

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

9, 1991

SECRET

COMPILATION OF POSSIBLE ELEMENTS  
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE

Note by the secretariat

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## A. EXPLANATORY NOTE

1. This compilation is intended as an informal contribution to the substantive work of the Committee on the preparation of a framework convention. It presents available material in a manner intended to facilitate reference and comparison, and is organized according to the structure proposed by the secretariat in Annex II to document A/AC.237/7. (See section D below.)
2. The material contained herein is culled from several relevant General Assembly resolutions; various Ministerial Declarations; the IPCC First Assessment Report, Volume 1; the IPCC Legal Measures Report of Topic Co-ordinators; the texts of existing international agreements, conventions and protocols on related subjects; and the set of informal papers, including "non-papers", submitted by delegations and reproduced in document A/AC.237/Misc.1/Add.1 and Add.2. These informal papers should be read keeping in mind the explanatory notes accompanying some of them.
3. A list of the references used is contained in Section B. Any papers received from delegations after completion of this compilation will appear in further addenda to document A/AC.237/Misc.1 and should be taken into account in using the compilation. A list of abbreviations is provided (Section C).
4. The compilation seeks to reflect accurately the views expressed in the set of informal papers, in general citing passages directly from those papers and indicating their sources. In some cases, it was necessary to synthesize or combine similar elements. Bracketed language inserted by the secretariat is for editorial purposes only. Normally, texts drawn from General Assembly resolutions, Ministerial Declarations, the IPCC First Assessment Report, Volume I, the IPCC Legal Measures Report of Topic Co-ordinators and conventions appear, where the context allows, before texts submitted by individual delegations. These in turn appear in the alphabetical order of the delegation submitting them.
5. A somewhat different approach was followed with respect to the organization of elements for the Preamble, given the convergence of views in the submissions received relating to this part of the framework convention. In this case, guidance with respect to the order and formulation of preambular elements was taken from the IPCC Legal Measures Report as written up in the United Kingdom Compilation (reference 19.9). Cross-references are made to other preambular elements proposed and proposals which are not covered by the United Kingdom Compilation are cited separately.
6. Where possible, elements relating to annexes or protocols have been included in the relevant sections of this compilation. However, where these elements (e.g. technical annexes, issue papers) are so lengthy that their inclusion would disturb the flow of the text, cross-references to the set informal papers have been included.

7. Under each chapter heading, each paragraph is numbered consecutively for easy reference. This numbering does not imply any judgment concerning the relative importance of paragraphs nor their interrelationships. It is the context (not the numbering) that should make it clear whether one paragraph is consecutive or alternative to another.

8. This compilation represents the state of progress, as of 10 June 1991, in the secretariat's analysis of relevant material and of informal papers made available. Owing to the close interrelationships among different subjects covered, it was not always clear where in the structure to place particular elements. In such cases, the secretariat used its best judgment in choosing among the possible alternatives. For this and other reasons, the compilation is not yet a fully refined piece of work and would benefit from comments and advice from delegations. Should the compilation be used in the substantive work of the Committee and its Working Groups, the secretariat would be ready to improve it in the light of comments made and of new submissions received.

## B. LIST OF REFERENCES

1. United Nations General Assembly Resolution 43/53 of 6 December 1988
2. United Nations General Assembly Resolution 44/207 of 22 December 1989
3. United Nations General Assembly Resolution 44/228 of 22 December 1989
4. United Nations General Assembly Resolution 45/212 of 22 December 1990
5. Ministerial Declaration of the Second World Climate Conference (SWCC), 1990 (doc. A/45/696/Add. 1)
6. Final Conference Statement, Scientific Sessions of the SWCC, 1990
7. IPCC First Assessment Report, Vol. 1, 1990: Overview and Policymaker Summaries
8. IPCC Legal Measures Report of Topic Co-ordinators, 1990
9. Declaration of the United Nations Conference on the Human Environment, 1972 (Stockholm Declaration)
10. Convention on Long-Range Transboundary Air Pollution, 1979
11. Vienna Convention on the Protection of the Ozone Layer, 1985
12. Montreal Protocol on Substances that Deplete the Ozone Layer, 1987
13. Toronto Conference Statement: The Changing Atmosphere - Implications for Global Security, 1988 (Meeting of 300 experts from 46 countries including Prime Ministers and Ministers)
14. Declaration of The Hague, 1989 (Meeting of Heads of States and Governments from 24 countries representing both the developed and developing countries)
15. Noordwijk Declaration, 1989 (Ministerial Conference on Atmospheric Pollution and Climate Change attended by Ministers from both developed and developing countries)
16. Bergen Ministerial Declaration on Sustainable Development in the ECE Region, 1990 (Conference of Ministers of the European and North American region)
17. Bangkok Declaration, 1990 (ESCAP Ministerial Level Conference on Environment and Development in Asia and the Pacific)
18. Tlatelolco Platform on Environment and Development, 1991 (Conference of Ministers and senior officials of the Latin American and Caribbean region)

19. Non-papers and informal papers submitted by delegations at first session of the Intergovernmental Panel on Climate Change held in February 1991 at Washington, DC, USA and subsequently (doc. A/AC.237/Misc.1/Add.1 and Add.2)
- 19.1 AUSTRALIA: Possible compliance mechanism for inclusion in a framework convention on climate change (sent with letter of 15 March 1991) (pp. 3-5 of doc. A/AC.237/Misc.1/Add.1)
- 19.2 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) (pp. 6-9 of doc. A/AC.237/Misc.1/Add.1).
- 19.3 FRANCE: Suggestions concerning the limitation of greenhouse gases (translated from French) (circulated during first session of the Intergovernmental Panel on Climate Change). (pp. 10-14 of doc. A/AC.237/Misc.1/Add.1).
- 19.4 GERMANY: Non-paper. Important elements for an International Climate Convention (circulated during the first session of the Intergovernmental Negotiating Committee) (pp. 15-22 of document A/AC.237/Misc.1/Add.1).
- 19.5 MALAYSIA/MALTA: Informal paper. Outline of proposed elements of an effective framework convention on climate change (7 February 1991) (p. 24 of doc. A/AC.237/Misc.1/Add.1).
- 19.6 NETHERLANDS COMPILATION: 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) (pp. 25-45 of doc. A/AC.237/Misc.1/Add.1).
- 19.7 NETHERLANDS ADDENDUM: Addendum, worked out by some experts, to the Shopping List circulated informally by Austria and Switzerland (see item 19.2 above) and to the Compilation of Texts related to main elements (Shopping List), circulated informally by the Netherlands delegation (see item 19.6 above) (13 February 1991) (pp. 46-50 of doc. A/AC.237/Misc.1/Add.1).
- 19.8 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) (pp. 51-52 of doc. A/AC.237/Misc.1/Add.1).
- 19.9 UNITED KINGDOM COMPILATION: Draft framework convention on climate change, based on the consensus elements of the IPCC Topic Group on Legal Measures, prepared and circulated by the delegation of the United Kingdom at the first session of the Intergovernmental Negotiating Committee (pp. 53-82 of doc. A/AC.237/Misc.1/Add.1).

- 19.10 UNITED KINGDOM: Draft paper. Possible elements for inclusion in a framework convention on climate change (sent with letter of 26 March 1991) (pp. 83-88 of doc. A/AC.237/Misc.1/Add.1).
- 19.11 UNITED STATES OF AMERICA: Submission of the United States to the Intergovernmental Negotiating Committee on Climate Change (sent with letter of 15 March 1991) (pp. 89-95 of doc. A/AC.237/Misc.1/Add.1).
- 19.12 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) (pp. 96-102 of doc. A/AC.237/Misc.1/Add.1).
- 19.13 FRANCE ADDENDUM: Further submission of France, pertaining to national policies for the prevention of the greenhouse effect (sent with letter of 30 May 1991) (pp. 3-9 of doc. A/AC.237/Misc.1/Add.2).
- 19.14 NORWAY: Norwegian non-paper (released 10 June 1991) (pp. 10-31 of doc. A/AC/ 237/Misc.1/Add.2).
- 20. Proceedings of the First World Climate Conference, 1979
- 21. World Meteorological Organization Glossary.
- 22. World Meteorological Organization Guide to Climatological Practices.

