



FRAMEWORK CONVENTION ON CLIMATE CHANGE - Secretariat  
CONVENTION - CADRE SUR LES CHANGEMENTS CLIMATIQUES - Secrétariat

Reference: DBO/JB/md

The secretariat of the United Nations Framework Convention on Climate Change and its Kyoto Protocol (hereinafter referred to as the secretariat) presents its compliments to the National Focal Points for climate change and to the Permanent Missions to the United Nations.

The secretariat has the honour to inform Parties and signatories to the United Nations Framework Convention on Climate Change (hereinafter referred to as the Convention) that on 28 May 2010 the secretariat received a communication of the same date from Grenada in which Grenada presents a proposed protocol in accordance with Article 17 of the Convention. The communication is attached, and the draft protocol, as received, is contained in the annex to this note.

The procedures for adoption of protocols to the Convention are contained in Article 17 of the Convention. Article 17, paragraph 1, of the Convention states that "The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention". Article 17, paragraph 2, stipulates that "The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session". It is the practice of the secretariat also to communicate proposed protocols to the signatories to the Convention and, for information, to the Depositary.

This proposal will be included in the provisional agenda of the sixteenth session of the Conference of the Parties. The full text of the proposal will also be issued as an official document of the Conference of the Parties in all of the official languages of the United Nations.

The secretariat avails itself of this opportunity to renew to the National Focal Points for climate change and to the Permanent Missions to the United Nations the assurances of its highest consideration.





**Letter dated 28 May 2010 from Grenada  
addressed to the Executive Secretary of the  
United Nations Framework Convention on Climate Change**

Mr Yvo de Boer  
Executive Secretary  
United Nations Framework  
Convention on Climate Change  
28 May 2010

28 May 2010

Dear Executive Secretary

On 12 December 2009, Grenada, on behalf of the Alliance of Small Island States (AOSIS), submitted to the secretariat a 'Proposal by the Alliance of Small Island States (AOSIS) for the Survival of the Kyoto Protocol and a Copenhagen Protocol to Enhance the Implementation of the United Nations Framework Convention on Climate Change', as input to the work of the Ad-hoc Working Group on Long-term Cooperative Action (AWG-LCA) and the Ad-hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP).

The submission was contained in FCCC/AWGLCA/2009/MISC.8, and comprised a proposed 'Protocol to Enhance the Implementation of the United Nations Framework Convention on Climate Change' and a set of proposed amendments to the Kyoto Protocol.

I respectfully request that the secretariat communicate to the Parties the attached 'Proposed Protocol to Enhance the Implementation of the United Nations Framework Convention on Climate Change', pursuant to Article 17 of the UNFCCC, in order that it may be adopted at the sixteenth session of the Conference of the Parties to the Convention.

In addition, I respectfully request that the secretariat communicate to the Parties the attached 'Proposed amendments to the Kyoto Protocol', pursuant to Article 20 of the Kyoto Protocol, in order that they may be adopted at the sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

On behalf of AOSIS, Grenada wishes to express its appreciation to the secretariat for its assistance in communicating these texts to the parties to the UNFCCC and the Kyoto Protocol.

*(signed)*

Ambassador Dessima Williams  
Chair, AOSIS

Ambassador and Permanent Representative of Grenada to the United Nations

## PROPOSED PROTOCOL TO ENHANCE THE IMPLEMENTATION OF 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 pursuit of the ultimate objective of the Convention as stated in its Article 2,

Recalling the provisions of the Convention, and the principles contained in its Article 3,

Pursuant to Decision 1/CP.13 (the 'Bali Action Plan'), adopted by the Conference of the Parties at its thirteenth session, and recognizing the need for long-term cooperative action among all Parties to enable the full, effective and sustained implementation of the Convention now, up to and beyond 2012, in order to achieve its ultimate objective,

Recalling the provisions of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, hereinafter referred to as "the Kyoto Protocol", and acknowledging its important and ongoing role in contributing to the achievement of the ultimate objective of the Convention,

Emphasizing the findings of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change that warming of the climate system is unequivocal,

