

## Tuvalu

Tuvalu is pleased to present its views on the form and content of the agreed outcome of the AWG-LCA process. Tuvalu is of the view that the outcome of the AWG-LCA should be in the form of a legally binding agreement. This agreement should complement and not replace the Kyoto Protocol. Tuvalu believes that this new legally binding agreement should be an additional protocol to the UN Framework Convention on Climate Change and should incorporate the elements of the Bali Action Plan prescribed in Decision 1/CMP.13.

To this end Tuvalu has pleasure in presenting a draft text of a “Copenhagen Protocol” which we consider to be the appropriate outcome of the AWG LCA process (see below)

### **“COPENHAGEN” PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE**

The Parties to this Protocol,

*Being* Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as “the Convention”

*In further pursuit* of the ultimate objective of the Convention as stated in its Article 2,

*Recalling* the provisions of the Convention,

*Being* guided by Article 3 of the Convention,

*Acknowledging* the important role of the Kyoto Protocol in contributing to the ultimate objective of the Convention,

*Recalling* the Bali Action Plan adopted by decision 1/CP.13 of the Conference of Parties to the Convention at its thirteenth session,

*Further acknowledging* the findings of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change that warming of the climate system is unequivocal, and that delay in reducing emissions significantly constrains opportunities to achieve low stabilization levels and increase the rise of more severe climate change impacts,

*Recognizing* that deep cuts in global emissions will be required to achieve the ultimate objective of the Convention and emphasizing the urgency to address climate change as indicated in the Fourth Assessment Report of the Intergovernmental Panel on Climate Change,

*Acknowledging* the need to accelerate action to address climate change,

**Have agreed as follows:**

## **Article 1 DEFINITIONS**

For the purposes of this Protocol, the definitions contained in Article 1 of the Convention shall apply. In addition:

“Assembly of Parties” means the Conference of Parties to this Protocol serving as the assembly of Parties;

1. “Assembly” means the assembly of Parties to this Protocol.
2. "Conference of the Parties" means the Conference of the Parties to the Convention.
3. "Convention" means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992.
4. "Intergovernmental Panel on Climate Change" means the Intergovernmental Panel on Climate Change established in 1988 jointly by the World Meteorological Organization and the United Nations Environment Programme.
5. “Particularly vulnerable developing countries” are developing country Parties that are particularly vulnerable to the adverse effects of climate change, especially least developed countries and small island developing States and countries in Africa affected by drought, desertification and floods;
6. "Parties present and voting" means Parties present and casting an affirmative or negative vote.
7. "Party" means, unless the context otherwise indicates, a Party to this Protocol.
8. “Persons” means any persons chosen or elected by the Conference of Parties serving as the assembly of Parties to this Protocol to be represented on any of the board, panel, group or other the institution established by this Protocol,

## **Article 2 OBJECTIVE**

1. The objective of this Protocol is to establish a global approach to addressing climate change through enhancing action by all countries to mitigate emissions of greenhouse gases and to provide adequate support for vulnerable countries to the impacts of climate change. Actions taken within this Protocol shall play a significant role in ensuring that global greenhouse gas concentrations in the atmosphere must be stabilized as far below 350 ppmv CO<sub>2</sub>eq as possible, with temperature increases limited to as far below 1.5 degrees C above pre-industrial levels as possible. Action taken under this Protocol shall be a major contribution towards moving to a low greenhouse gas emission society that is compatible with sustainable development objectives and consistent with the principle of common but differentiated responsibilities and respective capabilities.

## **Article 3 MITIGATION - GENERAL**

1. Developed country Parties which have not taken commitments prescribed in Article 3 of the Kyoto Protocol, and other Parties who voluntarily elect to do so, shall individually or jointly, undertake verifiable, nationally appropriate mitigation

commitments or actions in the form of quantified emission limitation and reduction commitments.

