

INTERGOVERNMENTAL NEGOTIATING COMMITTEE  
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE  
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Agenda item 2

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

Note by the secretariat

Addendum 2

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#### Explanatory Notes

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

## II. TEXTS RELATED TO "MECHANISMS"

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

### II.A.(a) ASSESSMENT AND REVIEW

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

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

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

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

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

##### Further Research and Assessment

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

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

National Strategies for the Prevention of the Greenhouse Effect

4. The Parties shall, within ( ) years from the date the Convention enters into force, draw up national strategies to combat the greenhouse effect, taking into consideration all emissions and all sinks of greenhouse gases and precursors, and setting out emission limitation measures designed to fulfil the objectives of the Convention; each strategy may include a section on adaptation measures. The strategy shall be the subject of a public national report.
5. Parties whose contribution to the anthropogenic greenhouse effect is considered to be lower than [ ] shall be required to prepare such a report only ( ) years after the Convention enters into force, or when their emissions estimated in accordance with article ( ) exceed (x) tons of carbon equivalent per capita.
6. Each national strategy shall subsequently be revised every ( ) years. Each revision shall follow the same procedure as for the initial report.
7. At the midway stage, or every ( ) years, each Party shall prepare a brief progress report containing an account of the implementation of the strategy adopted.
8. In the light of the inventory of emissions and sinks known for each gas, each strategy shall include:
- a cost/benefit statement of measures taken to limit the contribution to the greenhouse effect, as well as an evaluation of their impacts in economic terms and in terms of environmental protection;
  - an examination of energy policy from the viewpoint of prevention of the greenhouse effect;
  - a description of means of implementing these measures (economic, fiscal and regulatory instruments);
  - an evaluation of results obtained in the recent period and those expected for the coming period, as measured against the objectives of the Convention.
9. The public report shall be organized in such a way as to contain at least the information listed in the annex.
10. Each Party shall send the report to the secretariat, which shall forward it to the Scientific Committee.
11. The secretariat shall assist the Scientific Committee with the analysis of the report. It may request the Party concerned to communicate to it any additional document, information or explanation that appears necessary to evaluate the content of the report. (Provisions of this type are predicated on the availability to the secretariat of ample resources and capabilities to discharge this ongoing function).

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

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

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

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

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

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

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

#### ANNEX

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

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

#### National Measures for Adaptation to the Greenhouse Effect

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

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

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

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

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

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

Review

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

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

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

Japan (Add.7, p.5)

Considerations for Developing Countries  
[in Pledge and Review process]

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

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

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

Monitoring, Assessment and Review

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

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

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

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

#### United States of America

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

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



## II.A.(b) COMPLIANCE

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

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

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

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

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

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

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

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

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

7. The State Party monitoring body shall:

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

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

- (i) examine and assess the periodic and other reports submitted by State Party monitoring bodies;
- (ii) investigate complaints relating to implementation by a State Party received from any other Party;
- (iii) consider information from other sources including intergovernmental organizations;
- (iv) request the Party which is the object of the complaint to respond to the complaints made under sub-paragraph (ii) above;
- (v) request further information or clarification on responses received under sub-paragraph (iv) above, on reports submitted by State Party monitoring bodies or by States Parties themselves, and in relation to information provided to the Committee by the sources referred to in sub-paragraph (iii) above;

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

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

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

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

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

#### Austria and Switzerland

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

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

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

... compliance with the agreement.

#### Kenya (Add. 8, p.4)

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

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

#### Compliance enforcement

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

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

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

International Implementation Committee

13. The International Implementation Committee is hereby established.

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

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

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

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

Compliance Control

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

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

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

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

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

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

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

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

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

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

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

#### Compliance decisions

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

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

#### Implementation of response measures

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

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

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

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

Specific Obligations

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

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

Monitoring and Compliance

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

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

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

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

## II.A.(c) CONFERENCE OF THE PARTIES

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

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

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

#### Institutional structures

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

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

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



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

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

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

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

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

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

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

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

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

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

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

7. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any States not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to changes to the global climate which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

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

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

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

Specific tasks of the Conference of the Parties:

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

9. Executive Committee (Council?)

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

Netherlands Addendum (Add.1, p.50)

Cooperation with other institutions

10. (a) Principle of coordination

(b) Specific provisions

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

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

(e) Relations with intergovernmental and regional bodies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to changes to the global climate which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

United Kingdom (Add.1, p.87)

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

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

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

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

United Kingdom Compilation (Add.1, Article 6, p.63)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to changes to the global climate which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

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

24. The Parties should:

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

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

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

Vanuatu (Add. 2, p.31)

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

II.A (d) RIGHT TO VOTE

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

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

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention or the relevant protocol and which are present and voting at the time the vote is taken. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

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

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

4. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

II.A (e) SECRETARIAT

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

1. The functions of the Secretariat shall be:

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

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

(c) To perform the functions assigned to it by any protocol;

(d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

(e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(f) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

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

Kenya (Add. 8, p.4)

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

Netherlands Addendum (Add.1, p.49)