Cognizant of the urgency to address climate change,

Renewing the political determination to strengthen a global partnership that enhances long-term cooperative action and addresses existing implementation gaps, and to continue building an inclusive, fair and effective implementation of the Convention that takes into account the first and overriding priorities of all developing countries, which are the promotion of sustainable economic and social development and poverty eradication

Mindful that cumulative historical emissions in developed countries remain relatively high compared with those in developing countries, and that the negative impacts of climate change are already evident and widespread, particularly in vulnerable regions of the world,

Recognizing that climate change has significant negative implications for human society and ecosystems that are already occurring and pose an existential threat to particularly vulnerable developing countries, especially the least developed countries and small island developing countries and countries in Africa affected by drought, desertification and floods who have contributed least to the problem;

Taking note of UN Human Rights Council resolution 10/4 of 25 March 2009 on "Human rights and climate change",

Acknowledging that deep cuts in global emissions will be required in as short a possible timeframe to achieve the ultimate objective of the Convention, including through fast action strategies, and that every year of delay in reducing emissions incurs significant additional

costs whilst constraining opportunities to achieve lower stabilization levels and increasing the risk of more severe climate impacts,

Recognizing the need to address the health, human rights and security implications of climate change including the grave threat to the inherent dignity, livelihood, and security of the particularly vulnerable developing countries, as well as the need for initiatives, where necessary, to prepare communities for relocation.

Have agreed as follows:

## **Article 1 DEFINITIONS**

For the purposes of this Protocol, the definitions contained in Article 1 of the Convention and Article 1 of the Kyoto Protocol shall apply *mutatis mutandis*. In addition:

“Conference of the Parties” means the Conference of the Parties to the United Nations Framework Convention on Climate Change;

“Party” means, unless the context otherwise indicates, a Party to this Protocol; and

“Particularly vulnerable developing countries” refers to least developed countries, small island developing states<sup>1</sup> and countries in Africa affected by drought, desertification and floods.

## **Article 2 SHARED VISION**

1. In their actions to achieve the ultimate objective of the Convention and to implement the provision of this Protocol, the Parties’ shared vision is to enhance their implementation of the Convention henceforth in a balanced and comprehensive manner by addressing mitigation, adaptation, technology, financing and capacity-building support.
2. A long-term global goal for emissions reduction is part of the shared vision. The Parties shall be guided by a shared vision to limit global average temperatures to well below 1.5 degrees Celsius above pre-industrial levels and to long term stabilization of greenhouse gas concentrations in the atmosphere to well below 350 parts per million of carbon dioxide equivalent in order to prevent additional dangerous anthropogenic interference with the climate system. To this end, the Parties agree that global emissions should peak by no later than 2015 and will need to be reduced by at least 85 per cent below 1990 levels by 2050.
3. The Conference of the Parties shall periodically review the overall progress towards the achievement of the ultimate objective of the Convention and actions related to the shared vision on mitigation, adaptation, finance, technology transfer and capacity-building, in accordance with the review procedure set out in Article 14 of this Protocol. Taking into account the need to prevent and minimize further impacts on particularly vulnerable developing countries, and the need to avoid breaching critical impact thresholds, the Conference of the Parties shall, in the context of such reviews, periodically review the

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<sup>1</sup> ‘Small island developing states’ refers to small island developing states and associated low-lying coastal states of the Alliance of Small Island States.

adequacy of, and progress towards the achievement of the global goals set out in paragraph 2 above. Reviews shall be based on:

- (a) the best available scientific knowledge, including the assessments of the Intergovernmental Panel of Climate Change;
- (b) the observed impacts of climate change, especially in particularly vulnerable developing countries;
- (c) relevant technical, social and economic information;
- (d) information submitted by Parties; and
- (e) an assessment of the overall aggregated effect of the steps taken by the Parties to combat climate change in order to achieve the ultimate objective of the Convention and the shared vision.

