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2nd Round - Secretariat

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6/14 Mtg of Reinskin as preps for Geneva Round

1st name - Chorus of working gyps.

→ Still under check

→ Charities agreed with the 6 reps.

Canada, Brazil, The Gulf, Venezuela, Japan,

Africa

w/dred. - was w/drawn over
 remarks to G 77 criticizing them for their tactics
 is out - now is the end of CITES

Prof. I'Alba from Mexico from Enri Ministry
nominated

Will haven't nominated anyone

Aseng want Japan chair of WBI

Latens count their rep (own names) to Chris

U.S. feels China & WGT shld be from industrial
countries since indus. will bear biggest burden.

Targets of formulae "Skolem" placed before $\forall$ and $\exists$

→ Smā must have be working on frase dv.

EC - hard time w/ burden sharing

ETTA -- not sure how to achieve 'stat, a' impossible

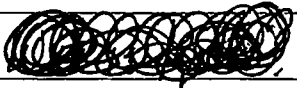
Jan - green

Grand pd. for developing countries does not work. top down

pledge & percent - each country commits to a % of a series of actions - bottom up.

→ being discussed in Europe
→ critique id. others plans.

role of IPCC in framework neg. clear - free
after not sure addressing



What about guy next to Linda S.?

United States Senate

WASHINGTON, DC 20510-4202

June 19, 1991

Hey Folks-

As promised; the climate change documents from the
State Department are enclosed. I'm sending copies to

Kate Kimball
Jeff Burnam
Jim Guthrie
David Harwood
Jennifer Hess
Steve Shimberg
Mike Shields

If I have missed anyone please let me know.

Thanks

A handwritten signature in cursive script, appearing to read "Kate", with a long, sweeping flourish extending from the end.

22 May 1991
ENGLISH ONLY

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Second session
Geneva, 19-28 June 1991
Item 2 of the provisional agenda

PREPARATION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

Set of informal papers
provided by delegations, related to the preparation
of a framework convention on climate change

Addendum

A/AC.237/Misc.1/Add.1
GE.91-60899

List of informal papers

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 of 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).
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PAPER NO. 1: AUSTRALIA

This paper was prepared by Australia as a contribution to the negotiations with a view to stimulating constructive discussion of possible compliance mechanisms, which will be an important element of the Framework Convention on Climate Change. The ideas contained in the paper do not necessarily represent the final views of the Australian Government on the issue. In submitting the paper for circulation to participants in the negotiations, Australia hopes that it will be considered as a useful starting point and serve as a catalyst for discussion.

POSSIBLE COMPLIANCE MECHANISM FOR INCLUSION IN A FRAMEWORK CONVENTION ON CLIMATE CHANGE

An international response to climate change 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.

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.

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.

The attached text takes account of the factors mentioned above. Under the text a State Party would be required to designate a national body to monitor implementation of the Convention/Protocols within the territory of that Party. These State bodies would report periodically and directly to an Implementation Committee established under the Convention. This expert body would examine State reports and might, in appropriate cases, make recommendations to the States concerned. It would also be able to consider information obtained from other sources such as intergovernmental organisations 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.

The attached mechanism would, in Australia's view, when combined with the obligations and incentives under the Convention promote the primary objective of the Convention - that is to minimise the adverse effects of climate change. Given its primary reliance on compliance monitoring by individual States Parties, it also takes due account of the national sovereignty of each of those States.

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

- "(A) Each State Party shall nominate a body within the State which shall be responsible for monitoring compliance with this Convention and its Protocols.
- (B) 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.
- (C) 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
 - (a) measures (both legal and administrative) taken by the State Party to implement the Convention and its Protocols;
 - (b) the adequacy of, and adherence to, those measures; and
 - (c) 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)
- (D) 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 law 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.
- (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."

PAPER NO. 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.

1. Preamble

2. Definitions

[...]

3. General Obligations

3.1 LONG TERM GLOBAL OBJECTIVE: Stabilisation 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 stabilisation levels will have to be elaborated further. In particular, a time horizon and mechanisms for defining and reviewing stabilisation levels will have to be developed.]

3.2. Obligation to minimise adverse effects of global climate change.

[Terminology to be defined in an article on the Definitions].

3.3. Obligation to take appropriate action in pursuance of the long term global objective, on the basis of the precautionary principle.

As a first step:

- * Stabilisation of carbon dioxide emissions by industrialised countries at 1990 levels by the year 2000;

- * Stabilisation of carbon dioxide emissions by other countries at 1990 levels by a year to be agreed upon;

- * Obligations should be equitably differentiated according to countries.

3.4. 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.

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

3.6. 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.

3.7. Obligation to refrain from subsidising activities, inter alia in the energy domain, which contribute to global warming.

3.8. Obligation to conserve natural carbon reservoirs and sinks and to develop integrated strategies to increase sinks.

3.9. **INTERNATIONAL COOPERATION:** Obligation to cooperate in the following areas:

- 3.9.1. Research and systematic observations, modelling;
- 3.9.2. Formulation, coordination or harmonization of policies, strategies, and measures;
- 3.9.3. Development, coordination or harmonisation of market policy instruments;
- 3.9.4. Formulation, coordination or harmonisation of energy efficiency standards;
- 3.9.5. Internalisation of external costs in energy prices;
- 3.9.6. Promotion of the development and transfer of environmentally sound technologies, and technical as well as financial assistance.
- 3.9.7. Sustainable forest management, reduction of deforestation, and afforestation.
- 3.9.8. Preparation for anticipated climate change.
- 3.9.9. Pursuit of policies aimed at sustainable development.
- 3.9.10. Promotion of education and information.

[...]

4. Specific Provisions

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

4.2. Obligation to cooperate in the development of funding mechanisms, particularly through existing mechanisms, for the transfer of additional financial and technological resources to 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.

4.3. Development and transfer of technology and technical assistance.

4.4. Transitional provisions and specific criteria for developing

countries and for countries whose economies are in transition.

[...]

5. Information Exchange

5.1. Exchange of scientific, statistical, technical, socio-economic, legal, and other relevant information.

[...]

6. Reporting

6.1. Obligation to provide periodic reports on progress in implementation of the goals and obligations of the Convention and its related protocols.

[...]

7. Research, Systematic Observations and Monitoring

7.1. Intensified global data collection and research efforts through international programmes (WCP, IGBP, etc).

7.2. Collection, analysis and dissemination of pertinent information and data.

7.3. 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.

7.4. Initiation, intensification or continuation of research efforts in other domains, such as socio-economic causes and effects of global warming, impacts of the increasing greenhouse effect on the environment and society, and strategies to reduce emissions of greenhouse gases and their socio-economic implications.

7.5. Definition of the possible role of IPCC

[...]

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

8.1. Continuous review of implementation and compliance with the goals and obligations of the Convention and its related protocols.

8.2. Periodical review of available scientific, environmental, technical and economic information with respect to climate and climate change.

8.3. Definition and revision of the long term global objective and targets.

8.4. Promotion of coordination or harmonisation of policies, strategies, and measures for controlling and preventing activities which cause adverse effects of climate change.

8.5. Adoption of programmes for research, systematic observation, scientific and technical cooperation, technology transfer, exchange of information, promotion of public awareness.

8.6. Cooperation with relevant international organisations, e.g., WMO and UNEP.

8.7. Arrangements for the cooperation with Non-Governmental-Organisations.

8.8. Evaluation and revision of the Convention and its related protocols.

[...]

9. Protocols/ Annexes

9.1. Implementation of the Convention through Protocols/ Annexes.

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:

9.2.1. Emissions of CO₂ and/or other greenhouse gases, including funding mechanisms;

9.2.2. Sustainable forest management/ reforestation/ afforestation, including funding mechanisms;

9.2.3. Development and transfer of technology;

9.2.4. Scientific issues.

[...]

PAPER NO. 3: FRANCE

Translated from French

FRENCH SUGGESTIONS CONCERNING THE LIMITATION OF
GREENHOUSE GASES

This document puts forward a number of ideas concerning the problem of the limitation of greenhouse gases in the convention on climate change. At this stage, it does not deal with the questions of institutions, sinks, technology transfers or additional financing.

GENERAL CONSIDERATIONS

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).
- The 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.

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.

ACTION PRINCIPLES

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:

- Responsibility and preponderant role of the industrialized countries;
- The necessary participation of all countries from the very beginning;
- Equitable sharing between countries or major regions of the objectives established;
- The greatest possible harmonization of the measures adopted in order to avoid the distortions of competition;
- Consideration of the specific needs of the developing countries both as regards the adoption of commitments and the financing and transfer of technology.

/...

ELABORATION AND FOLLOW-UP OF STRATEGIES

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.

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.

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

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 fossile emissions are the best known. Their control today is the only one practicable, in the same way as CFC emissions.

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 fossile origin.

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.

These objectives will be established over two timeframes:

- 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.

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 2 tons per inhabitant per year, provided that the major industrialized countries take a similar approach.

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.

From the 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

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.

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

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

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

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.

The 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.

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:

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

Non-Paper

submitted by the delegation of the Federal Republic of Germany

Important elements for an International Climate Convention

- I. The preamble should in particular contain the following elements:
 1. The protection of the climate is a common concern of mankind.
 2. 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.
 3. A global answer as well as national and international action to protect the climate, taking into consideration the sovereignty of each country are necessary.
 4. 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.

5. 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.
6. 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.
7. 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.
8. The transfer of knowledge and environmentally sound technology is of particular importance for all Contracting Parties, in particular the developing countries.
9. The developed countries recognise the need to support the developing countries by providing adequate and additional financial resources.
10. 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 minimised as far as possible.

11. 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.

II. The operative part of the Convention should in particular contain the following regulations:

1. Definitions

2. 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

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

The various countries' share of reduction respectively degree of limitation in climate-relevant emissions as well as the provisions for the conservation [REDACTED] 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.

3. 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 particular 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,
- by measures to reduce energy use in the final consumption process, i.e. domestic use, smallscale 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
4. 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).
5. 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.

6. The Contracting Parties should commit themselves to drawing up protocols to develop further the obligations set out in II. 3. to 5. on

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

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

7. 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.
8. 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.

9. 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.
10. 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.
11. 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 signalling effects.
12. 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.

13. The Contracting Parties shall commit themselves to participate in international monitoring programmes such as the "Global Atmosphere Watch" by 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.
14. 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.
15. Annual reporting by the Contracting Parties on the progress made in fulfilling the obligations provided by the convention and protocols.
16. Compliance with the agreement
17. Public awareness, training and education
18. Institutional structures

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.

19. Amendment of the agreement or its protocols.

INFORMAL MALAYSIAN/MALTESE PAPER

7 Feb 1991

OUTLINE OF PROPOSED ELEMENTS OF AN EFFECTIVE FRAMEWORK CONVENTION ON CLIMATE CHANGE

Nature of the Convention

General in nature, designed to attract the widespread support of the international community; and recognising climate change as the common concern of mankind.

Text of the Convention

The constitutive elements of the future convention could include: Preamble; definitions; general principles and obligations; scientific research; monitoring and assessment; information exchange; cooperation in responding and adapting to climate change and sea level rise; institutional machinery; settlement of disputes; and procedural/amendment clauses.

Annexes

There could be two annexes establishing appropriate commitments in the following areas:-

- (a) The limitation, stabilization and reduction of the anthropogenic concentrations of carbon dioxide in the atmosphere, including the protection, enhancement and increase of sinks; and systematic monitoring and research.
- (b) Transfer of technology and financing of the needs of developing countries in particular the needs of specially affected island states.

The relationship between the Convention and Other Instruments and Entities
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 Convention.) (ii) the IPCC and (iii) the other relevant Organisations (e.g. WMO, UNESCO, UNDP and FAO).

Proposed Organisation of INC Work

The INC

The INC should be the main negotiating body with respect to the constitutive elements of the Convention.

Sub-Committees

There should not be more than two sub-committees at least at this session, The first to deal with CO₂ sources and sinks and the other to deal with technology transfer and funding.

Meetings

No more than two meetings of the INC or its sub-committees should be held simultaneously.

PAPER NO. 6: NETHERLANDS

**COMPILATION OF TEXTS RELATED TO "MAIN ELEMENTS" (SHOPPING LIST) FOR
TEXTS 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 (Washington, February 4-14, 1991).

This compilation is based on discussions with a number of other experts.

Reference made to the source materials does not necessarily indicate exact equivalence between the formulation of elements and the sources cited.

The Netherlands Delegation

Washington, February 14, 1991

MAIN ELEMENTS FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE AND/OR RELATED PROTOCOLS AND ANNEXES

On the basis of the main elements as contained in the "shopping list" submitted by Switzerland and Austria a compilation of relevant texts informally circulated by the delegations of the United Kingdom (UK), the Federal Republic of Germany (FRG) and the Netherlands (Neth) respectively has been made. In addition reference is made to the text of the decision of the Council of Environment Ministers of the European Community (EC) concerning climate change and the results of IPCC Working Group III on "Legal and institutional mechanisms" (IPCC).

1. PREAMBLE

- See UK and FRG contributions and IPCC.

1.1. Definitions

- See UK contribution and IPCC.

2. GENERAL OBLIGATIONS

- 2.1. LONG TERM GLOBAL OBJECTIVE:** Stabilisation 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 stabilisation levels will have to be elaborated further, in particular, a time horizon and mechanisms for defining and reviewing stabilisation levels will have to be developed.

- IPCC: The protection, stabilization and improvement of the composition of the atmosphere in order to conserve climate for the benefit of present and future generations.

- 2.2. Obligation to minimise adverse effects of global climate change.**
[Terminology to be defined in an article on the Definitions].

- UK Art 2.1: 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.

- IPCC: See under item 2.1.

- 2.3. Obligation to take appropriate action in pursuance of the long term global objective.**

One of the first steps:

- Stabilisation of carbon dioxide emissions at 1990 levels by a year to be agreed upon;
- Obligations should be equitably differentiated according to countries.

- UK Art 2.1: See under item 2.2.

- FRG 2: The Contracting Parties should commit themselves to undertake without delay and in the interest of prevention, on the basis of the best available technology, suitable measures.

- for the effective limitation / reduction of the emissions of anthropogenic climate-relevant gases, in particular CO₂, CH₄, N₂O and NO₂, CO and VOC as precursors of tropospheric ozone
- for the maintenance and creation of CO₂ storages and sinks, as well as
- to develop strategies and measures to adapt to changes in the climate and to reduce climate-induced damage.

The various countries share of reduction or degree of reduction in climate-relevant emissions as well as the provisions for the compliance with and creation of CO₂ storages 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 developments of each individual country.

- FRG 3: 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 induced, 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-induced 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-induced emissions, in particular CH₄, NO_x, CO and VOC emissions.

