

ORIGINAL: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Fifth session, second part
New York, 30 April - 8 May 1992
Agenda item 3

COMPLETION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

Working papers by the Chairman

Addendum 7

ARTICLE 13

RESOLUTION OF QUESTIONS REGARDING IMPLEMENTATION OF THE CONVENTION

The Conference of the Parties shall, at its first session, consider the establishment of a multilateral consultative process for the resolution of questions regarding the implementation of the Convention.

ARTICLE 14

SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

*/ This revision contains material relevant to Resolution of Questions Regarding Implementation of the Convention and Settlement of Disputes, prepared in the light of informal consultations conducted by Vice-Chairman Raul Estrada-Oyuela.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary, that, in respect of any dispute concerning the interpretation or application of the Convention, it recognises as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice, and/or
- (b) Arbitration in accordance with procedures to be set out by the Conference of the Parties to be adopted, as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in (b) above.

3. A declaration made under paragraph 2 above 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.

4. 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.

5. Subject to the operation of paragraph 2 above, if after 12 months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1, the dispute shall be submitted, at the request of any of the Parties to the dispute, to conciliation.

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

7. Additional procedures relating to conciliation shall be set out by the Conference of the Parties, as soon as practicable, in an annex on conciliation.

8. The provisions of this Article shall apply to any related legal instrument which the Conference of the Parties may adopt, unless the instrument provides otherwise.