematic observation and information exchange. The Parties' obligations should extend to scientific, economic and social research and the Parties should consider both the social and economic costs and benefits of changes to the global climate and of potential responses to those changes. The information exchange provisions of the framework convention should include information on net emissions inventories, emissions and removal rates for various sources and sinks, means of measuring emissions and sink removal, and national strategies, including actions taken, costs and effectiveness.

(Above text also relevant to Section II.B (a): Scientific Co-operation)

Vanuatu (Add. 3, p.28)

Education

14. Parties shall promote education programmes to inform all persons within their jurisdiction or control, including individuals and corporations, about:

- (i) the causes of climate change;
- (ii) the potential consequences of climate change;
- (iii) action that can be taken at an individual/local level to reduce the impact of human activity on climate (i.e. energy efficiency, land use, etc.)
- (iv) achieving sustainable human development;
- (v) global interdependence among people facing climate change.

15. The aims of the education programmes will be: to promote awareness and knowledge of climate change issues and; to encourage action to limit climate change.

16. Development of informational and educational materials, providing objective, consistent and reliable information on climate change, to be available to all persons within the jurisdiction of the parties.

Vanuatu (Add.3, p.27)

Information Dissemination

17. The Parties must supply certain information, as specified in this Convention, to (an appropriate international body).

18. The Parties agree that all information held by that body will be made available to all Parties to this Convention and to all citizens under the jurisdiction and control of those Parties on request.

19. Parties agree to establish channels of communication (e.g. Public Information Offices, Government Departments) through which individuals will be able to access the information held by (the appropriate international body) at a national level.

20. Establishment of national committees to collect and disseminate information and materials on climate change issues.

II.B(c) MONITORING

Australia

[Australia text found in Section II.A.(b) on Compliance is also related to this Section on Monitoring].

Austria and Switzerland (Add.1, p.8, para.7)

1. Research, Systematic Observations and Monitoring:

(a) Intensified global data collection and research efforts through international programmes (WCP, IGBP, etc.).

(b) Collection, analysis and dissemination of pertinent information and data.

(c) Improvement of the capability of developing countries to collect and assess climate information, prepare emission inventories, assess possible impacts of global warming, participate in international research programmes.

(d) Initiation, intensification or continuation of research efforts in other domains, such as socio-economic causes and effects of global warming, impacts of increasing greenhouse effect on the environment and society and strategies to reduce emissions of greenhouse gases and their socio-economic implications.

(e) Definition of the possible role of IPCC.
[...]

(f) Adoption of programmes for research, systematic observation, scientific and technical cooperation, technology transfer, exchange of information, promotion of public awareness. (8.5).

(Above text also relevant to Section II.B.(a) and (c)).

France Addendum (Add.2, p.8)

Scientific Committee*

2. A Scientific Committee shall be established. It shall be composed of high-level independent qualified experts designated by the Conference of the Parties at its first meeting. (The mode of designation of experts might be based on the election of judges to the International Court of Justice (Statute, articles 4 ff.)).

3. The Scientific Committee, which shall have a consultative role, shall perform the following functions:

- (a) to examine the scientific data assembled by the secretariat and draw up a report and recommendations for presentation to the Executive Committee for information purposes prior to submission to the Conference of the Parties;
- (b) to draft opinions and proposals, notably in matters of research and assessment;
- (c) to examine reports on national strategies and furnish opinions on measures decided upon by the Parties;
- (d) to perform any other function assigned to it by the Conference of the Parties or under any protocol to the Convention.

4. The opinions and proposals of the Scientific Committee shall be addressed to the Party concerned and to the secretariat, which shall make them available to any other interested Party.

* [The word "Council" was changed to "Committee" at the request of the submitting Delegation].

Germany (Add.1, p.23, para.13)

5. The Contracting Parties shall commit themselves to participate in international monitoring programmes such as the "Global Atmospheric Watch" of WMO, to introduce new monitoring programmes in line with the provisions of the Convention and to improve the availability and international exchange of data. International regulations for monitoring and measuring techniques as well as the evaluation of data should be adopted.

New Zealand (Add.5, Article 10 A, p.7)

Compliance Control

National monitoring

6. Each Party shall nominate a body in its territory, hereinafter referred to as the "national monitoring body", which shall be responsible for monitoring compliance by the Party with this Convention and any protocol to which it is also party.

7. In addition to fulfilling its responsibility under paragraph 1 above, the national monitoring body shall:

(a) report annually to the International Implementation Committee on:

(i) measures taken by the Party to implement and to ensure compliance with this Convention and any protocol including the adoption of laws and regulations or administrative actions and enforcements, and

(ii) problems encountered by the Party in the implementation of this Convention and any protocol;

(b) assist the International Implementation Committee in carrying out its functions, including by supplying any relevant information requested by the International Implementation Committee and by facilitating visits by International Implementation Committee missions as provided for in article 10C.

Norway (Add.2, p.28)

Monitoring, Verification

8. The Climate Convention will have to contain provisions regarding monitoring and verification of the Parties' obligations under the Convention. Parts of the basis for this control may already exist in fora like UNEP and WMO. It should be examined whether one or both of the two said institutions, possibly in conjunction with other existing institutions, could undertake the task of monitoring and verification.

9. A system for country reporting of climate data will have to be established. Today only partial climate information is available country-wise. The IEA, IMF, World Bank, UNDP, ESMAP, OECD, UNEP and WMO will have elements of a country information base available. It should be clarified whether one or several institutions could contribute to, or be responsible for, the establishment of a country climate data base.

10. The data resulting from the monitoring and verification activities will have to be reviewed. One possibility could be to establish a system of "country climate examinations", for instance along the lines of country examinations in the OECD, and Article IV examinations of IMF.

11. The results of the country reviews will have to be examined with regard to each Party's implementation of its obligations under the Convention.

Vanuatu (Add.3, p.26)

Monitoring and Observation

12. Creation of climate change monitoring network through coordination of existing international, regional and national climate data collection networks.

13. The aim of the network shall be to: record collate and assess data; to provide uniform assessment criteria; to encourage improved harmonization of methods of measurement; to provide objective reliable and comparable information ...

14. The network shall focus on: achieving a greater understanding of the mechanics of the world's climate; Greenhouse Gas concentrations and emissions; the operation and state of sinks ...

15. Coordination of National Data Banks.

Vanuatu (Add.3, p.27)

Environmental Impact Assessment

16. The Parties shall ensure that all activities within their jurisdiction or control including, inter alia, policies on energy generation, transport, and land use are assessed to ascertain whether they are likely to affect climate.

17. An activity will be deemed to have an adverse effect on climate if [it satisfies criteria to be specified].

18. Parties are under an obligation to prevent activities affecting climate.

19. Parties agree to establish culturally appropriate mechanisms to allow public participation in EIAs.

C. LEGAL AND INSTITUTIONAL MECHANISMS RELATED TO ADEQUATE AND ADDITIONAL FINANCIAL RESOURCES AND TECHNOLOGICAL NEEDS AND CO-OPERATION, AND TECHNOLOGY TRANSFER TO DEVELOPING COUNTRIES CORRESPONDING TO THE COMMITMENTS AGREED TO IN WORKING GROUP I (DECISION 1/1, PARAGRAPH 7 (c))

Austria/Switzerland (Add. 1, pp. 7 & 9)

Specific provisions

1. Obligation to co-operate in the development of funding mechanisms, particularly through existing mechanisms, for the transfer of additional financial and technological resources for the above mentioned countries in order to assist them in preparing for anticipated climate change and in meeting the obligations under the convention and its related protocols.
2. Development and transfer of technology and technical assistance.

Protocols/Annexes

3. Protocols/Annexes on programmes for actions setting targets for the limitation and/or reduction of net greenhouse gas emissions, in particular CO₂, might cover the following issues:

...
Development and transfer of technology
...

China (Add. 4, p. 6)

Funding mechanism

4. The Parties shall establish, pursuant to paragraph 2 of Article 3 (see section I. A, paragraphs 8-9), a mechanism for the purposes of providing financial and technical co-operation, including the transfer of technologies, to the Parties that are developing countries.
5. The mechanism established under paragraph 1 (see paragraph 4 above) shall include a Multilateral Fund composed of adequate, additional and timely financial resources. Such a Multilateral Fund shall not exclude any other means or arrangements of multilateral, regional and bilateral co-operation.
6. The Parties shall agree at a meeting of the Conference of the Parties, through appropriate procedures, upon the specific measures to implement the obligations set out in paragraphs 1 and 2 of this Article (see paragraphs 4 and 5 above). Such measures shall be included, as appropriate, in the relevant protocols to the Convention.

Transfer of technology

7. The Parties shall take every practicable step to ensure that requisite environmentally-sound technologies are expeditiously transferred so as to meet the technological needs of the Parties that are developing countries in implementing the obligations set out in Article 3 above (see Section I. A, paragraphs 8-9).

8. The Parties shall have the obligations to ensure that the transfer referred to in paragraph 1 (see paragraph 7 above) be made to the Parties that are developing countries under fair and most favourable conditions.

9. The Parties shall agree at a meeting of the Conference of the Parties, through appropriate procedures, upon the specific measures to implement the obligations set out in paragraphs 1 and 2 of this Article (see paragraphs 7 and 8 above). Such measures shall be included, as appropriate, in the relevant protocols to the Convention

10. The Parties shall ensure the effective implementation of the provisions of this Article by adopting appropriate measures.

Germany (Add. 1, p. 22)

11. The developed countries shall declare their readiness to support developing countries in the participation of the present Convention whose own economic performance does not suffice to comply with obligations arising from this agreement and its protocols. They shall provide adequate and additional financial resources.

12. The Contracting Parties shall declare their readiness to cooperate in the development and transfer of knowledge and technology in line with their national legislation, regulations and practice.

13. The Contracting Parties shall regard the application of economic and fiscal instruments as appropriate. In this respect, the fullest use possible should be made of existing possibilities for achieving signalizing effects.

India (Add. 3, p. 5)

14. Developed country Parties shall, as immediate measures:

(b) provide new and additional financial resources for developing country Parties for the objective described in paragraph 4 (see paragraph 53) below and for them to adapt to and mitigate the adverse effects of climate change and for this purpose to establish a Climate Fund; (c) provide assured access to appropriate, environmentally sound technology on preferential and non-commercial terms, to developing countries; and (d) to support developing countries in their efforts to create and develop their endogenous capacities in scientific and technological research and development directed at combating climate change.

India (Add. 3, pp. 6-8)

Co-operation in legal, technical and scientific fields

14bis. The Parties shall cooperate, consistent with their national laws, regulations and practices and taking into account the particular needs of developing countries, in promoting directly or through competent intergovernmental bodies, the development and transfer of technology and knowledge relevant to scientific and technical research. Such cooperation shall be carried out particularly through:

- (a) Facilitation of the acquisition of environmentally sound technologies by other Parties;
- (b) Provision of information on environmentally sound technologies and equipment, including supply of special manuals or guides, to other Parties;
- (c) The supply of necessary equipment and facilities for research and systematic observations; and
- (d) Appropriate training of scientific, technical and managerial personnel.