### C. ABBREVIATIONS

Bergen Ministerial Declaration: Bergen Ministerial Declaration on Sustainable Development in the ECE Region, 1990 (Conference of Ministers of the European and North American region)

Declaration of The Hague: Declaration of the Hague 1989 (Meeting of Heads of States and Governments from 24 countries representing both the developed and developing countries)

France refers to paper 19.3

France Addendum refers to paper 19.13

Final Statement of the SWCC: Final Conference Statement, Scientific Sessions of the SWCC

GWP: Greenhouse warming potential index

IPCC (First Assessment Report Vol. 1): IPCC First Assessment Report, Vol. 1, 1990. Overview and Policymaker Summaries

IPCC: LMTC: Intergovernmental Panel on Climate Change: Legal Measures Report of Topic Co-ordinators

Montreal Protocol: Montreal Protocol on Substances that Deplete the Ozone Layer, 1987

Netherlands Compilation: refers to paper 19.6

Netherlands Addendum refers to paper 19.7

Noordwijk Declaration: Noordwijk Declaration 1989 (Ministerial Conference on Atmospheric Pollution and Climate Change attended by Ministers from both developed and developing countries)

SWCC: Second World Climate Conference

Stockholm Declaration: Declaration of the United Nations Conference on the Human Environment, 1972

Toronto Conference: Toronto Conference Statement: The Changing Atmosphere - Implications for Global Security, 1988 (Meeting of 300 World Experts from 46 countries including Prime Ministers and Ministers)

United Kingdom: refers to paper 19.10

United Kingdom Compilation: refers to draft framework convention on climate change: paper 19.9

Vienna Convention: Vienna Convention for the Protection of the Ozone Layer, 1985



D. POSSIBLE STRUCTURE OF A FRAMEWORK  
CONVENTION ON CLIMATE CHANGE <sup>\*</sup>/

Note: This illustrative structure was derived from Committee decision 1/1, General Assembly resolution 45/212, the Intergovernmental Panel on Climate Change Legal Measures Report of Topic Co-ordinators, 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<sup>a</sup>/

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

## 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

CHAPTER XII Settlement of Disputes

CHAPTER XIII Arrangements with regard to Protocols,  
Annexes and Amendments<sup>b/</sup>

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

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<sup>\*</sup>/ Reproduced from A/AC.237/7/Annex II. See also alternative structure in Norwegian Non-Paper 14.1: Outline of a Framework Convention on Climate Change

<sup>a/</sup> 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.

<sup>b/</sup> 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.

## E. COMPILATION

### PREAMBLE

[The Parties to this Convention],

#### United Nations General Assembly Resolution 44/228

1. Deeply concerned by the continuing deterioration of the state of the environment and the serious degradation of the global life-support systems, as well as by trends that, if allowed to continue, could disrupt the global ecological balance, jeopardize the life-sustaining qualities of the Earth and lead to an ecological catastrophe, and recognizing that decisive, urgent and global action is vital to protecting the ecological balance of the Earth.

#### IPCC: LMTC/United Kingdom Compilation (p. 1)

2. 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.

#### IPCC: LMTC/United Kingdom Compilation (p. 1) see also: Germany; Malaysia/Malta; United States of America

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

#### IPCC: LMTC/United Kingdom Compilation (p. 1)

4. 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;

IPCC: LMTC/United Kingdom Compilation (p. 1)

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

IPCC: LMTC/United Kingdom Compilation (p. 1);  
see also: United States of America (p. 1);

6. 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 in a global framework and endorsed the establishment of the Intergovernmental Panel on Climate Change;  
(United States: and UNGA Resolution 45/212 of December 1990);

IPCC: LMTC/United Kingdom Compilation (p. 2);  
see also: United States of America (p. 1)

7. 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.  
(United States: mentions declarations such as the 1990 Ministerial Declaration of the Second World Climate Conference, and 1989 Noordwijk Ministerial Declaration, as well as the Declaration of the 1990 Houston Economic Summit);

IPCC: LMTC/United Kingdom Compilation (p. 2)

8. 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;

IPCC: LMTC/United Kingdom Compilation (p. 2);  
see also: United States of America

9. 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;

IPCC: LMTC/United Kingdom Compilation (p. 2); see also: Germany

10. 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;

IPCC: LMTC/United Kingdom Compilation (p. 3); see also: Germany

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

IPCC: LMTC/United Kingdom Compilation (p. 3)

12. 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;

IPCC: LMTC/United Kingdom Compilation (p. 3); see also: Germany

13. 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 (adversely) 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;

IPCC: LMTC/United Kingdom Compilation (p. 3)  
see also: Republic of Korea

14. 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.

IPCC: LMTC/United Kingdom Compilation (pp. 3 & 4)  
see also: United States of America

15. 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;

IPCC: LMTC/United Kingdom Compilation (p. 4);  
see also: United States of America

16. 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;

United Kingdom (pp. 1 & 2 )

17. Acknowledging 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;

18. Recognizing 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;

19. Recognizing that parties may want to make joint arrangements to meet their obligations under the Convention and its associated protocols;

20. Recognizing 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 (pp. 1 & 2)

21. Recognizing 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;

22. Recognizing 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;

23. Stressing 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.

Have agreed as follows:

## CHAPTER I

### DEFINITIONS

#### CLIMATE

##### WMO Glossary

1. "Climate" means the synthesis of weather conditions in a given area, characterized by long-term statistics of the variables of the state of the atmosphere in that area.

##### United Kingdom Compilation (Article 1 para 2)

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

##### United States of America (p. 2)

3. "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

##### WMO Guide to Climatological Practices

4. "Climate change" encompasses all forms of climatic inconstancy regardless of their statistical nature or physical cause.

##### Proceedings of the First World Climate Conference, 1979

5. "Climate change" defines the difference between long-term mean values of a climatic parameter or statistic, where the mean is taken over a specified interval of time, usually a number of decades.



United States of America (p. 3)

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

ADVERSE EFFECTS

Vienna Convention for the Protection of  
the Ozone Layer (Vienna Convention Art. 1(2))

7. "Adverse effects" means changes in the physical environment or biota including changes in climate, which have significant deleterious effects on human health or on the composition, resilience and productivity of natural and managed ecosystems, or on materials useful to mankind.

United Kingdom Compilation (Article 1(1))

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.

GREENHOUSE EFFECT

IPCC (First Assessment Report Vol. 1)

9. "Greenhouse Effect" means a warming effect on the lower atmosphere due to the existence of greenhouse gases.

GREENHOUSE GASES

United Kingdom Compilation (Article 1 (3))

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.

United States of America (p. 3)

11. "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

United States of America (p. 3)

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

SOURCES

United States of America (p. 3)

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

SINKS

United Kingdom Compilation (Article 1 (7))

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 release.

United States of America (p. 3)

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

RESERVOIRS

United States of America (p. 3)

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

United Nations General Assembly Resolution 44/207 (para. 3)

5. ... Governments, in keeping with their national policies, priorities and regulations, and intergovernmental organizations to collaborate in making every possible effort to limit, reduce and prevent activities that could adversely affect climate, and calls upon non-governmental organizations, industry and other productive sectors to play their due role.

Ministerial Declaration of the Second World  
Climate Conference (SWCC) (para. 5)

6. The principle of equity and the common but differentiated responsibility of countries should be the basis of any global response to climate change with the developed countries taking the lead.

Ministerial Declaration of the SWCC (para. 10)

7. The ultimate global objective should be to stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with climate.

IPCC: LMTCC (p. 5)

8. Parties shall adopt appropriate measures to protect against the adverse effects of climate change, to limit, reduce and adopt 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.

Convention on Long-Range Transboundary Air Pollution (Art. 2)

9. The Parties, taking due account of the facts and problems involved, are determined to protect man and his environment against [adverse effects of climate change] and shall endeavour to limit and, as far as possible, gradually reduce and prevent [the emissions of greenhouse gases].

Stockholm Declaration (Principle 21)

10. 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.