This requires immediate and drastic measures of the part of the developed countries in order to stabilise 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 growth by accepting the obligation to strive for more efficient energy use in their economic activity and thus for a limitation of their emissions.

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

- the use of fossil fuels in the incineration 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,
- by measures to reduce energy use in the final consumption process, i.e. domestic use, smallscale 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.

- EC 6: EC Member States and other industrialized countries should take urgent action to stabilize or reduce their CO₂ and other GHG emissions. Stabilization of CO₂ emissions should be in general achieved by the year 2000 at 1990 level, although the Council notes that some Member countries according to their programmes are not in a position to commit themselves to this objective. In this context countries with, as yet, relatively low energy requirements, which can be expected to grow in step with their development, may need targets and strategies which can accommodate that development, while improving the energy efficiency of their economic activities.
- EC 4: OECD, Eastern countries and developing countries have common but differentiated responsibility in dealing with the problem.
- IPCC: The adoption of appropriate measures to protect against the adverse effects of climate change, to limit, reduce, adapt to and, as far as possible, prevent climate change in accordance with the means at the disposal of individual countries and their scientific and technical capabilities; and to avoid creating other environmental problems in taking such measures.

2.4. Obligation for the Parties to prepare, within a given time frame, national and/or regional integrated 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.

- FRG 5: The contracting Parties should commit themselves to develop strategies and measures to adjust to changes in the climate and to reduce climate-induced 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.

- EC 11: Economic and fiscal instruments, e.g. taxes or charges, may play an important role in achieving structural changes in the energy sector aimed at limiting or reducing CO₂ and other GHGs emissions in the most efficient manner.
- 2.5. **Obligation to aim at energy conservation and rational use of energy and development of renewable energy sources. [Criteria to be discussed].**
 - FRG 3: See item 2.3.
 - Neth2a: 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.
- 2.6. **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.**
 - FRG 8: The Contracting Parties shall ensure that the measures they take do not lead to any non-sustainable 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 first of all to examine the environmental compatibility of the measures to be taken.
 - IPCC: Should provision be made for environmental impact assessments of planned activities that are likely to cause significant climate change as well as for prior notice of such activities?
- 2.7. **Obligation to refrain from subsidising activities, inter alia, in the energy domain, which contributes to global warming.**
 - No reference.
- 2.8. **Obligation to conserve and to aim at increasing natural carbon reservoirs and sinks and to develop integrated strategies to this end.**
 - FRG 4: With regard to the maintenance and creation of CO₂ storages 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 bonding 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 storages (in particular oceans and seas).

- EC 12: Forest destruction contributes to global warming through the emission of CO₂, methane and other gases. The rate of deforestation must be reduced and the potential of the world forests to act as a sink for greenhouse gases must be increased through vigorous programmes of forest protection and development. Such programmes should include the strengthening or development of measures for the protection of forests against atmospheric pollution and fires as well as for reforestation and afforestation in suitable areas of Europe, such as the arid Mediterranean areas, and in other suitable areas of the world.

2.9. INTERNATIONAL COOPERATION: Obligation to cooperate in the following areas:

2.9.1. Research and systematic observations, modelling.

- UK Art 2: 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:

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.

- UK Art 3: 1) 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 they 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 change 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.

- 2) 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.
- 3) 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.

- FRG 12: The Contracting Parties shall commit themselves to continue or initiate research and scientific assessments. This holds in particular true for research on the causes or climate changes, for a better understanding of the climatic and atmospheric system, on the implementation of a difference climate on man and his natura, socio-economic and technical environment as well as on regional peculiarities or climate change, the potential to reduce climate-relevant trace gas emissions and strategies for their reduction and prevention.
- FRG 13: The Contracting Parties shall commit themselves to participate in international monitoring programmes such as the "Global Atmospheric Watch" by 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.
- Neth2e: Enhancing atmospheric, oceanic and terrestrial observation networks, particularly in recipient countries, to facilitate conducting research, monitoring and assessment of climate change and the impact of those countries.
- IPCC: Co-operation by means of research, systematic observation and information exchange in order to understand better and assess the

effects of human activities on the climate and the potential adverse environmental and socio-economic impacts that could result from climate change, respecting national sovereignty.

2.9.2. Formulation, coordination or harmonization of policies, strategies, and measures.

- UK Art 2.2(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.
- IPCC: Co-operation in the formulation and harmonisation of policies and strategies directed at limiting, reducing, adapting to and as far as possible, preventing climate.

2.9.3. Development, coordination or harmonisation of market policy instruments.

- FRG 11: The Contracting Parties shall regard the application of economic and fiscal instruments as appropriate. In this respect, the fullest use of possible should be made of existing possibilities for achieving signalling effects.

2.9.4. Formulation, coordination or harmonisation of energy efficiency standards.

- No reference

2.9.5. Internalisation of external costs in energy prices.

- No reference

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

- UK Art 2.2(g):
Develop appropriate mechanisms for the purposes of providing financial and technical assistance, including the transfer of technologies, to facilitate the fulfillment by the developing countries of their obligations under this Convention and protocols to which they are party.
- FRG 10: 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.
- Neth2b: 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.
- IPCC: The encouragement of the development and transfer of relevant technologies, as well as the provision of technical and financial assistance, taking into account the particular needs of developing countries to enable them to fulfil their obligations.

2.9.7. Sustainable forest management, reduction of deforestation, and afforestation.

- FRG: See under item 2.8.
- Neth2c: Sustainable forest management practices and agricultural techniques which reduce greenhouse gas emissions.
- Neth: See annex 2, Main elements for a protocol on forest.
- EC 12: See under item 2.8.

2.9.8. Preparation for anticipated climate change.

- FRG: See under item 2.4.
- Neth2f: Coping with negative impacts due to sealevel rise resulting from climate change caused by man made activities.

2.9.9. Pursuit of policies aimed at sustainable development.

- UK: Preamble.
- FRG: Preamble.

2.9.10. Promotion of education and information.

- UK Art 2.2d: Promote public education and awareness of the environmental and socio-economic impacts of climate change and, in particular, of emissions of greenhouse gases.
- FRG 17: Public relations, training and education.
- Neth2g: Enhancing the capacity of recipient countries to develop programs to address climate change, including research and development activities and public awareness and education.
- IPCC: The encouragement of and co-operation in the promotion of public education and awareness of the environmental and socio-economic impacts of greenhouse gas emissions and of climate change.

2.9.11. Compliance with international trade agreements.

- Not referred to.

3. SPECIFIC PROVISIONS

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

- EC 4: It is in the interest of the international community, and in this framework, of the European Community, to reach an international agreement on the policy approach to protect the world climate, bringing

together as many countries as possible.

OECD, Eastern countries and developing countries have common but differentiated responsibility in dealing with the problem.

3.2. Obligation to cooperate in the development of funding mechanisms, particularly through existing mechanisms, for the transfer of additional financial and technological resources to the above mentioned countries in order to assist them in meeting the obligations under the Convention and its related protocols.

- UK Art 2.2 (e);

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

- FRG 9: The developed countries shall declare their readiness to support developing countries in the participation of the present Convention to the extent that their own economic performance does not suffice to comply with obligations arising from this agreement and its protocols. They shall provide adequate and additional funds.

- Neth: See annex 3, Financial aspects.

- EC 13: It be recognised that industrialized countries and developing countries have a common but differentiated responsibility in dealing with problems arising from climate change and the need for the developed countries to assist developing countries to play their full part in an international response to climate change, through the provision of financial resources and appropriate transfer of environmentally sound technologies.

- IPCC: The encouragement of the development and transfer of relevant technologies, as well as the provision of technical and financial assistance, taking into account the particular needs of developing countries to enable them to fulfill their obligations.

- IPCC: A provision on funding mechanisms.

3.3. Development and transfer of technology and technical assistance.

- UK Art 4.2:

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 co-operation 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.

- FRG 10: See under item 2.9.6.

- Neth2b: See under item 2.9.6.

- IPCC: Co-operation by means of research, systematic observations and information exchange in order to understand better and assess the effects of human activities on the climate and the potential adverse environmental and socio-economic impacts that could result from climate change, respecting national sovereignty.
 - IPCC: While the issue of technology has been addressed in the section on General Obligations, it might be considered desirable to include separate provisions on technology transfer and technical co-operation. Such provisions could call upon the parties to promote the development and transfer of technology and technical co-operation, taking into account particularly the needs of developing countries, to enable them to take measures to protect against the adverse effects of climate change, to limit, reduce and, as far as possible, prevent climate change, or to adapt to it.
- 3.4. **Transitional provisions and specific criteria for developing countries and for countries whose economies are in transition.**
- Not directly referred to.

4. INFORMATION EXCHANGE

- 4.1. **Exchange of scientific, statistical, technical, socio-economic, legal, and other relevant information.**
- UK Art 4.1: 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.
 - FRG 14: 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.
 - IPCC: Precedents would suggest the inclusion of a provision for the transmission of information through the Secretariat to the Conference of the Parties on measures adopted by them in implementation of the Convention and of protocols to which they are party. In an annex to the Vienna Convention, the types of information exchanged are specified and include scientific, technological, socio-economic, commercial and legal information.

5. REPORTING

- 5.1. **Obligation to provide periodic reports on progress in implementation of the goals and obligations of the Convention and its related protocols.**
- UK Art 5: 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.

- FRG 15: Annual reporting by the Contracting Parties on the progress made in fulfilling the obligations provided by the Convention and protocols.
- IPCC: See under item 4.1.

6. RESEARCH, SYSTEMATIC OBSERVATIONS AND MONITORING

6.1. Intensified global data collection and research efforts through international programmes (WCP, IGBP, etc).

- UK Art 3: See under item 2.9.1.
- FRG 12.13: See under item 2.9.1.
- IPCC: It would appear to follow general practice to include provision for co-operation in research and systematic monitoring. In terms of research, each party might be called upon to undertake, initiate, and/or co-operate in, directly or through international bodies, the conduct of research on and analysis of:
 - physical and chemical processes that may affect climate;
 - substances, practices, processes and activities that could modify the climate;
 - techniques for monitoring and measuring greenhouse gas emission rates and their uptake by sinks;
 - improved climate models, particularly for regional climates;
 - environmental, social and economic effects that could result from modification of climate;
 - alternative substances, technologies and practices;
 - environmental, social and economic effects of response strategies;
 - human activities affecting climate;
 - coastal areas with particular reference to sea-level rise;
 - water resources; and
 - energy efficiency.

6.2. Collection, analysis and dissemination of pertinent information and data.

- UK Art 3.3: See under item 2.9.1.
- Overlaps to a large extent item 6.1.

- 6.3. Improvement of the capability of developing countries to collect and assess climate information, prepare emissions inventories, assess possible impacts of global warming, participate in international research programmes.
- Neth2e: See under item 2.9.1.
- 6.4. Initiation/intensification or continuation of research efforts in other domains, such as socio-economic causes and effects of global warming, impacts of the increasing greenhouse effect on the environment and society, and strategies to reduce emissions of greenhouse gases and their socio-economic implications.
- UK Art 3.1 e,f,g: See under item 2.9.1.
 - FRG 12: See under item 2.9.1.
- 6.5. Definition of the possible role of IPCC.
- Not referred to.

7. INSTITUTIONAL ASPECTS: CONFERENCE OF THE PARTIES, EXECUTIVE COMMITTEE, SECRETARIAT AND REVIEW PANELS

- 7.1. Continuous review of implementation and compliance with the goals and obligations of the Convention and its related protocols.
- 7.1.1. Review of implementation.
- UK Art 6.4: 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:
 - IPCC: The Conference of the Parties may, among other things: keep under continuous review the implementation of the Convention and take appropriate decisions to this end; review current scientific information; and promote harmonization of policies and strategies directed at limiting, reducing, adapting to and, as far as possible, preventing climate change.
- 7.1.2. Compliance.
- UK Art 6.4 (d): Develop appropriate procedures for monitoring compliance with the provisions of this Convention.
 - FRG 16: Compliance with the agreement.
- 7.2. Periodical review of available scientific, environmental, technical and economic information with respect to climate and climate change.
- UK Art 6.4 (b): Review the scientific information concerning adverse effects on the global climate and on the likely consequences of such adverse effects.

- IPCC: See under item 7.1.1.
- 7.3. Definition and revision of the long term global objective and targets.
 - Not referred to.
- 7.4. Promotion of coordination or harmonisation of policies, strategies, and measures for controlling and preventing activities which cause adverse effects of climate change.
 - UK Art 6.4 (c):
Promote, in accordance with article 2, the harmonisation 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.
- 7.5. Adoption of programmes for research, systematic observation, scientific and technical cooperation, technology transfer, exchange of information, promotion of public awareness.
 - UK Art 6.4 (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.
 - IPCC: See under item 6.1.
- 7.6. Cooperation with relevant international organisations, e.g., WMO and UNEP.
 - UK Art 6.4 (k):
Seek where appropriate the services of competent international bodies and scientific committees, in particular the World Meteorological Organisation and the World Health Organisation, 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.
 - IPCC: Co-operation with competent international organisations effectively to meet the objectives of the Convention.
- 7.7. Arrangements for the cooperation with Non-Governmental- Organisations.
 - UK Art 6.5:
The United Nations, its specialised 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.

7.8. Evaluation and revision of the Convention and its related protocols.

- UK Art 6.4:

- (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 undertake any additional action that may be required for the achievement of the purposes of this Convention.

- IPCC: See under item 7.1.1.

8. PROTOCOLS/ ANNEXES

8.1. Implementation of the Convention through Protocols/ Annexes.

- UK Art 8:

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

- UK Art 6.4 (e):

Consider and adopt, as required, protocols in accordance with article 8.

- UK Art 6.4 (h): See under item 7.8.

- FRG 6: The Contracting Parties should commit themselves to drawing up protocols to develop further the obligations set out in II.3. to 5. on

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

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

- IPCC: The negotiating parties may wish the Convention to provide for the possibility of annexes and/or protocols. Annexes might be concluded as integral parts of the Convention, while protocols might be concluded subsequently (as in the case of the Montreal Protocol to the Vienna Convention on Protection of the Ozone Layer). While it is recognised that the Convention is to be all-encompassing, the negotiating parties will have to decide whether greenhouse gases, their sources and sinks, are to be dealt with: individually, in groups or comprehensive; in

annexes or protocols to the Convention.

8.2. Possible Protocols/ Annexes on programmes for actions setting targets for the limitation and/or reduction of net greenhouse gas emissions, in particular CO₂.

They might cover the following issues:

8.2.1. Emissions of CO₂ and/ or other greenhouse gases, including funding mechanisms;

- FRG 6: See item 8.2.
- Neth: See annex 1, Main elements for inclusion in a Protocol concerning the control of GHG-emissions.