Climate Fund

15. The Parties shall establish a Climate Fund. The Climate Fund shall meet on a grant basis, and according to criteria to be decided upon by the Parties, the costs for developing countries Parties to adapt to and mitigate the adverse effects of climate change and for meeting the objective described in paragraph 4 (see paragraph 54) of article 2 of this Convention. The secretarial services and related support costs of the Climate Fund shall be a charge on the Climate Fund.

16. The Climate Fund shall operate under the authority of the Parties who shall decide on its overall policies.

17. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of financial resources, for the purpose of achieving the objectives of the Climate Fund. The Executive Committee shall discharge its tasks and responsibilities, to be specified in its terms of reference as agreed by the Parties at their first meeting, with the cooperation and assistance of the United Nations Environment Programme. The members of the Executive Committee shall be selected on the basis of an equitable representation of developed countries Parties and of developing countries Parties.

18. The Climate Fund shall be financed by contributions from developed countries Parties in convertible currency or, in exceptional circumstances, in national currency.

19. The Parties shall decide upon the programme budget of the Climate Fund for each fiscal period.

20. Resources under the Climate Fund shall be disbursed only to developing countries Parties.

21. Decisions by the Parties under this article shall be taken by consensus as far as possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two thirds majority vote of the Parties present and voting, representing a majority of the developed countries Parties and of the developing countries Parties, present and voting.

22. This article is without prejudice to any future arrangements as regards funding that may be developed with respect to Protocols under this Convention.

Transfer of technology

23. Parties shall take every practicable step, consistent with the programmes supported by the Climate Fund, to ensure that:

- (a) Environmentally sound technologies are expeditiously transferred to developing countries Parties; and
- (b) The transfers referred to in subparagraph(a) above occur under preferential and non-commercial terms.

Kenya (Add. 8, pp. 3-4)

24. A financial mechanism be established and be administered by members-party to the framework convention and not through other existing mechanisms or institutions;

25. The transfer of environmentally safe technology be guaranteed and provided on a preferential and non-commercial basis. Furthermore, negotiations and commitments on finance and technology should not under any circumstances be separated from those on other commitments;

Malaysia/Malta (Add. 1, p. 24)

Annexes

26. There could be two annexes establishing appropriate commitments in the following area(s):

Transfer of technology and the financing of the needs of developing countries in particular the needs of specially affected island states.

Netherlands Compilation (Add. 1, pp. 44-45, Annex 3)

Financial aspects to be considered in the context of a climate convention and related legal instruments (annexes, protocol, etc.)

27. Elements to be considered:

Finance and assign clearing house functions to:

- (a) Assist recipient countries through country-specific studies and other technical co-operation, to identify their needs in relation to climate change. (in case differentiation of obligations under the convention is envisaged, some non-developing countries might also be considered as recipient countries);
- (b) Facilitate technical co-operation to meet these identified needs;
- (c) Strengthen institutions, develop human resources, distribute information and undertake related activities for the benefit of recipient countries.

28. Funds should become available through relevant channels for the purpose of:

- (a) Promoting efficient use of energy, development of lower and non-greenhouse gas emitting energy technologies and paying special attention to safe and clean new and renewable sources of energy;
- (b) Arranging expeditious transfer of the best available environmentally sound technology on a fair and most favourable basis to recipient countries and promoting rapid development of such technology in these countries;
- (c) Sustainable forest management practices and agricultural techniques which reduce greenhouse gas emissions;
- (d) Limiting and reducing greenhouse gas emission for agricultural activities;
- (e) Enhancing atmospheric, oceanic and terrestrial observation networks, particularly in recipient countries, to facilitate conducting research, monitoring and assessment of climate change and the impact on those countries;
- (f) Coping with negative impacts due to sea level rise resulting from climate change caused by man made activities;
- (g) Enhancing the capacity of recipient countries to develop programs to address climate change, including research and development activities and public awareness and education;
- (h) Co-operation with recipient countries to enable their full participation in international meetings on climate change.

29. Financing of secretarial services and related support costs.

30. Mechanisms/channels for disbursement of funds:

- (a) Directly related to the execution of functions under the Convention;
- (b) To be made available directly or indirectly for the purpose of implementing the objectives mentioned under 1 and 2 (see paragraphs 27 and 28 above).

31. Role of relations to executing international organizations, agencies, programmes and banks, and regional banks.

Netherlands Compilation (Add. 1, p. 32)

Promotion of the development and transfer of environmentally sound technologies and technical as well as financial assistance

32. Arranging expeditious transfer of the best available environmentally sound technology on a fair and most favourable basis to recipient countries and promoting rapid development of such technology in these countries

Norway (Add.2, p.19)

Clearing house system

33. An exchange system can be constructed at various levels of sophistication. One option could be a "bubble" system, based on a bilateral agreement between two countries or a regional agreement between several countries to pool the implementation of their commitments. The most elaborate option could be a system of emission permits that can be traded freely on a world market.

34. An intermediate variety could be a clearing house system. In our opinion, the establishment of a clearing house system seems to be the most promising option for further exploration and implementation in the initial framework convention. The agreement should also provide for research into further development and refinement of trading schemes, to be implemented as appropriate and with due consideration to the need for more elaborate compliance mechanisms. However, these more sophisticated trading schemes are probably not viable for implementation in the initial framework convention.

35. A clearing house could appraise and select projects for reducing emissions, according to their cost-effectiveness and coordinate the funding of these projects. The net reduction in emissions resulting from any specific project should be credited to the country that contributes to the funding of this project and deducted from its national commitment. A clearing house would have a large portfolio of potential projects, thereby facilitating a more efficient matching of projects and funds than a system of bilateral exchanges.

36. Even if one should not manage to agree on specific country commitments in the initial framework convention, a clearing house system might be of great value. Countries with self-declared commitments, or even without specific commitments, would still have the option to finance emission reductions in other countries as an alternative to more expensive reductions in their own countries.

37. In a clearing house mechanism, the transfer of financial resources between countries is integrated in the system. It seems probable that the flow of funds to a large extent will be from the industrialized countries to the developing countries and the countries in transition. This could be supplemented with other financial mechanisms. The clearing house mechanism should function in close cooperation with any such funding mechanisms. Eventually, these mechanisms should be integrated as much as possible. The Global Environmental Facility, which recently was established by the World Bank, UNEP and UNDP, gives a practical demonstration of how a financial mechanism could be organized.

Norway (Add. 2, pp. 21-23)

Financial Transfer Mechanisms/Special Situation of
Developing Countries/Countries with an Abnormal Burden

38. Developing countries have as their main priority alleviating poverty and achieving social and economic development. Their emissions will have to be allowed to grow, reflecting their present low energy consumption, in order to accommodate their development needs. Growth in emissions will be allowed to continue until an understanding/agreement to the contrary is reached. However, developing countries should be encouraged on their own accord to accede to developed country status as regards obligations.

39. Developing countries' obligations could, *inter alia*, consist of ensuring that energy efficiency is improved in an agreed period by reducing the tons of carbon emitted per GNP by a given percent (to be agreed upon).

Financial Mechanism

40. A mechanism will have to be established for the purposes of providing financial and technical cooperation, including the transfer of technologies, to developing countries (DC) or countries with an abnormal burden (AB), to enable their compliance with energy efficiency obligations or self-imposed emission control measures. Transfers should meet all agreed incremental costs in order to enable compliance with obligations, thereby guaranteeing that productive investments are not undercut. Thus, investments in the protection of the global atmosphere that otherwise would not be undertaken due to an insufficient national rate of return, will be secured. Contributions to the mechanism will be separate from and additional to other financial transfers to recipient countries, including development assistance. As an example of such an approach, Norway has established a new budget item for global climate funding, additional to and separate from the development assistance budget. The Norwegian 1991 contribution to the IBRD/UNEP/UNDP Global Environment Facility comes from these funds and thus represents genuine additionality.

41. The Financial Mechanism established will include a Multilateral Fund:

- (a) To meet, on a grant or concessional basis, agreed incremental costs;
- (b) to assist Parties (DC and AB) through country studies to identify their need for cooperation;
- (c) to facilitate technical cooperation to meet identified needs;
- (d) to facilitate other multilateral cooperation to meet needs for capital investments in energy efficiency, low or non-greenhouse gas agricultural, forestry, industrial, transportation or infra-structural activities;
- (e) to facilitate operations favourable to the global environment that would not go forward without a special extra assistance to provide an acceptable return in relation to a given country's benefit.;
- (f) to facilitate investment by one country in another country that could either be a developing country or a country with abnormal burden, based on provisions in the agreement to achieve the most cost-effective solutions to counteract climate change or meet obligated control measures. Such investments should be credited the investor country proportional to the net GHG emission limitations obtained.

42. The Multilateral Fund will operate under the authority of the Parties to the Climate Convention. They will also decide on its overall policies.

43. The Parties may establish an Executive Committee to develop and monitor the implementation of operational policies in cooperation with the IBRD/UNDP/UNEP "GEF" which may administer the Multilateral Fund.

44. An alternative would be to use the "GEF" as the Financial Mechanism. In that case, no Executive Committee needs to be established between the Parties and the Financial Mechanism/GEF. In order for this to take place, the GEF decision making structure needs to evolve in a fashion conducive to policy control by the Parties, and real influence by the developing countries not hitherto a part of the Bretton Woods structure. One option would be for the GEF to become a separate branch of the World Bank, such as the IFC, MIGA, etc.

45. The Financial Mechanism is to initially receive direct budgetary contributions from industrial countries on the basis of burden-sharing (e.g. relative GHG emission in a given year). However, as regards (a) to (e) above, the mechanism could progressively become an integral part of the very operation of the climate regime. In a system based on emission permits which would be freely tradable on the world market, arrangements for transfer of financial resources between countries are integrated in the system. It seems probable that the flow of funds to a large extent would be from the industrialized countries to the developing countries and countries in transition. This system could be supplemented by other financial mechanisms in order to secure adequate flows of funds for these countries. Eventually, these mechanisms should be integrated as much as possible.

46. The Financial Mechanism could as regards (f) above operate as a clearing house or broker. These latter functions can also be expanded to concern trades in GHG emission rights between countries to fulfill obligations in a market-based, cost-effective fashion.

47. A first priority as regards a financing mechanism must be the undertaking of country studies, on a comparable basis, in order to clarify the costs and the distributional effects of a climate strategy based on the concept of incremental costs. See further Norwegian non-paper on this subject.

48. The above in no way suggests that all activities in developing countries need concessional financing in order to have a beneficial effect on climate change. A wide spectrum of investments, e.g. in the energy, forestry/agricultural and industrial field, are of a no-regrets nature and make sense both from an environmental and economic point of view and could thus be financed on non-concessional terms, be it on an equity or credit basis.

49. In the negotiating process, both sub-groups under the Negotiating Committee will have a role to play vis-a-vis the Financial Mechanism. Group I might have the role initially to oversee country studies, what activities are to be financed, financing needs, defining/agreeing on incremental costs and clarifying additionality in terms of commitments by industrial countries.

50. At a later stage, the institutional issues will come to the forefront through Group II: How are agreed commitments/obligations to be implemented, which existing agencies can deliver the goods, what changes are needed in existing institutional arrangements, which new institutions are needed, and their relation to the Convention, the UN and the Bretton Woods system. (See also Norwegian Non-paper on country studies (A/AC.237/Misc.1/Add. 2).