Declaration of the Hague

11. Countries to which decisions taken to protect the atmosphere shall prove to be an abnormal or special burden, in view, inter alia, of the level of their development and actual responsibility for the deterioration of the atmosphere, shall receive fair and equitable assistance to compensate them for bearing such burden. To this end mechanisms will have to be developed.

Austria/Switzerland (4.1 and 4.4)

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

France (p.1)

13. (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.

Netherlands Compilation (Annex 1, p. 17)

14. (a) The lack of scientific proof should be no reason to postpone measures (Precautionary Principle);
- (b) The principle of exchange between different GHGs (in CO<sub>2</sub> equivalents) "in order to allow flexibility while still achieving overall improvement", to be elaborated at a later stage;
- (c) The principle of a long-term quality target for the climate preliminary target (to be further elaborated). Temperature increase < 0.2 degree C per decade, max 2 degree C above preindustrial, SLR < 0.05 m per decade, max 0.5 m, GHG-concentration well below a CO<sub>2</sub>-equivalent doubling;
- (d) The principle of a differential approach: Differentiated commitments of e.g. industrialized and developing countries.

CHAPTER III

GENERAL OBLIGATIONS

IPCC: LMTc (p. 5)

1. Protect, stabilize and improve the composition of the atmosphere in order to conserve climate for the benefit of present and future generations.

2. Take steps having the effect of limiting climate change but which are already justified on other grounds.
3. Use climate for peaceful purposes only, in a spirit of good neighbourliness.
4. 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.

IPCC: LMTC (p. 6)

5. [Provide a funding mechanism.]

IPCC: LMTC (p. 8)

6. 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?

Austria/Switzerland (3.4-3.8)

7. 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.
8. Obligation to aim at energy conservation and rational use of energy and development of renewable energy sources.
9. 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.
10. Obligation to refrain from subsidizing activities, inter alia in the energy domain, which contribute to global warming.
11. Obligation to conserve natural carbon reservoirs and sinks and to develop integrated strategies to increase sinks.

France ( p.1)

12. Stabilization [of] the radiating effect of human emissions of greenhouse gases (CO<sub>2</sub>, N<sub>2</sub>O, CH<sub>4</sub>, CFC and HFA) or of gases contributing indirectly to the greenhouse effect (CO, NO<sub>x</sub>, HC).
13. 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 ...and must be based on action principles.

Germany (p. 7, para. 8)

14. The 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 Parties are first of all to examine the environmental compatibility of the measures to be taken.

Germany (p.6, para. 5)

15. The Parties [shall] 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.

Netherlands Compilation (2.5)

16. Promote 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.

Norway (p.5 )

see also: Norwegian Non-Paper: Objectives,  
Targets and Commitments in a Climate Convention (14.2)

17. 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.

18. 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.

19. 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.

United Kingdom Compilation (Article 2 (1));  
see also: IPCC; Vienna Convention

20. 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.

## NET EMISSIONS

United States of America (p. 3)

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

## GREENHOUSE WARMING POTENTIAL INDEX ('GWP')

United States of America (p. 3)

18. "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

United States of America (p. 3)

19. "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.

## PARTIES

Vienna Convention (Art. 1(5));

See also: United Kingdom Compilation (Article 1, para. 4)

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

## REGIONAL ECONOMIC INTEGRATION ORGANIZATION

Vienna Convention (Art. 1(6))

See also United Kingdom Compilation (Article 1 para. 6)

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

## PROTOCOLS

Vienna Convention (Article 1 (7));

See also: United Kingdom Compilation (Art. 1(5));

22. "Protocols" means protocols to this convention.

## CHAPTER II

### PRINCIPLES

#### United Nations General Assembly Resolution 43/53

1. Climate change is a common concern of mankind and all Parties shall commit themselves to take active and constructive steps in a global response to climate change without prejudice to sovereignty of states.

#### United Nations General Assembly Resolution 45/212

2. ... the continuing need for scientific research into the sources and effects of climate change and its possible adverse impact, including the socio-economic consequences, and the effectiveness of possible response strategies, and recognizing also the importance of the active participation of developing countries and the need to assist and co-operate with them in climate-related research and action.

#### United Nations General Assembly Resolution 44/228

3. ... the importance for all countries to take effective measures for the protection, restoration and enhancement of the environment in accordance, inter alia, with their respective capabilities, while at the same time acknowledging the efforts being made in all countries in this regard, including international co-operation between developed and developing countries.

4. ... the crucial role of science and technology in the field of environmental protection and of the need of developing countries, in particular, concerning favourable access to environmentally sound technologies, processes, equipment and related research and expertise through international co-operation designed to further global efforts for environmental protection, including the use of innovative and effective means.



United Kingdom Compilation (Article 2 (2)); see also: IPCC

21. 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. (see also: IPCC; United States).

(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. (see also IPCC).

(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. (see also IPCC, United States).

(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. (see also: IPCC and USA).

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

United Kingdom Compilation (Article 2 (3)); see also: IPCC

22. 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.

United Kingdom Compilation (Article 2 (4))

23. 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.

United Kingdom (p. 2)

24. 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.

25. 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.

26. 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 (pp. 3 & 4)

27. 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.

United States of America (p. 4)

28. 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.

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

30. 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.

31. 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.

## CHAPTER IV

### SPECIFIC COMMITMENTS ON EMISSIONS, SINKS, AND COUNTER MEASURES

#### 4.1 MEASURES TO LIMIT AND REDUCE NET EMISSIONS OF CARBON DIOXIDE AND OTHER GREENHOUSE GASES BEYOND THOSE REQUIRED BY EXISTING AGREEMENTS

##### Ministerial Declaration of the SWCC (Paragraph 12)

1. Taking into account that the developed world is responsible for about three quarters of all emissions of greenhouse gases, we welcome the decisions and commitments undertaken by the European Community with its Member States, Australia, Austria, Canada, Finland, Iceland, Japan, New Zealand, Norway, Sweden, Switzerland, and other developed countries to take action aimed at stabilizing their emissions of CO<sub>2</sub>, or CO<sub>2</sub> and other greenhouse gases not controlled by the Montreal Protocol, by the year 2000 in general at 1990 level, yet recognizing the differences in approach and in starting-point in the formulation of the above targets. We also acknowledge the initiatives of some other developed countries which will have positive effects on limiting emissions of greenhouse gases. We urge all developed countries to establish targets and/or feasible national programmes or strategies which will have significant effects on limiting emissions of greenhouse gases not controlled by the Montreal Protocol.

##### IPCC: LMTG (p. 5)

##### see also CHAPTER III: PRINCIPLES

2. 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 environment problems in taking such measures.

##### Toronto Conference Statement - Specific recommendations of Working Groups (Energy: p. 9 paragraph 1,)

3. Targets for energy supply should be directly related to the reductions in CO<sub>2</sub> and other greenhouse gases. A challenging target would be to reduce the annual global CO<sub>2</sub> emissions by 20% by the year 2005 through improved energy efficiency altered energy supply and energy conservation.

##### Noordwijk Declaration (Paragraphs 16 to 19)

4. ... the need to stabilize, while ensuring stable development of the world economy, CO<sub>2</sub> emissions and emissions of other greenhouse gases not controlled by the Montreal Protocol. Industrialized nations agree that such stabilization should be achieved by them as soon as possible, at levels to be considered by the IPCC and the Second World Climate Conference of November 1990. In the view of many industrialized nations such stabilization of CO<sub>2</sub> emissions should be achieved as a first step at the latest by the year 2000.

5. ... all industrialized countries to support the process of IPCC through the investigation of the feasibility of achieving targets to limit or reduce CO2 emissions including e.g. a 20 per cent reduction of CO2 emission levels by the year 2005 as recommended by the Scientific World Conference on the Changing Atmosphere in Toronto 1988.

6. ... all industrialized countries to intensify their efforts in this respect, while ensuring sustainable development and taking into account the specific circumstances of individual countries.

7. ... industrialized countries with, as yet, relatively low energy requirements, which can reasonably be expected to grow in step with their development, may have targets that accommodate that development.

8. ... developing countries should endeavour to meet future targets for CO2 emissions and sinks, with due regard to their development requirements and within the limits of their financial and technical capabilities. International co-operation, whenever available, would be a contributing factor for greater action. New processes or industries to be introduced should, as far as possible, incorporate technologies which are more energy-efficient and produce less pollution than present technologies.