4. - Status and working principles

- Establishment/organization (using facilities of UNEP and WMO)

- Place

- Head of the Secretariat (procedures for nomination)

- Specific tasks of the secretariat

- Preparation, organization and follow-up

(a) Conference of the Parties

(b) Executive Committee

(c) Scientific Advisory Committee

(d) Other organs

-Compilation of research and observation data

-Budget management



New Zealand (Add.5, Article 11.3.A, p.15-16)

5. The functions of the Secretariat shall be:

(a) To arrange for and service meetings provided for in Chapters IX, X, XI and XIII; [Conference of the Parties, Adoption of Protocols, Amendment of the Convention or Protocols and Adoption and Amendment of Annexes];

(b) To transmit reports received from Parties in accordance with Chapters III and VIII, from meetings of any subsidiary bodies established under article 11.1.A, and from meetings of the Assessment Committee and International Implementation Committee;

(c) To perform the functions assigned to it by any protocol;

(d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

(e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(f) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

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

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

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

7. The functions of the Secretariat shall be:

(a) To arrange for and service meetings provided for in article 6 [Conference of the Parties], article 8 [Adoption of Protocols], article 9 [Amendment of the Convention or Protocols] and article 10 [Adoption and Amendment of Annexes];

(b) To prepare and transmit reports based upon information received in accordance with articles 4 [Co-operation in the Legal, Scientific and Technical Fields] and 5 [Transmission of Information], as well as upon information derived from meetings of subsidiary bodies established under article 6 [Conference of the Parties];

(c) To perform the functions assigned to it by any protocol;

(d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

(e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(f) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

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

United States (Add.1, p.93)

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

II.A (f) SETTLEMENT OF DISPUTES

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

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

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

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

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

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

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

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

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

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

Choice of Dispute Settlement Procedure

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

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

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

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

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

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

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

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

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

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

Settlement of Disputes

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

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

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

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

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

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

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

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

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

(b) Arbitration in accordance with the procedure set out in Annex III.

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

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

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

##### Settlement of Disputes and Compliance

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

## II. A(g) ADOPTION OF PROTOCOLS

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

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

2. Each such Protocol shall include, as an integral feature, a separate and distinct funding mechanism controlled by an executive committee composed of States-Parties to such a protocol.

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

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

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

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

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

United Kingdom (Add.1, p.88)

10. The Parties to the Convention should commit themselves to making every possible effort to adopt a protocol including specific obligations on sources of greenhouse gases, in particular CO<sub>2</sub> and a protocol on sinks for greenhouse gases, in particular forests, at the second regular meeting of the Conference of parties to the Convention.

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

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

Vanuatu (Add.2, p.31)

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

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

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

#### Protocols/Annexes

1. Implementation of the Convention through Protocols/Annexes.

India (Add.3, Article 18, p.15);  
New Zealand (Add.5, Article 13.2.A, p.19);  
United Kingdom Compilation (Add.1, Article 16, p.73)

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

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

3. A State or regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

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

#### Final Clauses

4. The final clauses contained in the U.K. draft are generally acceptable [Articles 8-10 and 12-21]. However, procedures for entry into force of protocols, amendment of protocols, and withdrawal from protocols, as well as the provisions relating to the proposal, adoption and entry into force of annexes to protocols, should be left to any such protocol. This would permit the Parties to tailor those provisions to any particular protocol.

## II. A (i) RELATIONSHIP BETWEEN THE CONVENTION AND OTHER LEGAL INSTRUMENTS

### China (Add.4, p.8)

[China text includes a subheading on "Relation To Other International Treaties"]

### Malaysia/Malta (Add.5,p.24)

#### The relationship between the Convention and Other Instruments and Entities

1. In developing the Convention and its annexes, the INC may wish to consider their relationship with (i) other existing international legal instruments (e.g. the Convention on the Protection of Ozone Layer) or those which may be concluded by June 1992 (e.g. Forest Convention and Biodiversity Cpnvention) (ii) the IPCC and (iii) the other relevant Organisations (e.g. WMO, UNESCO, UNDP and FAO).

Vanuatu (Add.2, p.31, para. 35)

[Vanuatu text includes a sub-heading under "Part VII: Technical" on "Relationship with other International Conventions."].

II. A (j) AMENDMENT OF THE CONVENTION OR PROTOCOLS

Austria/Switzerland (Add.1, p.9, para.8.8)

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

Germany (Add.1, p.23)

2. Germany includes a heading on "Amendment of the Agreement or its Protocols".

India (Add.3, Article 11, pp.11-12)

3. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of the present state of scientific and technical knowledge.
4. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Convention for information.
5. The Parties to the instrument in question shall make every effort to reach agreement on any proposed amendment to this Convention or a Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-thirds majority vote of such Parties present and voting at the meeting, and shall be submitted by the Depositary to all such Parties for ratification, acceptance or approval.



6. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 above shall enter into force between parties having accepted them on the ninetieth day after the day of receipt by the Depositary of notification of their ratification, acceptance, or approval by at least two thirds of the Parties to this Convention or a protocol thereto, unless otherwise provided in such protocol or in the amending instrument itself. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of amendments.