Norway (Add. 2, pp. 25-26)

Technology transfer related to the climate convention

51. Technology transfer related to the climate convention should be within the following areas:

- (a) Establishment and improvement of monitoring systems;
- (b) Capabilities to assess alternative solutions;
- (c) Technologies to stabilize and mitigate greenhouse gases (many sectors);
- (d) Technologies to adapt to climate change: improved coastal management and improved and robust agricultural technologies, including forestry;
- (e) Energy sector: investment in human and institutional capabilities, for upgrading and more efficient use of existing investments in developing countries;

- (f) Co-development, technological development cooperation where funds should enable suppliers and public sector utilities to take part in international development projects on new and more efficient technology.

Towards a technology transfer mechanism

52. Steps towards a technology transfer mechanism [must comprise]:

- (a) An analysis of the needs of the developing countries and the Eastern European countries;
- (b) an overview of present obstacles to technology transfer;
- (c) overview of present organizations and systems dealing with technology transfer today, and the experience from these projects;
- (d) a study on how to treat technology transfer in view of existing and coming international environmental agreements.

Republic of Korea (Add. 1, p. 52)

53. Developed countries should undertake measures to provide developing countries with financial resources and environmentally sound technologies in order that developing countries may sooner stabilize GHG emissions.

United Kingdom Compilation (Add. 1, p. 59)

[See Section I. A, paragraph 13 (e)]

United Kingdom Compilation (Add. 1, p. 62)

Co-operation

54. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account the level of their development in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge relevant to scientific and technical research. Such cooperation shall be carried out particularly through:

- (a) The supply of necessary equipment and facilities for research and systematic observations, and
- (b) Appropriate training of scientific and technical personnel.

United Kingdom (Add. 1, p. 86)

[See Section I. A, p. 21, paragraph 118]

United States of America (Add. 1, p. 95)

Development and Transfer of Technology

55. Article 4(2) of the UK draft convention addresses the development and transfer of technology and is generally acceptable. It provides that the Parties, consistent with their national laws, regulations and practices, shall cooperate in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge relevant to scientific and technical research. The UK draft provides for such cooperation through the supply of necessary equipment and facilities for research and monitoring and through appropriate training of scientific and technical personnel.

["See United States submission under I. A (pp. 22-23, paragraphs 120-123)."]

56. The mechanisms related to financial resources and transfer of technology should be developed in light of United States' submission listed in the above paragraph.

The above is new text received from submitting Delegation.

Vanuatu (Add. 3, p. 30)

Financial resources and funding mechanisms

57. Funding will be on the basis of new, additional and adequate financial resources which will not have any effect on existing multilateral or bilateral financial assistance arrangements.

58. Establishment of an International Climate Fund in accordance with Annex 3.

59. Financial assistance for developing countries to enable them to adapt their development strategies to integrate consideration of the effect of those activities on climate.

60. Fund to compensate developing countries (i) in situations where selecting the least climate sensitive development option involves incurring additional expense, and (ii) where insurance is not available for damage resulting from climate change.

Transfer of technology

61. The parties are under a duty to make available to [an appropriate international body]: (i) any technology or technique that would assist the parties in carrying out their obligations under this convention which they are capable of obtaining or is in the public domain in the area under their jurisdiction or control (ii) the results of research into technology under Article 8 (see Section II. B).

62. All parties shall have equal access to the information and techniques held by the international body.

63. Transfers of technology from industrialized to developing countries must be on fair and most favourable terms.

DRAFT COMPILATION OF PRINCIPLES

Non- paper Submitted by the Bureau of Working Group I

1. Common but differentiated responsibility

1. Global obligation to protect the climate for the benefit of future generations based on principle of equity and common but differentiated responsibilities of countries.

2. In developing countries whose energy costs and emissions are unimportant in the overall context, an efficient use of energy should be favoured, but for the time being, because of demography and increasing levels of economic growth, an absolute increment in the use of energy is to be expected.

3. There should be different targets with different time-frames for different categories of countries so that the right to development of developing countries is taken into account. Countries with low energy consumption can set appropriate targets by, inter alia, taking advantage of more energy efficient and less pollutive technologies.

4. The international community has a common but differentiated responsibility in respect of climate change and, bearing in mind that the emission of greenhouse gases affecting the atmosphere has hitherto originated mainly from developed countries, those countries should therefore have the main responsibility in addressing the problem.

5. We stress as a first step, the need to stabilize, while ensuring sustainable development of the world economy, emissions of greenhouse gases not controlled by the Montreal Protocol on Substances that Deplete the Ozone Layer. Contributions should be equitably differentiated according to countries' responsibilities and their level of development. In this context, we acknowledge efforts already undertaken by a number of countries to meet this goal.

6. Equitability in all relevant commitments.

7. Equity both between industrialized countries and between industrialized countries and developing countries.

8. The need for equitable burden-sharing, both between industrialized and developing countries and between the industrialized countries, must be secured.

9. Equitable sharing between countries or major regions of the objectives established.

10. The obligations shall be equitably distributed between developed and developing countries in accordance with their responsibility and capabilities, and different time frames be set out for implementation, noting that the largest part of the current emission of greenhouse gases originates in developed countries and that those countries have the main responsibility for combating the adverse effects thereof.

11. Action to be taken should be based on equity, in accordance with the proportionate contributions to the problem, with due regard to the development requirements of developing countries, especially those whose current emissions are low.

12. In order to secure global undertakings relating to a climate change, the convention should have such contents that will lead to feasible and suitable actions by respective countries, with due consideration given to the various situations within individual nations. This notion follows as well that to enhance the response capability of developing countries, the convention should provide for special assistance to developing countries.

13. Equity, both among industrialized countries and between industrialized and developing countries. Although we have a common responsibility, we must recognize that it is differentiated in accordance with the level of development.

14. The Polluter Pays Principle: the principle that those responsible for causing damage to the environment bear the responsibility for rectifying that damage.

15. Polluter Pays Principle should apply to global environment and compensate environmental damage suffered by countries.

16. The obligation for taking or facilitating abatement and adaptation measures rests on countries which are responsible for excessively high levels of per capita GHG emissions of an anthropogenic nature, past and present.

17. Developed countries are the main contributors of GHGs and thus should take the lead and shoulder the main responsibility to stabilize and limit the greenhouse gas emissions.

18. Climate change is a common concern of mankind, and countries have common but differentiated responsibilities in addressing the Climate Change issue.

II. Common concern of mankind

1. Climate change is a common concern of mankind.

2. Global climate change is a matter of common concern for mankind.

3. Recognizing climate change as a common concern of mankind, we commit ourselves and intend to take active and constructive steps in a global response, without prejudice to sovereignty of States.

4. The Framework Convention on Climate Change should be global, acknowledging that climate change is a common concern of the international community and that all nations need to participate in any international response, in accordance with the means at their disposal and their capabilities.

5. Inter-generational Equity: the duty of all States to preserve and protect natural capital for the benefit of present and future generations.

6. Sovereign exploitation of forests (tropical and temporal) is also a prerequisite for the solidarity action of States in order to halt a phenomenon that will affect the lives of future generations.

III. Compensation

1. Developing countries require to be compensated for the full incremental costs incurred by them in respect of such measures as they may undertake to take with regard to climate change.
2. Liability: This Convention shall be without prejudice to the application of the rules of international law governing the liability of States.
3. Common responsibility, although differentiated, requires action in these different areas. From the industrialised world it requires an effective co-operation which compensates for some of the restrictions that impede economic growth of the developing countries and a transfer of clean technology on concessionary terms that could allow "the leap forward" of those States that are going through the type of industrialization that has already affected the climate structure at a global level.

IV. Comprehensiveness

1. The control of GHG emissions should not be limited to the gas and energy sector alone, there should be equivalent and parallel consideration of other GHGs, specifically methane and NOx, and of other industrial sectors, agriculture, and domestic activities (for example, solid waste disposal methods).
2. The Framework Convention on Climate Change should be comprehensive, recognizing that several greenhouse gases, each with different impacts on the environment, arise from numerous human activities and natural processes worldwide; and that strategies to understand and address climate change will be most environmentally effective and economical if they encompass all the greenhouse gases, their sources and sinks.
3. We recommend that in the elaboration of response strategies, over time, all greenhouse gases, sources and sinks be considered in the most comprehensive manner possible and also that limitation and adaptation measures be addressed.

V. Environment and Development

1. Necessity of assuring compatibility of protection of environment and economic development.
2. Climate change is the most global of all environmental problems which calls for the widest possible association of efforts by all countries including a dramatic change in production and consumption patterns in industrialized countries, as well as differentiated agreement for effective action.
3. The Framework Convention on Climate Change should encourage nations to use market mechanisms, as appropriate, to foster expanding free trade and to achieve cost-effective results.
4. No country or group of countries shall introduce barriers to trade on environmental grounds, except on the basis of a decision by the Conference of Parties.
5. Non-conditionality such as barriers to trade.

6. No environmental conditionalities shall be introduced in aid or development financing.

7. Developed countries are urged to co-operate with developing countries to support immediate action in addressing climate change including sea-level rise without imposing any new conditionality on developing countries.

8. Poverty eradication.

9. Since developing countries have as their main priority, the eradication of poverty and achieving social and economic development, their net emissions must grow from their as yet relatively low energy consumption.

10. A balance must be struck between potential ecological and socio-economic consequences of climate change, the cost of abatement policies and the cost of adaptation. Climate policies must be combined with policies to foster vigorous economic growth to combat poverty, safeguard the development priorities of developing countries and create the necessary resources to combat local and regional environmental degradation.

11. Right to decent living standards for all people.

12. An appropriate level of economic development is the prerequisite for adopting concrete control measures to address climate change, and all the peoples in the world are entitled to an appropriate standard of living. Therefore, the energy consumption of developing countries must grow. Any limitation or control measures shall take full account of the per capita emission levels of various countries and the developmental needs of developing countries.

13. All inhabitants of the planet have equal rights to the oceanic and other global sinks and to atmospheric resources, subject to provisions of international law.

14. Right to development.

15. The Right to development is an inalienable human right. All peoples have an equal right in matters relating to living standards.

16. We recognize that developing countries have as their main priority alleviating poverty and achieving social and economic development and that their net emissions must grow from their, as yet, relatively low energy consumption to accommodate their development needs. Narrowing the gap between the developed and the developing world would provide a basis for a full partnership of all nations and would assist the developing countries in dealing with the climate change issue.

17. Take account of all sources and sinks of GHGs and our commitments should relate to control of net emissions.

18. We recommend that in the elaboration of response strategies, over time, all greenhouse gases, sources and sinks be considered in the most comprehensive manner possible and also that limitation and adaptation measures be addressed.

19. Climate policies should include all relevant sources and sinks of greenhouse gases. Emission targets should be defined in terms of net

emissions of the greenhouse gases that are adequately measurable, measured as CO₂-equivalents, taking into account requirements under the Montreal Protocol and other agreements.

20. Environmental protection and economic development shall proceed in an integrated manner in light of country-specific conditions.

21. Special consideration for the developing countries to meet their socio-economic development including supportive international environment.

VI. Flexibility

1. In accordance with SWCC, actions should be undertaken in a phased and flexible manner on the basis of medium and long term strategies at national, regional or global level.

2. The Framework Convention on Climate Change should be flexible, recognizing that strategies to understand and address climate change will be most environmentally effective and most economical if they are based on, and continually reevaluated in light of, relevant scientific, technical, and economic considerations.