Bergen Ministerial Declaration on Sustainable Development  
in the ECE Region (Paragraphs 14 (b) and (d))

9. ... Investigation of the feasibility of achieving targets to limit or reduce CO2 and other greenhouse gas emissions including e.g. a 20 percent reduction of CO2 emission level by the year 2005 as recommended by the Scientific World Conference on the Changing Atmosphere in Toronto 1988.

10. ... Need to stabilize, while ensuring stable development of the World economy CO2 emissions and emissions of other greenhouse not controlled by the Montreal Protocol.

11. [As a first step action to be taken by ECE] countries ... to establish [their] national strategies and/or targets and schedules following the report of the IPCC and no later than the start of the negotiations of a framework convention on climate change to limit or reduce CO2 emissions and other greenhouse gases as much as possible and to stabilize them. In the view of most ECE countries, such stabilization at the latest by the year 2000 at present levels.

Bangkok Ministerial Declaration on Environment  
and Development in Asia and the Pacific (p. 12)

12. On the global environmental problems of depletion of the ozone layer, climate change, and loss of biodiversity, many delegations called for concerted global action and co-operation to overcome those problems, including massive afforestation and protection of forests, transfer of appropriate technologies, training and institutional strengthening, participation in the work of the WMO/UNEP Intergovernmental Panel on Climate Change (IPCC), as well as provision of financial resources similar to the Ozone Layer Protection Fund and the Global Environment Facility.

Tlatelolco Platform on Environment and Development (para. 24(a))

13. The negotiation of a framework convention on climate change to be adopted by the United Nations Conference on Environment and Development and based on the best scientific evidence available must be designed to minimize the man-made causes of climate change and its possible adverse effects. While such effects may be extremely far-reaching, archipelagos, islands and countries with low-lying coastal areas in Latin America and the Caribbean will be among the most vulnerable.

14. As part of these joint efforts, account must be taken of the relative importance of greenhouse gas sources and sinks and obligations under the convention must be stated in terms of the contribution of these two components to the problem or its solution.

15. The convention must be in agreement with the primary responsibility of the developed countries for the net concentrations and emissions of greenhouse gases in the atmosphere and the effects caused by transboundary pollution. It must also recognize the need for the developing countries to use their natural resources in an environmentally sustainable manner in order to improve the standard of living and quality of life of their populations in an environmentally sustainable way.

Austria and Switzerland (3.1 - 3.3)

16. Long Term Global Objectives:

(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).

(b) Obligation to minimize adverse effects of global climate change.

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

17. [Short-term objectives:]

(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.

France (pp. 2-4)

18. All gas emissions which contribute to the greenhouse effect should be limited but carbon dioxide deserves special attention [as it is has 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...; it requires important structural modifications in our economies...in order to prevent carbonic emissions as distinct from other gases; the quantities of CO<sub>2</sub> fossil emissions are the best known [and] their control ...is practicable in the same way as CFC emissions.

19. [Objectives to be] established over two time-frames:

(a) Long-term common objectives whose aim would be to stabilize the concentration of greenhouse gases in the atmosphere. For CO<sub>2</sub>, 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.

(b) Short term objectives: Establishing a short-term objective with respect to CO<sub>2</sub> (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 CO<sub>2</sub> 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.

(c) 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 developing countries...such commitments as improved energy efficiency, and more particularly CO<sub>2</sub> efficiency, will be sought with concomitant financing.

France Addendum (pp. 3-4)

20. 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.

21. 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.

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

23. 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.

24. 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.

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

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

27. 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).

28. 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.

29. 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.

30. 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.

31. [This paragraph 8 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.

Germany (p.3)

32. The Parties [shall] commit themselves to undertake...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 CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O and NO<sub>2</sub>, CO and VOC as precursors of tropospheric ozone;
- (b) for the conservation and creation of CO<sub>2</sub> 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.

33. 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 CO<sub>2</sub> 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.

Germany (p. 4)

34. The Parties [shall] commit themselves to carry out the measures to limit and reduce emissions of anthropogenic climate-relevant gases in such a way that the global energy-related, climate-relevant emissions of in particular carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), and volatile organic compounds (VOC) as precursors of tropospheric ozone are considerably reduced.



35. This requires:

- (a) a stabilization of the global energy-related CO<sub>2</sub> emissions at their 1990 level by the year 2000 and first steps towards their reduction in the years 2005 and 2010 as well as
- (b) a definition of the objectives and measures to reduce and limit further energy-related emissions, in particular CH<sub>4</sub>, NO<sub>x</sub>, CO and VOC emissions.

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

Germany (pp. 5-6)

37. Emissions are to be limited and reduced in the following areas:

- (a) The use of fossil fuels in the combustion process;
- (b) 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;
- (c) Measures to reduce energy use in the final consumption process, i.e. domestic use, small-scale use, industry, traffic and transport;
- (d) As well as measures in the area of waste/garbage/recycling;

38. Measures are in future taken both in developed and developing (adjusted to their respective circumstances) 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.

39. Further climate-relevant emissions, in particular CH<sub>4</sub> and N<sub>2</sub>O emissions from agriculture are to be limited and reduced.

Malaysia and Malta

40. Malaysia and Malta proposed an annex establishing appropriate commitments 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 (p. 5)

European Community

41. 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 CO<sub>2</sub> and other GHG emissions in the most efficient manner.

Netherlands Compilation (2.9.7)

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

Netherlands Compilation (Annex 1, p. 17)

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

43. Theoretically a comprehensive approach of the GHGs, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, 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 CO<sub>2</sub> is largest at present. Therefore concrete agreements concerning CO<sub>2</sub> are necessary now. This approach would make it possible to adopt a different approach, as required, for the GHGs not controlled by the Montreal Protocol.

44. [The] aim is to agree on a concrete reduction of the CO<sub>2</sub> emission in a subsequent phase, starting with controlling the other GHGs not controlled by the Montreal Protocol (e.g. to start with a stabilization of the emission of CH<sub>4</sub> and N<sub>2</sub>O for highly industrialized countries).

Protocol concerning the control of GHG-emissions

45. (a) 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).

(b) Introduction of the principle of exchange between different GHGs (in CO<sub>2</sub>-equivalents) "in order to allow flexibility while still achieving overall improvement". Elaboration however at a later stage.

(c) [As] the ultimate target:

Stabilization of GHG-concentrations at such a level that a dangerous impact on climate can be avoided;

[Acceptance] 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 preindustrial,

SLR: < 0.05 m per decade, max 0.5 m,

GHG-concentration well below a CO<sub>2</sub>-equivalent doubling.

(d) Formulation as soon as possible of GHG-emission targets.

Acceptation of the principle of a differential approach:

Differentiated commitments of e.g. industrialized and developing countries.

- (e) Adoption of a phased/differentiated approach.  
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.  
During the next phase a CO2-reduction target:  
Further reduction in the year 2010 at 1990 level.
- (f) An emission target for CH4 and N2O in highly industrialized countries (stabilization as a first step).
- (g) Adopt a paragraph in the protocol that e.g. in 1995 an additional Protocol be negotiated on CO2 reduction targets.

Netherlands Compilation (p. 4)

European Community

46. [Any Party that is a developed country shall] take urgent action to stabilize or reduce its CO2 and other greenhouse gases emissions. Stabilization of CO2 emissions [shall] be ... by the year 2000 at the 1990 level, although the council notes that some member countries according to their programmes are not in a position to commit themselves to the objective.

47. [Developing countries] with ... 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.

Norway (p.5)

48. 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 ( p.11)

49. 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.

50. 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.

[See Norwegian Non-Paper (14.3): Mechanisms to Allocate and Implement Objectives, Targets and Commitments].

51. 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.

52. 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.

53. 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.

54. 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.

Norway (p. 12)

55. 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.

56. 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).

United Kingdom (p. 3)

57. All States [shall] 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.

58. 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.

59. 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 CO<sub>2</sub>, stabilization of emissions should be achieved by them as soon as possible, in general at present levels.

60. 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.

