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CONSOLIDATED WORKING DOCUMENT

Note by the secretariat

This consolidated working document has been prepared by the secretariat under the guidance of the Chairman of the Committee and the Co-Chairmen of the Working Groups. It assembles texts that are, in their view, indicative of the state of play in the two Working Groups, organized under a provisional list of headings. It is intended to facilitate further work on the framework convention; it does not preclude the introduction of new elements.

In order to facilitate processing, the consolidated working document is being reproduced as A/AC.237/Misc.17 and Add.1-9. An edited version of the document will be published subsequently as an annex to the report of the Committee on the work of its fourth session.

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Note: The presentation of the text will be reviewed in editing. Meanwhile, the following points may be noted:

- Paragraph headings in elements emanating from Working Group II have been retained.
- All sub-headings under Section IV, Commitments, are bracketed, reflecting the state of discussion at the end of the work of Working Group I.
- In the rest of the text, square brackets in headings have the following meaning: Square brackets around a heading number (eg. [VI.7.]) indicate that the retention of the entire item is questioned. Square brackets within the wording of a heading indicate alternative wording for that heading. Square brackets around the title "Annexes" reflect proposals to omit all annexes.
- Square brackets in the text itself reflect the position at the end of Working Group deliberations, except that cross-references to numbers of articles are now also bracketed.

PREAMBLE

The Parties to this Convention,

Acknowledging that [adverse] change in the Earth's climate is a common concern of humankind since a sustainable climate is an essential condition that helps to sustain life,

Concerned that [net] emissions resulting from human activities are substantially increasing the atmospheric concentrations of greenhouse gases, and that these increases will enhance the greenhouse effect, resulting on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind. Whilst noting that there are many uncertainties in predictions particularly with regard to the timing, magnitude and regional patterns of climate change,

Aware that the adverse effects of such [potential] climate change [and measures to mitigate it] could have [serious] social, economic and environmental consequences,

Acknowledging that the global nature of such climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response in accordance with [their respective responsibilities and capabilities]/[the means at their disposal and their capabilities] and their social and economic conditions,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972) and in particular principle 21 which provides that "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction", [accordingly environmental considerations should not be used as a pretext for interference in the internal affairs of developing countries],

Recalling also the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989 and 45/212 of 21 December 1990 on Protection of global climate for present and future generations of mankind,

Recalling further the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sea level rise on islands and coastal areas, particularly low lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the Implementation of the Plan of Action to Combat Desertification,

Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,

[Noting the significant contribution made towards combating activities that result in adverse effects on the Earth's climate by the Vienna Convention for the Protection of the Ozone Layer, adopted on 22nd March 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16th September 1987 and adjusted and amended on 29th June 1990,]

Recognizing the need to strengthen international cooperation, in addressing adverse effects of climate change, [through the development, within a global framework of appropriate policies [including the provision to developing countries of adequate, new and additional financial resources [based on assessed contributions by developed countries] and technology transfer on [preferential, concessional and non-commercial]/[fair and most favourable] terms], [preparation of protocols on specific problems]/[consideration of additional related instruments as may be agreed] and by means of increased research into atmospheric, terrestrial and marine ecology sciences as well as into the social and economic impacts of climate change and related response strategies, systematic observations, cooperation on scientific, technical, economic and legal matters and exchange of information],

Conscious of the valuable work being conducted by many States on global climate change and of the important contributions of the World Meteorological Organization, organs, organizations and bodies of the United Nations system as well as other international and intergovernmental bodies for the exchange of results of scientific research and coordination of research,

Recognizing the need for [all] countries [with excessively high per capita rates of anthropogenic carbon dioxide emissions] to take immediate action in a flexible manner on the basis of [short, medium and long term]/[clear priorities, as a first step towards] comprehensive response strategies at the global, national and [where agreed regional] levels which take into account all greenhouse gases with due consideration of their relative contributions to the enhancement of the greenhouse effect and recognizing also that strategies

required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas,

Aware of the role and importance of sinks and reservoirs in terrestrial and marine ecosystems, inter alia in the absorption of greenhouse gases,

Recognizing that action to reduce emissions of greenhouse gases can also help in solving other environmental problems,

Affirming that response to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate needs of developing countries which have at this time as their main priority the achievement of sustained economic growth and the eradication of poverty; therefore the promotion of economic growth in developing countries is essential to address the problems related to climate change,

Recognizing the improvement of the international economic environment, thus promoting the economic growth and sustainable social economic development of developing countries is an [essential]/[prerequisites] for enabling developing countries to participate effectively in the international efforts to address climate change,

Recognizing that all countries, especially developing countries, need access to all the resources required to achieve sustainable, social and economic development and that in order to progress towards that goal, [the energy consumption of developing countries must grow, taking into account the need for greater energy efficiency]/[net emissions of developing countries must grow],