8.2.2. Sustainable forest management/ reforestation/ afforestation, including funding mechanisms.

- FRG 6: See under item 8.2.
- Neth: See annex 2, Main elements for a Protocol on Forests.

8.2.3. Development and transfer of technology.

- Not referred to.

8.2.4. Science issues.

- Uk Art 3.1 and 2: See under item 6.1.

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

(Suggested by the Netherlands delegation)

- We prefer a Protocol concerning the control of GHG-emissions.
 - * Theoretically a comprehensive approach of the GHG's 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.
- 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

- 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).
- 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.
- The ultimate target:
 - * Stabilisation 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.
- Preliminary target:
 - * Temperature increase: < 0.2 degr. C per decade, max. 2 degr. C above pre-industrial,
 - * SLR: < 0.05 m per decade, max 0.5 m,
 - * GHG-concentration well below a CO₂-equivalent doubling.
- Recognize that further elaboration is required.
- Formulation as soon as possible of GHG-emission targets.
- Acceptation of the principle of a differential approach:
 - * Differentiated commitments of e.g. industrialised and developing countries.
- Adoption of a phased/differentiated approach.
- During the first phase a CO₂ stabilisation target:
 - * Stabilisation in the year 2000 at 1990-level, on the basis of the principle of burden sharing.

- During the next phase a CO₂-reduction target:
 - * Further reduction in the year 2010 at 1990-level.
- An emission target for CH₄ and N₂O in highly industrialised countries (stabilisation as a first step).
- Adopt a paragraph in the protocol that e.g. in 1995 an additional Protocol be negotiated on CO₂ reduction targets.

Main elements for a protocol on forests

(Suggested by the Netherlands delegation)

- 1) 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.
- 2) 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).
- 3) 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.
- 4) 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.
- 5) This will require:
 - provisions (preferably through existing organisations 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) above,
 - a financial mechanism to compensate for the incentives taken by countries which are particularly active (through grants or through tradeable CO₂ emission rights).

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

(Suggested by Netherlands delegation)

Elements to be considered:

- 1) Finance and assign clearing house functions to:
 - a) Assist recipient¹ countries through country-specific studies and other technical co-operation, to identify their needs in relation to climate change;
 - 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.
- 2) 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 emissions 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 sealevel 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.
- 3) Finance the secretarial services and related support costs.
- 4) Mechanisms/channels for disbursement of funds:
 - a) Directly related to the execution of functions under the Convention;

¹ In case differentiation of obligations under the convention is envisaged some non-developing countries might also be considered as recipient countries.

- b) To be made available directly or indirectly for the purpose of implementing the objectives mentioned under 1 and 2
- 5) Role of relations to executing international organizations, agencies, programmes and banks, and regional banks.

PAPER NO. 7: NETHERLANDS

ADDENDUM

**TO THE SHOPPING LIST FOR MAIN ELEMENTS
FOR INCLUSION IN A FRAMEWORK CONVENTION
ON CLIMATE CHANGE OR RELATED PROTOCOLS**

- circulated informally by Austria and Switzerland -

AND

**TO THE COMPILATION OF TEXTS RELATED TO
MAIN ELEMENTS (SHOPPING LIST)**

- circulated informally by the Netherlands delegation
as an informal support paper compiled by experts -

Following the elaboration of the documents referred to above the Netherlands delegation has received an addendum worked out by some experts which specifies possible elements and a structure for a chapter on Institutional Aspects of a Framework Convention on Climate Change. The question of the content and of the structure of possible related legal instruments has, for the time being, been left aside.

This paper is being circulated as an addendum to the informal support paper submitted by the Netherlands delegation. The other delegations may find this addendum useful in the preparations of their positions on institutional aspects for the next INC session.

It may well become desirable to omit certain of the listed elements while introducing others and it would be well understood that all parties involved in preparing the addendum have reserved their right to do so in the further course of the negotiating process.

Washington, February 13, 1991

Re: MAIN ELEMENTS OF A CLIMATE CONVENTION:

ADDENDUM ON INSTITUTIONAL ASPECTS

The issues presently listed under item 7 of the "Shopping list" and correspondingly in item 7 of the "Compilation of texts related to Main elements" should be dealt with in a separate chapter of the convention, covering the following issues in articles as listed below:

Chapter of institutional aspects

**Reference to Shopping
List and
Text Compilation**

1. **Conference of the Parties (CP)**
 - 1.1. Status of the CP : Supreme and Central Organ of the Climate Convention
 - 1.2. Establishment of CP
 - 1.3. Meetings of CP
 - 1.4. Resolutions and decisions of CP (based on consensus principle)
 - 1.5. [...]
2. **Specific tasks of the Conference of the Parties**
 - 2.1. Continuous review of implementation and compliance 71
 - 2.2. Periodic review of information with respect to climate change 72
 - 2.3. Definition and revision of the long-term global objective and related targets 73
 - 2.4. Coordination and harmonisation of policies, strategies and measures 74

2.5. Decisions on research and systematic observation, development and transfer of technologies, exchange of information, public awareness 75

2.6. Institutional questions —

2.7. Decisions on budget —

2.8. Evaluation, revision and further evolution of the Climate Convention and related protocols 78

2.9. [...]

3. Executive Committee (Council?) (ExC)

3.1. Status and working principles

3.2. Composition

3.3. Specific tasks

3.3.1. Annual report

3.3.2. Compliance enforcement:

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

4. Secretariat

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

5. Scientific Advisory Committee

- 5.1. General status (independence), tasks and working principles
- 5.2. Establishment and composition
- 5.3. Meetings
- 5.4. Specific tasks
 - 5.4.1. Independent evaluation of scientific data
 - 5.4.2. Recommendations on research and evaluation programmes
 - 5.4.3. Support and assistance to Conference of Parties and Executive Committee (as may be requested by these bodies)

5.4.4. Reports to CP and ExC

5.5. Continued work on the issues hitherto dealt with by the IPCC (?)

6. Cooperation with other institutions

6.1. Principle of coordination

6.2. Specific provisions

6.2.1. UN-General Assembly : reports to UNGA (?)

6.2.2. 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)

6.3. Relations with intergovernmental and regional bodies

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

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

PAPER NO. 8: REPUBLIC OF KOREA

Comments of the Delegation of the Republic of Korea
on Non-Papers Submitted by Certain Delegations
at the First Session of the INC (February 1991, Washington, D.C.)

This paper is presented by the delegation of the Republic of Korea and contains general comments concerning non-papers which were submitted by certain delegations, including the Netherlands and Germany, at the First Session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change. It does not represent the official views of the Government of the Republic of Korea on the overall scope of the Convention.

1. 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.
2. 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.
3. 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 capabilities.

4. To ensure the full participation of developing countries, without hindering their national development, a grace period for developing countries will be needed for stabilization of GHG emissions.
5. 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.

PAPER NO. 9: UNITED KINGDOM

DRAFT FRAMEWORK CONVENTION ON CLIMATE CHANGE

The United Nations General Assembly Resolution which established the negotiating Committee for the framework convention on climate change highlighted the Report of the IPCC Legal Measures Group as an important basis for the negotiations.

As joint coordinator of the Topic Group on Legal Measures, the United Kingdom has undertaken to write up the consensus elements of that Group's report in the form of a legal text.

This is presented as an indication of the shape and scope which a convention based on these consensus elements would possess. It does not represent the views of the United Kingdom on the overall scope of the Convention. Countries taking part in the negotiations, including the United Kingdom, will have views on what other elements should be included in the framework convention. However, as it contains elements already subject to a degree of international agreement, the United Kingdom feels that the draft text would serve as a useful basis for discussions and the framework into which other substantive elements could be placed as and when they are agreed.

DRAFT PREPARED BY THE UNITED KINGDOM

FRAMEWORK CONVENTION ON THE PROTECTION OF THE GLOBAL
CLIMATE

The Parties to this Convention,

Recognising the need of mankind for an environment of a quality that permits a life of dignity and well-being for present and future generations;

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

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;

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

Recalling Resolution 43/53 of 6th December 1988 by which the General Assembly of the United Nations determined that action should be taken to deal with climate change in a

global framework and endorsed the establishment of the Intergovernmental Panel on Climate Change;

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 their 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;

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 ;

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 Organisation, the Intergovernmental Panel on Climate Change and other organisations, as well as under the auspices of individual States;

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;

Acknowledging the special circumstances and needs of developing countries, particularly for financial assistance and access to environmentally sound technologies;

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;

Recognising the need for States to take responsibility for striving at the national, regional and global levels to limit or reduce their emissions 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;

Taking into account that on the one hand most emissions affecting the atmosphere currently originate in industrialised countries in which the scope of 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 protect and to enhance sinks ought to take place in different time frames for different categories of countries;

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;

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:

ARTICLE 1 Definitions

For the purposes of this Convention:

1. "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.
2. "Climate" means the statistical description of weather taken over a period long enough to be generally representative of a locality.
3. "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 changes in land-use patterns (including deforestation and the burning of bio-mass) that result in adverse effects on the global climate.

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

5. "Protocols" means protocols to this Convention.

6. "Regional economic integration organisation" means an organisation 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 authorised, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.

7. "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.

ARTICLE 2

General Obligations

1. 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.

2. 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.

(g) 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.

3. 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, 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.

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

ARTICLE 3

Research and Systematic Observation

1. 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.

2. 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.

3. 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.

ARTICLE 4

Co-operation

1. 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.

2. 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 co-operation 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.

ARTICLE 5

Transmission of Information

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.

ARTICLE 6

Conference of the Parties

1. 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.

2. 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.

3. 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.

4. 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 harmonisation 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 Organisation and the World Health Organisation, 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.

5. The United Nations, its specialised 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.

ARTICLE 7
Secretariat

1. The functions of the Secretariat shall be:

(a) To arrange for and service meetings provided for in articles 6, 8, 9 and 10;

(b) To prepare and transmit reports based upon information received in accordance with articles 4 and 5, as well as upon information derived from meetings of subsidiary bodies established under article 6;

(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 6. At its first ordinary meeting, the Conference of the Parties shall designate the Secretariat from amongst those existing

competent international organisations which have signified their willingness to carry out the Secretariat functions under this Convention.

ARTICLE 8

Adoption of Protocols

1. The Conference of the Parties may at a meeting adopt protocols pursuant to article 2.

2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least three months before such a meeting.

ARTICLE 9

Amendment of the Convention or Protocols

1. 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.

2. 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.

3. 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.

4. 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 the amendments.

5. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

ARTICLE 10

Adoption and Amendment of Annexes

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 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.

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.

ARTICLE 11

Settlement of Disputes

1. 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.

2. 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, above.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organisation 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.

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

ARTICLE 12

Signature

This Convention shall be open for signature by States and by regional economic integration organisations in [] from [] to [], and at the United Nations Headquarters in New York from [] to [].

ARTICLE 13

Ratification, Acceptance or Approval

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organisations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organisation 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

organisations, one or more of whose member States is a Party to the Convention or relevant protocol, the organisation 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 organisation and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

3. In their instruments of ratification, acceptance or approval, the organisations 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 organisations shall also inform the Depositary, who will in turn inform the Parties, of any substantial modification in the extent of their competence."

ARTICLE 14

Accession

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organisations 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 organisations 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 organisations shall also inform the Depositary of any substantial modifications in the extent of their competence.

3. The provisions of article 13, paragraph 2, shall apply to regional economic integration organisations that accede to this Convention or to any protocol.

ARTICLE 15

Right to Vote

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 organisations, 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 organisations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

ARTICLE 16

Relationship between the Convention and its Protocols

1. 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 organisation may not become a Party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

ARTICLE 17

Entry into Force

1. 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.

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 fortieth instrument of ratification, acceptance or approval of such protocol or accession thereto.

3. 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.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a State or regional economic integration organisation 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, any instrument deposited by a regional economic integration organisation shall not be counted as additional to those deposited by member States of such organisation.

ARTICLE 18
Reservations and Declarations

1. No reservations may be made to this Convention.
2. Except as otherwise provided in any protocol, no reservations may be made to a protocol.
3. Paragraphs 1 and 2 above shall not, however, preclude a State or regional economic integration organisation, 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 harmonisation 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 organisation.

ARTICLE 19
Withdrawal

1. 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.
2. 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.

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.

ARTICLE 20
Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and of any protocols thereto.

ARTICLE 21
Authentic Texts

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.

In witness whereof the undersigned, being duly authorised to that effect, have signed this Convention.

Done at.....this.....day of..... 19.....

ANNEX I
RESEARCH AND SYSTEMATIC OBSERVATIONS

(To be drafted)

ANNEX II
INFORMATION EXCHANGE

(To be drafted))

ANNEX III
ARBITRATION

Article 1

Unless the Parties to a dispute otherwise agree, the arbitration referred to in Article 11 of the Convention shall be conducted in accordance with the procedure set out in articles 2 to 16 below.

Article 2

The claimant party shall notify the Secretariat that the parties are referring a dispute to arbitration pursuant to Article 11, paragraph 2, of the Convention. The notification shall state the subject matter of the arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which,

or compliance with which, are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention or to the protocol concerned.

Article 3

1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

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

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

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary General of the United Nations shall, at the request of a Party, designate him within a further two months' period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General of

the United Nations, who shall designate the other arbitrator within a further two months' period.

Article 5

The arbitral tribunal shall render its decision in accordance with international law, as well as the provisions of this Convention and any protocols concerned.

Article 6

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own procedure, assuring that each Party has a full opportunity to be heard and to present its case.

Article 7

The Parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, facilities and information; and

(b) Enable it when necessary to call witnesses or experts and receive their evidence.

Article 8

The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

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

Article 10

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

Article 11

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

Article 12

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

Article 13

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

Article 14

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time limit for a period which shall not exceed a further five months.

Article 15

The final decision of the arbitral tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The final decision shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure. It shall be complied with by the parties to the dispute.

Article 17

Any controversy that may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

PAPER NO. 10: UNITED KINGDOM

DRAFT UK PAPER ON POSSIBLE ELEMENTS FOR INCLUSION IN A FRAMEWORK CONVENTION ON CLIMATE CHANGE

The UK, as joint co-ordinator of the Inter-Governmental Panel on Climate Change Topic Group on Legal Measures, has prepared a draft framework convention based on the common elements identified in the Group's report. Copies of this text were made available to all delegations during the first meeting of the Inter-Governmental Negotiating Committee, and a further copy is annexed to this note.

The UK made clear when it circulated this text that it did not represent our views on the overall scope of the convention. We believe however that it provides a sound basis for initial discussions and agreement, and the framework within which other substantive elements proposed for inclusion could be discussed.

The rest of this note sets out the UK's initial views on other elements which should be included in the framework convention in extension of that text.