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

62. 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.

63. 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.

United States of America (p. 6)

64. 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.

#### 4.2 MEASURES TO PROTECT, ENHANCE AND INCREASE SINKS AND RESERVOIRS OF CARBON DIOXIDE AND OTHER GREENHOUSE GASES

##### Toronto Conference - Specific Recommendations of Working Groups (Energy p. 9, para. 3)

65. Deforestation should be reduced and reforestation accelerated to significantly reduce the atmospheric concentration of CO<sub>2</sub> and to replenish the primary fuel supply for the majority of the world's population.

##### Noordwijk Declaration, (para 21)

66. To pursue a global balance between deforestation on the one hand and sound forest management and afforestation on the other. A world net forest growth of 12 million hectares a year in the beginning of next century should be considered as a provisional aim. Requests the IPCC to consider the feasibility of achieving this aim. To this end, the world deforestation rate should be slowed inter alia through the suppression of acid rain and other pollutants and of fires and through the reduction of pressures on biota. Sound forest management practices should be encouraged and at the same time vigorous forestry programmes should be developed in both temperate and tropical zones; biological diversity should be maintained; strategies addressing climate change issues through forest management and afforestation should be integrated with strategies addressing the sustainability of other forest based values resulting in full multiple-use plans where appropriate, but with due consideration of the people living in or dependent on forest land.

##### Germany (p.6, para. 4)

67. With regard to the [conservation] and creation of CO<sub>2</sub> storages and sinks, the Contracting Parties [shall] 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 CO<sub>2</sub> sinks and to improve the CO<sub>2</sub> 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 CO<sub>2</sub> sinks and reservoirs (in particular oceans and seas).

Netherlands Compilation (Annex 2, p. 19)

Main elements for a protocol on forests

68. Each country or group of countries should set in or before 1995 a target for the permanently absorbed amount of CO<sub>2</sub> 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 CO<sub>2</sub> target,
- other relevant measures concerning CO<sub>2</sub> and the forestry situation and perspectives.

69. Each country should fix the amount of CO<sub>2</sub> that is absorbed in forests in the reference year (1990). This should be accomplished within a certain time frame (e.g. by 1995).

70. The CO<sub>2</sub>-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.

71. 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 CO<sub>2</sub> absorption.

72. 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 CO<sub>2</sub> by various types of forests,
- financial resources for research and the facilitation of the implementation measures under (2) [69] and (3) [70] above.

73. A financial mechanism to compensate for the incentives taken by countries which are particularly active (through grants or through tradeable CO<sub>2</sub> emission rights).

Netherlands Compilation (p. 6)

European Community

74. Forest destruction contributes to global warming through the emission of CO<sub>2</sub>, 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.

United Kingdom ( p. 4 )

75. 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.

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

**4.3 MEASURES TO COUNTER THE ADVERSE EFFECTS OF CLIMATE CHANGE**

France (pp. 4 & 5 )

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

78. 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.

79. 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

80. 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.

Germany (p. 3)

81. [Measures] to develop strategies and measures to adapt to changes in the climate and to reduce climate-related damage.



Germany (p. 7)

82. The 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 minimize further adverse consequences and risks. The Parties are to assess the environmental impact of the measures to be taken.

CHAPTER V

SPECIAL SITUATION OF DEVELOPING COUNTRIES

Final Statement of the SWCC  
(Scientific and Technical Sessions, Part III, para. 2)

1. Special needs of the developing countries

As stated in the IPCC report, industrialized and developing countries have a common but differentiated responsibility for dealing with the problems of climate change. The problem is largely the consequence of past patterns of economic growth in the industrial countries. However, in future the much needed economic growth in the developing countries could play an important role in determining the rate of climate change.

2. Developing countries are being asked to participate in the alleviation of the legacy of environmental damage from prior industrialization. If they are to avoid the potentially disastrous course followed by industrialized countries in the past, they need to adopt modern technologies early in the process of development, particularly in regard to energy efficiency. They also must be full partners in the global scientific and technical effort that will be required. It is clear that developing countries must not go through the evolutionary process of previous industrialization but rather, must "leapfrog" ahead directly from a status of underdevelopment through to efficient, environmentally benign, technologies.

3. Although developing countries have collaborated in providing data, and participated to a degree in meeting and research, they have benefitted to a lesser extent from the analyses developed from their contributions and even less so from the applications derived therefrom.

4. Therefore, a massive and sustained flow of scientific and technological expertise towards the development of the intellectual resources, technical and institutional capacity of the developing countries is a necessary complement to the efforts of those countries.

5. Developing countries should be assisted to build up their capabilities
- to monitor, assess and apply climate information;
  - to prepare inventories of greenhouse gases emissions and future emissions projections;
  - to identify impacts of potential global warming;
  - to prepare cost estimates and priorities for response strategies to adapt and mitigate problems posed by climate change;
  - to participate in the World Climate Programme.

Austria and Switzerland (4.4)

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

Germany (p.4)

7. 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.

Netherlands Compilation (p. 9, para. 3.1)

European Economic Community

8. 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.

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

Norway ( p. 12)

10. A mechanism will have to be established for the purposes of providing financial and technical co-operation, including the transfer of technologies, to developing countries or countries with an abnormal burden, 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. (See also Norwegian Non-Paper (14.4): Financial Transfer Mechanisms/Special Situation of Developing Countries/Countries with an Abnormal Burden).

#### Republic of Korea (paragraphs 2, 3 and 4)

11. 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.

12. [It is] necessary for all developing countries to pursue stabilization of GHG emissions within differentiated time-frames according to their economic and technical capacities.

13. 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.

### CHAPTER VI

#### FINANCIAL RESOURCES

#### United Nations General Assembly Resolution 44/207 (para. 14)

1. Encourages Governments and relevant international organizations to further the development of international funding mechanisms, taking account of proposals for a climate fund and other innovative ideas and bearing in mind the need to provide new and additional financial resources to support developing countries in identifying, analysing, monitoring, preventing and managing environmental problems, primarily at their source, in accordance with national development goals, objectives and plans, so as to ensure that development priorities are not adversely affected.

#### Ministerial Declaration of the SWCC (paragraphs 17 to 19)

2. We recommend that consideration should be given to the need for funding facilities, including the proposed World Bank/UNEP/UNDP Global Environmental Facility, a clearing-house mechanism and a new possible international fund composed of adequate additional and timely financial resources and

institutional arrangements for developing countries; taking into account existing multilateral and bilateral mechanisms and approaches. Such funding should be related to the implementation of the framework convention on climate change and any other related instruments that might be agreed upon. In the mean time, developed countries are urged to co-operate with developing countries to support immediate action in addressing climate change including sea-level rise without imposing any new conditionality on developing countries.

3. We recommend further that resources be assessed. Such assessments, to be conducted as soon as possible, should include country studies and mechanisms to meet the financing needs identified, taking note of the approaches developed under the Montreal Protocol.

4. Financial resources channelled to developing countries should, inter alia, be directed to:

- (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 developing countries and promoting rapid development of such technology in these countries;
- (c) Co-operating with developing countries to enable their full participation in international meetings on climate change;
- (d) Enhancing atmospheric, oceanic and terrestrial observational networks, particularly in developing countries, to facilitate conducting research, monitoring and assessment of climate change and the impact on those countries;
- (e) Rational forest management practices and agricultural techniques which reduce greenhouse gas emissions;
- (f) Enhancing the capacity of developing countries to develop programmes to address climate change, including research and development activities and public awareness and education.

5. Funding should also be directed to the creation of regional centres to organize information networks on climate change in developing countries.

IPCC: LMTCC (pp. 5 and 6)

6. The encouragement of the development and transfer of relevant technologies, as well the provision of technical and financial assistance, taking into account the particular needs of developing countries to enable them to fulfil their obligations; Provision on funding mechanism.

Toronto Conference Statement (p. 6)

7. Establish a World Atmosphere Fund, financed in part by a levy on fossil fuel consumption of industrialized countries, to mobilize a substantial part of the resources needed for implementation of the Action Plan for the Protection of the Atmosphere.