2. Parties that undertake such actions or commitments as described in paragraph 1 above shall ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of greenhouse gases do not exceed their agreed targets inscribed in Annex I for the assessment period 2012-2017

3. Actions taken by Parties identified in paragraph 1 above shall ensure that their nationally appropriate mitigation commitments are measurable, reportable and verifiable in a manner.

4. The Conference of Parties serving as the assembly of Parties shall prescribe appropriate modalities for the measurement, reporting and verification of actions or commitments by Parties identified in Article 3 paragraph 1 above. The Conference of Parties serving as the assembly of Parties in prescribing these modalities shall be guided by procedures identified in Article 5, 7 and 8 of the Kyoto Protocol so as to ensure comparability of reporting and verification.

5. Commitments or actions undertaken by Parties identified in Article 3 paragraph 1 above shall be subject to compliance provisions established by the Conference of Parties serving as the assembly of Parties. The Conference of Parties serving as the assembly of Parties in prescribing these modalities shall be guided by the compliance procedures developed pursuant to Article 18 of the Kyoto Protocol.

6. Parties undertaking commitments or actions under Article 3 paragraph 1 shall not use these commitments to fulfill obligations established under the Kyoto Protocol.

7. Developing country Parties, notwithstanding paragraph 1 above, shall undertake nationally appropriate mitigation actions to reduce greenhouse gas emissions.

8. Developing country Parties in undertaking nationally appropriate mitigation actions may elect to take such actions under the following tiers:

(a) Tier one: Actions that are financed domestically, either nationally or sub-nationally;

(b) Tier two: Actions that are financed by international financial and/or technical support, either through bilateral support, support from the Multilateral Fund on Climate Change, or other international financial means;

(c) Tier three: Actions that are undertaken over and above identified Tier one and Tier two actions that are based on an emission reduction target and which may be eligible for trading of units.

9. Nationally appropriate mitigation actions described in paragraph 7 above may be undertaken at the national, sectoral or project level.

10. Actions undertaken under Tier Two shall be supported by financial assistance for the Mitigation Window of the Multilateral Fund on Climate Change and through other multilateral and bilateral funding sources, as appropriate.

11. Procedures for the allocation of funds for Tier Two actions shall be developed by the Board of the Multilateral Fund on Climate Change and approved by the Conference of Parties serving as the assembly of Parties.

12. Actions undertaken under Tier Two shall be subject to appropriate reporting and accounting standards as determined by the Board of the Multilateral Fund on Climate Change and approved by Conference of Parties serving as the assembly of Parties.

11. Actions undertaken at the national or sectoral level by means of Tier Three may be eligible for emissions trading, subject to appropriate measurable, reportable and verifiable requirements developed according to Article 4 paragraph 3.

12. Developing country Parties may nominate Tier One, Tier Two and or Tier Three nationally appropriate mitigation actions to be incorporated in an International Register maintained by the secretariat.

13. The modalities for the operation of the International Register shall be developed by the Conference of Parties serving as the assembly of Parties.

14. Nationally appropriate mitigation actions shall incorporate the development and diffusion of low greenhouse emitting technologies, particularly renewable energy and energy efficiency technologies;

15. Nationally appropriate mitigation actions shall not include technologies that have adverse impacts on the environment, including, *inter alia*, nuclear power and large scale hydro electric power.

16. All Parties shall endeavour to reduce their emissions in such a way so as to avoid economic and social consequences of taking such actions. Special attention should be given to low income countries when avoiding economic and social consequences.

17. The Conference of Parties serving as the assembly of Parties may develop guidelines to assist Parties in avoiding economic and social consequences, especially for low income countries.

#### **Article 4**

### **MITIGATION AND EMISSIONS TRADING**

1. Parties prescribed in Article 3 paragraph 1 and developing country Parties that undertaken Tier Three actions may be eligible to undertake international emissions trading.