Conscious that countries with low lying coastal, arid and semi-arid areas or areas liable to drought and desertification, small island countries and countries with fragile mountainous ecosystems are particularly vulnerable to the potential adverse impacts of climate change and will therefore require special consideration under this Convention and its [subsequent protocols]/[related legal instruments],

[Acknowledging the specific transitional difficulties of those countries, particularly developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions and

that these difficulties will need to be recognized in the development of protocols under this Convention,]

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

[Recognizing that climate policies should be as cost-effective as possible in order to ensure maximum benefits from measures undertaken,]

Determined to protect the atmosphere for present and future generations [on the basis of inter-generational as well as intra-generational equity],

Have agreed as follows:

I. DEFINITIONS

(To be added subsequently)

II. PRINCIPLES

1. The right to development is an inalienable human right. All peoples have an equal right in matters relating to reasonable living standards. Economic development is the prerequisite for adopting measures to address climate change. The net emissions of developing countries must grow to meet their social and economic development needs.
2. All States have a duty to aim at sustainable development for the benefit of present and future generations. Protection of the global climate against human induced change should proceed in an integrated manner with economic development in the light of the specific conditions of each country, [without prejudice to the socio-economic development of developing countries]. Measures to guard against climate change should be integrated into national development programmes [taking into account that [evolving] environmental standards] valid for developed countries may have inappropriate and unwarranted social and economic cause in developing countries [and countries with economies in transition].
- 3.(a) All States have an obligation to protect the climate [system] for the benefit of present and future generations of mankind on the basis of [inter-generational as well as intra-generational] equity. This obligation shall be carried out within different time frames for implementation in accordance with common but differentiated responsibilities and capabilities [between developing and developed countries] and taking fully into account that the largest part of emissions of greenhouse gases have been originating from developed countries and those countries have the main responsibility [and should take the lead] in combating climate change and the adverse consequences thereof.
- 3.(b) All inhabitants of the planet have an equal right to the atmosphere lying outside national jurisdiction.
- 3.(c) The common obligation to protect the atmosphere shall be equitably distributed between countries in accordance with developed and developing countries' common but differentiated responsibilities and capabilities and different time frames set out for implementation with a view to achieving convergence of anthropogenic carbon dioxide emissions at a common per capita level. Taking into account the fact that the largest part of current emissions of greenhouse gases, both in historical and current terms, originates from developed countries, those countries [in the first instance have the main responsibility]/[shall take the lead] in combating climate change and the adverse effects thereof.

4. The Parties shall give full consideration to the specific needs and special circumstances of developing country Parties, especially those developing countries that are particularly vulnerable to the adverse consequences of climate change and also those developing countries which would have to bear a disproportionate or abnormal burden under the Convention.

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

6. States shall promote an open and balanced multilateral trading system. Except on the basis of a decision by the Conference of Parties which should be consistent with GATT, no country or group of countries shall introduce barriers to trade on the basis of claims related to climate change.

7. Measures taken to combat climate change should not introduce trade distortions inconsistent with GATT or hinder the promotion of an open and multilateral trading system.

8. Alternative A

The developed countries responsible for causing damage to the environment through inducing climate change shall bear the primary responsibility for rectifying that damage and the cost of prevention measures and shall compensate for environmental damage suffered by other countries or individuals in other countries.

Alternative B

Those countries directly responsible for causing damage to the environment through inducing climate change shall bear the responsibility for rectifying that damage. By openly demonstrating their direct responsibility or negligence, those countries shall compensate for environmental damage suffered by other countries or individuals in other countries.

9. Climate policies should be cost-effective to ensure global benefits at lowest possible costs. To achieve this, climate policies should be comprehensive, include all relevant sources and sinks of greenhouse gases, comprise all economic sectors, and may be implemented in cooperation with other Parties.
10. The principle of the sovereignty of States shall be adhered to and strictly respected in all fields of international cooperation, including that for protection of the climate.
11. The need to improve the international economic environment for the developing countries and to promote their sustained economic development are prerequisites for enabling developing countries to participate effectively in the international efforts to protect the global environment including climate protection.

III. OBJECTIVE

The ultimate objective of the Convention and any related legal instruments that might be agreed upon is to achieve, in accordance with the principles set out in the above articles, stabilization of greenhouse gas concentrations in the atmosphere at a level which would prevent dangerous anthropogenic interference with climate. Such a level should be reached within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and permit economic activity to develop in a sustainable and environmentally sound manner.

[The anthropogenic emissions of greenhouse gases, particularly carbon dioxide, from States should converge at a common per capita level, taking into account net carbon emissions during this century as well as the economic needs of developing countries.]