### **Article 3 ADAPTATION**

1. Parties agree that enhanced action on adaptation is urgently required to enable, support and implement action to reduce vulnerability and build resilience to the impacts of climate change.
2. Developing countries, especially the particularly vulnerable developing countries, shall be provided with the necessary financial, technological and capacity-building support by developed country Parties<sup>2</sup> through the Multilateral Fund on Climate Change (MFCC), established in Article 12, for the full range of adaptation actions undertaken pursuant to this Protocol. Adaptation actions shall include, *inter alia*: action at the project, sectoral and national levels; administrative and legislative actions; protection of people displaced by the impacts of climate change; and addressing loss and damage arising from the adverse effects of climate change.
3. Financial support for implementing adaptation action shall be grant-based, long-term and over and above existing official development assistance commitments. Developing country access to this financial support shall be simplified, expeditious and direct, with priority given to particularly vulnerable developing countries.
4. National adaptation actions may be developed and implemented at different time scales reflecting the diverse national circumstances of Parties.
5. All Parties shall develop, update periodically and make available to the Conference of the Parties, their National Adaptation Priorities (NAPs), drawing where available on existing strategies and plans. The absence of a NAP shall not be an impediment to eligibility for financial, technological and capacity-building support for adaptation actions and priorities.

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<sup>2</sup> For the purposes of this Protocol, obligations under the Convention to provide support apply to the developed country Parties and other developed Parties included in Annex II to the Convention.

6. Developing country Parties shall be supported to establish or strengthen designated national level institutional arrangements for adaptation to enhance work on the full range of adaptation actions from planning to implementation, including risk management planning for the international mechanism for addressing loss and damage.

7. Regional centres for adaptation shall be established or strengthened to assist developing country Parties with the implementation of adaptation action. The mandate, control and contribution to the funding of regional centres will be guided by the developing country Parties in the relevant region, supported by developed country Parties.

8. The Conference of the Parties shall consider the implementation of adaptation as a standing item on its agenda. The consideration of adaptation issues by the Conference of the Parties shall be supported by the Adaptation Committee, established below, which shall provide an annual report to the Conference of the Parties on its activities, together with any recommendation for actions by the Conference of the Parties.

9. An Adaptation Committee under the authority and guidance of the Conference of the Parties is hereby established. The Adaptation Committee shall be comprised of Parties to this Protocol and have a majority of Parties not included in Annex I to the Convention, and may also include representatives from relevant international organizations.

10. The purpose of the Adaptation Committee shall be to support the work of the Conference of the Parties in assisting developing country Parties to implement adaptation actions, paying special attention to the needs of particularly vulnerable developing countries. The functions of the Committee shall include, *inter alia*:

- (a) interacting with Parties and bodies currently engaged in adaptation implementation;
- (b) analysing existing work and identifying best practice;
- (c) helping countries to access adaptation related funding and support;
- (d) identifying adaptation gaps and enhancing action to respond to such gaps;
- (e) assessing delivery of financial, technological and capacity-building support; and
- (f) advising on technical matters building on work of existing Convention bodies and expert groups.

11. An international mechanism addressing risk management and risk reduction strategies and insurance related risk sharing and risk transfer mechanisms, including mechanisms to address loss and damage from the impacts of climate change, is hereby established and defined. The purpose of the international mechanism shall be to support developing country Parties, especially the particularly vulnerable developing countries, to build resilience through addressing the risks associated with climate-related extreme weather events; and compensation and rehabilitation for loss and damage resulting from climate-related slow onset events, including sea level rise, increasing temperatures and ocean acidification.

12. Financial support for planning and implementing adaptation actions that address loss and damage in developing countries shall be provided by developed countries through the adaptation and insurance windows of the Multilateral Fund on Climate Change.

13. All Parties should enhance reporting on the implementation of adaptation actions through national communications funded and submitted pursuant to Article 4, paragraph 3, and Article 12 of the Convention.