2. Eligibility for participation in international emissions trading shall be subject to relevant rules, modalities and guidelines developed by the Conference of Parties serving as the assembly of Parties;

3. Any such trading shall be supplemental to domestic actions for the purposes of meeting commitments or actions made with respect to Article 3 paragraph 1 and supplemental to Tier One and Tier Two actions taken by developing country Parties with respect to Article 3 paragraph 8(c).

4. Units generated through trading under this Article may be inter-tradeable with units generated by the Kyoto Protocol, subject to rules, modalities and guidelines developed jointly by the Conference of Parties serving as the assembly of Parties to this Protocol and the Conference of Parties serving as the meeting of Parties to the Kyoto Protocol.

#### **Article 6**

### **MITIGATION – REDUCING EMISSIONS FROM DEFORESTATION AND FOREST DEGRADATION**

1. Within the context of nationally appropriate mitigation actions as defined in Article 3, developing country Parties may undertake actions to reduce emissions from deforestation and forest degradation.
2. National appropriate mitigation actions associated with reducing emissions from deforestation and forest degradation may include, *inter alia*, conservation, sustainable management of forests and enhancement of forest carbon stocks.
3. Actions to reduce emissions from deforestation and forest degradation shall ensure that the rights of indigenous peoples and local communities are not adversely affected.
4. The Conference of Parties serving as the assembly of Parties shall, in consultation with appropriate indigenous peoples' and local community organisations, develop guidelines to ensure that the rights of indigenous peoples and local communities are not adversely affected by actions to reduce emissions from deforestation and forest degradation.
5. The Conference of Parties serving as the assembly of Parties shall develop appropriate means of measuring, reporting and verifying Tier 2 nationally appropriate mitigation actions associated with reducing emissions from deforestation and forest degradation.
6. To assist in developing methods and procedures for measuring, reporting and verifying Tier 2 nationally appropriate mitigation actions associated with reducing emissions from deforestation and forest degradation, developing country Parties shall develop:
  - (a) national capacity needs assessments;
  - (b) national forest inventories;
  - (c) national and where appropriate, sub-national baselines to calculate changes in emissions from deforestation and forest degradation;
  - (d) strategic plans to reduce emissions from deforestation and forest degradation;
7. Developed country Parties and other Parties, on a voluntary basis, shall provide financial and technical assistance to developing country Parties to support efforts to measure, report and verify actions associated with reducing emissions from deforestation.

8. Developing country Parties which undertake nationally appropriate mitigation actions to reduce emissions from deforestation and forest degradation shall ensure that:

- (a) necessary actions are taken to avoid national and international emissions displacement;
- (b) such actions are permanent and do not result in an increase in emissions from deforestation and forest degradation at a later time;
- (c) appropriate governance structures put in place to facilitate the appropriate use of funds provided for reducing emissions from deforestation and forest degradation
- (d) appropriate consultative mechanisms and domestic legislative arrangements are in place to avoid infringement of rights described in X above;

9. The Conference of Parties serving as the assembly of Parties shall develop rules, modalities and guidelines to assist Parties in carrying out actions prescribed in paragraph 3 above.

10. Developing country Parties may be eligible to seek funding through the REDD Window of the International Climate Fund.

11. Funding through the REDD Window shall be used by developing country Parties to:

- (a) undertake actions to build capacity in measuring, reporting and verifying actions to reduce emissions from deforestation and forest degradation;
- (b) undertake nationally appropriate mitigation actions to directly reduce emissions from deforestation and forest degradation;
- (c) develop community-based trust funds to support local actions associated with reducing emissions from deforestation and forest degradation.

12. The Conference of Parties serving as the assembly of Parties, in collaboration with other organisations, shall develop regional REDD centres.

13. The purpose of regional REDD centres shall be to assist developing country Parties build their capacity in measuring, reporting and verifying nationally appropriate mitigation actions associated with reducing emissions from deforestation and forest degradation;

14. Developing country Parties who wish to undertake Tier 2 nationally appropriate mitigation actions associated with reducing emissions from deforestation and forest degradation shall be guided by good practice guidance developed by the Intergovernmental Panel on Climate Change and any relevant decisions of the Conference of Parties serving as the assembly of Parties.

