



UNITED  
NATIONS



Framework Convention  
on Climate Change

Distr.  
LIMITED

FCCC/CP/1997/L.7  
10 December 1997

Original: ENGLISH

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CONFERENCE OF THE PARTIES

Third session

Kyoto, 1-10 December 1997

Agenda item 5

**ADOPTION OF A PROTOCOL OR ANOTHER LEGAL INSTRUMENT:  
FULFILMENT OF THE BERLIN MANDATE**

**Adoption of the Kyoto Protocol to the  
United Nations Framework Convention on Climate Change**

**Draft decision submitted by the Committee of the Whole**

*The Conference of the Parties,*

*Having reviewed Article 4, subparagraphs 2(a) and (b) of the Convention at its first session and having concluded that these subparagraphs are not adequate,*

*Recalling its decision 1/CP.1 entitled, "The Berlin Mandate: Review of the adequacy of Article 4, paragraph 2(a) and (b) of the Convention, including proposals related to a protocol and decisions on follow-up", by which it agreed to begin a process to enable the Conference of the Parties to take appropriate action for the period beyond 2000 through the adoption of a protocol or another legal instrument by the Conference of the Parties at its third session,*

*Further recalling that one aim of the process was to strengthen the commitments in Article 4, paragraph 2(a) and (b) of the Convention, for developed country/other Parties included in Annex I, both to elaborate policies and measures, and to set quantified limitation and reduction objectives within specified time frames, such as 2005, 2010 and 2020, for their anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol,*

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*Recalling also* that, according to the Berlin Mandate, the process will not introduce any new commitments for Parties not included in Annex I, but reaffirm existing commitments in Article 4, paragraph 1, and continue to advance the implementation of these commitments in order to achieve sustainable development, taking into account Article 4, paragraphs 3, 5 and 7,

*Noting* the reports of the Ad Hoc Group on the Berlin Mandate on its eight sessions<sup>1</sup>,

*Having considered with appreciation* the report presented by the Chairman of the Ad Hoc Group on the Berlin Mandate,

*Taking note with appreciation* of the report of the Chairman of the Committee of the Whole on the outcome of the work of the Committee,

*Recognizing* the need to prepare for the early entry into force of the Kyoto Protocol to the United Nations Framework Convention on Climate Change,

*Aware* of the desirability of the timely commencement of work to pave the way for a successful outcome of the fourth session of the Conference of the Parties, to be held in Buenos Aires, Argentina,

1. *Decides to adopt* the Kyoto Protocol to the United Nations Framework Convention on Climate Change, annexed hereto;
2. *Requests* the Secretary-General of the United Nations to be the Depositary of this Protocol and to open it for signature in New York from 16 March 1998 until 15 March 1999;
3. *Invites* all Parties to the United Nations Framework Convention on Climate Change to sign the Protocol on 16 March 1998 or at the earliest opportunity thereafter, and to deposit instruments of ratification, acceptance or approval, or instruments of accession where appropriate, as soon as possible;
4. *Further invites* States that are not parties to the Convention to ratify or accede to it, as appropriate, without delay so that they may become Parties to the Protocol;
5. *Requests* the Chairman of the Subsidiary Body for Scientific and Technological Advice and the Chairman of the Subsidiary Body for Implementation, taking into account the approved programme budget for the biennium 1998-1999 and the related programme of work of the secretariat (FCCC/CP/1997/INF.1), to give guidance to the secretariat on preparatory work needed for the consideration by the fourth session of the Conference of the Parties of the

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<sup>1</sup> FCCC/AGBM/1995/2 and Corr.1, FCCC/AGBM/1995/7 and Corr.1, FCCC/AGBM/1996/5, FCCC/AGBM/1996/8, FCCC/AGBM/1996/11, FCCC/AGBM/1997/3 and Add.1 and Add.1/Corr.1, FCCC/AGBM/1997/5, and FCCC/AGBM/1997/8 and Add.1.

following matters, and to allocate work on these matters to the respective subsidiary bodies as appropriate:

- (a) Determination of modalities, rules and guidelines as to how and which additional human-induced activities related to changes in greenhouse gas emissions and removals in the agricultural soil and land-use change and forestry categories shall be added to, or subtracted from, the assigned amount for Parties included in Annex I, as provided for under Article 3, paragraph 4, of the Protocol;
- (b) Definition of relevant principles, modalities, rules and guidelines, in particular for verification, reporting and accountability of emissions trading, pursuant to Article 17 bis of the Protocol;
- (c) Elaboration of guidelines for any Party included in Annex I to transfer to, or acquire from, any other such Party any emission reduction units resulting from projects aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of greenhouse gases in any sector of the economy, as provided for under Article 6 of the Protocol; and
- (d) Consideration of and, as appropriate, action on suitable methodologies to address the situation of Parties listed in Annex B of the Protocol for whom single projects would have a significant proportional impact on emissions in the commitment period;

6. *Invites* the Chairman of the Subsidiary Body for Scientific and Technological Advice and the Chairman of the Subsidiary Body for Implementation to make a joint proposal to the eighth sessions of those bodies on the allocation to them of preparatory work to enable the first session of the Conference of the Parties serving as the meeting of the Parties to the Protocol after the entry into force of the Protocol to accomplish the tasks assigned to it by the Protocol.