Noordwijk Declaration (paragraphs 20 and 25)

8. Developing countries will need to be assisted financially and technically, including assistance with training, i.e. by strengthening relevant mechanisms to ensure that they will be in a position to manage, develop, and conserve their forest resources in a sustainable and environmentally sound manner. This will also contribute to combatting erosion and desertification. Recognition by the market of the total value of forests, including non-wood values, is a precondition for developing countries' being able to successfully use such financial and technical assistance for sustainable forest management.

9. ...Existing institutions for development and financial assistance including the Multilateral Development Banks, Bilateral Assistance Programmes, the relevant United Nations organizations and specialized agencies, and scientific and technological organizations should give greater attention to climate change issues within their environmental and other relevant programmes by providing expanded funding including concessional funding. In addition, regional and subregional co-operation should be reinforced and funded so as to address and implement the required action at that level.

Austria and Switzerland (4.2)

10. 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.

Germany (p.8, para. 9)

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.

Netherlands Compilation (Annex 3, paragraphs 1-4)

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

13. 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.

14. 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.

15. Financing of secretarial services and related support costs.

16. Mechanisms/channels for disbursement of funds.

Netherlands Compilation (p. 10, para. 3.2)

European Economic Community

17. It [should] 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.

Norway ( p. 12)

18. 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 ( developing countries and abnormal burden countries) through country studies to identify their needs for co-operation.
- (c) To facilitate technical co-operation to meet identified needs.
- (e) To facilitate other multilateral co-operation 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 [to] the investor country proportional to the net GHG emission limitations obtained.

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

20. 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... One option would be for the GEF to become a separate branch of the World Bank such as the IFC, MIGA etc.

21. The Financial Mechanism is to initially receive direct budgetary contributions from industrial countries on the basis of burden-sharing (e.g. relative GHG emissions 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 tradeable 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. The financial mechanism could as regards (f) operate as a clearing house or broker.

22. 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 Norwegian Non-Paper on Country Studies (14.7)].

Republic of Korea (para. 5)

23. 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 (article 2(2g))

24. Develop appropriate mechanism 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.

CHAPTER VII

TRANSFER OF TECHNOLOGY

United Nations General Assembly Resolution 44/207 (para. 15)

1. Decides that the concept of assured access for developing countries to environmentally sound technologies and assured transfer of those technologies to developing countries on favourable terms and the relation of that concept to intellectual property rights should be explored in the context of the elaboration of a framework convention on climate, with a view to developing effective responses to the needs of developing countries in this area.

Ministerial Declaration of the SWCC (para. 23)

2. ... All countries, developed and developing [shall] identify and take effective measures to remove barriers to the dissemination of such technologies. To this end, the best available environmentally sound and safe technologies should be transferred to developing countries expeditiously on a fair and favourable basis.



IPCC: LMTC (p. 13)

3. 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 cooperation. [Such provisions could call upon the Parties to promote the development and transfer of technology and technical cooperation] 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.

Montreal Protocol: London Amendments (Article 10 (a))

4. Each Party shall take every practicable step, consistent with the programmes supported by the financial mechanism, to ensure,

- (a) that the best available, environmentally safe substitutes and related technologies are expeditiously transferred to Parties ... [which are developing countries] and
- (b) that the transfers referred to in subparagraph (a) occur under fair and most favourable conditions.

Noordwijk Declaration (paragraph 13)

5. Many countries, especially developing countries will require assistance in identifying the causes of anthropogenic climate change, in establishing its extent and effect and also in responding to it. They will need help in acquiring, using, developing and maintaining technologies that are appropriate to their industrial, energy, transport, forestry and agricultural infrastructure. Industrialized countries will take steps to facilitate the transfer to developing countries of technologies to limit the global climate change through financial assistance and other mechanisms to overcome the incremental costs of acquiring and using these technologies. Furthermore, the capabilities of these countries should be increased so that they can develop appropriate technologies themselves. In this context the concept of assured access to appropriate technologies in relation to proprietary rights needs to be explored.

Bergen Ministerial Declaration on Sustainable Development  
in the ECE Region (paragraph 15 (e))

6. To stimulate transfer of environmentally sound technologies, particularly to East European and developing countries and to support the efforts of those countries to create and develop appropriate indigenous capacities. International organizations concerned should explore effective modalities, including funding mechanisms, to assure access to such technologies while ensuring the protection of proprietary rights.

Report of the ESCAP Preparatory Meeting of Senior Officials  
on Environment and Development in Asia and the Pacific (para 39, p. 27)

7. ... it was stressed that technology for the control of greenhouse gas emissions and ozone-friendly technology should be made available to developing countries on favourable terms.

Tlatelolco Platform on Environment and Development (paragraphs 10 and 12)

8. The promotion of sustainable development is incompatible with the imposition of environmental and economic conditions and restricted access to technology. The international commitment to the protection and enhancement of the environment requires that access to environmentally sound technologies should not be on commercial terms. They also emphasize that the bulk of the cost of transferring environmentally sound technology should be borne by the developed countries.

9. International, regional and subregional legal instruments for solving global environmental problems should include provisions regarding the effective transfer of technology, institutional arrangements to strengthen the mechanisms comprising the environmental dimension in development, specific financing machinery and concessional financial resources, so as to enable the developing countries to fulfil their commitments.

Austria and Switzerland (4.3)

10. Development and transfer of technology and technical assistance.

Germany (p. 8, para. 10)

11. The 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.

Malaysia and Malta (b)

12. Transfer of technology and the financing of the needs of developing countries in particular the needs of specially affected island states. (Proposes that this be contained in an annex "establishing appropriate commitments").

Netherlands Compilation (p. 5, para 2.5)

13. 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.

Netherlands Compilation (p. 8, para. 2.9.6)

14. [The Parties shall] arrange 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 (pp. 16-17)

15. 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.

16. 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) an 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 [forth]coming international environmental agreements.

United Kingdom Compilation (Article 4(2));  
see also United States (p. 7)

17. 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 States of America (p. 4, para. 9)

18. 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.

## CHAPTER VIII

### SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

#### 8.1 RESEARCH AND SYSTEMATIC OBSERVATION

IPCC: LMTC (p. 5)

1. [The Parties should ensure] 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 [whilst] respecting national sovereignty.

Ministerial Declaration of the SWCC (para. 23)

2. ... All countries, the developed countries in particular, [shall] intensify their efforts and international co-operation in technological research, development and dissemination of appropriate and environmentally sound technologies, including the reassessment and improvement of existing technologies and the introduction of new technologies.  
[see also: Main Conclusions and Recommendations of the Final Statement of the Scientific/Technical Sessions of the SWCC, Part IC: Priorities for enhanced research and observational systems (document A/45/696/Add.1)].

Vienna Convention (Article 3)

3. The Parties undertake, as appropriate, to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessments on:  
(see sub-items (a) through (g) and as further elaborated in annexes I and II)
4. The Parties undertake to 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.

Austria and Switzerland (3.9)

5. [The Parties shall 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;

France (p. 5)

6. [The Parties shall make] a co-ordinated international effort for technological developments in energy management.

Germany (p.8, para. 12)

7. The Parties shall commit themselves to continue or initiate research and scientific assessments. This holds true in particular for research into the causes of climate change, for a better understanding of the climatic and atmospheric system on the implementation of a different climate on man and his natural, 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.

Netherlands Compilation ( 2.9.10)

8. Enhancing the capacity of recipient countries to develop programs to address climate change, including research and development activities and public awareness and education.

Netherlands Addendum (5.4.1 - 5.5)

9. [The Parties shall establish a Scientific and Advisory Committee with the following specific tasks:]

- (a) Independent evaluation of scientific data;
- (b) Recommendations on research and evaluation programmes;
- (c) Support and assistance to Conference of the Parties and Executive Committee (as may be requested by these bodies);
- (d) Reports to CP and ExC;
- (e) Continued work on the issues hitherto dealt with by the IPCC (?).

Inventory on Research and Systematic Observation  
(Paper compiled by a group of scientist, see: 19.12 of List of References)

10. [The Parties should, as elaborated in an Annex on Research and Systematic Observation (the following is taken from cover note of Inventory dated 14 February 1991)]:

- (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.