15. For the first assessment period, 2012-2017, Tier 3 nationally appropriate mitigation actions associated with reducing emissions from deforestation and forest degradation shall not be eligible for emissions trading.

16. The Conference of Parties serving as the assembly of Parties shall decide whether or not Tier 3 nationally appropriate mitigation actions associated with reducing

emissions from deforestation shall be eligible for emission trading in the second assessment period at least two years prior to the commencement of the period.

## **Article 7** **ADAPTATION – PLANNING**

1. All Parties shall develop, periodically update and make available to the Conference of Parties serving as the assembly of Parties national adaptation plans as a means of assessing current and potential impacts of climate change and developing strategies to reduce these impacts through the implementation of adaptation action;

2. National adaptation plans should include:

- (a) vulnerability assessments
- (b) prioritization of actions,
- (c) financial needs assessments
- (d) capacity building and response strategies
- (e) means for integrating adaptation actions into sectoral and national planning;
- (f) identification of specific projects and programmes
- (g) identification of means to incentivize the implementation of adaptation actions;
- (h) ways to enable climate-resilient development and reduce vulnerability
- (i) disaster risk management strategies
- (j) means to diversify the economy as an adaptation strategy

3. Particularly vulnerable developing countries shall be provided financial and technical assistance through, *inter alia*, the Adaptation Window of Multilateral Fund on Climate Change to develop and implement national adaptation plans.

## **Article 8** **ADAPTATION – REGIONAL CENTRES**

1. The Conference of Parties serving as the assembly of Parties, in collaboration with other organisations, shall develop regional centres for adaptation

2. The purpose of regional centres for adaptation shall be primarily to assist particularly vulnerable developing countries, develop and implement national adaptation plans.

## **Article 9** **ADAPTATION – CLIMATE PROOFING DEVELOPMENT ASSISTANCE**

1. Developed country Parties, international financial institutions and other donor sources shall ensure that all development assistance provided to developing country Parties incorporates measures to climate-proof such development assistance against the impacts of climate change.

## **Article 10**

## **ADAPTATION – IMPLEMENTATION OF ADAPTATION ACTIONS**

1. All Parties shall undertake adaptation actions to build their resilience to the impacts of climate change.
2. Particularly vulnerable developing countries shall be provided financial and technical assistance through, *inter alia*, the Adaptation Window of Multilateral Fund on Climate Change to support the implementation of adaptation actions as a means of building resilience to the impacts of climate change.
3. Particularly vulnerable developing countries shall identify and seek financial support for adaptation actions including *inter alia*:
  - (a) project level adaptation actions;
  - (b) sectoral level adaptation actions;
  - (c) administrative and legislative actions to build resilience;
  - (d) means to protect people displaced by the impacts of climate change;
4. Proposals for funding support for adaptation particularly vulnerable developing countries shall be:
  - (a) country-driven;
  - (b) guided by indigenous knowledge of adaptation;
  - (c) provided in an expeditious manner;
  - (d) funded directly to governments and communities organisations.
5. The absence of a national adaptation plan should not be an impediment to the eligibility of particularly vulnerable developing countries to receive funding through the Adaptation Window of Multilateral Fund on Climate Change.

### **Article 11**

#### **ADAPTATION – EXPERT COMMITTEE ON ADAPTATION**

1. An Expert Committee on Adaptation shall be established within one year of the entry into force of the Protocol.
2. The purpose of the Expert Committee on Adaptation shall be to assist particularly vulnerable developing countries, to *inter alia*:
  - (a) develop guidelines for undertaking vulnerability assessments;
  - (b) develop guidelines for the preparation of national adaptation plans;
  - (c) develop guidelines for integrating adaptation actions into sectoral and national planning;
  - (d) identify sources of funding and technical assistance to support specific adaptation actions
3. The Expert Committee on Adaptation shall monitor compliance with commitments and pledges made by developed country Parties, and other Parties who voluntarily elect to do so, to provide financial support to particularly vulnerable developing countries.