#### **Article 4 MITIGATION**

1. All Parties should contribute to the global effort to combat climate change on the basis of equity in accordance with their common but differentiated responsibilities and respective capabilities, which oblige developed country Parties to take the lead in combating climate change and the adverse effects thereof. Enhanced national action on mitigation by all Parties should, in aggregate, deliver reduction of emissions and enhanced removals by sinks of greenhouse gases not controlled by the Montreal Protocol sufficient to ensure a global emission pathway consistent with the shared vision defined in Article 2 above.

2. Accordingly commitments of developed countries shall result in a collective reduction of overall emissions of at least 45 per cent below 1990 levels by 2020, while actions by developing countries should in aggregate aim to achieve significant deviations from baselines by 2020, recognizing the role of Article 2 of the Convention and the principles set out in Article 3 of the Convention.

3. Commencing in 2012, all developed country Parties to this Protocol shall formulate, submit to the secretariat and revise every five years, a low-GHG-emissions development strategy (LGEDS).

4. Developing country Parties, based on national circumstances and in the context of sustainable development, poverty reduction and access to energy, and enabled by financing, technology and capacity-building support provided by developed country Parties through the mitigation window of the MFCC, shall submit strategies for achieving substantial deviation from baselines. Initial submissions may be based on existing sources of information such as national communications and national plans and strategies.

5. Such strategies shall be communicated to the Parties, through the Secretariat, alongside national communications in accordance with Article 12 of the Convention. Least developed countries and small island developing states may make their initial and subsequent submissions of their strategies at their discretion, but where they have chosen to do so, such countries shall be entitled to expedited and prioritized funding for these strategies through the mitigation window of the MFCC, taking into account the need to support Parties in their efforts to transition to lower-emission forms of development.

6. In accordance with their common but differentiated responsibilities and respective capabilities, which oblige developed countries to take the lead in combating climate change and the adverse effects thereof, all Parties shall undertake measures to enhance the mitigation of climate change by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol, as follows:

- (a) The Parties included in Annex I to the Convention that are also Party to the Kyoto Protocol shall, individually or jointly, ensure that for the second commitment period under the Kyoto Protocol (2013 to 2017) and subsequent commitment periods, their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A to the Protocol do not exceed their assigned amounts calculated pursuant to their quantified emissions limitation and reduction commitments inscribed in Annex B to the Kyoto Protocol, as duplicated in Annex Z to this Protocol. Parties' quantified emissions limitation and reduction commitments for subsequent five-year commitment periods, established in amendments to Annex B to the Kyoto Protocol, shall be duplicated in Annex Z to this Protocol.
- (b) Any Party included in Annex I to the Convention that is not Party to the Kyoto Protocol shall ensure that its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex Y do not exceed its inscribed amounts for the assessment period 2013 to 2017 or for subsequent assessment periods, calculated pursuant to its economy-wide quantified emission limitation or reduction commitments inscribed in Annex Z to this Protocol. Commitments for subsequent five-year assessment periods shall be inscribed in Annex Z to this Protocol in accordance with the adjustment procedures set out in Article 14 of this Protocol.
- (c) If, subsequent to the adoption of this Protocol, a Party to the Convention not addressed in subparagraphs (a) and (b) above voluntarily proposes a national emissions limitation target for the assessment period 2013 to 2017 or subsequent assessment period, the following procedures and rules shall apply:
  - (i) The Conference of the Parties shall determine whether the proposal would contribute to the achievement of Article 2 of the Convention and the shared vision set out in Article 2 of this Protocol, taking into account the need to ensure consistency and transparency with regard to the measurable, reportable and verifiable nature of the targets agreed pursuant to this sub-paragraph and sub-paragraphs (a) and (b) above.
  - (ii) In the case of a positive determination, the Conference of the Parties shall take the necessary action to inscribe this target in Annex Z of this Protocol in the form of a national or sectoral voluntary emission limitation target expressed as a percentage of base year or period.
- (d) "Inscribed amounts" shall be calculated on the basis of methodologies, rules and procedures used to calculate and record the assigned amount of Annex I Parties to the Kyoto Protocol pursuant to Articles 3, 5, 7 and 8 of the Kyoto Protocol.
- (e) The Conference of the Parties shall at its next session following the adoption of this Protocol define the relevant principles, modalities, rules and guidelines for the generation and use of units that may be transferred and acquired for compliance, guided by the eligibility requirements for participation in the mechanisms under the Kyoto Protocol.