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

New Zealand (Add.5, Article 13.3.A, p. 20)

8. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of the present state of scientific and technical knowledge.

9. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to that protocol. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the Secretariat at least three months before such a meeting unless the Conference of the Parties, or the meeting of the Parties to that protocol, agrees to waive this requirement. The Secretariat shall also communicate proposed amendments to the signatories to the Convention for information.

10. The Parties to the instrument in question shall make every effort to reach agreement on any proposed amendment by consensus. If all efforts at consensus have been exhausted, and no agreement reached, an amendment to this Convention shall as a last resort be adopted by a two-thirds majority vote of Parties to this Convention present and voting at the meeting. An amendment to any protocol shall be adopted in accordance with the provisions of that protocol.

11. Instruments of ratification, acceptance or approval of an amendment of this Convention shall be deposited with the Depositary. Amendments of this Convention adopted in accordance with paragraph 3 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, acceptance or approval by at least one half of the Parties to this Convention. Amendments to any protocol shall enter into force in accordance with the provisions of that protocol, which may include provisions regarding accelerated procedures for their entry into force.

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

United Kingdom Compilation (Add.1, Article 9, pp.67-68)

13. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of the present state of scientific and technical knowledge.

14. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the Secretariat at least three months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Convention for information.

15. The Parties to the instrument in question shall make every effort to reach agreement on any proposed amendment to this Convention or a Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-thirds majority vote of such Parties present and voting at the meeting, and shall be submitted by the Depositary to all such Parties for ratification, acceptance or approval.

16. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph [3] above shall enter into force between parties having accepted them on the ninetieth day after the day of receipt by the Depositary of notification of their ratification, acceptance, or approval by at least two thirds of the Parties to this Convention or a protocol thereto, unless otherwise provided in such protocol or in the amending instrument itself. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of amendments.

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

## II.A (k) ADOPTION AND AMENDMENT OF ANNEXES

### India (Add.3, Article 12, pp.12-13)

1. The Annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention or any protocol shall be proposed and adopted according to the procedure laid down in Article (11) paragraphs 2 and 3;

(b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within three only months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annex in question shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to the protocol concerned that have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

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

### New Zealand (Add.5, Article 13.4.A, pp.21-22)

5. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

6. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 13.3.A (2) and (3), including the provision for waiver of the requirement for three months advance circulation of proposals, as if the proposed annex were a proposed amendment to this Convention or to any protocol.

(b) Annexes which have been adopted in accordance with sub-paragraph (a) above shall enter into force for all Parties to the Convention or to the protocol of which the annex is to form an integral part twelve months after the date on which the Depositary issued notices to such Parties of the adoption of the annex, except for those Parties which have notified the Depositary in writing within that period of their non-acceptance of the annex. The annex shall enter into force for Parties which have withdrawn their notification of non-acceptance on the ninetieth day after the date of withdrawal of such notification has been received by the Depositary.

7. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

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

United Kingdom Compilation (Add.1, Article 10, pp.68-70)

9. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

10. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article (9), paragraphs 2 and 3;

(b) Any party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within three months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annex in question shall thereupon enter into force for that Party;

(c) On the expiry of three months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to the protocol concerned that have not submitted a notification in accordance with the provision of subparagraph (b) above.

11. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

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

## II.A (1) SIGNATURE

India (Add.3, Article 14, p.14);

United Kingdom Compilation (Add.1, Article 12, p.71)

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

## II. A (m) RATIFICATION, ACCEPTANCE OR APPROVAL

India (Add.3, Article 15, p. 14);

United Kingdom Compilation (Add.1, Article 13, pp.71-72)

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instrument[s] of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to [(concurrently) India] exercise rights under the Convention or relevant protocol [(concurrently.) United Kingdom].

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary, who will in turn inform the Parties of any substantial modification in the extent of their competence.

## II. A (n) ACCESSION

India (Add.3, Article 16, p.15);  
United Kingdom Compilation (Add.1, Article 14, p.72)

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modifications in the extent of their competence.

3. The provisions of Article 15 [13], paragraph 2, shall apply to regional economic integration organizations that accede to this Convention or to any protocol.

## II. A (o) ENTRY INTO FORCE

India (Add.3, Article 19, p.16)

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.

2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance or approval of such protocol or accession thereto.
3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.
4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which the party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that party, whichever shall be the later.
5. For the purposes of paragraphs 1 and 2 above, an instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

United Kingdom (Add.1, p.88)

6. The convention shall enter into force on the ninetieth day after the date of receipt of the [xth] instrument of ratification, acceptance, approval or accession, or after receipt of ratification etc. from Parties whose net emissions of greenhouse gases represent [y%] of estimated total global net emissions in an appropriate year, whichever is the later.

[Text modified at the request of the submitting delegation.]

United Kingdom Compilation (Add.1, Article 17, p.74)

7. This Convention shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession.
8. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance or approval of such protocol or accession thereto.
9. For each State or regional economic integration organisation that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fortieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

10. Any protocol, except as otherwise provided in such protocol, shall enter into force for a State or regional economic integration organization that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which the party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that Party, whichever shall be the later.