4. The Conference of Parties serving as the assembly of Parties shall develop that modalities for operation and composition of the Expert Committee on Adaptation before its second session.

5. The Expert Committee on Adaptation shall collaborate with other United Nations organisations, international financial institutions and other relevant international organisations to ensure that a coherent and coordinated effort is made to support developing countries Parties build their resilience to the impacts of climate change and avoid climate change related disasters.

## **Article 12**

### **ADAPTATION – RISK MANAGEMENT AND RISK REDUCTION**

1. A Climate Impact Rehabilitation Facility is hereby defined.
2. The purpose of the Climate Impact Rehabilitation Facility is to assist particularly vulnerable developing countries address loss and damage from the impacts of climate change.
3. The Climate Impact Rehabilitation Facility shall coordinate an international insurance-related risk sharing and risk transfer mechanism tailored to the needs of particularly vulnerable developing countries as a means of addressing loss and damage from the impacts of climate change.
4. The Climate Impact Rehabilitation Facility shall be subject to the authority and guidance of the Conference of the Parties serving as the assembly of Parties and be supervised by a Board.
5. The membership of the Board shall be determined by the Conference of the Parties serving as the assembly of Parties, taking into account the need to ensure that Board members have the appropriate expertise in climate-related insurance matters.
6. The Climate Impact Rehabilitation Facility shall coordinate its operation with other insurance and re-insurance institutions, and United Nations organizations and other relevant international organizations associated with disaster risk management.
7. A technical advisory group shall be established to support the Board of the Climate Impact Rehabilitation Facility.
8. The purpose of the technical advisory group shall be to:
  - (a) facilitate advice and guidance on existing and innovative risk management, risk transfer and risk sharing approaches, including insurance,
  - (b) identify key climate risk factors and thresholds for insurance payments;
  - (c) estimate the potential physical and economic impacts of key climate risk factors
  - (d) receive reports that key climate risk factor thresholds have been exceeded
  - (e) facilitate the verification that key climate risk factor thresholds have been exceeded

(f) recommend to the Board appropriate financial compensation payments once climate risk factor thresholds have been exceeded

9. Members of the technical advisory group shall represent a range of technical expertise in the areas of hazard mapping, disaster risk reduction, and insurance and reinsurance.

10. Insurance payments for particularly vulnerable developing countries shall be facilitated through an Insurance Window of the Multilateral Fund on Climate Change.

### **Article 13**

#### **TECHNOLOGY - TECHNOLOGY DEVELOPMENT AND TRANSFER FACILITY**

1. A Technology Development and Transfer Facility is hereby established.
2. The purpose of the Technology Development and Transfer Facility is to assist developing country Parties to identify and help facilitate the transfer of low greenhouse gas emitting technologies, particularly renewable energy and energy efficiency technologies, to assist in the undertaking of national appropriate mitigation actions. The Facility shall also particularly vulnerable developing countries to identify and help facilitate the transfer of appropriate adaptation technologies.
3. The Technology Development and Transfer Facility shall be subject to the authority and guidance of the Conference of the Parties serving as the assembly of Parties and be supervised by a Board.
4. The constituency of the Board shall be determined by the Conference of Parties serving as the assembly of Parties and be guided by the principle of equitable geographical representation.
5. The Technology Development and Transfer Facility shall regularly report to the Conference of Parties serving as the assembly of Parties
6. Advice shall be provided to the Technology Development and Transfer Facility Board by the Expert Group on Technology Transfer.