PREAMBLE

1. The preamble should recall all recent UNGA resolutions on climate change, and the Ministerial declaration from the Second World Climate Conference.
2. The preamble should recognise the common but differentiated responsibilities of all states.
3. The preamble should 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.
4. The preamble should recognise 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.

5. The preamble should recognise that parties may want to make joint arrangements to meet their obligations under the Convention and its associated Protocols.

6. The preamble should recognise the particular vulnerability to climate change of low-lying and small island states and arid and semi-arid areas of the world.

GENERAL OBLIGATIONS

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

1. To undertake co-ordinated action with the ultimate global objective of stabilising the climate change effect of greenhouse gases at a level which would prevent dangerous anthropogenic interference with the climate.

2. 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.

3. 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.

SPECIFIC OBLIGATIONS

1. 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 -

- current levels and sources of greenhouse gas emissions;
- projected future levels of greenhouse gas emissions;
- current forest areas;
- estimated future forest areas;
- the measures already in hand to control emissions of greenhouse gases and protect and enhance sinks and reservoirs;
- potential and/or planned additional measures in these regards.
- 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.

2. 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.

3. In formulating these strategies, developed countries should agree to take as guidelines that stabilisation of greenhouse gas emissions should be achieved by them as soon as possible. For CO₂, stabilisation of emissions should be achieved by them as

soon as possible, in general at present levels.

4. 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.

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

6. 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.

7. 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 mobilise 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).

8. 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.

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

10. 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 -

- 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;

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

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.

11. 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.

MONITORING AND COMPLIANCE

1. 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 Parties.

2. 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.

3. If, when the Panel receives the next progress report from the State concerned, it judges that 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.

ADOPTION OF PROTOCOLS

1. 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.

ENTRY INTO FORCE

1. The convention should come 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.

March 15, 1991

PAPER NO. 11: UNITED STATES OF AMERICA

**SUBMISSION OF THE UNITED STATES TO THE
INTERGOVERNMENTAL NEGOTIATING COMMITTEE ON CLIMATE CHANGE**

The United States welcomes this opportunity to provide its views on the elements to be included in a framework convention on climate change. We believe that the Legal Measures paper of Working Group III of the Intergovernmental Panel on Climate Change (IPCC) provides a good starting point for discussions within the Intergovernmental Negotiating Committee (INC). The work of the INC has also been facilitated by the United Kingdom's submission of a draft framework convention that reflects the consensus elements of the IPCC Legal Measures paper in the form of a legal text. We offer the following views on elements that should be included in a framework convention on climate change:

Preamble

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

- (a) acknowledge that climate change is a common concern of the international community;
- (b) recall the relevant resolutions of the United Nations General Assembly, particularly resolution 45/212;
- (c) 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);
- (d) recognize the interdependence of environmental protection and economic growth, and the need to pursue strategies of global stewardship that advance both these goals;
- (e) 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 and 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;

(f) 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;

(g) acknowledge the important scientific work that has already taken place, particularly that of the IPCC and other international bodies (e.g., the World Meteorological Organization (WMO), the United Nations Environment Program (UNEP), the International Council of Scientific Unions (ICSU), the International Geosphere-Biosphere Program (IGBP) and the Intergovernmental Oceanographic Commission (IOC));

(h) 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;

(i) 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 reevaluated in light of, relevant scientific, technical, and economic considerations, and are as equitable and economically efficient as possible.

(j) 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;

(k) 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;

(l) 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.

Definitions

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

"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.

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

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

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

"Greenhouse gas precursors" means substances that interact in the atmosphere to produce greenhouse gases indirectly or that prolong the atmospheric lifetimes of greenhouse gases.

"Greenhouse gases and their precursors" means greenhouse gases and greenhouse gas precursors.

"Sinks" means all anthropogenic and biogenic activities and processes that remove greenhouse gases and their precursors from the atmosphere.

"Sources" means all anthropogenic and biogenic activities and processes that lead to greenhouse gases and their precursors being emitted into the atmosphere.

"Reservoirs" means storage media for greenhouse gases and their precursors.

"Net emissions" means emissions from sources minus removals by sinks.

"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.

"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.

General Obligations

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.

To these ends, the Parties should:

(a) cooperate 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 emissions;

(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) cooperate 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 fulfillment by the developing countries of their obligations;

(h) cooperate with competent international bodies.

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.

Institutions

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

Research, Systematic Observation, and Information Exchange

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.

The research and systematic observation article (Article 3) and information exchange article (Article 4(1)) of the UK 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.

During the first meeting of the INC, scientists from several delegations held informal meetings, under the chairmanship of Dr. A. Baede of the Netherlands delegation, to develop an inventory of priorities for research, systematic observations, assessments and information exchange. This

informal work could provide a useful starting point for the preparation of annexes to the framework convention concerning research and systematic observation and information exchange.

Assessment and Consideration of Response Measures

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 impacts of such effects; and
- (c) possible response measures that could be taken at the national, regional, and/or international levels.

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.

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.

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.

Development and Transfer of Technology

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.

Settlement of Disputes and Compliance

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 UK 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 objective, 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 the INC has reached agreement on the substantive obligations to be included in the framework convention.

Final Clauses

The final clauses contained in the UK draft convention (Articles 8-10 and 12-21) are generally acceptable. However, we believe that the 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.

PAPER NO. 12: SCIENTISTS FROM A WIDE RANGE OF DELEGATIONS

February 14, 1991

**Inventory on Research, Systematic Observations, Assessments and
Information Exchange**

During the first meeting of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC) in Washington, 4-14 February 1991, scientists from a wide range of delegations, representing natural and social sciences, met informally to compile an Inventory of priority needs for research, systematic observations, assessments and information exchange, which at a later stage could contribute to drafting language for the Preamble, Articles and/or Annexes of the Convention or related legal instruments.

The following individuals/countries were represented in the ad hoc non-group meeting:

A. Baede (chair)	Netherlands
M. Vanderstraeten	Belgium
D. Russell	Canada
H. Hengeveld	Canada
S. Shim	Korea
P. Melnikov	USSR
J. Shiino	Japan
M. Perdomo	Venezuela
L. Balairon	Spain
W. Kininmonth	Australia
J. Von Dadelszen	New Zealand
J. Labrousse	France
A. Kulmala	Finland
A. Suter	Italy
J. Luo	China
J. Poncelet	Belgium
L. Meira	Brazil
P. Bakken	Norway
M. Rochas	France
A. Speranza	Italy
I. Droghici	Romania
R. Godin	UNESCO/IOC
S. Kirby	Canada
K. Cunliffe	New Zealand
D. Phantumvanit	Thailand
R. Watson	USA
D. Albritton	USA
V. Baldirev	WMO
J. Pershing	USA
M. Yerg	WMO
H. Gruenspecht	USA

All countries are invited to contribute to any future elaborations of this Inventory.

In particular these scientists felt that an Annex on Research and Systematic Observations would:

- * underscore the role of research and systematic observations in providing the scientific and economic basis for policy decisions,
- * outline the priority areas of scientific, technical and economic research needed to support decision making,
- * 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.

It should be stressed that this Inventory or the corresponding language in the Convention would not in itself initiate research programmes nor replace the IPCC-process, but rather would form the basis for Parties or competent international bodies to carry out such activities.

It should moreover be stressed that the present Inventory is incomplete and that in particular paragraphs 6-11 require further elaboration.

This Inventory has been made available to the Secretariat of the INC.

Annex I: Inventory.

Annex I - Draft: February 13, 1991

Inventory on Research, Systematic Observations, Assessments and Information Exchange

1. **Goal Statement:** The goal is to establish a basis for the Parties to initiate and cooperate in, directly or through competent international bodies, the conduct of research, systematic observations and scientific assessments related to natural and anthropogenic changes in the global climate system. To achieve this the following objectives should be borne in mind:
 - a. Better understanding of the climate systems, including:
 - i. improving climate observing systems and data exchange;
 - ii. conducting research into physical, chemical, biological, geological, social, and economic processes affecting climate; and
 - iii. improving climate prediction at regional and global scales;
 - b. Better understanding of the global, regional and local impacts of climate changes, including:
 - i. improving environmental observing systems for this purpose;
 - ii. conducting research into physical, chemical, biological, geological, social, and economic processes affected by climate; and
 - iii. improving prediction of climatic impacts at regional and global scales;
 - c. Further developing methodologies for mitigation and adaptation to climate change.
2. **Identifying the priority needs (in no particular order) for research and systematic observations required to understand the climate system** including:
 - a. GHGs, aerosols and precursors:
 - i. anthropogenic and natural sources and sinks;
 - ii. abundances and trends;

- iii. radiative properties;
- b. Atmospheric radiation, heat and water budget:
 - i. role of clouds and water vapor;
 - ii. precipitation;
 - iii. solar radiative input and atmospheric transmission;
 - iv. surface albedo;
- c. Oceanic systems:
 - i. ocean dynamics;
 - ii. ocean/atmospheric interaction;
 - iii. sea-level changes;
- d. Terrestrial systems:
 - i. surface and sub-surface hydrological processes;
 - ii. land-surface/atmosphere interactions;
- e. Cryosphere:
 - i. permafrost;
 - ii. polar ice sheets;
 - iii. sea ice;
 - iv. glaciers;
- f. Economic and social systems:
 - i. influence of economic growth on the climate system
 - ii. influence of technology and practice in a wide range of sectors (including, for example, energy, agriculture, and industry) on the climate system ;
 - iii. influence of social systems on climate;
- 3. Identifying the research and systematic observations needed to evaluate local, regional and global impacts of climate change, including:

- a. Natural ecosystems and resources including biological diversity:
 - i. terrestrial ecosystems;
 - ii. aquatic ecosystems;
 - iii. coastal ecosystems;
 - b. Managed ecosystems:
 - i. agriculture;
 - ii. fisheries;
 - iii. forestry;
 - c. Water resources;
 - d. Coastal environments;
 - e. Social systems and economics:
 - i. human health;
 - ii. standard of living;
 - iii. social and economic impacts;
 - iv. social institutions;
 - v. human population dynamics;
 - vi. built environment and infrastructure;
 - f. Valuation of impacts
4. Identifying the research needed to develop methodologies on mitigation and adaptation to climate change, including:
- a. Reducing sources and increasing sinks of GHGs through:
 - i. technological innovation (particularly with respect to production and consumption of energy);
 - ii. improving forestry and agricultural practices;
 - iii. investigating economic and other instruments;

- iv. improving education and public information techniques;
- b. Developing methods to adapt to a changing climate by:
 - i. understanding natural and managed ecosystem adaptation;
 - ii. developing methodologies to protect the coastal environment and to defend low-lying countries against rising sea level;
 - iii. stimulating social adaptation;
 - iv. improving education and public information techniques;
- c. Addressing methodological issues relevant to the assessment of the costs and benefits of adaptation and mitigation responses;
- d. Researching the costs, benefits and social consequences of response strategies;
 - i. examining how changes in the timing or magnitude of climate change alter its impacts;
 - ii. examining the direct and indirect links between responses and economic activity, including trade;
 - iii. examining distributional implications of responses within and across economies;
- 5. Integrated modeling and climate prediction:
 - a. Developing, improving, and validating models of social activities, climate processes and impacts;
 - b. Improving parameterization of processes involved (including, chemical, physical, biological, geological, social and economic);
 - c. Evaluating the predictability of climate;
- 6. Developing a Global Climate Observing System (GCOS) (text may be similar to that contained in the SWCC Conference Statement);
- 7. Approaches to standardized data sets and data information systems;

8. Enhancing the full and open exchange of data and information and the systems that accomplish this;
9. Role of national and international organizations;
10. Periodic comprehensive scientific, technical and socio-economic assessments;
11. Cooperation among developed and developing countries, taking into account the particular needs of the latter (text may be similar to that contained in the SWCC Conference Statement)



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INTERGOVERNMENTAL NEGOTIATING
COMMITTEE FOR A FRAMEWORK
CONVENTION ON CLIMATE CHANGE
First session
Washington, D.C., 4-14 February 1991

REPORT OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE ON THE
WORK OF ITS FIRST SESSION, HELD AT WASHINGTON, D.C.,
FROM 4 TO 14 FEBRUARY 1991

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I. INTRODUCTION

1. The first session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change was held at Washington, D.C., from 4 to 14 February 1991, in the Westfields International Conference Center, at the invitation of the Government of the United States of America. 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.

2. The Ad Hoc Working Group of Government Representatives to Prepare for Negotiations on a Framework Convention on Climate Change was convened by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) at Geneva from 24 to 26 September 1990. The Ad Hoc Working Group made recommendations concerning the work of the first negotiating session. Other relevant material was provided in the statement and Ministerial Declaration of the Second World Climate Conference (A/45/696/Add.1, annexes II and III) and the First Assessment Report of the Intergovernmental Panel on Climate Change.

II. ORGANIZATIONAL MATTERS

A. Opening of the session

3. The session was opened by Mr. Antoine Blanca, Director-General for Development and International Economic Co-operation. In a statement made on behalf of the Secretary-General of the United Nations, he welcomed all participants and emphasized that the only way to preserve the planet Earth was to remove the barriers that separate peoples and nations. What was needed at present was to deal not only with the symptoms of climate change, but also with its causes by rethinking the present wasteful style of living. The task before the international community was formidable: rethinking development in the North as well as in the South and ensuring stability and rationality as well as equity and justice between nations, peoples and individuals. Ethical and moral questions linked with the environment, which had previously been ignored for economic and other reasons, had suddenly become major and pressing preoccupations; accelerated climate change required the modification of relations among States, institutions and the exercise of power. This small planet had started to force mankind to act in concert. Peace also meant living in peace with the planet.

4. The Director-General further stated that the United Nations and its associated bodies, in particular UNEP and WMO, as well as the Intergovernmental Panel on Climate Change, had participated actively in the preparations for the negotiations. He emphasized the need for strategies that could integrate development with the necessary transfer of financial resources and environmentally safe technologies to developing countries. He drew attention to the parallel that existed between the San Francisco Conference and the process being set in motion at the present meeting. The San Francisco Conference was the result of war between people. The present meeting of the Intergovernmental Negotiating Committee

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resulted from war between people and the planet. The framework convention on climate change, which should be signed at the United Nations Conference on Environment and Development, to be held at Rio de Janeiro in 1992, would be the keystone for a new global order based on justice, equity and long-lasting and environmentally sound development.