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

## II. A (p) RESERVATIONS AND DECLARATIONS

### India (Add.3, Article 20, p.16)

1. No reservations may be made to this Convention.

### United Kingdom Compilation (Add.1, Article 18, p. 75)

2. No reservations may be made to this Convention.

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

4. Paragraphs 1 and 2 above shall not, however, preclude a State or regional economic integration organization, when signing, ratifying, accepting, approving or acceding to this Convention or a protocol, from making declarations or statements, however phrased or named, with a view inter alia to the harmonization of its laws and regulations with the provisions of this Convention or the protocol concerned, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of the Convention or the protocol concerned in their application to that State or regional economic integration organization.

### Vanuatu (Add.2, p.31)

[See list contained in Part VII ("Technical") of document A/AC.237/Misc.2/Add.2 including para. 41 on "Reservations and Declarations".]



## II. A (q) WITHDRAWAL

### India (Add.3, Article 21, pp.16-17)

1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Except as otherwise provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a Party, that Party may withdraw from the protocol by giving written notification to the Depositary.
3. Any such withdrawal shall take effect upon expiry of one year from the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.
4. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

### United Kingdom Compilation (Add. 1, Article 19, pp.75-76)

5. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
6. Except as otherwise provided in any protocol, at any time after three years from the date on which such protocol has entered into force for a Party, that Party may withdraw from the protocol by giving written notification to the Depositary.
7. Any such withdrawal shall take effect upon expiry of one year from the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.
8. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

### Vanuatu (Add.2, p.31)

[See list contained in Part VII ("Technical") of document A/AC.237/Misc.2/Add.2 including para. 42 on "Withdrawal and Denunciations."]

## II. A (r) DEPOSITARY

India (Add.3, Article 22(1), p.17);  
United Kingdom Compilation (Add.1, Article 20, p.76)

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

### India (Add.3, Article 22 (2) p.17)

2. The Depositary shall inform the Parties, in particular, of :

(a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance approval or accession in accordance with Articles 15 and 16;

(b) The date on which the Convention and any protocol will come into force in accordance with Article 19;

(c) Notifications of withdrawal made in accordance with Article 21;

(d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date of entry into force in accordance with Article 11;

(e) All communications relating to the adoption and approval of annexes and to the amendment of annexes in accordance with Article 12;

(f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereof.

(g) Declaration made in accordance with Article 13, paragraph 3.

## II. A (s) AUTHENTIC TEXTS

India (Add.3, Article 23, p.17);  
United Kingdom Compilation (Add.1, Article 21, p.76)

1. The originals of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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

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

B. LEGAL AND INSTITUTIONAL MECHANISMS RELATED TO SCIENTIFIC CO-OPERATION,  
MONITORING AND INFORMATION (DECISION 1/1, PARAGRAPH 7(b))

II.B.(a) SCIENTIFIC CO-OPERATION

Austria and Switzerland (Add.1, p.7, para.3.9)

International Cooperation

1. Obligation to cooperate in the following areas:

- (a) Research and systematic observations, modelling;
- (b) Formulation, coordination or harmonization of policies, strategies, and measures;
- (c) Development, coordination or harmonization of market policy instruments;
- (d) Formulation, coordination or harmonization of energy efficiency standards;
- (e) Internalisation of external costs in energy prices;
- (f) Promotion of the development and transfer of environmentally sound technologies, and technical as well as financial assistance;
- (g) Sustainable forest management, reduction of deforestation, and afforestation;
- (h) Preparation for anticipated climate change;
- (i) Pursuit of policies aimed at sustainable development
- (j) Promotion of education and information;

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

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

...Scientific issues.

Germany (Add.1, p.22)

3. The Contracting Parties shall commit themselves to continue or initiate research and scientific assessments. This holds in particular true for research on the causes of climate change, for a better understanding of the climatic and atmospheric system, on the implications of a different climate on man and his nature, socio-economic and technical environment as well as on regional peculiarities of climate change, the potential to reduce climate-relevant trace gas emissions and strategies for their reduction and prevention.

India (Add.3, Article 3, p.5-6)

Research, systematic observation and assessment

4. The Parties undertake, as appropriate to initiate and cooperate in, directly or through competent international bodies, the conduct of research and scientific assessment on:

- (a) The physical, chemical and biological processes that may affect the global climate;
- (b) The identification of the substances, practices, processes and activities that have, or are likely to have significant adverse effects on the global climate, and of appropriate strategies for controlling them;
- (c) The methods of predicting future changes in the global climate that are due to human activities, including the preparation of improved climate models;
- (d) The techniques for monitoring and measuring greenhouse gas emission rates and their uptake by sinks;
- (e) The impacts, in particular in low-lying coastal areas, on health and the environment, as well as the social and economic costs and benefits of changes to the global climate;
- (f) The costs and benefits of implementing effective strategies to modify human activities that may result in significant adverse effects on the global climate;
- (g) Environmentally sound technologies and practices for mitigating the adverse effects of changes in the global climate arising from human activities, including greater efficiency in energy use, due account being taken of the fact that measures appropriate in some countries may not be relevant elsewhere on account of, inter-alia, differing economic, social or environmental situations;
- (h) The full incremental cost to developing countries of limiting/adapting to and mitigating the adverse effects of global climate change.