VII. International Cooperation

1. The necessary participation of all countries from the very beginning.

2. The Framework Convention on Climate Change should foster international cooperation, enabling cooperative arrangements for understanding and addressing potential climate change in the most effective and efficient manner.

3. The Framework Convention on Climate Change should foster global stewardship, recognizing the interdependence of environmental protection and economic growth, and the need to pursue strategies that advance both goals if we are to protect global resources for present and future generations.

4. Narrowing the gap between the developed and the developing would be the basis for a full partnership of all nations and would assist the developing countries in dealing with the climate change issue.

5. The greatest possible harmonization of the measures adopted in order to avoid distortions of competition.

6. Integration of climate change issues with development.

7. The Principle of Inter-connectedness: the principle that all elements of the ecosystem are linked, interrelated and interdependent, so that actions in one area influence and have effects upon other areas.

8. The whole world needs to launch a cooperative effort, as the atmosphere knows no boundaries. Furthermore, those who will be most hit by the effects of global warming are not necessarily those who historically have contributed most to the emission of greenhouse gases. We also know that economic development will change the emission patterns over time.

9. The Parties shall conduct effective international co-operation based on the principle of equity to deal jointly with the climate change issue without prejudice to sovereignty of states.

VIII. New and additional funding

1. Obligations of developed countries to provide new and additional funding and to cover incremental cost which will be incurred by developing countries in addressing climate change issues:

2. Transfer of additional financial resources to favour developing countries considering the serious situation caused by the external debt of the majority of these countries.

3. The principle of additionality of resources is closely linked to equity. We must draw the practical consequences of the fact that developing countries need to concentrate their scarce resources on economic and social development. Assistance to developing countries to cover incremental costs to combat global warming must therefore be additional to other financial transfers.

4. To enable developing countries to meet incremental costs required to take the necessary measures to address climate change and sea-level rise, consistent with their development needs, we recommend that adequate and additional financial resources should be mobilized and best available environmentally sound technologies transferred expeditiously on a fair and most favourable basis. Developing countries also should, within the limits feasible, take action in this regard.

5. We recommend that consideration should be given to the need for funding facilities, including the proposed World Bank/UNEP/UNDP Global Environmental Facility, a clearing-house mechanism and a new possible international fund composed of adequate additional and timely financial resources and institutional arrangements for developing countries; taking into account existing multilateral and bilateral mechanisms and approaches. Such funding should be related to the implementation of the framework convention on climate change and any other related instruments that might be agreed upon.

IX. Open process

1. The Framework Convention on Climate Change should foster in an open process, allowing appropriate input from non-governmental organizations, public access to decision making deliberations where appropriate, and outreach and education of the interested global citizenry.

X. Precautionary principle

1. To use the principle of precautionary action to confront the factors that caused climate change.

2. In order to achieve sustainable development in all countries and to meet the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of, and mitigate the adverse consequences of, environmental degradation that might result from climate change. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent such environmental degradation. The measures adopted should take into account different socio-economic contexts.

3. We recommend that appropriate precautionary and control measures be developed and implemented at regional, subregional and country levels as appropriate to counter the increasing degradation of land, water, and genetic and other productive resource bases by drought, desertification and land degradation.

4. The Framework Convention on Climate Change should take a precautionary approach, reaffirming that lack of full scientific certainty should not be used as a reason for postponing measures that are commensurate with the expected extent and likelihood of any adverse impact on climate change, that reflect the cost and benefits of such measures, and that are directed as appropriate towards understanding, limiting, reducing, adapting to or preventing such adverse impacts.

5. The Precautionary Principle: the principle which operates where there is sufficient evidence to identify a threat of serious or irreversible harm to the environment to establish a duty to take measures which anticipate, prevent and attack the causes of environmental degradation prior to conclusive scientific proof that the threat will or does harm the environment.

6. The need to take, in the light of the best available scientific knowledge on climate change, realistic and feasible measures which are beneficial to the environment without prejudicing opportunities for economic development, and stressing that measures which are likely to have negative impacts upon or to cause damage to economic and other social activities of mankind should of necessity be taken on a sound and scientific basis.

7. The first principle is cost-effectiveness. It is of paramount importance that measures taken by individual countries are effective in a global perspective. Only by making sure that priority is given to those measures which give the greatest contribution to reducing greenhouse gases in the atmosphere can we hope to achieve ambitious global environmental targets, while ensuring sustainable development of the world economy as recognized by the Second World Conference. This can be obtained by giving countries the opportunity to meet emission commitments nationally or partly in cooperation with other countries, either on a bilateral basis or with the assistance of a multilateral institution.

8. High priority must be given to solving the remaining major uncertainties regarding causes and effects of climate change, including the risk for non-linear and rapid changes, as well as uncertainties regarding economic projections and cost estimates.

9. In order to achieve sustainable development in all countries and to meet the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of, and mitigate the adverse consequences of, environmental degradation that might result from climate change. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent such environmental degradation. The measures adopted should take into account different socio-economic contexts.

XI. Recognition of other measures

1. The Framework Convention on Climate Change should recognize and encourage other measures that may be taken, are being taken or have already been taken at the national, regional and international levels that help address the issue of climate change.

XII. Research, information and training

1. Relevant Scientific, Technical and Economic Considerations:
Implementation of this Convention shall be based on relevant scientific and technical considerations. Action shall be taken by the parties in accordance with the means at their disposal and their capabilities.
2. Research, systematic observation and monitoring.
3. It is necessary to implement practicable response strategies without delay, while improving our scientific knowledge, it is also necessary that our response strategies should constantly be reviewed, taking advantage of scientific and technological developments and knowledge.
4. The Framework Convention on Climate Change should promote sound science and economics, encouraging appropriate bodies to undertake vigorous research, systematic observation and analysis, including full and open exchange of data among parties and cooperation among all nations.
5. Observatories on climate and climate change and observatories on ecosystems should be encouraged to work together on drought risks consequences. Studies must undertaken on drought and desertification. We stress that stepped-up financial and scientific contribution be provided to facilitate these efforts.
6. Existing standard methodologies of assessing the emissions of GHGs should be made available to all countries so that they can undertake assessment of their own emissions.
7. We recommend further that resources be assessed. Such assessments, to be conducted as soon as possible, should include country studies and mechanisms to meet the financing needs identified, taking note of the approaches developed under the Montreal Protocol.

XIII. Sovereignty

1. Sovereign right of each country to exploit its natural resources.
2. The principles enshrined in the Stockholm Declaration on Human Environment of 1972, particularly 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" shall be adhered to.
3. The principles of sovereignty of States and of non-interference in the internal affairs of other countries, shall be adhered to in all international affairs, including those relating to the protection of global environment.¹

4. The Framework Convention on Climate Change should respect national autonomy in accordance with Principle 21 of the Stockholm Declaration, recognizing that nations have different social, economic and other circumstances, including different sets of net greenhouse gas emissions, and need flexibility in the choice of any response options.

XIV. Special Circumstances

1. The specific difficulties of those countries, particularly developing countries, whose economies are highly dependent on fossil fuel production and exportation, as a consequence of action taken on limiting greenhouse gas emissions, should be taken into account.

2. The special circumstances and needs of the parties that are developing countries shall be taken into full consideration, and the Parties shall exert all efforts to ensure that the developing countries are provided with the necessary financial resources and the requisite technologies and means in order to adequately address the problem of climate change.

3. Principles; e.g., recognition of the different circumstances of countries, including the particular circumstances of developing countries and countries with economies in transition.

4. The particular vulnerability of the Least Developed Countries to the impact and/or potential threats of global climate change needs to be addressed on a priority basis.

5. We recommend that similar measures be adopted to address the particular problems and needs, including funding, of low-lying coastal and small vulnerable island countries, some of whose very existence is placed at risk by the consequences of climate change.

6. The specific difficulties of those countries, particularly developing countries, whose economies are highly dependent on fossil fuel production and exportation, as a consequence of action taken on limiting greenhouse gas emissions, should be taken into account.

XV. Sustainable development

1. The Framework Convention on Climate Change should reflect the long term nature of climate change, building the knowledge, technology and resources needed to achieve sustainable development.

2. A long-term objective of climate policies should be to take appropriate action to stabilize greenhouse gas concentrations in the atmosphere at a level which minimizes damage to the sustainable development of societies and to ecosystems, ecological processes, and climatic conditions essential for the functioning of the biosphere.

3. Recognizing that climate change is a global problem of unique character and taking into account the remaining uncertainties in the field of science, economics and response options, we consider that a global response, while ensuring sustainable development 1/ of all countries, must be decided and implemented without further delay based on the best available knowledge such as that resulting from the IPCC assessment. Recognizing further that the principle of equity and the common but differentiated responsibility of countries should be the basis of any global response to climate change, developed countries must take the lead. They must all commit themselves to actions to reduce their major contribution to the global net emissions and

enter into and strengthen co-operation with developing countries to enable them to adequately address climate change without hindering their national development goals and objectives. Developing countries must, within the limits feasible, and taking into account the problems regarding the burden of external debt and their economic circumstances, commit themselves to appropriate action in this regard. To this end, there is a need to meet the requirements of developing countries, that adequate and additional financial resources be mobilized and the best available environmentally-sound technologies be transferred expeditiously on a fair and most favourable basis.

1/ Statement of sustainable development as agreed at the fifteenth session of UNEP Governing Council (annex II, UNEP/GC 15/L.37).

XVI. Technology transfer

1. Negotiations on transfer of financial resources and technology should take place at the same time as on other aspects of the Convention.
2. Obligation of developed countries to effect transfer of appropriate environmentally sound technologies on a concessional and preferential basis.
3. Preferential technology transfer for developing countries.
4. Developing countries will also require technology transfers on preferential and non-commercial terms.
5. We recognize that there is no single quick-fix technological option for limiting greenhouse gas emissions. However, we are convinced that technological innovation as well as individual and social behaviour and institutional adaptations is a key element of a long-term strategy that deals with climate change in a way that meets the goal of sustainable development. Therefore, we urge all countries, the developed countries in particular, to intensify their efforts and international co-operation in technological research, development and dissemination of appropriate and environmentally sound technologies, including the reassessment and improvement of existing technologies and introduction of new technologies.
6. The Framework Convention on Climate Change should spur needed technologies through technology cooperation and appropriate incentives for their development and dissemination, including adequate and effective protection of intellectual property rights.
7. We urge that environmentally sound and safe technologies be utilized by all sectors in all countries to the fullest extent possible and further urge all countries, developed and developing, to identify and take effective measures to remove barriers to the dissemination of such technologies. To this end, the best available environmentally sound and safe technologies should be transferred to developing countries expeditiously on a fair and most favourable basis.
8. Transfer of environmentally sound technologies shall not be restricted on political grounds.
9. Consideration of the specific needs of the developing countries both as regards the adoption of commitments and the financing and transfer of technology.

10. It is also essential to work with equal zeal in enhancing existing sinks and the creation of new ones. This means working actively on protecting forests and wet areas, as well as development and transfer of technology related to salt-tolerant plants in arid and semi-arid areas. The transfer of technology should also include increasing combustion efficiency to reduce NOx, and the development of agricultural and solid waste disposal techniques that generate less GHG.