### **Article 14**

#### **TECHNOLOGY – SUPPORT FINANCE**

1. An international renewable energy and energy efficiency bond mechanism is hereby established.
2. The purpose of the international renewable energy and energy efficiency bond mechanism is to provide developing country Parties with interest-free loans for financing the development and deployment of renewable energy and energy efficiency technologies.

3. Purchasers of renewable energy and energy efficiency bonds shall be provided interest payments through funding provided by the Technology Window of the Multilateral Fund on Climate Change.
4. All Parties shall ensure that interest payments made through the renewable energy and energy efficiency bond mechanism will be tax free within their domestic jurisdiction.
5. An international renewable energy and energy efficiency bond commission shall be established to facilitate:
  - (a) the issuance of bonds
  - (b) the issuance of renewable energy and energy efficiency loans
  - (c) the issuance of interest payments
6. The international renewable energy and energy efficiency bond commission shall report to the Technology Development and Transfer Facility Board and shall be assisted by the Expert Group on Technology Transfer.
7. The rules, modalities and guidelines for the operation of the international renewable energy and energy efficiency bond mechanism shall be agreed upon by the Conference of Parties serving as the assembly of Parties.
8. Each Party, to the extent feasible, shall also develop a system of national renewable energy and energy efficiency bonds to complement the international system.

**Article 15**  
**TECHNOLOGY – COOPERATIVE TECHNOLOGY DEVELOPMENT CENTRES**

1. Cooperative Technology Development Centres shall be established in major developing country regions around the world.
2. The purpose of Cooperative Technology Development Centres shall be to provide cooperative training and development facilities supported by public-private partnerships to develop and deploy renewable energy and energy efficiency technologies and environmentally sound adaptation technologies.
3. Cooperative Technology Development Centres shall provide training opportunities for participants from all countries to facilitate the development and transfer of renewable energy and energy efficiency technologies as well as environmentally sound adaptation technologies.
4. Funding for the development of Cooperative Technology Development Centres shall be developed from a variety of sources identified by the Conference of Parties serving as the assembly of Parties and shall include funding from the Technology Window of the Multilateral Fund on Climate Change.

**Article 16**  
**TECHNOLOGY – TRADE**

1. Parties shall cooperate to significantly reduce or remove tariff barriers to the import and export of renewable energy and energy efficiency technologies as well as environmentally sound adaptation technologies.

2. Parties shall cooperate to develop and deploy patent sharing and/or intellectual property free renewable energy and energy efficiency technologies.

## **Article 17** **FINANCE**

1. A Multilateral Fund for Climate Change is hereby established.

2. The purpose of the Multilateral Fund for Climate Change Fund is to establish, administer and deploy substantial and predictable sources of funding to support actions prescribed within this Protocol.

3. The Multilateral Fund for Climate Change shall be subject to the authority and guidance of the Conference of the Parties serving as the assembly of Parties and be supervised by a Board.

4. The constituency of the Board shall be determined by the Conference of Parties serving as the assembly of Parties and be guided by the principle of equitable geographical representation.

5. The Board of the Multilateral Fund on Climate Change shall regularly report to the Conference of Parties serving as the assembly of Parties

6. The secretariat of the Convention shall service the Multilateral Fund for Climate Change Fund and its Board.

7. The Multilateral Fund for Climate Change shall have five discrete funding windows:

- (a) a Mitigation Window
- (b) a REDD Window
- (c) an Adaptation Window
- (d) an Insurance Window
- (e) a Technology Window

8. The Board of the Multilateral Fund for Climate Change shall establish technical advisory panels for each of the funding windows.