5. The Parties undertake to promote or establish, as appropriate, directly or through competent intergovernmental bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the global climate.

6. The Parties undertake to cooperate, directly or through competent intergovernmental bodies, in ensuring the collection, validation and transmission of research and observational data on changes in the global climate through appropriate world data centres in a regular and timely manner.

Inventory on Research and Systematic Observation

(Add. 1, p.97)

Paper compiled by scientists from a wide range of delegations  
(see: 12 of List of References in document A/AC.237/Misc.5, p.5)

7. In particular these scientists felt that an Annex on Research and Systematic Observation would:

(a) underscore the role of research and systematic observations in providing the scientific and economic basis for policy decisions,

(b) outline the priority areas of scientific, technical and economic research needed to support decision making,

(c) provide the means to :

(i) address the special research and technical training needs of developing countries,

(ii) promote broad co-operation among national and international research programmes, and

(iii) state the requirements for regular scientific and economic assessments.

[The above text was taken from cover note of Inventory dated 14 February 1991. See Annex I of paper 12: Inventory on Research and Systematic Observations, Assessments and Information Exchange (pp. 98-102 (Misc.1))]

Kenya (Add.8, p.3, para.(b))

8. ....The Parties to develop, strengthen and improve the research capabilities of developing countries.

[Para.(b) modified by submitting delegation]

Netherlands Addendum (Add.1, pp.49-50, paras.5.4.1 - 5.5)

Scientific Advisory Committee

9. (a) General status ( independence), tasks and working principles  
(b) Establishment and composition  
(c) Meetings  
(d) Specific tasks  
(e) Independent evaluation of scientific data;  
(f) Recommendations on research and evaluation programmes;  
(g) Support and assistance to Conference of Parties and Executive Committee (as may be requested by these bodies);  
(h) Reports to CP and ExC;  
(i) Continued work on the issues hitherto dealt with by the IPCC (?).

Netherlands Compilation (Add.1, para.2.9.1, p.30)

International Cooperation

10. Obligations to cooperate in the following areas: ...enhancing atmospheric, oceanic and terrestrial observation networks, particularly in recipient countries, to facilitate conducting research, monitoring and assessment of climate change and the impact on those countries.

United Kingdom Compilation (Add.1, Article 3, pp.60-61)

Research and Systematic Observation

11. The Parties undertake to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessment on :

(a) The physical, chemical and biological processes that may affect the global climate;

(b) The identification of the substances, practices, processes and activities that have, or are likely to have, adverse effects on the global climate and of appropriate strategies for controlling them;

(c) The methods of predicting future changes in the global climate that are due to human activities including the preparation of improved climate models, particularly for regional climates;

(d) The techniques for monitoring and measuring greenhouse gas emission rates and their uptake by sinks;

(e) The impacts, in particular in low-lying coastal areas, on human health and the environment, as well as the social and economic costs and benefits, of changes to the global climate;

(f) The costs and benefits of implementing effective strategies to limit, reduce, modify and control human activities that result in adverse effects on the global climate;

(g) Alternative substances, technologies and practices for mitigating the adverse effects of changes in the global climate arising from human activities, including greater efficiency in energy use. Such research and scientific assessment shall be carried out in the light of the considerations specified in annexes I and II).

12. The Parties undertake to promote or establish, as appropriate, directly or through competent international bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the global climate and other relevant parameters, as elaborated in annex I.

13. The Parties undertake to co-operate, directly or through competent international bodies, in ensuring the collection, validation and transmission of research and observational data on changes in the global climate through appropriate world data centres in a regular and timely fashion..

[See United Kingdom Compilation, Annex I: Research and Systematic Observation (p. 77 of document A/AC.237/Misc.1/Add.1). See also United Kingdom text under Section II.A.(a).]

United Kingdom Compilation (Add.1, Article 4, p.62)

Co-operation

14. The Parties shall facilitate and encourage the exchange of scientific, technical, socio-economic, commercial and legal information relevant to this Convention as further elaborated in annex II. Such information shall be supplied to the Secretariat which shall ensure that information regarded as confidential by the supplying Party is not disclosed and is, where so requested by the supplying Party, aggregated to protect its confidentiality before it is made available to all Parties.

[See also United Kingdom Compilation Annex II: Information Exchange (p. 77 of document A/AC.237/Misc.1/Add.1)]

Vanuatu (Add.3, p.26,

Research

15. Continue and, where appropriate, implement research programmes on [specify the full details of projects] the following:

climate; atmospheric protection; the effects of human activity on climate, including, inter alia, land use and energy generation; the consequences of climate change for the global environment, regional environment and human society.

16. Positive duty to promote research into technology and techniques which:

- minimize the effect of human activity on climate ("Abatement")
- allow human society to adapt to the predicted consequences of Climate Change ("Adaptation")

17. Parties are encouraged to develop joint technology research projects where Developed and Developing Countries work together to develop appropriate technologies and strategies.