5. Mr. Michael R. Deland, Chairman of the President's Council on Environmental Quality, warmly welcomed delegates to the United States of America on behalf of President Bush. The United States, he said, believed that a comprehensive strategy, built on a series of actions with a broad range of benefits, must flow from a commitment to economic growth and responsible stewardship of our planet. Action taken by the Government of the United States would result in greenhouse gas emissions in the year 2000 in the United States being equal to or below 1987 levels. Research and action must proceed in tandem and for that reason global climate research in the United States had increased fivefold since 1989. The United States Government would be seeking \$1.2 billion for the coming fiscal year and, in the words of President Bush, it was "prepared to work openly, diligently and respectfully toward achieving the goal of completing a climate change convention in time for its signature at the United Nations Conference on Environment and Development in June 1992". It was the height of irony, Mr. Deland observed, that as a constructive dialogue was beginning on the shared environmental future of mankind Saddam Hussein's premeditated release of crude oil into the Persian Gulf had inflicted enormous environmental damage. That act would not divert the United States from the task at hand, for which work must go on co-operatively, and those present should act as catalysts for an essential kind of peace - a peace between humanity and the planet.

6. The issues involved were complex and had many implications for present and future generations: the United States recognized the need to promote environmental stewardship for all the world's peoples, in a forum that was democratic and co-operative. There were several guiding principles. Efforts must be comprehensive, addressing a dynamic system of interactions between living things, the waters, land and sky. Agreements should be long term and adaptable; a convention was needed that committed all nations to meaningful action but was not a fixed formula; actions must be continuously reviewed and refined as knowledge and conditions changed. The approach should be inclusive, because the issues were global, involving the participation of all nations. A climate convention should take into account the financial and technological realities of all nations.

7. Mr. Deland ended with a quotation from a statement made by President Bush in April 1990:

"Those who have ascended the economic hill must break down the barriers to progress and assist others now making the climb."

8. Mr. Mostafa K. Tolba, the Executive Director of UNEP, emphasized in his statement that General Assembly resolution 45/212 showed a clear recognition that the actions needed to minimize climate change and stop global warming were complex and difficult. He expressed the willingness of UNEP to support those negotiations and fulfil its obligations under the resolution; positive guidance was expected from the UNEP Governing Council at its meeting in May 1991.

9. He emphasized that since the negotiations had begun the Gulf war had continued to cause great sorrow. All were concerned about the loss of human life, about the future of the world and about the disastrous environmental destruction that was resulting from the presence of oil in the fragile waters of the Persian Gulf, from the impact of dangerous substances on the air, land and waters, and of the climatic impacts of large-scale burning of the oil in the region. Noting the outcome of the Second World Climate Conference, he said that the mounting body of evidence of global warming and climate change gave urgency to the present negotiations and that the remaining uncertainties should act as a spur, not a restraint. There was much action that could be started now: technically feasible and cost-effective technologies existed that could reduce carbon dioxide emissions from the energy sector by at least 20 per cent in most industrialized countries by the year 2005; a 20-30 per cent reduction in methane emissions was also feasible. Many acts that reduced greenhouse gas emissions could be undertaken at negligible cost. He warned that the overall costs of this exercise in global survival would be enormous in the long term. Yet the cost of inaction would be much higher. The global warming problem required a global solution, and the lead must come from those who contributed most of the greenhouse gases. The 1992 Conference should be apprised not only of the results of the present negotiations but also of those of actions already taken at national level. The two core issues in the negotiations, which could not be avoided, were costs, including additional resources, and transfer of technology. It was imperative to bring into focus the issues of commodity prices, international terms of trade and other economic parameters. Sources of funding to meet the additional resources needed by developing countries to leap-frog the use of polluting technologies might involve carbon charges, users' fees, debt relief, tradeable permits and other innovative means. Any actions the developing world was expected to take to protect man's common environment should not have punitive effects on the vulnerable economies of the developing countries or act as an impediment to their badly needed development. The decision-making processes under the convention must be based on equity between North and South. The negotiations should likewise address such pivotal issues as defining the basis for calculating carbon dioxide and other greenhouse gas emission reductions; sources and sinks of greenhouse gases; alternative sources of energy; and liability and compensation.

10. Finally he emphasized that the two key words in resolution 45/212 were "effective" and "commitments"; that was what the framework convention was expected to contain. The goal of the convention should be to hold concentrations of greenhouse gases in the atmosphere at a safe level and to set achievable targets for energy efficiency and for afforestation. In that context the relation of the climate convention with other treaties, current or planned, should be clarified; the present convention should certainly include concrete commitments on how the industrialized world was planning to ensure full global partnership with the developing world. Rapid action in developing the climate convention should not come at the expense of its content.

11. Mr. G. O. P. Obasi, Secretary-General of WMO, stressed in his statement that the convention to be negotiated by the Intergovernmental Negotiating Committee would help ensure that the planet Earth continued to provide a home for the life it had nurtured. He observed that the first session of the Committee, which marked a milestone in history, was meeting on a record-breaking warm day for

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Washington, D.C., in February. He recalled that the linkages between climate change and the habitability of the planet were identified in 1979 by the First World Climate Conference. Since then much had been learned through the World Climate Programme, the Intergovernmental Panel on Climate Change and the Second World Climate Conference. The Ministerial Declaration of the latter had recognized that a lack of full scientific certainty was no reason to postpone cost-effective action.

12. He stressed the importance of the United Nations Conference on Environment and Development in exploring interactions and feedbacks, including those involving the Earth/atmosphere system, so as to enhance understanding of the whole: understanding complex interactions was at least as important as understanding individual components. He assured delegations of WMO support in all areas where it was relevant: in helping identify research priorities and monitoring needs, for example; in collecting, analysing and interpreting data; in assisting the developing countries to acquire the skills and methods to study and understand the atmosphere; and in helping to provide administrative support and specialized expertise to the Intergovernmental Negotiating Committee. As a concrete expression of his organization's willingness to help, and to ensure close co-operation between the Intergovernmental Panel on Climate Change and the ad hoc secretariat serving the Intergovernmental Negotiating Committee, he offered space for the ad hoc secretariat in the WMO premises at Geneva. He reminded delegates that much of man's knowledge rested on observations made by previous generations and that it was now essential that the proposed convention provide for the acquisition of the knowledge needed by future generations. He mentioned specific areas needing immediate action, including the oceans, the Global Atmosphere Watch and the Global Climate Observing System. At the Eleventh World Meteorological Congress he would invite members to consider how WMO might, in the spirit of General Assembly resolution 45/212, further contribute to the negotiations, which could be among the most far-reaching ever for socio-economic development and for future global security and survival. While the negotiations would be about climate change, protection of the atmosphere and environment, they would also be about fundamental global changes in energy policy and practices, the world's forests and the low-cost transfer of energy-efficient technologies to developing countries and funding of development pathways with low greenhouse gas emissions. The negotiations involved the very foundations of global security and the development of nations. He hoped that a framework convention would be ready for signature by the time of the United Nations Conference on Environment and Development in 1992.

13. He wished the Committee undaunted energy and strength, a good spirit of collaboration and the wisdom to "think long-term but act urgently".

B. Attendance

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

Afghanistan	France	Peru
Albania	Germany	Philippines
Algeria	Ghana	Poland
Antigua and Barbuda	Greece	Portugal
Argentina	Holy See	Republic of Korea
Australia	Hungary	Romania
Austria	Iceland	Saint Lucia
Bahamas	India	Samoa
Bangladesh	Indonesia	Senegal
Barbados	Iran (Islamic Republic of)	Singapore
Belgium	Ireland	Solomon Islands
Bolivia	Italy	Spain
Botswana	Japan	Sri Lanka
Brazil	Kenya	Sweden
Brunei Darussalam	Kiribati	Switzerland
Bulgaria	Kuwait	Thailand
Burkina Faso	Lesotho	Trinidad and Tobago
Cameroon	Malaysia	Tunisia
Canada	Malta	Turkey
Chile	Marshall Islands	Tuvalu
China	Mexico	Uganda
Colombia	Micronesia	Ukrainian Soviet Socialist Republic
Comoros	Mongolia	Union of Soviet Socialist Republics
Costa Rica	Morocco	United Arab Emirates
Cuba	Myanmar	United Kingdom of Great Britain and Northern Ireland
Cyprus	Nauru	United States of America
Czechoslovakia	Netherlands	Uruguay
Denmark	New Zealand	Vanuatu
Djibouti	Nicaragua	Venezuela
Ecuador	Nigeria	Yugoslavia
Egypt	Norway	Zaire
El Salvador	Pakistan	Zambia
Ethiopia	Panama	
Fiji	Papua New Guinea	
Finland	Paraguay	

15. The following United Nations offices, organs and specialized agencies were represented at the meeting: Office of the Director-General for Development and International Economic Co-operation and Centre for Science and Technology for Development of the Secretariat, United Nations Conference on Environment and Development, United Nations Environment Programme (UNEP), Intergovernmental Panel on Climate Change (IPCC/UNEP/WMO), Food and Agriculture Organization of the United Nations (FAO), International Labour Organisation (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO) and its Intergovernmental Oceanographic Commission (IOC), World Bank, World Meteorological Organization (WMO), United Nations Industrial Development Organization (UNIDO) as well as International Atomic Energy Agency (IAEA).

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16. The following intergovernmental organizations were also represented at the meeting: Asian-African Legal Consultative Committee (AALCC), Caribbean Meteorological Organization (CMO), Commonwealth Secretariat, European Community (EEC), International Energy Agency (IEA), Organization of African Unity (OAU), Organization of American States (OAS) and South Pacific Regional Environment Programme (SPREP).

17. The following non-governmental organizations in consultative status with the Economic and Social Council were represented:

Category I: International Chamber of Commerce and Inter-Parliamentary Union;

Category II: Bahai International Community, Commission of the Churches on International Affairs of the World Council of Churches, Greenpeace International, International Council of Environmental Law, International Human Rights Law Group, International Petroleum Industry Environmental Conservation Association and World Resources Institute.

Roster: Friends of the Earth, International Organization of Automobile Manufacturers, International Studies Association, National Audubon Society, Natural Resources Defense Council and Sierra Club.

18. The following other non-governmental organizations were represented: Airconditioning and Refrigeration Institute, Alliance for Responsible CFC Policy, Alliance to Save Energy, Alternative Fluorocarbons Environmental Acceptability Study, American Bar Association, American Gas Association, American Forestry Association, American Institute of Mining and Petroleum Engineers, American Iron and Steel Institute, American Mining Congress, American Petroleum Institute, Bangladesh Centre for Advanced Studies, Canadian Electrical Association, Celebrate Wild Alaska, Center for Strategic and International Studies, Centre for Atmospheric Chemistry, Centre for Global Change, Centre for International Environmental Law, Chemical Manufacturers Association, Climate Action Network, Climate Council, Climate Institute, Climate Network Europe, Compressed Gas Association, DECCAN Development Society, Ecological Society, Edison Electric Institute, Energy Research Institute, Environmental and Energy Study Institute, Environmental Defense Fund, Episcopal Diocese of Washington Commission on Peace and Environment, Equity and Global Climate Change, European Fluorocarbon Technical Committee, Foreign Policy Institute of Johns Hopkins University School of Advanced International Studies, Forum of Brazilian NGOs to UNCED 92, Global Climate Change, Global Climate Coalition, Harvard Global Environmental Change Program, Independent Ecological Centre, International Energy Studies, International Institute for Applied Systems Analysis, Kenya Energy and Environment Organizations, Lega per l'Ambiente, Media Natura, Movimento Pro-Floresta da Tijuca, National Academy of Sciences, National Association of Manufacturers, National Coal Association, Pollution Probe, Project on Industry and the Environment, Save the Forests - Save the Planet, Socio-Economic Union, Stockholm Environmental Institute, Union of Concerned Scientists, US Chamber of Commerce, US Citizens Network, Uranium Institute, WALHI, Woods Hole Research Center, World Coal Institute, World Information Transfer and World Wildlife Fund.

C. Election of officers

19. At its 1st plenary meeting, on 4 February, the Committee elected by acclamation Mr. Jean Ripert, Special Adviser to the Minister of State, Minister of Foreign Affairs, France as Chairman of the Committee.

20. In his statement, the Chairman thanked the Committee for the confidence placed in him by the election. He emphasized that he would make every effort to ensure the transparency and legitimacy of the negotiating process. The time for the development of the framework convention was very short, given the difficulties and differences existing between Governments and, in particular, their different capacities to respond to the problem of climate change. He expressed his confidence in the joint capacity of the representatives of the Governments present at the meeting to tackle the problem and in the concerted efforts of UNEP, WMO and the United Nations in supporting the negotiations. The quality of work in the field had been confirmed by the results of the Second World Climate Conference and the outcome of the work of the Intergovernmental Panel on Climate Change. General Assembly resolution 45/212 confirmed the political will to act. The Chairman was confident that the Committee would develop a flexible strategy for the negotiation of the convention. He noted that in resolution 45/212 the General Assembly had recommended a Bureau consisting of a Chairman, three Vice-Chairmen and a Rapporteur, each of the five regional groups being represented by one member.

21. At the 2nd plenary meeting, on 4 February, following informal negotiations with regional groups, four Vice-Chairmen were elected by acclamation, one of whom would act as Rapporteur.

22. The Bureau thus consisted of the following officers:

Chairman: Mr. Jean Ripert (France)

Vice-Chairmen: Mr. Ahmed Djoghlaïf (Algeria)
Mr. Ion Draghici (Romania)
Mr. Raúl Estrada-Oyuela (Argentina)
Mr. T. Prabhakar Menon (India)

Rapporteur: Mr. Ion Draghici (Romania)

23. At the 11th plenary meeting, on 14 February, Mr. Chandrashekhar Dasgupta (India) was elected by acclamation Vice-Chairman in place of Mr. T. Prabhakar Menon (India).

D. Documentation

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

E. Secretariat

25. At the 8th plenary meeting, on 7 February, the Chairman informed the Committee that the Secretary-General of the United Nations had appointed Mr. Michael Zammit Cutajar as Executive Secretary of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change and Director of its ad hoc secretariat.

26. At the 9th plenary meeting, on 11 February, the Chairman introduced Mr. Zammit Cutajar to the Committee and outlined his professional experience and career within the United Nations. The Executive Secretary expressed his conviction that the Committee could contribute to a more efficient and equitable use of the world's resources to satisfy human needs and human aspirations. Given that many actions required to counter climate change were also justified on other grounds, he saw prospects for a framework convention with substantive commitments and with productive linkages to more general programmes in other policy areas. Stressing the importance of full and effective participation in the negotiating process, he pledged his best efforts, with the support of his colleagues from the United Nations system, particularly UNEP and WMO, to respond to the needs and guidance of the Committee.

F. Adoption of the rules of procedure

27. At the 9th plenary meeting, on 11 February, the representative of the Office of Legal Affairs introduced proposed amendments to the draft rules of procedure (A/AC.237/2 and Corr.1). Further amendments were contained in document A/AC.237/L.2. The Committee adopted the draft rules of procedure, as amended (A/AC.237/5).