11. Principle of Social Responsibility relating to Transfer of technology: This principle mandated that no developed country shall aid or encourage the transfer of technologies that embody human and environmental safety risks. Developed countries are required to inform developing countries of all short and long term safety risks and cost of any technology that might be sought notwithstanding that such technologies may not be viewed as major source of Greenhouse Gases.

XVII. Undesirable side effects

1. In respect to the world community's effort to protect the atmosphere and climate change, we would like to stress the adoption of a balanced and parallel method in dealing with the different aspects of concluding an international convention to control GHG through a global approach, which would take into consideration all GHGs and activities that lead to these phenomena. In so doing, we should be careful that the solutions we are adopting do not encourage new ecological, economic or social problems, which would place increased burdens on LDCs.



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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Second session
Geneva, 19-28 June 1991

DRAFT 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

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I. INTRODUCTION

1. The second session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC) was held at Geneva from 19 to 28 June 1991. The meeting was convened in pursuance of General Assembly resolution 45/212 of 21 December 1990, entitled "Protection of global climate for present and future generations of mankind", further to resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989. 1/

II. ORGANIZATIONAL MATTERS

A. Opening of the session

2. In opening the second session, the Chairman, Mr. Jean Ripert, drew attention to the tasks before the session and expressed appreciation for the papers submitted by member States, both developed and developing, which would promote the work of the Committee on an effective framework convention. He complimented the secretariat on its preparations for the session.

B. Attendance

3. The meeting was attended by representatives of the following States:

Afghanistan	Germany	Pakistan
Algeria	Ghana	Papua New Guinea
Argentina	Greece	Paraguay
Australia	Guinea	Peru
Austria	Haiti	Philippines
Bangladesh	Holy See	Poland
Barbados	Honduras	Portugal
Belgium	Hungary	Republic of Korea
Benin	Iceland	Romania
Bhutan	India	Rwanda
Bolivia	Indonesia	Saint Lucia
Botswana	Iran (Islamic	Samoa
Brazil	Republic of)	Sao Tome and Principe
Brunei Darussalam	Ireland	Saudi Arabia
Burkina Faso	Italy	Senegal
Burundi	Jamaica	Sierra Leone
Byelorussian Soviet	Japan	Singapore
Socialist Republic	Kenya	Solomon Islands
Cameroon	Kiribati	Spain
Canada	Kuwait	Sri Lanka
Cape Verde	Lesotho	Sudan
Central African	Libyan Arab	Sweden
Republic	Jamahiriya	Switzerland
Chad	Luxembourg	Thailand
Chile	Madagascar	Togo
China	Malawi	Tonga
Colombia	Malaysia	Trinidad and Tobago
Costa Rica	Maldives	Tunisia
Cuba	Mali	Turkey
Czechoslovakia	Malta	Tuvalu
Democratic People's	Mauritania	Uganda
Republic of Korea	Mexico	Union of Soviet Socialist
Denmark	Mongolia	Republics
Dominican Republic	Morocco	United Kingdom of Great Britain
Ecuador	Mozambique	and Northern Ireland
Egypt	Myanmar	United Republic of Tanzania
El Salvador	Namibia	United States of America
Equatorial Guinea	Nauru	Uruguay
Ethiopia	Nepal	Vanuatu
Federated States of	Netherlands	Venezuela
Micronesia	New Zealand	Viet Nam
Fiji	Nicaragua	Yugoslavia
Finland	Niger	Zaire
France	Nigeria	Zambia
Gabon	Norway	Zimbabwe

4. The following United Nations offices and programmes were represented at the meeting: Office of the Director-General for Development and International Economic Co-operation, United Nations Conference on Environment and Development (UNCED), United Nations Environment Programme (UNEP) and the United Nations Conference on Trade and Development (UNCTAD).

5. The following specialized agencies were represented at the meeting: Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission (UNESCO/IOC), World Bank, World Meteorological Organization (WMO), United Nations Industrial Development Organization (UNIDO) as well as the International Atomic Energy Agency (IAEA) and General Agreement on Tariffs and Trade (GATT).

6. The following intergovernmental organizations were also represented at the meeting: Asian-African Legal Consultative Committee (AALCC), European Free Trade Association (EFTA), European Economic Community (EEC), Intergovernmental Panel on Climate Change (IPCC), International Energy Agency (IEA), League of Arab States, Organisation for Economic Co-operation and Development (OECD), Organization of African Unity (OAU), Organization of Petroleum Exporting Countries (OPEC) and South Pacific Regional Environment Programme (SPREP).

7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented: Category I: International Chamber of Commerce and World Federation of United Nations Associations; Category II: Greenpeace International, International Council of Environmental Law, International Council of Scientific Unions (ICSU), International Petroleum Industry Environmental Conservation Association, World Coal Institute and World Resources Institute; Roster: Friends of the Earth, International Organization of Automobile Manufacturers, International Studies Association, National Audubon Society and Natural Resources Defense Council.

8. The following non-governmental organizations were also represented: American Forestry Association, Ancient Forest International, Canadian Electrical Association, Center for Clean Air Policy, Centre for Our Common Future, Centre for Science and Environment, Chemical Manufacturers Association, Climate Action Network, Climate Council, Climate Network Europe, Edison Electric Institute, Environmental Defense Fund, Environmental Protection Society (Malaysia), Environment and Development of the Third World, Forum of Brazilian NGOs to UNCED, Foundation of Environmental Conservation, Global Climate Coalition, Haribon Foundation for the Conservation of Natural Resources, Harvard Law School Global Warming Project, Indonesian Environmental Forum (WALHI), International Council for Environmental Law, Kenya Energy and Environment Organizations, Latin American Forestry Institute, National Association of Regulatory Utility Commissioners, Royal Institute of International Affairs, Save the Forests - Save the Planet, the Kenya Consumers' Organization, Union of Concerned Scientists, Worldwatch Institute, World Wildlife Fund and Zero.

C. Adoption of the agenda

9. At its 1st plenary meeting, on 19 June 1991, the Committee adopted the following agenda:

1. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work;
 - (c) Election of the officers of the Working Groups;
 - (d) Dates and venues of subsequent sessions;
 - (e) Provisional agenda of the third session.
2. Preparation 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 by the Plenary of progress reports submitted by the Working Groups.
3. Requests for scientific and technical advice from the Intergovernmental Panel on Climate Change.
4. Review of extrabudgetary funds:
 - (a) Special voluntary fund to support the participation of developing countries;
 - (b) Trust fund for the negotiating process.
5. Adoption of the report.

D. Documentation

10. The documents before the Committee at its second session are listed in annex I to the present report.

E. Election of officers

11. At the 4th plenary meeting, on 21 June, the Chairman reported to the Committee that, following consultations with representatives of the regional groups, it had not been possible to achieve consensus on the designation of the Chairmen for the two Working Groups. After considering recourse to a

vote, he had come to the conclusion that the preferred option among the different regional groups would be to elect two Co-Chairmen for each Working Group.

12. He stressed that, notwithstanding any precedents in the United Nations for such a device, the election of Co-Chairmen was, in the view of all, an exceptional measure. It also did not imply any departure from an integrated approach to the subject-matter dealt with by the Working Groups and that it would be the responsibility of the Chairman of the Committee to ensure the harmonious functioning of the arrangement. On the proposal of the Chairman, the Committee waived rules 50 and 40 of its rules of procedure to permit the Committee to elect officers of the Working Groups.

13. The Committee then elected the following officers of Working Group I:

Co-Chairmen: Mr. N. Akao (Japan)
Mr. E. de Alba-Alcaraz (Mexico)

Vice-Chairman: Mr. M.M. Ould El Ghaouth (Mauritania)

and of Working Group II:

Co-Chairmen: Ms. E. Dowdeswell (Canada)
Mr. R.F. Van Lierop (Vanuatu)

Vice-Chairman: Mr. M. Sadowski (Poland)

F. Organization of work

14. The Chairman noted that the tasks of the Working Groups should be organized according to Committee decision 1/1 (A/AC.237/6, annex, part II, paras. 6 and 7).

15. At its 5th plenary meeting, on 24 June, on the proposal of the Chairman, the Committee agreed that work on principles and definitions would be addressed by the two Working Groups, as necessary, but that the bulk of the consideration was expected to take place in Working Group I. There was also an understanding that this was to be a first reading, which would not preclude the presentation of further proposals at a later stage.

III. PREPARATION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

A. Statements by the representatives of programmes and organizations of the United Nations system

16. At the 1st plenary meeting, on 19 June 1991, statements were made on behalf of the Executive Director of UNEP, the Secretary-General of UNCED and the Secretary-General of WMO. All three statements reviewed and reaffirmed the support of their respective organizations for the negotiating process in the Committee and for its secretariat and welcomed the good collaboration established with the latter.

17. In a statement read by Mr. William Mansfield III, Deputy Executive Director of UNEP, Dr. Mostafa K. Tolba, Executive Director of UNEP, emphasized the need for an effective convention with commitments, a need which was supported by increasing scientific evidence of global warming. Referring to the importance of providing assistance to developing countries, he stated that UNEP, in collaboration with the Intergovernmental Panel on Climate Change (IPCC), intended to support studies in a few countries to analyse the costs of responding to climate change.

18. Mr. Nitin Desai, Deputy Secretary-General of UNCED, speaking on behalf of the Secretary-General, Mr. Maurice F. Strong, noted that the Preparatory Committee of UNCED sought to provide a framework for integrating distinct activities such as the negotiations on a climate change convention in a broad-based programme of action for sustainable development. The progress achieved in these negotiations would be an important factor in determining the outcome of the UNCED. Implementing that outcome would require new and additional financial resources, arrangements for the transfer of relevant technologies, particularly to developing countries, and legal and institutional development.

19. Dr. Victor Boldirev, Director of the World Climate Programme of WMO, made a statement on behalf of the Secretary-General, Professor G.O.P. Obasi. He outlined developments at the Eleventh World Meteorological Congress, held in May 1991, which adopted resolutions on matters fundamental to work on climate change, including the World Climate Programme (WCP), the Global Climate Observing System (GCOS), IPCC and INC itself. He described the implementation strategy of the World Climate Programme and the role of the Co-ordinating Committee.

20. The Chairman noted that the Committee would need to take into account the relevant decisions of the Preparatory Committee of UNCED, the Governing Council of UNEP and the Eleventh World Meteorological Congress.

B. Statements by delegations

21. At the 2nd plenary meeting, on 19 June, statements were made by the representatives of several countries relating to their submissions before the Committee, reproduced in documents A/AC.237/Misc.1 and Add.1 to 8.

22. At the 3rd and 4th plenary meetings, the representatives of some countries made statements commenting on document A/AC.237/Misc.2/Rev.1, entitled "Compilation of Possible Elements for a Framework Convention on Climate Change", prepared by the secretariat as an informal contribution to the Committee's work on agenda item 2. The Executive Secretary responded to those comments. At its 4th plenary meeting, the Committee agreed that the secretariat should prepare a further compilation comprising the texts submitted by delegations and contained in addenda 1-9 to document A/AC.237/Misc.1 and structured in accordance with paragraphs 6 and 7 of decision 1/1 of the Committee (A/AC.237/6).

23. At the 6th plenary meeting one representative referred to the Ministerial Conference of Developing Countries on Environment and Development, which was held in Beijing on 18 and 19 June 1991. He added that texts of the Beijing Ministerial Declaration on Environment and Development adopted at the Conference were available.