II.B.(b) INFORMATION

Austria and Switzerland (Add.1, p.8)

Information Exchange

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

Austria and Switzerland (Add.1, p.8, para.6.1)

Reporting

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



China (Add.4, Article 7, p.7)

Exchange of Information and Exchange  
and Training of Personnel

3. The Parties shall encourage and facilitate the exchange of scientific, technical, socioeconomic, commercial and legal information relevant to this Convention and its protocols. Such information shall be supplied to international bodies agreed upon by the Parties. Any such body receiving information regarded as confidential by the supplying Party shall ensure that such information is not disclosed.

4. The Parties shall co-operate, taking into account in particular the circumstances and needs of the developing countries, in promoting the development and dissemination of the relevant scientific and technical knowledge. Such co-operation shall be carried out particularly through:

- (a) Exchange of scientific and technical personnel;
- (b) Appropriate training of scientific and technical personnel;
- (c) Facilitation of the acquisition of relevant technological knowledge by other Parties;
- (d) Provision of information on relevant technologies and related equipment including supply of special manuals or guides to them;
- (e) Supply of necessary equipment and facilities for research and systematic observations;
- (f) Holding appropriate seminars and training courses.

China (Add.4, Article 8, p.7)

Transmission of Information

5. The Parties shall transmit, through the secretariat under Article 10, to the Conference of the Parties established under Article 9 information on the measures adopted by them in implementation of this Convention and its protocols to which they are party in such form and at such intervals as agreed by the Parties.

Germany (Add.1, p.23, para.14)

6. Obligation to exchange information on scientific, economic and technological development as well as on climate-related strategies and policies in line with their national legislation, regulations and practice.

7. Public awareness, training and education.

India (Add.3, Article 7, p.8)

Transmission of information

8. The Parties shall transmit, through the Secretariat to the Conference of the Parties established under article 8 information on the measures adopted by them in implementation of the Convention and of Protocols to which they are a Party in such form and at such intervals as the meetings of the Parties to the relevant instrument may determine.

Netherlands Compilation (Add.1, p.33, para. 2.9.10)

Promotion of Education and Information

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

United Kingdom Compilation (Add.1, Article 5, p.62)

Transmission of Information

10. The Parties shall transmit, through the Secretariat, to the Conference of the Parties established under Article 6 information on the measures adopted by them in implementation of the Convention and of protocols to which they are party in such form and at such intervals as the meetings of the parties to the relevant instrument may determine.

United States of America (Add.1, pp.92-93)

General Obligations

11. Co-operate in systematic observations, research and information exchange to better monitor, understand, and predict changes in the global climate, their impacts, potential responses thereto and the costs and benefits of such responses.

Research, Systematic Observation and Information Exchange

12. A strong program of research, systematic observation and information exchange must be a cornerstone of the framework convention. An aggressive effort to obtain better information is an environmentally essential strategy that will help the international community to tailor response strategies that are appropriate, effective and sustainable over the long term.

13. The research and systematic observation article (Article 3) and information exchange article (Article 4 (1)) of the U.K. draft convention provide a good starting point for convention text on research, systematic observation and information exchange. The Parties' obligations should extend to scientific, economic and social research and the Parties should consider both the social and economic costs and benefits of changes to the global climate and of potential responses to those changes. The information exchange provisions of the framework convention should include information on net emissions inventories, emissions and removal rates for various sources and sinks, means of measuring emissions and sink removal, and national strategies, including actions taken, costs and effectiveness.

(Above text also relevant to Section II.B (a): Scientific Co-operation)

Vanuatu (Add. 3, p.28)

Education

14. Parties shall promote education programmes to inform all persons within their jurisdiction or control, including individuals and corporations, about:

- (i) the causes of climate change;
- (ii) the potential consequences of climate change;
- (iii) action that can be taken at an individual/local level to reduce the impact of human activity on climate (i.e. energy efficiency, land use, etc.)
- (iv) achieving sustainable human development;
- (v) global interdependence among people facing climate change.

15. The aims of the education programmes will be: to promote awareness and knowledge of climate change issues and; to encourage action to limit climate change.

16. Development of informational and educational materials, providing objective, consistent and reliable information on climate change, to be available to all persons within the jurisdiction of the parties.

Vanuatu (Add.3, p.27)

Information Dissemination

17. The Parties must supply certain information, as specified in this Convention, to (an appropriate international body).

18. The Parties agree that all information held by that body will be made available to all Parties to this Convention and to all citizens under the jurisdiction and control of those Parties on request.

19. Parties agree to establish channels of communication (e.g. Public Information Offices, Government Departments) through which individuals will be able to access the information held by (the appropriate international body) at a national level.

20. Establishment of national committees to collect and disseminate information and materials on climate change issues.

## II.B(c) MONITORING

### Australia

[Australia text found in Section II.A.(b) on Compliance is also related to this Section on Monitoring].