28. After the adoption of the rules of procedure, statements were made by the representatives of the Netherlands, New Zealand and Vanuatu.

29. The representative of the Netherlands, speaking on behalf of the European Community and its member States, congratulated the Committee on reaching a compromise, which it considered to be the best possible outcome. The Community would have preferred some improvements in the rules, but did not raise its concern, as a proof of its readiness to compromise. He further confirmed the intention of the European Community to participate fully in the negotiating process of the Committee under the Committee's rules of procedure and expressed its expectation that that participation would take place in constructive co-operation with the other delegations.

30. The representative of New Zealand recalled that eligibility to participate in the Intergovernmental Negotiating Committee was determined principally by paragraph 2 of resolution 45/212, which provided that the Committee "should be open to all States Members of the United Nations or members of its specialized agencies". In that context, his delegation affirmed that the adopted rules of procedure must, in so far as they related to the question of participation in the Committee's work, be interpreted in such a way that no restriction on that right to

participate was to be inferred from any provision in the rules of procedure. In particular, but without prejudice to the foregoing, the word "State" where it appears in the rules was to be subject to an interpretation that was sufficient to ensure that "members of the specialized agencies" had full participatory rights in the Committee. That was so whether or not they were States Members of the United Nations.

31. The representative of Vanuatu, on behalf of the Alliance of Small Island States, stated that they had joined the adoption by consensus of the rules of procedure with the understanding that the efforts to ensure the representation of the small island developing countries on the Bureau would continue. He thanked the Chairman of the Committee for his efforts in that regard and for the steps he had already taken and was continuing to take to ensure that participation in either a formal or informal manner.

G. Adoption of the agenda

32. At its 9th plenary meeting, on 11 February, the Committee adopted the following agenda:

1. Opening of the session.
2. Election of the Bureau.
3. Organizational matters:
 - (a) Rules of procedure (A/AC.237/2 and Corr.1);
 - (b) Adoption of the agenda;
 - (c) Organization of work.
4. Preparation of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon.
5. Adoption of the report.

H. Participation of non-governmental organizations

33. At the 3rd plenary meeting, on 5 February, the Chairman referred to General Assembly resolution 45/212, which made explicit provision for the participation of non-governmental organizations. The Committee decided that, in order for the Committee to benefit from the important contribution that non-governmental organizations had to make on the subject of its discussion, two observers representing different groups of non-governmental organizations should be invited to speak at the end of the general debate.

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I. Establishment of subsidiary organs and organization of work

34. At the 10th plenary meeting, on 14 February, Mr. Raúl Estrada-Oyuela (Argentina), Vice-Chairman of the Committee, reported on the consultations that had taken place in the informal contact group concerning subsidiary organs and introduced specific proposals on the subject (A/AC.237/L.3).

35. At the 11th plenary meeting, on 14 February, the Chairman stated that, after further consultations on these proposals, he was submitting a draft decision entitled "Establishment of subsidiary organs and organization of work" (A/AC.237/L.5). That draft decision superseded document A/AC.237/L.3.

36. The Committee then adopted the draft decision (see annex II, decision 1/1).

37. After the adoption of the draft decision, a statement was made by the representative of Ghana (on behalf of the States members of the Group of 77 and China).

38. At the same meeting, the Chairman also made a statement concerning the composition of the bureaux of the two Working Groups. He indicated that the election of the members of the bureaux would be postponed until the second session of the Committee.

39. A number of delegations expressed their willingness to show flexibility in solving the problem and to work further with the Chairman to that end.

III. SUBSTANTIVE MATTERS

A. General debate

40. Statements were made in the general debate by representatives of 68 Member States, as well as by representatives of a number of entities and organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations.

41. Many countries stressed the importance of addressing the issue of global climate change in an integrated and comprehensive manner, taking into account all greenhouse gases, and their sources and sinks, and the need for phased and flexible long-term response strategies. Some of them also stressed that the efforts to address the global climate change issue should take full account of the special circumstances and needs of the developing countries and be based on the principle of common but differentiated responsibility. A common theme was the need to undertake at present actions that were also justified on other grounds, such as increasing energy efficiency and developing new, alternative and renewable sources of energy. In that context, it was stated that conservation measures should be adopted and implemented as soon as possible and that consumer patterns in developed countries should be changed. The capacity of forests and oceans as sinks and the problems of forest protection and afforestation were referred to as particularly important.

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42. Many countries called for early finalization of the organizational part of the work of the Committee and for development of the first draft of the framework convention, which should be negotiated as soon as possible. They referred to the results of the work of the Intergovernmental Panel on Climate Change, to the Noordwijk, Hague, Cairo and other declarations and statements, and in particular the Ministerial Declaration of the Second World Climate Conference (A/45/696/Add.1, annex III); these should be taken into consideration in the development of the draft framework convention.

43. Most speakers referred to June 1992, the date of the United Nations Conference on Environment and Development, as the date for the framework convention on climate change to be ready for signature. Some countries expressed the view that the negotiating process should concentrate on drafting the provisions of the framework convention, having in mind that preparation of related legal instruments and protocols could start at a later stage, taking into account the results of the United Nations Conference on Environment and Development. However, several countries stressed the need for negotiations to proceed in parallel on the framework convention and on protocols.

44. It was stated by several countries that actions should be based on the precautionary principle and on the best available scientific knowledge; that scientific uncertainties could not excuse inaction on global climate change; and that waiting for scientific proof could involve putting at risk the common future of humankind and its very existence. All countries recognized the need for continued research to enhance understanding of global climate change and its effects on the environment and humankind. Most countries strongly supported further development of scientific co-operation, monitoring and information exchange on scientific aspects of global climate change, including physical, chemical and biological processes, as well as on the impact of global climate change on forests, oceans and biological diversity. Many countries also referred to the need for advice to be available from the Intergovernmental Panel on Climate Change during the negotiation process.

45. Some countries were of the view that the framework convention should contain general principles and general obligations, and that protocols, negotiated subsequently, could define commitments in a detailed and binding manner. Other countries emphasized that an effective framework convention on climate change should include firm commitments. Views expressed included the need to avoid arbitrary mechanical targets; to stabilize the emission of greenhouse gases by around the year 2000 at about 1990 levels; and to adopt targets for the reduction of emissions. Several countries advocated immediate and significant cuts in the emission of carbon dioxide and other greenhouse gases by industrialized countries. Several others emphasized that an effective framework convention on climate change should include specific commitments supplemented by protocols negotiated in parallel and urged all industrialized countries to undertake commitments to stabilize or reduce their carbon dioxide and other greenhouse gas emissions. Some of those proposed that stabilization by industrialized countries of carbon dioxide emissions should in general be achieved by the year 2000 at 1990 levels.

46. Many countries emphasized that an effective framework convention and any related legal instruments should be based on the principles of equity and common but differentiated responsibility, taking full account of the necessity for the energy consumption of developing countries to grow as their economies develop. A number of countries expressed the need for all countries to make commitments to address climate change. Many other countries referred to the need for specific commitments by developed countries to provide transfer of technology on a preferential and concessional basis, and new and additional financial resources to developing countries, to enable them to address global climate change.

47. Many countries emphasized the special vulnerability of low-lying areas and small island countries to the effects of climate change. Several countries emphasized that the physical and cultural survival of small island countries was threatened by global warming from both sea-level rise and coral bleaching; consequently, their particular needs should be recognized and provided for in the framework convention. It was acknowledged that the participation of those countries in the negotiating process should be assured.

48. Several countries emphasized the need for a particular understanding of the potentially dramatic impacts of climate change on arid and semi-arid areas.

49. Some countries pointed to the particular situation of States whose economies were in transition and noted that their obligations should be established in the light of those circumstances. Such obligations would aim, inter alia, at a more efficient use of energy.

50. Some countries referred to the "polluter pays" principle as a corner-stone of the framework convention. Some emphasized that the countries whose per capita greenhouse gas emissions were high, and which emitted the most greenhouse gases in total, should reduce their emissions and co-operate with developing countries by compensating them for incremental costs involved in addressing climate change. Co-operation among all countries, developed and developing, was considered to be essential in the global effort to respond to climate change.

51. Some countries emphasized the need for the framework convention to contain provisions on scientific and economic research and the exchange of information and data in order to enhance understanding of global climate change.

52. It was suggested that the principles established under the Montreal Protocol on Substances that Deplete the Ozone Layer could serve as signposts to the way ahead. The Global Environment Facility (World Bank/UNEP/UNDP) was referred to in that context, as was the need for universality of the financial mechanism and equitability of the process.

53. A number of countries stated that the model of the Vienna Convention for the Protection of the Ozone Layer would not go far enough as a basis for a framework convention on climate change. Others expressed a different view.

54. It was stated that the framework convention must provide the right incentives for the development of technology and take into account all economic aspects of implementing measures to combat climate change.

55. Some countries also mentioned the need to include within the framework convention procedures concerning the settlement of disputes, non-compliance and ongoing review and updating of the international response.

56. A strong sense of urgency in the development of an effective framework convention was thoroughly emphasized and the organizational pattern of negotiations was referred to by way of proposals for the establishment of working groups.

57. Many countries stressed the need to ensure the participation of developing countries, in particular that of the least developed among them and small island developing countries, in the negotiating process through provision of financial resources from the special voluntary fund established for that purpose by the General Assembly in paragraph 10 of its resolution 45/212. Several countries noted their commitments to contribute to the fund. Some countries also made commitments to contribute to the trust fund established by the Assembly in paragraph 20 of the resolution to support the negotiating process for a framework convention for the duration of the negotiations. It was noted that some countries were providing funds in a bilateral context.

58. Many countries emphasized the importance of technical co-operation in the fields of training, public awareness and information exchange relevant to the preparation and implementation of a framework convention and to the development of national policies in the field of climate change.

59. Most countries referred to their domestic policies and actions undertaken to mitigate climate change, develop new sources of energy and improve energy efficiency. Some countries mentioned their commitments to reduce considerably their emissions of greenhouse gases.

60. Some countries mentioned, in sorrow, the Gulf crisis and its effects.

B. Relations with the Intergovernmental Panel on Climate Change

61. The Chairman conducted informal consultations on the above subject and reported on them to the Committee. He stressed that the modalities of the relationship between the Committee and the Intergovernmental Panel on Climate Change were set out in paragraph 14 of General Assembly resolution 45/212. The purpose of raising the subject was to allow countries to express their views on possible contributions by the Panel to the work of the Committee. The Chairman summarized the views expressed on the work of the Panel as follows:

(a) Appreciation was expressed for the outstanding work of the Panel and for the statement made by its Chairman, Mr. B. Bolin. Most countries welcomed his suggestions on the continuation of the work of the Panel.

(b) All countries agreed that the Intergovernmental Panel on Climate Change was not a negotiating forum, that it could provide technical and scientific assistance to the Intergovernmental Negotiating Committee and that, since the Panel was an independent body and would continue its work as mandated by WMO and UNEP, it

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was for the Committee to decide which specific questions should be put, through its Executive Secretary, to the Panel at different stages.

(c) The desirability of the Panel's continuing to seek and achieve the full participation of developing countries in all aspects of its activity was emphasized. Views were also expressed that the lack of rules of procedure and the proliferation of subsidiary groups made the process of work of the Panel an extremely difficult one in which to participate.

(d) Certain countries suggested that in all its future activities the Panel should encourage the widest possible participation of experts and of relevant international and other organizations.

(e) Many countries presented various proposals and specific topics for the work the Panel should cover in both the short and the long term; the short-term work would assist the Committee in its negotiations leading to the preparation of a draft framework convention by the time of the United Nations Conference on Environment and Development; some of the tasks initiated to that end might also need to be continued into the long term.

(f) It was understood that the Executive Secretary would co-operate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel could respond to the needs and requests for objective scientific and technical advice made during the negotiating process.

C. Funds set up pursuant to General Assembly resolution 45/212

62. Many countries emphasized the need to ensure the participation in the negotiating process of developing countries, in particular the least developed among them and small island developing countries, through financial assistance from the special voluntary fund established for the purpose by the General Assembly in paragraph 10 of resolution 45/212. Statements were made by several countries and the representative of a regional economic integration organization concerning their intentions to contribute to the fund: by 13 February 1991 approximately \$US 1.25 million had been pledged, as shown in table 1. Some other countries indicated that they were in the process of considering pledges. Nevertheless, countries were very aware that demands on the fund during the whole period of the negotiations would considerably exceed the total of pledges made to date.

/...)

Table 1. Pledged contributions to the special voluntary fund to support the participation of developing countries, as at 14 February 1991

Contributor	Amount
Canada	\$Can 35 000 (\$US 30 000)
Denmark	\$US 100 000
European Community	ECU 100 000 - 150 000 a/
France	FF 400 000 (\$US 80 000)
Germany	\$US 200 000 (over 2 years)
Japan	\$US 200 000 b/
Netherlands	\$US 150 000
Norway	\$US 50 000
Spain	\$US 50 000
Sweden	SKr 500 000 (\$US 85 000)
Switzerland	SwF 300 000 (\$US 250 000)
United Kingdom of Great Britain and Northern Ireland	£ 30 000 (\$US 60 000)
United States of America	\$US 50 000
Total	<u>\$US 1 455 000</u>

a/ Up to a maximum of \$US 150,000.

b/ Announced on 14 February 1991; see para. 68.

63. Some countries stated that funds were being provided in bilateral contexts. One delegation stressed that the multilateral character of the special voluntary fund should be preserved.

64. Countries noted that reimbursement from the special voluntary fund for participation in the sessions of the Committee would be retroactive and so apply to the first session. Such reimbursement would cover subsistence (per diem) as well as travel costs. It was also noted that similar arrangements made in connection with participation in sessions of the Preparatory Committee for the United Nations Conference on Environment and Development were differentiated, providing for the payment of travel costs for one representative per developing country, on request, and of per diem to representatives of a limited category of developing countries, in that case the least developed countries.

65. One country indicated that it had made a commitment to contribute to the trust fund established by the General Assembly in paragraph 20 of its resolution 45/212, in order to support the negotiating process for the framework convention for the duration of the negotiations (see table 2).

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Table 2. Pledged contributions to the trust fund for the negotiating process, as at 13 February 1991

Contributor	Amount
United Kingdom of Great Britain and Northern Ireland	£ 30 000 (\$US 60 000)

66. At the 11th plenary meeting, on 14 February, the Chairman drew the attention of the Committee to a draft decision entitled "Use of the special voluntary fund to support the participation of developing countries in the work of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change", submitted by him (A/AC.237/L.4).

67. The Committee then adopted the draft decision (see annex II, decision 1/2).

68. Following the adoption of the decision, the representative of Japan made a statement in which he announced that his country would make a contribution of \$US 200,000 to the special voluntary fund.