9. The purpose of the technical advisory panels is to provide support to the Board in:

- (a) identifying sources of funding
- (b) identifying priorities for funding
- (c) providing assistance to recipient countries in developing project proposals and find appropriate financial support

10. The Multilateral Fund for Climate Change shall develop funding from the following sources:

(a) Contributions from all Parties based on a contribution formula developed by the Conference of Parties serving as the assembly of Parties. Criteria for such contributions shall be based on ability to pay and historical responsibility for emissions;

(b) International levies placed on international aviation and maritime transport. Such levies shall be developed in collaboration with the International Civil Aviation Organization and the International Maritime Organization respectively;

(c) A share of proceeds from the trading of units established under Article 3 of this Protocol. The Conference of Parties serving as the assembly of Parties shall determine the appropriate level and modalities for the deriving a share of proceeds from unit trading;

(d) Contributions from the Kyoto Protocol Adaptation Fund. Such contributions shall be directed towards specific adaptation activities jointly agreed upon by the Conference of Parties serving as the meeting of Parties of the Kyoto Protocol and the Conference of Parties serving as the assembly of Parties to this Protocol

(e) Additional contributions by Parties over and above assessed contributions identified in (a) above;

(f) Contributions by philanthropic organizations and other donor sources;

11. Contributions by all Parties as established under 10 (a) above, shall be recorded in a contribution ledger held by the secretariat.

12. The secretariat shall publish this contribution ledger on its website.

## **Article 18 SECRETARIAT**

1. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Protocol.

2. Article 8, paragraph 2, of the Convention on the functions of the secretariat, and Article 8, paragraph 3, of the Convention on arrangements made for the functioning of the secretariat, shall apply *mutatis mutandis* to this Protocol. The secretariat shall, in addition, exercise the functions assigned to it under this Protocol.

## **Article 19 IMMUNITIES**

1. Without prejudice to the legal status, immunities accorded to the Convention secretariat, officials, a Party or Parties, persons, officials, representatives of Members by the Headquarters Agreement with the Government of the Federal Republic of Germany, each Party to this Protocol shall accord to the persons identified in this Protocol such immunities as are specified in this Article below.

2. Persons as defined by Article 1 of this Protocol shall, while exercising their functions on any board, panel, group or other institution established by this Protocol

during their journey to and from the place of meeting, or at their place of work, shall enjoy the following immunities:

- (a) immunity from legal process of every kind in respect of words spoken or written, and all acts performed by them in the exercise of their functions,
- (b) immunity from personal arrest or detention and from seizure of their personal baggage;
- (c) inviolability for all papers and documents;
- (d) for the purposes of communications with the respective institution or the secretariat, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

3. In order to secure, for the persons represented on any board, panel, group or other institution established by this Protocol, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of all acts done by them in discharging their functions shall continue to be accorded, notwithstanding that the persons concerned are no longer fulfilling any functions with respect to the board, panel, group or other institution established by this Protocol.

4. Immunities are hereby accorded to persons represented on any board, panel, group or other institution established by this Protocol, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with any board, panel, group or other institution established by this Protocol. Consequently, the Executive Director has the right and the duty to waive the immunity of a person represented on any board, panel, group or other institution established by this Protocol in any case where in the opinion of the Executive Director the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

5. Without prejudice to their immunities, it is the duty of all persons represented on any board, panel, group or other institution established by this Protocol to respect the laws and regulations of the country in whose territory they may be on the business of any board, panel, group or other institution established by this Protocol or through whose territory they may pass on such business. They also have a duty not to interfere in the internal affairs of that country.

6. The provisions of this Protocol shall be complementary to the provisions of the UNV Headquarters Agreement for all persons invited to participate in the official business of this Protocol. Insofar as any provision of this Protocol relates to the same subject matter, the two provisions shall, wherever possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other; but in any case of conflict, the provisions of this Protocol prevail.

7. This Protocol shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded to persons represented on any board, panel, group or other institution established by this Protocol by reason of any agreement between the Conference of Parties serving as the assembly of Parties to this Protocol with another country with respect to the holding of meetings. This Protocol shall not be deemed to prevent the conclusion of supplementary agreements between the Conference of Parties serving as the assembly of Parties to this Protocol and any

person represented on any board, panel, group or other institution established by this Protocol.