[see Annex I of paper 19.12: Inventory on Research and Systematic Observations, Assessments and Information Exchange (pp. 1-5)]

#### United Kingdom Compilation (Article 3)

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 [the emission rate of greenhouse gases] 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 [of United Kingdom Compilation].

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.

14. See United Kingdom Compilation, Annex I: Research and Systematic Observation (p. 24).

United States of America (p. 4(a) & p. 5)

15. 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.

16. 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.

17. ... 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.

**8.2 EXCHANGE OF INFORMATION AND DATA**

Final Statement of the SWCC (Annex II, Part I D)

18. Governments, intergovernmental and non-governmental organizations should give more emphasis to providing accurate public information on climate issues. The public information and education and training component in the WCP and IGBP must also be expanded.

Vienna Convention (Article 4)

19. 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 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 and shall aggregate it to protect its confidentiality before it is made available to all Parties.



20. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of the developing countries, in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge. Such co-operation shall be carried out particularly through:

(a) Facilitation of the acquisition of alternative technologies by other Parties;

(b) Provision of information on alternative technologies and equipment, and supply of special manual or guides to them;

(c) The supply of necessary equipment and facilities for research and systematic observations;

(d) Appropriate training of scientific and technical personnel.

Austria and Switzerland (5.1)

21. [The Parties shall] exchange ... scientific, statistical, technical, socio-economic, legal and other relevant information.

France (p. 2)

22. 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.

23. 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.

24. 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.

Germany (p. 9, para. 14)

25. [The Parties shall] 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.

United Kingdom Compilation (Article 4 (1))

26. 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.

27. See United Kingdom Compilation Annex II: Information Exchange (p. 24).

United States of America (p. 5)

28. ... 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.

CHAPTER IX

MONITORING, ASSESSMENT AND REVIEW

9.1 MONITORING

Australia

[see Australia's draft article on Compliance under Chapter X of this compilation.]

Austria and Switzerland (7.1-7.5)

1. [The Parties shall co-operate in:]

(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 and 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 of research, systematic observation, scientific and technical cooperation, technology transfer, exchange of information, promotion of public awareness. (8.5).

[See also Austria and Switzerland (8) under Chapter X].

Germany (p. 9, para. 13)

2. The 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.

Netherlands Compilation (2.9.1)

3. [The Parties shall cooperate in] 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.

**9.2 ASSESSMENT AND REVIEW**

IPCC: LMTCC (p. 12)

4. 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.

Montreal Protocol (Article 6)

Assessment and Review of Control Measures

5. Beginning in [ ], and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 on the basis of available scientific, environmental, technical and economic information. At least one year before such assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the secretariat, to the Parties.

Montreal Protocol (Article 7)

Reporting of Data

6. Each Party shall provide to the secretariat within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances for the year [ ], or the best possible estimates of such data where actual data are not available.

7. Each Party shall provide statistical data to the secretariat on its annual production (with separate data on amounts destroyed by technologies to be approved by the Parties), imports, and exports to Parties and non-Parties, respectively, of such substances for the year during which it becomes a Party and for each year thereafter. It shall forward the data no later than nine months after the end of the year to which the data relate.

Austria and Switzerland (6.1)

8. [The Parties shall] provide periodic reports on progress in implementation of the goals and obligations of the Convention and its related protocols.

France Addendum (p.6)

9. A Scientific Council 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.))

10. The Scientific Council, 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.

11. The opinions and proposals of the Scientific Council shall be addressed to the Party concerned and to the secretariat, which shall make them available to any other interested Party.

Germany (p. 9, para.15)

12. [The Parties shall report annually] on the progress made in fulfilling the obligations provided by the Convention and protocols.

United Kingdom (p. 5, para. 11)

13. 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 Compilation and Vienna Convention (Article 5)

14. 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 (p. 6)

15. 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.

16. 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.

17. 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.

18. 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.

## CHAPTER X

### COMPLIANCE CONTROL

#### Montreal Protocol (Article 8)

1. The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance.

#### Australia (pp. 1 and 2)

2. A mechanism [should be established], the primary goal of which would be the early identification of problems or potential problems and the development of procedures for the [Party] concerned either to eliminate the problem itself or be assisted in doing so.

3. ... 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.

... 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 non-governmental organizations. 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:

(a) Each [State] Party shall nominate a body within the [Party] 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.

[Elements of Australia's draft article are also relevant to Chapter IX of this compilation.]

(c) The [State] Party monitoring body shall:

- (i) monitor compliance with this Convention and the Protocols to which its 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).

(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 in sub-paragraph (iii) above;
- (v) request further information or clarification on responses received under sub-paragraph (iv) above, on reports submitted by State 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 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.

(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.

Austria and Switzerland (8)

4. [The Parties shall ensure:]

(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.

Germany (p. 7, para. 7 and p. 9, para. 16)

5. The 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; [and ensure] compliance with the agreement.

Netherlands Addendum (3.3.2)

6. 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



Norway (pp.18-21)

7. The Parties' compliance with the provisions of the Climate Convention will be crucial in determining the efficiency of the Convention in achieving its objectives.
8. 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.
9. 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.
10. 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 [with regard to] monitoring and verification:
11. 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.
12. 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.
13. 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.
14. The results of the country reviews will have to be examined with regard to each Party's implementation of its obligations under the Convention.
15. 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.

16. 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 Compilation (pp. 5 and 6)

17. 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.

18. 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.

19. 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.

## CHAPTER XI

### INSTITUTIONAL ARRANGEMENTS

#### 11.1 CONFERENCE OF THE PARTIES

##### IPCC: LMTC (pp. 8 and 9)

1. 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.

2. Should the Conference of the Parties and/or Executive Organ have the ability to take decisions inter alia on response strategies or functions in respect of surveillance, verification and compliance that would be binding on all parties and, if so [should it be] composed of a limited number of parties e.g. based on equitable geographic representation?

3. Should scientific and/or other bodies be established on a permanent or ad hoc basis, to provide advice and make recommendations to the Conference of the Parties concerning research activities and measures to deal with climate change? Should the composition of the above bodies reflect equitable climatic or geographic representation? Should there be provision for working groups e.g. on scientific matters as well as on socio-economic impacts and response strategies?

##### Germany (p. 9)

4. 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.

Netherlands (Addendum 1 - 3.3.1)

5. Status of the Conference of the Parties as supreme and central organ of the Climate Convention

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

6. 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

7. Executive Committee

(Status and working principles, composition, specific tasks, annual reports).

United Kingdom Compilation and Vienna Convention (Article 6)  
see also: United States ( p.5)

8. 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 [UNEP, WMO ( United States proposal)] 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.

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

10. 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.

United Kingdom Compilation (Article 6, para. 4)

11. 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.

12. 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.

(a) ESTABLISHMENT OF RULES OF PROCEDURE AND FINANCIAL  
AND ADMINISTRATIVE RULES AND REGULATIONS

(b) DECISION-MAKING AND VOTING RIGHTS

Convention on Long-Range Transboundary Air Pollution (Article 14 (2))

13. In matters within their competence, [such] regional economic integration organizations shall, on their own behalf, exercise the rights and fulfill the responsibilities which the present Convention attributes to their member States. In such cases, the member States of these organizations shall not be entitled to exercise such rights individually.

United Kingdom Compilation and Vienna Convention (Article 15)

14. [Except as provided for in paragraph 2 below,] each Party to this Convention or to any protocol shall have one vote.

15. 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.

(c) CO-OPERATION WITH INTERGOVERNMENTAL AND  
NON-GOVERNMENTAL ORGANIZATIONS

Austria and Switzerland (8.6 and 8.7)

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

Netherlands Addendum (6 - 6.4)

17. (a) Principles 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 (?) )
18. See also: United Kingdom Compilation, Article 6, para. 5 and Vienna Convention, Article 6, para. 5.

United States of America (p. 4, paragraphs (f) and (h))

19. The Parties [shall]:
- (a) Co-operate in promoting public awareness of climate change;
- (b) Cooperate with competent international bodies.

**11.2 EXECUTIVE COMMITTEE**

United Kingdom (p. 5)

20. 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.

21. 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.