C. Report of Working Group I: Commitments

24. At its 1st plenary meeting, on 19 June 1991, the Intergovernmental Negotiating Committee allocated to Working Group I, in accordance with its decision 1/1, item 2 (a) of its agenda entitled "Preparation of a framework convention on climate change: (a) Elements related to commitments". In addition, the Committee at its 5th plenary meeting, on 24 June 1991, decided that Working Group I should address the issue of principles and definitions.

25. At its 2nd meeting, on 24 June, Working Group I adopted the organization of its work (A/AC.237/WG.I/L.1)

26. Working Group I held one private meeting on 21 June and eight open meetings from 24 to 27 June 1991.

PRINCIPLES

27. Working Group I considered the matter at its 2nd meeting, on 24 June.

28. Statements were made by the representatives of 40 States.

29. Working Group I agreed that, on the basis of the above discussion, the principles should be compiled under various headings.

30. At its 8th meeting, Working Group I had before it in document A/AC.237/WG.I/L.3 a draft proposal by the Bureau on a "Draft compilation of principles". Statements were made by representatives of 24 States.

Elements related to commitments

(a) Appropriate commitments, beyond those required by existing agreements, for limiting and reducing net emissions of carbon dioxide and other greenhouse gases, on the protection, enhancement and increase of sinks and reservoirs, and in support of measures to counter that contributions should be equitably differentiated according to countries' responsibilities and their level of development.

32. Working Group I considered the matter at its 3rd and 4th meetings, on 25 June.

33. Statements were made by the representatives of 45 States and one observer.

(b) Appropriate commitments on adequate and additional financial resources to enable developing countries to meet incremental costs required to fulfil the commitments referred to above and to facilitate the transfer of technology expeditiously on a fair and most favourable basis.

34. Working Group I considered the matter at its 5th and 6th meetings, on 26 June.

35. Statements were made by representatives of 40 States.

(c) Commitments addressing the special situation of developing countries, taking into account their developing needs, including inter alia, the problems of small island developing countries, low-lying coastal areas and areas threatened by erosion, flooding, desertification and high urban atmospheric pollution; also taking into account the problems of economies in transition.

36. Working Group I considered the matter at its 6th meeting, on 26 June.

37. Statements were made by the representatives of eight States.

38. The representatives of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO/IOC) also made statements.

39. At its 7th meeting, Working Group I considered a possible structural classification of items under paragraphs 6 (a) (b) and (c) of decision 1/1 on the basis of a draft proposal by the Bureau on a "Draft structure for classifying commitments" (A/AC.237/WG.I/L.2)

40. Statements were made by representatives of 15 States.

41. Working Group I agreed that any new proposals related to commitments, as well as proposals contained in document A/AC.237/Misc.1 and Add.1 to 9, should be reflected in a new compilation, provided that the new proposals are communicated in writing by the Secretariat no later than 15 July 1991.

D. Report of Working Group II: Mechanisms

42. At its 1st plenary meeting, on 19 June 1991, the Intergovernmental Negotiating Committee allocated to Working Group II, in accordance with its decision 1/1, item 2 (b) of its agenda entitled: "Preparation of a framework convention on climate change: (b) Elements related to mechanisms".

43. At its 1st meeting, on 24 June, Working Group II decided, as agreed at its 1st (private) meeting on 21 June, that bearing in mind rule 46 of its rules of procedure its meetings would be open unless it decided otherwise

44. Also at the same meeting, Working Group II approved the organization of its work (A/AC.237/WG.II./L.1).

45. Working Group II held one private meeting, on 21 June, and six open meetings, from 24 to 27 June 1991.

Elements related to mechanisms

46. In accordance with the provisions of paragraph 7 of Committee decision 1/1, Working Group II considered elements relating to mechanisms as follows:

(a) Legal and institutional mechanisms, including, inter alia, entry into force, withdrawal, compliance and assessment and review.

47. Working Group II considered the question of legal and institutional mechanisms, including, entry into force, withdrawal, compliance and assessment and review at its 3rd and 6th meetings, on 25 and 27 June.

48. At its 3rd meeting, statements were made by representatives of 23 States.

49. At the 6th meeting, Working Group II decided to request its Co-Chairmen (Ms. E. Dowdeswell (Canada) and Mr. R.F. Van Lierop (Vanuatu)) to present to the Plenary an oral report summarizing the views of the Working Group on the question.

(b) Legal and institutional mechanisms to scientific co-operation, monitoring and information.

50. Working Group II considered the question of legal and institutional mechanisms related to scientific cooperation, monitoring and information at its 1st, 2nd and 6th meetings, on 24 and 27 June.

51. At the 1st meeting, on 24 June, Working Group II heard statements by representatives of 19 States.

52. At the 2nd meeting, on 24 June, Working Group II heard statements by representatives of 12 States.

53. Working Group II held three informal meetings to consider various drafts and other proposals by delegations on this question. ~~At its 6th meeting, on 27 June, on the basis of informal consultations, Working Group II decided to recommend to the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change the adoption of the following draft decision:~~

The Intergovernmental Negotiating Committee for a Framework Convention on Climate Change decides to request the Co-Chairmen of Working Group II to prepare a single text on the elements relating to mechanisms under the mandate of Working Group II as follows:

(a) This text is to be based on the various submissions already before the Working Group and those which might be submitted by delegations to the Secretariat in writing on or before 15 July 1991, as well as on the discussions held by the Working Group during the second session of the Intergovernmental Negotiating Committee;

(b) This text is to include areas of convergence and, where necessary, to present alternate versions where there is no convergence.

(c) This text could serve as a possible basis for consideration and discussion by Working Group II at the third session of the Committee and is to be distributed prior to that session which is to be held at Nairobi from 9 to 20 September 1991.

c) Legal & institutional mechanisms related to adequate financial resources
54. Working Group II considered the question of 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 at its 4th to 6th meetings, on 26 and 27 June.

55. At the 4th meeting, on 26 June, statements were made by 20 representatives of States. One representative of a specialized agency also made a statement.

56. At the 5th meeting, on 26 June, statements were made by 20 representatives of States.

57. At the 6th meeting, on 27 June, Working Group II decided to request its Co-Chairmen (Ms. E. Dowdeswell (Canada) and Mr. R.F. Van Lierop (Vanuatu)) to present to the Plenary an oral report summarizing the views of the Working Group on the question.

IV. REQUESTS FOR SCIENTIFIC AND TECHNICAL ADVICE FROM THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

A. Statement by the Chairman of the Intergovernmental Panel on Climate Change

58. At its 6th plenary meeting, on 25 June, the Committee heard a statement by the Chairman of the Intergovernmental Panel on Climate Change, Professor Bert Bolin. He foresaw that negotiations on climate change would continue long beyond June 1992 and that IPCC could be the provider of independent scientific and technical advice for the negotiations: in each of its tasks, IPCC distinguished between work which could be completed in time to make results available to INC, and long-term work whose results would become available after 1992. He drew attention to the report of the Panel's fifth session and mentioned that it had been made available to the Committee. He outlined the six main tasks the Panel had defined:

- (a) Assessment of national net greenhouse gas emissions;
- (b) Predictions of the regional distributions of climate change and associated impact studies, including model validation studies;
- (c) Specific issues related to energy and industry;
- (d) Specific forestry-related issues;
- (e) Vulnerability to sea level rise;
- (f) Emissions scenarios.

He considered these tasks might serve INC in its current efforts in the best possible way, but stressed that IPCC would welcome requests from INC as foreseen by General Assembly resolution 45/212.

B. Statements by delegations

59. In the debate which followed, statements were made by representatives of 21 member States. There was general appreciation of the presentation by Professor Bolin and of the work of IPCC, as well as encouragement for it to support INC by providing objective scientific and technical advice. A number of countries made proposals on scientific and technical topics on which IPCC

advice might help. Some thought these should include socio-economic analyses of relevant issues, whilst others expressed the view that socio-economic analyses of the response strategies should be an integral part of work of INC as the single negotiating process. Several countries referred to the value of national studies and reports, and felt that they should be compiled by countries themselves, using an agreed and shared methodology. There was also support for regional studies. A number of countries considered that the Executive Secretary should have a clear indication of the advice which members of the Committee needed from IPCC.

60. In response Professor Bolin said that he was grateful for the discussion, had noted the points made and would give them his full attention. He noted that the outcomes of IPCC discussions were, of course, not binding on countries; they provided information to help INC in its deliberations.

61. Summarizing the debate, the Chairman of the Intergovernmental Negotiating Committee said that several delegations had made proposals on technical and scientific advice INC might request from IPCC: countries would need to consider the results of IPCC's work; the preponderance of speakers had spoken in favour of the six tasks IPCC had adopted, though there were varying appreciations of their priority; there was strong agreement that developing countries should play their full role in the scientific and technical work of IPCC and that the relationship between INC and IPCC was unchanged - the Executive Secretary was charged to cooperate closely with the IPCC to ensure that the Panel could respond to needs for objective scientific and technical advice during the negotiating process.

V. REVIEW OF EXTRABUDGETARY FUNDS

A. Special voluntary fund to support the participation of developing countries

62. At the 7th plenary meeting, the Executive Secretary reported on recent changes in the status of contributions to the special voluntary fund; these are recorded in document A/AC.237/8/Add.1. He further explained the basis on which it was decided to offer travel and subsistence costs to one delegate each from 99 developing countries (including all the least developed countries and many small island developing countries). He noted that the number of delegations from developing countries at this session with representation from capitals had more than doubled by comparison with the first session and that many of these delegations included experts. He sought guidelines from the Committee concerning the adequacy of the arrangements made and the use of the fund for future sessions of the Committee.

63. Concerning future funding needs, the Executive Secretary reiterated the estimate that a further \$US 1 million would need to be contributed to this fund, beyond amounts already pledged, if the arrangements made for the second session were to be continued and if the Committee were to hold a further session in 1992. He expressed the hope that such contributions would be forthcoming and appealed for prompt payment of moneys currently pledged in order to enable timely arrangements to be made for financing participation in the third session.

64. A number of delegations made statements concerning the adequacy of funds available and the arrangements made by the Executive Secretary for the use of the fund for the second session, including the determination of the list of countries eligible for support and of the number of delegations to be funded for each country. One of these delegations drew attention to the imminence of its payment to the fund; another announced that it would increase its contribution; two others drew attention to their bilateral funding arrangements.

65. In the light of these statements and of the responses made by the Executive Secretary to questions raised, the Chairman expressed the general satisfaction of the Committee, and its sense, that the Executive Secretary should continue to use this fund for travel and subsistence for delegations from developing countries along the lines adopted in connection with the second session, and its encouragement to him to explore ways of further supporting the effective participation of developing countries. He further expressed the gratitude of the Committee to members that had made new pledges or payments, and its concern that sufficient money should reach the Fund in time for arrangements to be made to support participation in the third session. He appealed on behalf of the Committee to all countries in a position to do so to make new or increased pledges to contribute to this Fund.

B. Trust fund for the negotiating process

66. Also at the 7th plenary meeting, the Executive Secretary described plans for the further operation of the Committee's secretariat and referred to a number of important decisions on administrative and financial arrangements which needed to be taken in order to ensure that the secretariat work efficiently. He undertook to assess the performance of the secretariat at the current session and, if necessary, to reinforce its capacity to provide substantive servicing to future sessions, seeking assistance for this purpose from cooperating organizations.