### Austria and Switzerland (Add.1, p.8, para.7)

#### 1. Research, Systematic Observations and Monitoring:

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

(b) Collection, analysis and dissemination of pertinent information and data.

(c) Improvement of the capability of developing countries to collect and assess climate information, prepare emission inventories, assess possible impacts of global warming, participate in international research programmes.

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

(e) Definition of the possible role of IPCC.  
[...]

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

(Above text also relevant to Section II.B.(a) and (c)).

France Addendum (Add.2, p.8)

Scientific Committee\*

2. A Scientific Committee shall be established. It shall be composed of high-level independent qualified experts designated by the Conference of the Parties at its first meeting. ( The mode of designation of experts might be based on the election of judges to the International Court of Justice (Statute, articles 4 ff.))

3. The Scientific Committee, which shall have a consultative rôle, shall perform the following functions:

- (a) to examine the scientific data assembled by the secretariat and draw up a report and recommendations for presentation to the Executive Committee for information purposes prior to submission to the Conference of the Parties;
- (b) to draft opinions and proposals, notably in matters of research and assessment;
- (c) to examine reports on national strategies and furnish opinions on measures decided upon by the Parties;
- (d) to perform any other function assigned to it by the Conference of the Parties or under any protocol to the Convention.

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

\* [The word "Council" was changed to "Committee" at the request of the submitting Delegation].

Germany (Add.1, p.23, para.13)

5. The Contracting Parties shall commit themselves to participate in international monitoring programmes such as the "Global Atmospheric Watch" of WMO, to introduce new monitoring programmes in line with the provisions of the Convention and to improve the availability and international exchange of data. International regulations for monitoring and measuring techniques as well as the evaluation of data should be adopted.

New Zealand (Add.5, Article 10 A, p.7)

Compliance Control

National monitoring

6. Each Party shall nominate a body in its territory, hereinafter referred to as the "national monitoring body", which shall be responsible for monitoring compliance by the Party with this Convention and any protocol to which it is also party.

7. In addition to fulfilling its responsibility under paragraph 1 above, the national monitoring body shall:

- (a) report annually to the International Implementation Committee on:
  - (i) measures taken by the Party to implement and to ensure compliance with this Convention and any protocol including the adoption of laws and regulations or administrative actions and enforcements, and
  - (ii) problems encountered by the Party in the implementation of this Convention and any protocol;
- (b) assist the International Implementation Committee in carrying out its functions, including by supplying any relevant information requested by the International Implementation Committee and by facilitating visits by International Implementation Committee missions as provided for in article 10C.

Norway (Add.2, p.28)

Monitoring, Verification

8. The Climate Convention will have to contain provisions regarding monitoring and verification of the Parties' obligations under the Convention. Parts of the basis for this control may already exist in fora like UNEP and WMO. It should be examined whether one or both of the two said institutions, possibly in conjunction with other existing institutions, could undertake the task of monitoring and verification.

9. A system for country reporting of climate data will have to be established. Today only partial climate information is available country-wise. The IEA, IMF, World Bank, UNDP, ESMAP, OECD, UNEP and WMO will have elements of a country information base available. It should be clarified whether one or several institutions could contribute to, or be responsible for, the establishment of a country climate data base.

10. The data resulting from the monitoring and verification activities will have to be reviewed. One possibility could be to establish a system of "country climate examinations", for instance along the lines of country examinations in the OECD, and Article IV examinations of IMF.

11. The results of the country reviews will have to be examined with regard to each Party's implementation of its obligations under the Convention.

Vanuatu (Add.3, p.26)

Monitoring and Observation

12. Creation of climate change monitoring network through coordination of existing international, regional and national climate data collection networks.

13. The aim of the network shall be to: record collate and assess data; to provide uniform assessment criteria; to encourage improved harmonization of methods of measurement; to provide objective reliable and comparable information ...

14. The network shall focus on: achieving a greater understanding of the mechanics of the world's climate; Greenhouse Gas concentrations and emissions; the operation and state of sinks ...

15. Coordination of National Data Banks.

Vanuatu (Add.3, p.27)

Environmental Impact Assessment

16. The Parties shall ensure that all activities within their jurisdiction or control including, inter alia, policies on energy generation, transport, and land use are assessed to ascertain whether they are likely to affect climate.

17. An activity will be deemed to have an adverse effect on climate if [it satisfies criteria to be specified].

18. Parties are under an obligation to prevent activities affecting climate.

19. Parties agree to establish culturally appropriate mechanisms to allow public participation in EIAs.

C. LEGAL AND INSTITUTIONAL MECHANISMS RELATED TO ADEQUATE AND ADDITIONAL FINANCIAL RESOURCES AND TECHNOLOGICAL NEEDS AND CO-OPERATION, AND TECHNOLOGY TRANSFER TO DEVELOPING COUNTRIES CORRESPONDING TO THE COMMITMENTS AGREED TO IN WORKING GROUP I (DECISION 1/1, PARAGRAPH 7 (c))

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

Specific provisions

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

2. Development and transfer of technology and technical assistance.

Protocols/Annexes

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

...  
Development and transfer of technology  
...