### 11.3 SECRETARIAT

#### Convention on Long-Range Transboundary Air Pollution (Article 11)

22. The [Executive Secretary of the Economic Commission for Europe] shall carry out, for the Executive Body, the following secretariat function:

- (a) to convene and prepare the meetings of the Executive Body;
- (b) to transmit to the Parties reports and other information received in accordance with the provisions of the present Convention;
- (c) to discharge the functions assigned by the Executive Body.

#### Netherlands Addendum (4 - 4.5.3)

23. 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

#### United Kingdom Compilation and Vienna Convention (Article 7) See also: United States (p. 5)

24. 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 article 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.

25. The Secretariat functions will be carried out on an interim basis by the United Nations Environment Programme [UNEP, WMO (proposal by United States)] 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.

## CHAPTER XII

### SETTLEMENT OF DISPUTES

#### IPCC (pp. 13 and 14)

1. [A provision should be included] on settlement of disputes that may arise concerning the interpretation or application of the Convention and/or any annex/protocol. Provisions similar to the Vienna Convention for the Protection of the Ozone Layer might be employed, i.e. voluntary resort to arbitration or the International Court of Justice ( with a binding award) or ... mandatory resort to conciliation (with a recommendatory award).

#### Vienna Convention (Article 11)

2. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

3. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

4. 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.

5. 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,

6. 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.

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

Convention on Long-Range Transboundary Air Pollution (Article 13)

8. If a dispute arises between two or more [Contracting Parties to the present Convention] as to the interpretation or application of the [Convention], they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.

United Kingdom Compilation (Article 11)

9. 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.

10. 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 [9], above.

11. 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 procedures set out in Annex III.

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

13. See: United Kingdom Compilation, Annex III: Arbitration (pp. 24-29)

United States of America (p. 7)

14. All Parties [should] comply fully with the obligations that they undertake in the framework convention and any subsidiary instrument thereto. Dispute settlement provisions ... and other mechanisms such as the compliance procedures [laid down] in the Montreal Protocol [are means in which to achieve this]. 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.

CHAPTER XIII

ARRANGEMENTS WITH REGARD TO PROTOCOLS, ANNEXES AND AMENDMENTS

13.1 ADOPTION OF PROTOCOLS

IPCC: LMTC (p. 15)

1. 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 for the Protection of the Ozone Layer). While it is recognized 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.

2. Possible subjects : agricultural practices, forest management, funding mechanisms, research and systematic observations, energy conservation and alternative sources of energy, liability and compensation, international emissions trading, international taxation system, development and transfer of climate change-related technologies.

3. If there is to be a series of protocols-in what order should they be taken up?

Austria and Switzerland (9)

4. Protocols/Annexes on programmes for actions setting targets for the limitation and/or reduction of net greenhouse gas emissions, in particular CO<sub>2</sub>, might cover the following issues:

- (a) Emissions of CO<sub>2</sub> and/or other greenhouse gases including funding mechanisms;

- (b) Sustainable forest management/reforestation/afforestation, including funding mechanisms;
- (c) Development and transfer of technology;
- (d) Scientific issues.

Germany (p. 7, para. 6)

5. The Parties [shall] 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 storages and sinks and the adjustment to climate change and the prevention and containment of climate-related damage.

Netherlands Compilation (Annexes 1-3)

6. Annex 1: Main elements for inclusion in a Protocol concerning the control of GHG-emissions (see Chapter IV, paragraphs 23-25 of this document);

7. Annex 2: Protocol on Forests (see Chapter IV, paragraphs 32-38 of this document;)

8. Annex 3: Financial aspects to be considered in the context of a climate convention and related legal instruments (annexes, protocol) (see Chapter VI, paragraphs 12-16 of this document).

United Kingdom (p. 6)

9. 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 and Vienna Convention (Article 8)

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

11. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least three [six] months before such a meeting.

### 13.2 RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS

#### Montreal Protocol (Article 14 )

12. Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

#### United Kingdom Compilation and Vienna Convention (Article 16)

13. 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. [not found in Vienna Convention]

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

15. 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 (p. 7)

16. 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.

### 13.3 AMENDMENT OF THE CONVENTION OR PROTOCOLS

#### Vienna Convention (Article 9)

17. Any Party may propose amendments to this Convention or to any protocol. Such amendments shall take due account, inter alia, of relevant scientific and technical consideration.

18. 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 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 this Convention for information.

19. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention 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 three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.

20. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the parties to that protocol present and voting at the meeting shall suffice for their adoption.

21. Ratification, approval or acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph [3 or 4] 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, approval or acceptance by at least three-fourths of the Parties to this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.

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

#### Montreal Protocol: London Amendments (Article 2)

23. This Amendment shall enter into force on [date] provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the [Protocol]. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.

24. For the purposes of paragraph [1], any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

25. After the entry into force of this Amendment as provided under paragraph [1] it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

#### Austria/Switzerland (8.8)

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

#### France

27. See France Addendum (p.4, paragraph 8).

United Kingdom Compilation (Article 9)

28. 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.

29. 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.

30. 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.

31. 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.

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

**13.4 ADOPTION AND AMENDMENT OF ANNEXES**

United Kingdom Compilation and Vienna Convention (Article 10)

33. 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.

34. 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] [six] 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] [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.

35. 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.

36. 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.

## CHAPTER XIV

### FINAL PROVISIONS

#### 14.1 SIGNATURE

##### United Kingdom Compilation and Vienna Convention (Article 12)

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 [ ].

#### 14.2 RATIFICATION, ACCEPTANCE OR APPROVAL

##### United Kingdom Compilation and Vienna Convention (Article 13)

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



3. 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 exercise rights under the Convention or relevant protocol concurrently.

4. 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.

#### 14.3 ACCESSION

##### United Kingdom Compilation and Vienna Convention (Article 14)

5. 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.

6. 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.

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

#### 14.4 ENTRY INTO FORCE

##### Montreal Protocol (Article 16)

8. This Protocol shall enter into force on [        ], provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two thirds of estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled.

Montreal Protocol (Article 17)

9. Subject to Article 5 [Special Situation of Developing Countries], any state or regional economic integration organization which becomes a party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2 [Control Measures], as well as under Article 4 [Control of Trade with Non-Parties], that apply at that date to the States and regional economic integration organizations that become Parties on the date the Protocol entered into force.

United Kingdom (p. 6)

10. [This] 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 [instruments of] ratification, acceptance, approval or accession from Parties whose net emissions of greenhouse gases represent [y%] of estimated total global net emissions in an appropriate year, whichever is the later.

United Kingdom Compilation and Vienna Convention (Article 17)

11. 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.

12. 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.

13. For each State or regional economic integration organization 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.

14. 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.

15. 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.

## 14.5 RESERVATIONS

### Vienna Convention and Montreal Protocol (Article 18)

16. No reservations may be made to this Convention/Protocol.

### United Kingdom Compilation (article 18)

17. No reservations may be made to this Convention.

18. Except as otherwise provided in any protocol, no reservations may be made to a protocol.

19. 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.

## 14.6 WITHDRAWAL

### Montreal Protocol: London Amendments (Article 19)

20. Any Party may withdraw from this Protocol by giving written notification to the Depositary at any time after four years of assuming the obligations specified in paragraph\_\_\_\_\_. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

### United Kingdom Compilation and Vienna Convention (Article 19)

21. At any time after [three] [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.

22. Except as otherwise provided in any protocol, at any time after [three] [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.

23. 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.

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

#### 14.7 DEPOSITARY

##### Vienna Convention (Article 20)

25. The Secretary-General of the United Nations shall assume the functions of depositary of this Convention and any protocols.

26. 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 13 and 14;

(b) The date on which the Convention and any protocol will come into force in accordance with article 17;

(c) Notifications of withdrawal made in accordance with article 19;

(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 9;

(e) All communications relating to this adoption and approval of annexes and to the amendment of annexes in accordance with article 10;

(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) Declarations made in accordance with article 11, paragraph 3.

##### United Kingdom Compilation (Article 20)

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

#### 14.8 AUTHENTIC TEXTS

##### United Kingdom Compilation and Vienna Convention (Article 21)

28. 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.

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

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