IV. ARRANGEMENTS FOR FUTURE SESSIONS OF THE COMMITTEE

A. Budget, staffing and location of the ad hoc secretariat

69. At the 11th plenary meeting, on 14 February 1991, the Executive Secretary made a statement on the funding of the negotiating process, including the operating budget of the secretariat, and indicated that the adequacy of estimates made for staff and conference-servicing costs, as well as the source of funding for other costs, would have to be examined in the light of the work plan emerging from the session. He recalled that, in adopting the resolution that established the Committee and its secretariat, the General Assembly had received a statement indicating that no additional appropriations would be required in respect of the programme budget for the biennium 1990-1991.

70. Provision would have to be made for general operating costs, travel, consultants and documentation. Costs might also be incurred for activities aimed at raising awareness of the issues under negotiation, particularly in developing countries. Those could include public information work and dialogue with non-governmental organizations.

71. Once the overall cost of the negotiating process had been estimated, it was his intention, in consultation with the Chairman, to present such estimates to the Committee in advance of its next session. That would enable Governments to assess the need for contributions to the trust fund and to respond to it, also in advance of the session.

72. On the question of staffing, he said that the arrangements for servicing the current meeting were specific to it. He would consult the responsible departments at United Nations Headquarters on the constitution of the secretariat, and the executive heads of UNEP and WMO, as well as other bodies, on the possibilities for secondment of staff.

73. Concerning the location of the secretariat at Geneva, he said there were options that he would explore on his return. It would be desirable to find a location that would maximize the ability of the Committee secretariat to draw upon existing infrastructures, thereby minimizing its own staffing and support needs. He drew attention to document A/AC.237/INF.2, entitled "Temporary secretariat arrangements", which indicated the present office address at the Palais des Nations at Geneva where he might be reached until further notice.

B. Dates and venues of the next sessions

74. At the 11th plenary meeting, on 14 February, the Chairman made a statement in which he outlined the difficulties involved in scheduling the next three sessions of the Committee in line with the proposals contained in paragraph 4 of resolution 45/212. These difficulties arose from the shortage of conference-servicing facilities and the need to avoid overlaps with related intergovernmental meetings.

75. It was decided, on a tentative basis, that the second session of the Committee should be held in June 1991, while the third and fourth sessions might take place in September and December 1991 respectively. The second session might be held at Nairobi, in which case the third and fourth would take place at Geneva. The Chairman stressed that both dates and venues were subject to change. Delegations would be informed as soon as a final decision could be taken.

76. Delegations pointed out the difficulties involved in their participation in the meetings and requested that they be informed well in advance of the dates decided upon.

C. Circulation of informal papers

77. At the 11th plenary meeting, on 14 February, the Chairman drew attention to the circulation at the session of several informal papers concerning the possible content of a framework convention and issues arising in its negotiation. It had been suggested to him that it would be desirable for all delegations and the secretariat to have access to a complete set of these informal papers. He invited those delegations which had circulated such papers, or wished to do so, to send them to the secretariat at Geneva, by 15 March if possible. The secretariat would make available to interested delegations copies of informal papers received by it in the original languages.

V. ADOPTION OF THE REPORT

78. At the 11th plenary meeting, on 14 February, the Vice-Chairman and Rapporteur of the Committee, Mr. Ion Draghici (Romania), introduced and orally revised the draft report of the Committee on the work of its first session, as contained in documents A/AC.237/L.1 and Corr.2, Add.1 and Add.1/Corr.1, and Add.2-4.

79. The Committee then adopted the draft report as orally revised and requested the Rapporteur to complete the text, taking into account the proceedings of the Committee at its 11th plenary meeting, and to make the necessary editorial changes in the report as a whole, in conformity with established United Nations practice.

VI. CLOSURE OF THE SESSION

80. At the 11th plenary meeting, on 14 February, the Chairman of the Committee in his closing statement summed up the positive achievements of the meeting and stressed the useful work done by the Committee at its first session in defining the mandates of the two Working Groups and thus setting the foundation for the negotiating process to be continued at the next sessions. It had also been important that all delegations representing industrialized countries had declared the commitments of their countries to action on specific measures aimed at limiting emissions of greenhouse gases, including carbon dioxide, that might have an adverse effect on climate. Industrialized nations had a major role to play in this area, while developing countries must be assisted in becoming full partners in the negotiating process, as well as in initiating action to make efficient, non-polluting use of their energy resources, taking into account their individual development needs. Assistance in terms of financing and transfer of technology was an issue that would need to be addressed.

81. At the same meeting, the Chairman introduced a draft decision entitled "Expression of thanks to the Government and people of the United States of America". The Committee adopted the draft decision by acclamation (see annex II, decision 1/3).

82. Expressions of appreciation to the officers of the Committee, the secretariat and all those associated with the work of the session were voiced by the representatives of the Union of Soviet Socialist Republics, on behalf of the Eastern European States; Vanuatu, on behalf of the Asian and Pacific States, and also of the Alliance of Small Island States; Cuba, on behalf of the Latin American and Caribbean States; Greece, on behalf of the Western European and other States; and Zaire, on behalf of the African States.

83. The Chairman thanked all those present for their participation in the first session of the Intergovernmental Negotiating Committee and declared the session closed.

ANNEX I

Documents before the Committee at its first session

1. The following documents were made available to the Committee:

- (a) General Assembly resolution 44/207 of 22 December 1989, on the preparations for the negotiation of the framework convention on climate change
- (b) General Assembly resolution 44/228 of 22 December 1989, on the convening of the United Nations Conference on Environment and Development
- (c) A/45/696 and Add.1 Report of the Secretary-General on progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind
- (d) General Assembly resolution 45/212 of 21 December 1990, entitled "Protection of global climate for present and future generations of mankind"
- (e) A/AC.237/1 Provisional agenda
- (f) A/AC.237/1/Add.1 Annotated provisional agenda
- (g) A/AC.237/2 and Corr.1 Note by the Secretariat on the rules of procedure
- (h) A/AC.237/3 Tentative schedule of meetings
- (i) A/AC.237/4 Documents relating to the meeting
- (j) A/AC.237/5 Rules of procedure
- (k) A/AC.237/L.1 and Corr.2, Add.1 and Add.1/Corr.1, and Add.2-4 Draft report
- (l) A/AC.237/L.2 Proposal concerning the rules of procedure submitted by the Vice-Chairman
- (m) A/AC.237/L.3 Proposal concerning subsidiary organs submitted by the Vice-Chairman

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- (n) A/AC.237/L.4 Draft decision submitted by the Chairman, entitled "Use of the special voluntary fund to support the participation of developing countries in the work of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change"
 - (o) A/AC.237/L.5 Draft decision submitted by the Chairman, entitled "Establishment of subsidiary organs and organization of work"
 - (p) A/AC.237/INF.1 and Corr.1 List of participants
 - (q) A/AC.237/INF.2 Note by the secretariat on temporary secretariat arrangements
2. The following documents were also at the disposal of delegates:
- (a) First Assessment Report of the Intergovernmental Panel on Climate Change (including its paper on legal measures)
 - (b) Report of the Ad Hoc Working Group of Government Representatives to Prepare for Negotiations on a Framework Convention on Climate Change on its meeting held at Geneva from 24 to 26 September 1990
3. The following documents were available for consultation at the meeting:
- (a) A/44/48 Report of the Preparatory Committee for the United Nations Conference on Environment and Development on the work of its organizational session (5-16 March 1990)
 - (b) A/45/25 Report of the Governing Council of the United Nations Environment Programme on the work of its second special session (1-3 August 1990)
 - (c) A/45/46 Report of the Preparatory Committee for the United Nations Conference on Environment and Development on the work of its first substantive session (6-31 August 1990)

ANNEX II

Decisions of the Committee

1/1. Establishment of subsidiary organs and organization of work

The Intergovernmental Negotiating Committee for a Framework Convention on Climate Change

1. Decides to establish two Working Groups to assist the Committee in carrying out its work;
2. Adopts the guidelines for the negotiations, organization of Working Groups and procedural points contained in the annex to the present decision.

ANNEX

I. GUIDELINES FOR THE NEGOTIATIONS

1. All items in the negotiations should be dealt with in an integrated manner and on the basis of General Assembly resolution 45/212 of 21 December 1990, which, inter alia, reaffirms the principles embodied in General Assembly resolutions 44/207 and 44/228, both of 22 December 1989.
2. The work of the groups must be interrelated and will be integrated by the plenary. To this end the two Working Groups will report regularly to the plenary.
3. Funding commitments, mechanisms and means for transfer of technology to developing countries, as well as matters concerning international scientific and technological co-operation, should be an integral element in the negotiations.
4. The final agreement on the convention should cover in an integrated manner all areas of common concern, including, inter alia: (a) emissions; (b) sinks; (c) transfer of technology; (d) financial resources and funding mechanisms for developing countries; (e) international scientific and technological co-operation; and (f) measures to counter the effects of climate change and its possible adverse impact, particularly on small island developing countries, low-lying coastal, arid and semi-arid areas, tropical regions liable to seasonal flooding and areas prone to drought and desertification.

II. ORGANIZATION OF WORKING GROUPS

5. The Working Groups will prepare draft texts for consideration by the plenary.

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A. Working Group I: Commitments

6. Working Group I will prepare a text related to:

- (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 the adverse effects of climate change, taking into account that contributions should be equitably differentiated according to countries' responsibilities and their level of development;
- (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;
- (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.

B. Working Group II: Mechanisms

7. Working Group II will prepare a text related to:

- (a) Legal and institutional mechanisms, including, inter alia, entry into force, withdrawal, compliance and assessment and review;
- (b) Legal and institutional mechanisms related to scientific co-operation, monitoring and information;
- (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.

III. PROCEDURAL POINTS

- 8. There will be no more than two meetings held at any one time within the Intergovernmental Negotiating Committee.
- 9. There will be no inter-sessional meetings of the Intergovernmental Negotiating Committee Working Groups or any subgroups.
- 10. All drafting is to be done by each Working Group, within the framework of its mandate, subject to any subsequent need for harmonization.

11. If and when it is deemed necessary, the Working Groups, subject to the approval of the Intergovernmental Negotiating Committee, may establish ad hoc subgroups to deal with specific issues, with due respect to the understanding that no more than two meetings may be held at any one time. These groups would be reviewed continually to allow reformulation and adjustment in order to reflect the progress of the negotiations.

1/2. Use of the special voluntary fund to support the participation of developing countries in the work of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change

The Intergovernmental Negotiating Committee for a Framework Convention on Climate Change

1. Welcomes the expressed intention of several Governments and a regional integration organization to contribute to the special voluntary fund established by the General Assembly in paragraph 10 of its resolution 45/212 of 21 December 1990;

2. Urges Governments that are in a position to do so but have not yet done so to contribute to the special voluntary fund according to their possibilities at an early date and expresses the hope that those which have already done so will make further contributions;

3. Urges relevant bodies of the United Nations system, in particular the United Nations Development Programme, the United Nations Environment Programme and the World Meteorological Organization, to contribute generously to the special voluntary fund and invites the Chairman of the Committee to convey this appeal to the executive heads of those bodies, as well as to those of other interested organizations;

4. Requests the Executive Secretary of the Committee, in determining the eligibility of countries for access to the fund, to bear in mind the following considerations in addition to the criteria set out in paragraph 10 of resolution 45/212:

(a) The vulnerability of countries to the rise in sea-level, drought and desertification, and severe weather disturbances;

(b) The importance of financing the attendance of experts, including scientists, as members of delegations from developing countries;

(c) Adequate regional representation of developing countries;

(d) The important role of regional organizations in providing suitable technical support to the effective participation of developing countries in the negotiating process;

5. Invites donors and recipients of financial assistance to keep the Executive Secretary informed of their relevant funding arrangements, so that the special voluntary fund may be used to the greatest effect;

6. Requests the Executive Secretary to facilitate the full and effective participation in the work of the Committee of developing countries, and indeed of all countries entitled to participate, by ensuring the timely and well-directed distribution of notifications, documentation and other information well in advance of Committee sessions, and by making adequate provision for this purpose within the capacities of the secretariat.

1/3. Expression of thanks to the Government and people of the
United States of America

The Intergovernmental Negotiating Committee for a Framework Convention on
Climate Change,

Having met at Washington, D.C., from 4 to 14 February 1991 at the invitation of the Government of the United States of America,

Expresses its profound gratitude to the Government and people of the United States of America for their warm and generous hospitality and for the excellent facilities provided during the first session of the Intergovernmental Negotiating Committee.



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FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Second session

Geneva, 19-28 June 1991

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

Note by the Executive Secretary

I. PROVISIONAL 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.

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

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

The first session of the Committee was held in Washington, D.C., from 4 to 14 February 1991. The report of that session, including its decisions, is contained in document A/AC.237/6.

The second session of the Intergovernmental Negotiating Committee will be held at the Palais des Nations, Geneva, from 19 to 28 June 1991. The session will be opened by the Chairman of the Committee on 19 June 1991, at 11.30 a.m., in Room XX. The earlier part of the morning could be used for meetings of the Bureau and of regional groups.

1. Organizational matters:

(a) Adoption of the agenda

The provisional agenda for the second session of the Committee has been drawn up on the basis of General Assembly resolution 45/212 and the decisions taken by the Committee at its first session. It is presented for consideration and adoption. It should be noted that the adoption of item 1(c) would imply the waiver of rule 40 of the rules of procedure, for the reason explained in the annotation below.

Before the adoption of the agenda of its second session, the Executive Secretary will bring to the attention of the Committee any other items which it may need to consider.

(b) Organization of work

(1) Participation

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

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

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

In this connection, the attention of the Committee is drawn to decision 2/1 adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its second session, held at Geneva from 18 March to 5 April 1991^{2/}, and its accreditation of the non-governmental organizations listed in documents A/CONF.151/PC/L.28/Add.1 - 3.

(11) Schedule of meetings

The tentative schedule of meetings contained in annex I to the present document is based on the availability of facilities during normal working hours, Monday to Friday, when services are available for up to two simultaneous meetings from 10 a.m. - 1 p.m. and 3 p.m. - 6 p.m. Delegations are urged to use these services fully by starting all meetings promptly at the scheduled time. Limited facilities will be available on Saturday, 22 June 1991 for informal meetings without interpretation.

(111) Subsidiary organs

At its first session, by its decision 1/1, the Committee established two Working Groups and determined their tasks.

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

^{2/} (future document A/46/48)

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

A possible structure of a framework convention has been prepared by the secretariat with the intention of assisting the Committee and its Working Groups in organizing their work (Annex II). If this structure were to be found useful, the different constituent elements would need to be allocated between the two Working Groups.