67. Drawing attention to information regarding the costs of the secretariat given in document A/AC.237/8 and subsequently provided to the Committee, he estimated that the expenses for which finance was sought from this Trust Fund (\$US 560,000) would amount to some 20 per cent of the total costs of the secretariat. This estimate assumed that it would not be necessary to use this fund to finance staff costs. He expressed appreciation to the organizations providing staff to the secretariat on a non-reimbursable basis, to the Government providing bilateral funding for an associate expert and to those which had indicated interest in making similar bilateral arrangements. He suggested that such arrangements might be extended to associate experts from developing countries so as to ensure a proper diversity in the staffing of the secretariat.

68. A number of delegations commented on these matters. Some expressed distress and concern at the continuing uncertainty about the administrative and financial arrangements for the secretariat, as well as interest in the possibility of assigning associate experts from developing countries to the secretariat. Reference was made to decision 16/4 of the Governing Council of UNEP, requesting the Executive Director to support INC and its secretariat, as

well as to the ad hoc, and therefore temporary, character of the secretariat. One representative announced that his Government would make a contribution to this trust fund. The Chairman, on behalf of the Committee and the Executive Secretary, expressed gratitude for this contribution.

69. Summing up the discussion, the Chairman conveyed an appeal from the Committee to all potential donors identified in paragraph 22 of General Assembly resolution 45/212, as well as to concerned organizations, to support the negotiating process, through its secretariat, inter alia, by contributing to this trust fund. He reiterated the deep concern of the Committee about the inadequacy of facilities provided in support of its work and undertook to convey to the appropriate authorities of the United Nations Secretariat the urgent request of the Committee that the necessary administrative and financial decisions should receive high priority.

VI. ARRANGEMENTS FOR FUTURE SESSIONS OF THE COMMITTEE

A. Provisional agenda for the third session

70. The Committee had before it the following provisional agenda for the third session (A/AC.237/L.6):

1. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work;
 - (c) Dates and venues of subsequent sessions;
 - (d) Provisional agenda of the fourth session.
2. Preparation 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 by the Plenary of progress reports 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.

B. Date and place of future sessions

71. At its 6th and 7th plenary meetings the Committee considered the date and place of its third and fourth sessions. It adopted the following programme of sessions:

3rd session from 9-20 September 1991 at Nairobi;

4th session from 2-20 December 1991 at Geneva.

72. At its 7th plenary meeting the Committee decided to include a session between January and June 1991 in its plans. The Executive Secretary was requested to explore possibilities of date and venue, and to report to the September 1991 session.

DRAFT COMPILATION OF PRINCIPLES

Non- paper Submitted by the Bureau of Working Group I

I. Common but differentiated responsibility

1. Global obligation to protect the climate for the benefit of future generations based on principle of equity and common but differentiated responsibilities of countries.
2. In developing countries whose energy costs and emissions are unimportant in the overall context, an efficient use of energy should be favoured, but for the time being, because of demography and increasing levels of economic growth, an absolute increment in the use of energy is to be expected.
3. There should be different targets with different time-frames for different categories of countries so that the right to development of developing countries is taken into account. Countries with low energy consumption can set appropriate targets by, inter alia, taking advantage of more energy efficient and less pollutive technologies.
4. The international community has a common but differentiated responsibility in respect of climate change and, bearing in mind that the emission of greenhouse gases affecting the atmosphere has hitherto originated mainly from developed countries, those countries should therefore have the main responsibility in addressing the problem.
5. We stress as a first step, the need to stabilize, while ensuring sustainable development of the world economy, emissions of greenhouse gases not controlled by the Montreal Protocol on Substances that Deplete the Ozone Layer. Contributions should be equitably differentiated according to countries' responsibilities and their level of development. In this context, we acknowledge efforts already undertaken by a number of countries to meet this goal.
6. Equitability in all relevant commitments.
7. Equity both between industrialized countries and between industrialized countries and developing countries.
8. The need for equitable burden-sharing, both between industrialized and developing countries and between the industrialized countries, must be secured.
9. Equitable sharing between countries or major regions of the objectives established.
10. The obligations shall be equitably distributed between developed and developing countries in accordance with their responsibility and capabilities, and different time frames be set out for implementation, noting that the largest part of the current emission of greenhouse gases originates in developed countries and that those countries have the main responsibility for combating the adverse effects thereof.
11. Action to be taken should be based on equity, in accordance with the proportionate contributions to the problem, with due regard to the development requirements of developing countries, especially those whose current emissions are low.

12. In order to secure global undertakings relating to a climate change, the convention should have such contents that will lead to feasible and suitable actions by respective countries, with due consideration given to the various situations within individual nations. This notion follows as well that to enhance the response capability of developing countries, the convention should provide for special assistance to developing countries.

13. Equity, both among industrialized countries and between industrialized and developing countries. Although we have a common responsibility, we must recognize that it is differentiated in accordance with the level of development.

14. The Polluter Pays Principle: the principle that those responsible for causing damage to the environment bear the responsibility for rectifying that damage.

15. Polluter Pays Principle should apply to global environment and compensate environmental damage suffered by countries.

16. The obligation for taking or facilitating abatement and adaptation measures rests on countries which are responsible for excessively high levels of per capita GHG emissions of an anthropogenic nature, past and present.

17. Developed countries are the main contributors of GHGs and thus should take the lead and shoulder the main responsibility to stabilize and limit the greenhouse gas emissions.

18. Climate change is a common concern of mankind, and countries have common but differentiated responsibilities in addressing the Climate Change issue.

II. Common concern of mankind

1. Climate change is a common concern of mankind.

2. Global climate change is a matter of common concern for mankind.

3. Recognizing climate change as a common concern of mankind, we commit ourselves and intend to take active and constructive steps in a global response, without prejudice to sovereignty of States.

4. The Framework Convention on Climate Change should be global, acknowledging that climate change is a common concern of the international community and that all nations need to participate in any international response, in accordance with the means at their disposal and their capabilities.

5. Inter-generational Equity: the duty of all States to preserve and protect natural capital for the benefit of present and future generations.

6. Sovereign exploitation of forests (tropical and temporal) is also a prerequisite for the solidarity action of States in order to halt a phenomenon that will affect the lives of future generations.

III. Compensation

1. Developing countries require to be compensated for the full incremental costs incurred by them in respect of such measures as they may undertake to take with regard to climate change.
2. Liability: This Convention shall be without prejudice to the application of the rules of international law governing the liability of States.
3. Common responsibility, although differentiated, requires action in these different areas. From the industrialised world it requires an effective co-operation which compensates for some of the restrictions that impede economic growth of the developing countries and a transfer of clean technology on concessionary terms that could allow "the leap forward" of those States that are going through the type of industrialization that has already affected the climate structure at a global level.

IV. Comprehensiveness

1. The control of GHG emissions should not be limited to the gas and energy sector alone, there should be equivalent and parallel consideration of other GHGs, specifically methane and NOx, and of other industrial sectors, agriculture, and domestic activities (for example, solid waste disposal methods).
2. The Framework Convention on Climate Change should be comprehensive, recognizing that several greenhouse gases, each with different impacts on the environment, arise from numerous human activities and natural processes worldwide; and that strategies to understand and address climate change will be most environmentally effective and economical if they encompass all the greenhouse gases, their sources and sinks.
3. We recommend that in the elaboration of response strategies, over time, all greenhouse gases, sources and sinks be considered in the most comprehensive manner possible and also that limitation and adaptation measures be addressed.

V. Environment and Development

1. Necessity of assuring compatibility of protection of environment and economic development.
2. Climate change is the most global of all environmental problems which calls for the widest possible association of efforts by all countries including a dramatic change in production and consumption patterns in industrialized countries, as well as differentiated agreement for effective action.
3. The Framework Convention on Climate Change should encourage nations to use market mechanisms, as appropriate, to foster expanding free trade and to achieve cost-effective results.
4. No country or group of countries shall introduce barriers to trade on environmental grounds, except on the basis of a decision by the Conference of Parties.
5. Non-conditionality such as barriers to trade.

6. No environmental conditionalities shall be introduced in aid or development financing.
7. Developed countries are urged to co-operate with developing countries to support immediate action in addressing climate change including sea-level rise without imposing any new conditionality on developing countries.
8. Poverty eradication.
9. Since developing countries have as their main priority, the eradication of poverty and achieving social and economic development, their net emissions must grow from their as yet relatively low energy consumption.
10. A balance must be struck between potential ecological and socio-economic consequences of climate change, the cost of abatement policies and the cost of adaptation. Climate policies must be combined with policies to foster vigorous economic growth to combat poverty, safeguard the development priorities of developing countries and create the necessary resources to combat local and regional environmental degradation.
11. Right to decent living standards for all people.
12. An appropriate level of economic development is the prerequisite for adopting concrete control measures to address climate change, and all the peoples in the world are entitled to an appropriate standard of living. Therefore, the energy consumption of developing countries must grow. Any limitation or control measures shall take full account of the per capita emission levels of various countries and the developmental needs of developing countries.
13. All inhabitants of the planet have equal rights to the oceanic and other global sinks and to atmospheric resources, subject to provisions of international law.
14. Right to development.
15. The Right to development is an inalienable human right. All peoples have an equal right in matters relating to living standards.
16. We recognize that developing countries have as their main priority alleviating poverty and achieving social and economic development and that their net emissions must grow from their, as yet, relatively low energy consumption to accommodate their development needs. Narrowing the gap between the developed and the developing world would provide a basis for a full partnership of all nations and would assist the developing countries in dealing with the climate change issue.
17. Take account of all sources and sinks of GHGs and our commitments should relate to control of net emissions.
18. We recommend that in the elaboration of response strategies, over time, all greenhouse gases, sources and sinks be considered in the most comprehensive manner possible and also that limitation and adaptation measures be addressed.
19. Climate policies should include all relevant sources and sinks of greenhouse gases. Emission targets should be defined in terms of net

emissions of the greenhouse gases that are adequately measurable, measured as CO₂-equivalents, taking into account requirements under the Montreal Protocol and other agreements.

20. Environmental protection and economic development shall proceed in an integrated manner in light of country-specific conditions.

21. Special consideration for the developing countries to meet their socio-economic development including supportive international environment.

VI. Flexibility

1. In accordance with SWCC, actions should be undertaken in a phased and flexible manner on the basis of medium and long term strategies at national, regional or global level.

2. The Framework Convention on Climate Change should be flexible, recognizing that strategies to understand and address climate change will be most environmentally effective and most economical if they are based on, and continually reevaluated in light of, relevant scientific, technical, and economic considerations.

VII. International Cooperation

1. The necessary participation of all countries from the very beginning.

2. The Framework Convention on Climate Change should foster international cooperation, enabling cooperative arrangements for understanding and addressing potential climate change in the most effective and efficient manner.

3. The Framework Convention on Climate Change should foster global stewardship, recognizing the interdependence of environmental protection and economic growth, and the need to pursue strategies that advance both goals if we are to protect global resources for present and future generations.

4. Narrowing the gap between the developed and the developing would be the basis for a full partnership of all nations and would assist the developing countries in dealing with the climate change issue.