China (Add. 4, p. 6)

Funding mechanism

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

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

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



## Transfer of technology

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

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

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

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

### Germany (Add. 1, p. 22)

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

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

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

### India (Add. 3, p. 5)

14. Developed country Parties shall, as immediate measures:

...

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

...

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

Co-operation in legal, technical and scientific fields

14bis. The Parties shall cooperate, consistent with their national laws, regulations and practices and taking into account the particular needs of developing countries, in promoting directly or through competent intergovernmental bodies, the development and transfer of technology and knowledge relevant to scientific and technical research. Such cooperation shall be carried out particularly through:

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

Climate Fund

15. The Parties shall establish a Climate Fund. The Climate Fund shall meet on a grant basis, and according to criteria to be decided upon by the Parties, the costs for developing countries Parties to adapt to and mitigate the adverse effects of climate change and for meeting the objective described in paragraph 4 (see paragraph 54) of article 2 of this Convention. The secretarial services and related support costs of the Climate Fund shall be a charge on the Climate Fund.

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

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

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

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

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

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

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

#### Transfer of technology

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

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

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

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

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

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

#### Annexes

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

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

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

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

27. Elements to be considered:

Finance and assign clearing house functions to:

- (a) Assist recipient countries through country-specific studies and other technical co-operation, to identify their needs in relation to climate change. (in case differentiation of obligations under the convention is envisaged, some non-developing countries might also be considered as recipient countries);
- (b) Facilitate technical co-operation to meet these identified needs;
- (c) Strengthen institutions, develop human resources, distribute information and undertake related activities for the benefit of recipient countries.

28. Funds should become available through relevant channels for the purpose of:

- (a) Promoting efficient use of energy, development of lower and non-greenhouse gas emitting energy technologies and paying special attention to safe and clean new and renewable sources of energy;
- (b) Arranging expeditious transfer of the best available environmentally sound technology on a fair and most favourable basis to recipient countries and promoting rapid development of such technology in these countries;
- (c) Sustainable forest management practices and agricultural techniques which reduce greenhouse gas emissions;
- (d) Limiting and reducing greenhouse gas emission for agricultural activities;
- (e) Enhancing atmospheric, oceanic and terrestrial observation networks, particularly in recipient countries, to facilitate conducting research, monitoring and assessment of climate change and the impact on those countries;
- (f) Coping with negative impacts due to sea level rise resulting from climate change caused by man made activities;
- (g) Enhancing the capacity of recipient countries to develop programs to address climate change, including research and development activities and public awareness and education;
- (h) Co-operation with recipient countries to enable their full participation in international meetings on climate change.

29. Financing of secretarial services and related support costs.

30. Mechanisms/channels for disbursement of funds:

- (a) Directly related to the execution of functions under the Convention;
- (b) To be made available directly or indirectly for the purpose of implementing the objectives mentioned under 1 and 2 (see paragraphs 27 and 28 above).

31. Role of relations to executing international organizations, agencies, programmes and banks, and regional banks.

Netherlands Compilation (Add. 1, p. 32)

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

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

Norway (Add. 2, p. 19)

Clearing house system

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

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

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

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

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

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

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

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

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

Financial Mechanism

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

41. The Financial Mechanism established will include a Multilateral Fund:

- (a) To meet, on a grant or concessional basis, agreed incremental costs;
- (b) to assist Parties (DC and AB) through country studies to identify their need for cooperation;
- (c) to facilitate technical cooperation to meet identified needs;
- (d) to facilitate other multilateral cooperation to meet needs for capital investments in energy efficiency, low or non-greenhouse gas agricultural, forestry, industrial, transportation or infra-structural activities;
- (e) to facilitate operations favourable to the global environment that would not go forward without a special extra assistance to provide an acceptable return in relation to a given country's benefit.;
- (f) to facilitate investment by one country in another country that could either be a developing country or a country with abnormal burden, based on provisions in the agreement to achieve the most cost-effective solutions to counteract climate change or meet obligated control measures. Such investments should be credited the investor country proportional to the net GHG emission limitations obtained.

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

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

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

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

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

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

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

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

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

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

##### Technology transfer related to the climate convention

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

- (a) Establishment and improvement of monitoring systems;
- (b) Capabilities to assess alternative solutions;
- (c) Technologies to stabilize and mitigate greenhouse gases (many sectors);
- (d) Technologies to adapt to climate change: improved coastal management and improved and robust agricultural technologies, including forestry;
- (e) Energy sector: investment in human and institutional capabilities, for upgrading and more efficient use of existing investments in developing countries;



- (f) Co-development, technological development cooperation where funds should enable suppliers and public sector utilities to take part in international development projects on new and more efficient technology.

Towards a technology transfer mechanism

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

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

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

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

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

[See Section I. A, paragraph 13 (e)]

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

Co-operation

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

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

United Kingdom (Add. 1, p. 86)

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

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

Development and Transfer of Technology

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

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

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

The above is new text received from submitting Delegation.

Vanuatu (Add. 3, p. 30)

Financial resources and funding mechanisms

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

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

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

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

Transfer of technology

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

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

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