**Article 20**  
**SETTLEMENT OF DISPUTES**

The provisions of Article 14 of the Convention on settlement of disputes shall apply *mutatis mutandis* to this Protocol.

**Article 21**  
**AMENDMENTS**

1. Any Party may propose amendments to this Protocol.
2. Amendments to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the assembly of the Parties to this Protocol. The text of any proposed amendment to this Protocol shall be communicated to the Parties by the secretariat at least six months before the assembly at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and signatories to the Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this 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 three-fourths majority vote of the Parties present and voting at the assembly. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.
4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the thirtieth day after the date of receipt by the Depositary of an instrument of acceptance by at least half of the Parties to this Protocol.

**Article 22**  
**ANNEXES**

1. Annexes to this Protocol shall form an integral part thereof and, unless otherwise expressly provided, a reference to this Protocol constitutes at the same time a reference to any annexes thereto.
2. Any Party to the Protocol may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol.
3. Annexes to this Protocol and amendments to annexes to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the assembly of the Parties to this Protocol. The text of any proposed annex or amendment to an annex shall be communicated to the Parties by the secretariat at least

six months before the assembly at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed annex or amendment to an annex to the Parties and signatories to the Convention and, for information, to the Depositary.

4. The Parties shall make every effort to reach agreement on any proposed annex or amendment to an annex by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the annex or amendment to an annex shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the assembly. The adopted annex or amendment to an annex shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

5. An annex, or amendment to an annex that has been adopted in accordance with paragraphs 3 and 4 above shall enter into force for all Parties to this Protocol thirty days after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

6. If the adoption of an annex or an amendment to an annex involves an amendment to this Protocol, that annex or amendment to an annex shall not enter into force until such time as the amendment to this Protocol enters into force.

### **Article 23**

#### **VOTING**

1. Each Party shall have one vote, except as provided for in paragraph 2 below.
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 this Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

### **Article 24**

#### **DEPOSITARY**

1. The Secretary-General of the United Nations shall be the Depositary of this Protocol.

### **Article 25**

#### **OPEN FOR SIGNATURE**

1. This Protocol shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations which are Parties to the Convention. It shall be open for signature at United Nations Headquarters in New York from X to Y. This Protocol shall be open for accession from the day after

the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to this Protocol without any of its member States being a Party shall be bound by all the obligations under this Protocol. In the case of such organizations, one or more of whose member States is a Party to this Protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Protocol. In such cases, the organization and the member States shall not be entitled to exercise rights under this Protocol concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Protocol. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

#### **Article 26**

#### **ENTRY INTO FORCE**

1. The Protocol shall enter into force 30 days after the date of deposit of the tenth instrument of ratification, approval, acceptance or accession.

2. For Party to the Convention which ratifies, approves or accepts this Protocol or accedes thereto after the deposit of the tenth instrument of ratification, approval, acceptance or accession, this Protocol shall enter into force on the thirtieth day following the deposit of its instrument of ratification, approval, acceptance or accession.

#### **Article 27**

#### **PROVISIONAL APPLICATION**

1. A Party to the Convention which intends to ratify, approve, accept or accede to this Protocol may at any time notify the Depositary that it will apply this Protocol provisionally for a period not exceeding two years.

#### **Article 28**

#### **NO RESERVATIONS**

1. No reservations may be made to this Protocol.

#### **Article 29**

#### **WITHDRAWAL**

1. At any time after three years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from this Protocol by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from this Protocol.

**Article 30**  
**TEXTS**

The original of this Protocol, 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.

**DONE** at Copenhagen this Xth day of December two thousand and nine.

**IN WITNESS WHEREOF** the undersigned, being duly authorized to that effect, have affixed their signatures to this Protocol on the dates indicated.

**ANNEX I**

<b>Party</b>	<b>Quantified emission limitation or reduction commitment or action for assessment period 2012-2017 compared with 1990 base year</b>