5. The greatest possible harmonization of the measures adopted in order to avoid distortions of competition.

6. Integration of climate change issues with development.

7. The Principle of Inter-connectedness: the principle that all elements of the ecosystem are linked, interrelated and interdependent, so that actions in one area influence and have effects upon other areas.

8. The whole world needs to launch a cooperative effort, as the atmosphere knows no boundaries. Furthermore, those who will be most hit by the effects of global warming are not necessarily those who historically have contributed most to the emission of greenhouse gases. We also know that economic development will change the emission patterns over time.

9. The Parties shall conduct effective international co-operation based on the principle of equity to deal jointly with the climate change issue without prejudice to sovereignty of states.

VIII. New and additional funding

1. Obligations of developed countries to provide new and additional funding and to cover incremental cost which will be incurred by developing countries in addressing climate change issues.

2. Transfer of additional financial resources to favour developing countries considering the serious situation caused by the external debt of the majority of these countries.

3. The principle of additionality of resources is closely linked to equity. We must draw the practical consequences of the fact that developing countries need to concentrate their scarce resources on economic and social development. Assistance to developing countries to cover incremental costs to combat global warming must therefore be additional to other financial transfers.

4. To enable developing countries to meet incremental costs required to take the necessary measures to address climate change and sea-level rise, consistent with their development needs, we recommend that adequate and additional financial resources should be mobilized and best available environmentally sound technologies transferred expeditiously on a fair and most favourable basis. Developing countries also should, within the limits feasible, take action in this regard.

5. We recommend that consideration should be given to the need for funding facilities, including the proposed World Bank/UNEP/UNDP Global Environmental Facility, a clearing-house mechanism and a new possible international fund composed of adequate additional and timely financial resources and institutional arrangements for developing countries; taking into account existing multilateral and bilateral mechanisms and approaches. Such funding should be related to the implementation of the framework convention on climate change and any other related instruments that might be agreed upon.

IX. Open process

1. The Framework Convention on Climate Change should foster in an open process, allowing appropriate input from non-governmental organizations, public access to decision making deliberations where appropriate, and outreach and education of the interested global citizenry.

X. Precautionary principle

1. To use the principle of precautionary action to confront the factors that caused climate change.

2. In order to achieve sustainable development in all countries and to meet the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of, and mitigate the adverse consequences of, environmental degradation that might result from climate change. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent such environmental degradation. The measures adopted should take into account different socio-economic contexts.

3. We recommend that appropriate precautionary and control measures be developed and implemented at regional, subregional and country levels as appropriate to counter the increasing degradation of land, water, and genetic and other productive resource bases by drought, desertification and land degradation.
4. The Framework Convention on Climate Change should take a precautionary approach, reaffirming that lack of full scientific certainty should not be used as a reason for postponing measures that are commensurate with the expected extent and likelihood of any adverse impact on climate change, that reflect the cost and benefits of such measures, and that are directed as appropriate towards understanding, limiting, reducing, adapting to or preventing such adverse impacts.
5. The Precautionary Principle: the principle which operates where there is sufficient evidence to identify a threat of serious or irreversible harm to the environment to establish a duty to take measures which anticipate, prevent and attack the causes of environmental degradation prior to conclusive scientific proof that the threat will or does harm the environment.
6. The need to take, in the light of the best available scientific knowledge on climate change, realistic and feasible measures which are beneficial to the environment without prejudicing opportunities for economic development, and stressing that measures which are likely to have negative impacts upon or to cause damage to economic and other social activities of mankind should of necessity be taken on a sound and scientific basis.
7. The first principle is cost-effectiveness. It is of paramount importance that measures taken by individual countries are effective in a global perspective. Only by making sure that priority is given to those measures which give the greatest contribution to reducing greenhouse gases in the atmosphere can we hope to achieve ambitious global environmental targets, while ensuring sustainable development of the world economy as recognized by the Second World Conference. This can be obtained by giving countries the opportunity to meet emission commitments nationally or partly in cooperation with other countries, either on a bilateral basis or with the assistance of a multilateral institution.
8. High priority must be given to solving the remaining major uncertainties regarding causes and effects of climate change, including the risk for non-linear and rapid changes, as well as uncertainties regarding economic projections and cost estimates.
9. In order to achieve sustainable development in all countries and to meet the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of, and mitigate the adverse consequences of, environmental degradation that might result from climate change. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent such environmental degradation. The measures adopted should take into account different socio-economic contexts.

XI. Recognition of other measures

1. The Framework Convention on Climate Change should recognize and encourage other measures that may be taken, are being taken or have already been taken at the national, regional and international levels that help address the issue of climate change.

XII. Research, information and training

1. Relevant Scientific, Technical and Economic Considerations:

Implementation of this Convention shall be based on relevant scientific and technical considerations. Action shall be taken by the parties in accordance with the means at their disposal and their capabilities.

2. Research, systematic observation and monitoring.

3. It is necessary to implement practicable response strategies without delay, while improving our scientific knowledge, it is also necessary that our response strategies should constantly be reviewed, taking advantage of scientific and technological developments and knowledge.

4. The Framework Convention on Climate Change should promote sound science and economics, encouraging appropriate bodies to undertake vigorous research, systematic observation and analysis, including full and open exchange of data among parties and cooperation among all nations.

5. Observatories on climate and climate change and observatories on ecosystems should be encouraged to work together on drought risks consequences. Studies must undertaken on drought and desertification. We stress that stepped-up financial and scientific contribution be provided to facilitate these efforts.

6. Existing standard methodologies of assessing the emissions of GHGs should be made available to all countries so that they can undertake assessment of their own emissions.

7. We recommend further that resources be assessed. Such assessments, to be conducted as soon as possible, should include country studies and mechanisms to meet the financing needs identified, taking note of the approaches developed under the Montreal Protocol.

XIII Sovereignty

1. Sovereign right of each country to exploit its natural resources.

2. The principles enshrined in the Stockholm Declaration on Human Environment of 1972, particularly 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" shall be adhered to.

3. The principles of sovereignty of States and of non-interference in the internal affairs of other countries, shall be adhered to in all international affairs, including those relating to the protection of global environment.¹

4. The Framework Convention on Climate Change should respect national autonomy in accordance with Principle 21 of the Stockholm Declaration, recognizing that nations have different social, economic and other circumstances, including different sets of net greenhouse gas emissions, and need flexibility in the choice of any response options.

XIV. Special Circumstances

1. The specific difficulties of those countries, particularly developing countries, whose economies are highly dependent on fossil fuel production and exportation, as a consequence of action taken on limiting greenhouse gas emissions, should be taken into account.
2. The special circumstances and needs of the parties that are developing countries shall be taken into full consideration, and the Parties shall exert all efforts to ensure that the developing countries are provided with the necessary financial resources and the requisite technologies and means in order to adequately address the problem of climate change.
3. Principles; e.g., recognition of the different circumstances of countries, including the particular circumstances of developing countries and countries with economies in transition.
4. The particular vulnerability of the Least Developed Countries to the impact and/or potential threats of global climate change needs to be addressed on a priority basis.
5. We recommend that similar measures be adopted to address the particular problems and needs, including funding, of low-lying coastal and small vulnerable island countries, some of whose very existence is placed at risk by the consequences of climate change.
6. The specific difficulties of those countries, particularly developing countries, whose economies are highly dependent on fossil fuel production and exportation, as a consequence of action taken on limiting greenhouse gas emissions, should be taken into account.

XV. Sustainable development

1. The Framework Convention on Climate Change should reflect the long term nature of climate change, building the knowledge, technology and resources needed to achieve sustainable development.
2. A long-term objective of climate policies should be to take appropriate action to stabilize greenhouse gas concentrations in the atmosphere at a level which minimizes damage to the sustainable development of societies and to ecosystems, ecological processes, and climatic conditions essential for the functioning of the biosphere.
3. Recognizing that climate change is a global problem of unique character and taking into account the remaining uncertainties in the field of science, economics and response options, we consider that a global response, while ensuring sustainable development 1/ of all countries, must be decided and implemented without further delay based on the best available knowledge such as that resulting from the IPCC assessment. Recognizing further that the principle of equity and the common but differentiated responsibility of countries should be the basis of any global response to climate change, developed countries must take the lead. They must all commit themselves to actions to reduce their major contribution to the global net emissions and

enter into and strengthen co-operation with developing countries to enable them to adequately address climate change without hindering their national development goals and objectives. Developing countries must, within the limits feasible, and taking into account the problems regarding the burden of external debt and their economic circumstances, commit themselves to appropriate action in this regard. To this end, there is a need to meet the requirements of developing countries, that adequate and additional financial resources be mobilized and the best available environmentally-sound technologies be transferred expeditiously on a fair and most favourable basis.

1/ Statement of sustainable development as agreed at the fifteenth session of UNEP Governing Council (annex II, UNEP/GC 15/L.37).

XVI. Technology transfer

1. Negotiations on transfer of financial resources and technology should take place at the same time as on other aspects of the Convention.
2. Obligation of developed countries to effect transfer of appropriate environmentally sound technologies on a concessional and preferential basis.
3. Preferential technology transfer for developing countries.
4. Developing countries will also require technology transfers on preferential and non-commercial terms.
5. We recognize that there is no single quick-fix technological option for limiting greenhouse gas emissions. However, we are convinced that technological innovation as well as individual and social behaviour and institutional adaptations is a key element of a long-term strategy that deals with climate change in a way that meets the goal of sustainable development. Therefore, we urge all countries, the developed countries in particular, to intensify their efforts and international co-operation in technological research, development and dissemination of appropriate and environmentally sound technologies, including the reassessment and improvement of existing technologies and introduction of new technologies.
6. The Framework Convention on Climate Change should spur needed technologies through technology cooperation and appropriate incentives for their development and dissemination, including adequate and effective protection of intellectual property rights.
7. We urge that environmentally sound and safe technologies be utilized by all sectors in all countries to the fullest extent possible and further urge all countries, developed and developing, to identify and take effective measures to remove barriers to the dissemination of such technologies. To this end, the best available environmentally sound and safe technologies should be transferred to developing countries expeditiously on a fair and most favourable basis.
8. Transfer of environmentally sound technologies shall not be restricted on political grounds.
9. Consideration of the specific needs of the developing countries both as regards the adoption of commitments and the financing and transfer of technology.

10. It is also essential to work with equal zeal in enhancing existing sinks and the creation of new ones. This means working actively on protecting forests and wet areas, as well as development and transfer of technology related to salt-tolerant plants in arid and semi-arid areas. The transfer of technology should also include increasing combustion efficiency to reduce NOx, and the development of agricultural and solid waste disposal techniques that generate less GHG.

11. Principle of Social Responsibility relating to Transfer of Technology: This principle mandated that no developed country shall aid or encourage the transfer of technologies that embody human and environmental safety risks. Developed countries are required to inform developing countries of all short and long term safety risks and cost of any technology that might be sought notwithstanding that such technologies may not be viewed as major source of Greenhouse Gases.

XVII. Undesirable side effects

1. In respect to the world community's effort to protect the atmosphere and climate change, we would like to stress the adoption of a balanced and parallel method in dealing with the different aspects of concluding an international convention to control GHG through a global approach, which would take into consideration all GHGs and activities that lead to these phenomena. In so doing, we should be careful that the solutions we are adopting do not encourage new ecological, economic or social problems, which would place increased burdens on LDCs.