(c) Election of the officers of the Working Groups

Rule 40 of the rules of procedure of the Intergovernmental Negotiating Committee (document A/AC.23/7/5), provides that subsidiary organs shall elect their own officers. In light of the fact that the Chairman of the Committee is conducting consultations concerning the composition of the Bureaux of the two Working Groups, the Committee may wish to deal with the election of officers of the Working Groups in an integrated manner in plenary. In such a case, rule 40 would need to be waived.

(d) Dates and venues of subsequent sessions

In the light of paragraph 4 of resolution 45/212, the Executive Secretary proposes the dates and venues for the two subsequent sessions of the Committee, as follows:

Third session	9 to 20 September 1991	Nairobi
Fourth session	9 to 20 December 1991	Geneva

The Committee may wish to determine at its second session what provision needs to be made for further sessions in 1992.

(e) Provisional agenda of the third session

The Executive Secretary will propose a provisional agenda of the third session for consideration and approval by the Committee at the end of the second session.

2. Preparation of a framework convention on climate change

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

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As envisaged at the first session of the Committee (A/AC.237/6, para. 7), the secretariat will be circulating informal papers submitted by delegations in order to facilitate work on the convention (A/AC.237/Misc.1).

The secretariat will use the possible structure contained in Annex II as the basis for a compilation of relevant texts, including these papers; this compilation is intended as an informal contribution to further substantive work. It will be available shortly before the second session (A/AC.237/Misc.2).

The General Assembly, by paragraph 17 of its resolution 45/212, requested "the Intergovernmental Negotiating Committee to take into account, as appropriate, any relevant developments in the preparations for the United Nations Conference on Environment and Development that the Preparatory Committee may bring to its attention." In this connection, the Preparatory Committee of the United Nations Conference on Environment and Development at its second session requested that the Secretary-General of the Conference transmit to the Intergovernmental Negotiating Committee relevant secretariat documents including those which deal with the cross-sectoral and developmental issues along with a summary of the comments on those secretariat documents made by delegations at the second session of the Preparatory Committee. The Report of the Preparatory Committee of the United Nations Conference on Environment and Development at its second session (future A/46/48) will be made available to the Committee. A number of other relevant documents have been forwarded by the Secretary-General of the Conference as indicated in Annex III and the Committee may wish to take them into consideration at its second session.

Any relevant matters arising from the Eleventh World Meteorological Congress and the sixteenth session of the Governing Council of the United Nations Environment Programme will be brought to the attention of the Committee.

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

In accordance with Committee decision 1/1 (annex. paras. 5 and 6), Working Group I will prepare a draft text for consideration by the plenary related to:

- (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 the adverse effects of climate change, taking into account that contributions should be equitably differentiated according to countries' responsibilities and their level of development;

(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;

(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."

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

In accordance with Committee decision 1/1 (annex, paras. 5 and 7), Working Group II will prepare a draft text for consideration by the plenary related to:

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

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

(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."

(c) Consideration by the plenary of progress reports submitted by the Working Groups

In accordance with Committee decision 1/1 (annex, para. 2), the work of the Working Groups must be interrelated and will be integrated by the plenary. To this end, the two Working Groups will report regularly to the plenary on progress made. In this context, paragraph 10 of the annex to the same decision foresees the need for harmonizing the drafting done by the Working Groups.

In the light of the progress of work at its second session, the Committee may wish to give guidance to the Executive Secretary on the preparation of substantive documentation for its third session.

3. Requests for scientific and technical advice from the Intergovernmental Panel on Climate Change

As envisaged in paragraph 14 of General Assembly resolution 45/212 and in the report of the first session of the Committee (A/AC.237/6, para.61), the Executive Secretary is to co-operate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the needs and requests for objective scientific and technical advice made during the negotiating process.

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In this connection, the report of the fifth session of the Panel, at Geneva from 13 to 15 March 1991, will be available to the Committee. At that session, the Panel decided to undertake the following studies as short-term work:

- a) Assessment of the emissions of greenhouse gases;
- b) Analysis of present and possible future capability to predict the regional characteristics of climate change;
- c) Assessment of energy-related technologies in relation to the climate change issue;
- d) Assessment of forestry and agriculture management, adaptation measures, and impacts of climate change and response thereto;
- e) Update of the IPCC climate change scenarios;
- f) Analysis of the global impact of sea level rise.

The Intergovernmental Panel on Climate Change adopted principles governing its work. One of the agenda items on which the Panel did not complete its discussion was that of the economic issues that arise in the context of climate change.

The Committee may wish to give guidance to the Executive Secretary concerning matters on which it requires scientific and technical advice from the Intergovernmental Panel on Climate Change as an input to the preparation of a framework convention on climate change.

4. Review of extrabudgetary funds:

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

By its resolution 45/212, paragraph 10, the General Assembly established "a special voluntary fund, administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations, to ensure that developing countries, in particular the least developed among them, as well as small island developing countries, are able to participate fully and effectively in the negotiating process". In response to the invitation in that resolution, a number of governments and a regional economic integration organization pledged contributions to the special voluntary fund as set out in Table 1 of the report of the first session of the Committee (A/AC.237/6). By its decision 1/2, the Committee urged Governments in a position to do so but which had not yet done so to contribute to the special voluntary fund according to their possibilities at an early date and expressed the hope that those which had already done so would make further contributions. It also urged the relevant bodies of the United Nations system, in particular the United Nations Development Programme, the United Nations Environment Programme and the World Meteorological Organization, to contribute generously to the special voluntary fund.

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By its decision 1/2, the Committee requested the Executive Secretary, in determining the eligibility of countries for access to the fund, to bear in mind a number of considerations in addition to the criteria set out in paragraph 10 of General Assembly resolution 45/212.

(b) Trust fund for the negotiating process

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

At the first session of the Committee, the Executive Secretary made a statement on the funding of the negotiating process, including the operating budget of the secretariat, and indicated that the estimates made for staff and conference-servicing costs, as well as the source of funding for other costs, would have to be examined in the light of the work plan emerging from the session.

* * * * *

Under this item, the Executive Secretary will submit a report (A/AC.237/8) on the state of the two extrabudgetary funds, the use being made of them and the estimated needs for funding for both purposes. The Committee may wish to express its views on these matters and call for the required contributions to both funds.

5. Adoption of the report

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

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In accordance with precedent, the Committee may wish to decide that the negotiating stage of its work should be the subject of action-oriented and concise reports of a procedural nature. The Vice-Chairman acting as Rapporteur will prepare a draft report for consideration by the Committee, following consultations in accordance with usual practice.

Annex I
Tentative schedule of meetings

WFX0920

Wednesday, 19 June 1991

- Time allowed for Bureau and regional group meetings
- 11.30 a.m. Opening of the session by the Chairman of the Committee
- Item 1 (a) Adoption of the agenda
Item 1 (b) Organization of work
Item 1 (c) Election of the officers of the Working Groups
- Item 2 Preparation of a framework convention on climate change (introductory statements by representatives of UNCED, UNEP and WMO, as needed)
- 3 p.m. Meetings of Working Groups I and II (organization of work)

Thursday, 20 June 1991

- 10 a.m. and 3 p.m. Meetings of Working Groups I and II

Friday, 21 June 1991

- 10 a.m. Meetings of Working Groups I and II
- 3 p.m. Item 2 (c) Consideration by the plenary of progress reports submitted by the Working Groups

Saturday, 22 June 1991

- a.m. and p.m. Informal meetings, without interpretation, if needed

Monday, 24 June 1991

- 10 a.m. ^{a/}
- Item 3 Requests for scientific and technical advice from IPCC
- Item 4 Review of extrabudgetary funds:
- (a) Special voluntary fund to support the participation of developing countries
- (b) Trust fund for the negotiating process
- 3 p.m. Meetings of Working Groups I and II

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

Tentative schedule of meetings cont'd

WFX0920

Tuesday, 25 June 1991

10 a.m. and 3 p.m.

Meetings of Working Groups I and II

Wednesday, 26 June 1991

10 a.m. and 3 p.m.

Meetings of Working Groups I and II

Thursday, 27 June 1991

10 a.m. (and p.m. if needed)

Meetings of Working Groups I and II
(conclusion of work for the session)

Friday, 28 June 1991

10 a.m.

Item 2 (c)

Consideration by the plenary of
progress reports submitted by the
Working Groups

3 p.m.

Item 1 (d)
Item 1 (e)
Item 5

Dates and venues of subsequent sessions
Provisional agenda of the third session
Adoption of the report

CLOSURE OF THE SESSION

ANNEX II

ORGANIZATION OF WORK:

Possible Structure of a Framework
Convention on Climate Change

Note: This illustrative structure was derived from Committee decision 1/1, General Assembly resolution 45/212, the Intergovernmental Panel on Climate Change Report of Topic Co-ordinators on Legal Measures, and existing international legal instruments on related subjects. Its purpose is to assist the Committee and its Working Groups in organizing their work. If this structure were to be found useful, the different constituent elements would need to be allocated between the two Working Groups.

PREAMBLE

CHAPTER I Definitions

CHAPTER II Principles

CHAPTER III General Obligations

CHAPTER IV Specific Commitments on Emissions, Sinks and Counter Measures^a

- 4.1 Measures to limit and reduce net emissions of carbon dioxide and other greenhouse gases, beyond those required by existing agreements
- 4.2 Measures to protect, enhance and increase sinks and reservoirs of carbon dioxide and other greenhouse gases
- 4.3 Measures to counter the adverse effects of climate change

CHAPTER V Special Situation of Developing Countries

Measures to address:

- a. development needs of developing countries
- b. problems of small island developing countries
- c. low lying coastal areas
- d. arid and semi-arid areas and areas prone to drought and desertification
- e. areas threatened by erosion
- f. tropical regions liable to seasonal flooding
- g. high urban atmospheric pollution

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CHAPTER VI Financial Resources

Commitments and institutional mechanisms for the provision of adequate and additional financial resources to enable developing countries to meet incremental costs required to fulfil the commitments in Chapter IV above.

CHAPTER VII Transfer of Technology

Commitments and institutional mechanisms for facilitating the development of technology and its expeditious transfer on a fair and most favourable basis.

CHAPTER VIII Scientific and Technological Co-operation

8.1 Research and Systematic Observation

8.2 Exchange of Information and Data

CHAPTER IX Monitoring, Assessment and Review

9.1 Monitoring

9.2 Assessment of national policies, data and performance under the convention

9.3 Periodic review of overall implementation under the convention

CHAPTER X Compliance Control

CHAPTER XI Institutional Arrangements

11.1 Conference of the Parties

- a. establishment of rules of procedure and financial and administrative rules and regulations
- b. decision-making and voting rights
- c. co-operation with relevant United Nations organisations, other intergovernmental organisations and non-governmental organisations.

11.2 Executive Committee

11.3 Secretariat

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CHAPTER XII Settlement of Disputes

CHAPTER XIII Arrangements with regard to Protocols,
Annexes and Amendments^{b/}

13.1 Adoption of Protocols

13.2 Relationship between the Convention and its Protocols

13.3 Amendment of the Convention or Protocols

13.4 Adoption and Amendment of Annexes

CHAPTER XIV Final Provisions

14.1 Signature

14.2 Ratification, Acceptance or Approval

14.3 Accession

14.4 Entry into Force

14.5 Reservations and Declarations (No Reservations clause)

14.6 Withdrawal

14.7 Depositary

14.8 Authentic texts

Annexes

-
- a/ Commitments would take into account that contributions should be equitably differentiated according to countries' responsibilities and their level of development. The problems of economies in transition would also be taken into account.
- b/ Negotiators will have to decide on the distribution of content between provisions in the Convention and those in annexes and/or protocols. Protocols are separate supplementary legal instruments which can be adopted simultaneously or subsequent to the adoption of the Convention. Annexes are an integral part of a convention (or of a Protocol, as the case may be) and because of their technical nature are more susceptible to frequent changes and therefore require simpler amendment procedures.

Annex III
List of documents for the second session of the
Intergovernmental Negotiating Committee

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Documents prepared for the session

- A/AC.237/7 Provisional agenda and annotations to the provisional agenda including suggestions for the organization of work
- A/AC.237/8 Review of extrabudgetary funds established under General Assembly resolution 45/212
- A/AC.237/Misc.1
(English only) Set of informal papers provided by delegations, including "non-papers", related to the preparation of a framework convention on climate change
- A/AC.237/Misc.2
(English only) Compilation of possible elements for a framework convention on climate change: Informal document prepared by the secretariat on the basis of an analysis of the above-mentioned informal papers and of other relevant texts
- A/AC.237/INF.4 Practical information for participants

* * * * *

Other documents available at the session

- A/AC.237/5 Rules of procedure
- A/AC.237/6 Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its first session, held at Washington D.C., from 4 to 14 February 1991

* * * * *

Report of the Intergovernmental Panel on Climate Change on its fifth session

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Documents relevant to the preparations for the United Nations Conference on Environment and Development

- Future A/46/48 Report of the Preparatory Committee of the United Nations Conference on Environment and Development at its second session
- A/CONF.151/PC/22 Protection of the atmosphere: climate change. Synthesis report on ongoing processes and recommendations
- A/CONF.151/PC/23 Protection of the atmosphere: climate change. Report on costing exercises of measures adopted to limit possible climate change
- A/CONF.151/PC/WG.1/CRP.5 Protection of the atmosphere: climate change
Chairman's summary - Working Group I
- A/CONF.151/PC/17 Cross-sectoral issues. Progress report on transfer of technology. Report by the Secretary-General of the Conference

Documents relevant to the preparations for the United Nations Conference on Environment and Development cont'd

- A/CONF.151/PC/18 Cross-sectoral issues. Progress report on financial resources. Report by the Secretary-General of the Conference
- A/CONF.151/PC/36 Cross-sectoral issues. Progress report on institutions. Report by the Secretary-General of the Conference
- A/CONF.151/PC/WG.III/2 Legal issues for Working Group III. Note by the secretariat
- A/CONF.151/PC/L.28 and Add.1-3 List of non-governmental organizations recommended for accreditation by the Secretary-General of the Conference. Note by the secretariat

Available for reference purposes:

General Assembly resolutions

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

* * * * *

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

Regional intergovernmental meetings

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

WFX0920

24 June 1991
ENGLISH ONLY

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 3

CONTENTS

III. Texts related to other matters

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A. Preamble	1 - 82	2 - 10
B. Definitions	1 - 27	10 - 13
C. Principles	1 - 20	13 - 16

A/AC.237/Misc.5/Add.3

GE.91-70448

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.

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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Section

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A. Texts related to decision 1/1, paragraph 6(a)	
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A. Preamble	
B. Definitions	
C. Principles	

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

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Addendum 1

CONTENTS

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 preceeding 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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[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));

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- 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))

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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.8 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 "Implementation: 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 Convention) (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 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 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.