**Article 5**  
**NATIONALLY APPROPRIATE MITIGATION ACTIONS**

1. Developing country Parties shall undertake nationally appropriate mitigation actions (NAMAs) in the context of sustainable development, which shall aim to reduce emissions and enhance removals by sinks of greenhouse gases not controlled by the Montreal Protocol supported and enabled by technology, financing and capacity-building provided by developed country Parties through the mitigation window of the Multilateral Fund on Climate Change.
2. NAMAs may include a range of actions, undertaken at the national, sectoral or project level which, to be registered, must result in a quantifiable reduction of emissions of greenhouse gases below baseline.
3. Proposals for NAMAs by developing countries may be submitted for pre-registration in the Registry established pursuant to Article 6 of this Protocol, in accordance with the guidelines for pre-registration, financial matchmaking, notification of implementation and recording for NAMAs adopted by the Conference of the Parties. All NAMAs that have been notified to the Registry as being implemented by developing countries shall be recorded in the Registry, whether or not such NAMAs are being financially supported.
4. The results of NAMAs undertaken by developing countries pursuant to this Article shall be compiled by the Secretariat. The purpose of the compilation shall be to provide information on developing country Parties' mitigation efforts, individually and collectively, and the intended and actual results of their mitigation actions. The Conference of the Parties shall consider and adopt detailed guidelines for the format and functioning of the compilation.

**Article 6**  
**THE REGISTRY**

1. A Registry is hereby established.
2. The purpose of the Registry shall be to register and facilitate the implementation of nationally appropriate mitigation actions by developing country Parties to this Protocol through the arrangement of financing of NAMAs, where so requested by a developing country Party, and recording the financial, technological and capacity related support provided by developed country Parties to this Protocol to support NAMAs.
3. The Registry shall function under the authority of the Conference of the Parties and shall be maintained by the secretariat of the Convention. The Registry's structure and governance arrangements, including the establishment of technical panels to assess the potential outcomes of NAMAs, shall be further elaborated by the next session of the Conference of the Parties after the adoption of this Protocol.
4. NAMAs eligible for registration may include:
  - (a) actions that are supported by developed country Parties;

- (b) actions for which support is sought; and
- (c) actions that are domestically funded by developing country Parties.

5. Under the Registry:

- (a) Developing country Parties seeking support for nationally appropriate mitigation actions shall submit information about proposed nationally appropriate mitigation actions, including:
  - (i) a description of the action for which support is sought;
  - (ii) the expected outcomes in terms of quantifiable emission reductions in tons of carbon dioxide-equivalent relative to nationally determined baselines;
  - (iii) the time frame for implementation; and
  - (iv) the estimated cost.
- (b) Information about proposed NAMAs, as outlined in paragraph (a) above, shall be assessed by a technical panels coordinated by the secretariat, in accordance with guidelines agreed by the Conference of the Parties to determine whether a proposed NAMA shall be recorded as registered in the Registry.
- (c) Developing country Parties shall report on registered NAMAs in an agreed format that indicated the impacts of their NAMAs on national emissions inventories. Emissions reductions achieved by developing country Parties that are below measured, reported and verified baselines shall be recognized and, subject to the rules, procedures and modalities relating to market mechanisms established pursuant to Article 9, may lead to the generation of offsets.
- (d) Developing country Parties with emissions representing in excess of [X] percent of global emissions in [ XXXX ] shall report every two years, with the first report to be presented no later than [ date ]. This provision shall not apply to Least Developed Countries and small island developing states, which may report at their discretion or through the national communication process pursuant to Article 12 of the Convention.
- (e) Monitoring, review and verification of NAMAs may be undertaken by accredited national, regional and international bodies in accordance with guidelines to be adopted by the Conference of the Parties. Support for NAMAs provided by developed country Parties under the Registry shall be measured, reported and verified annually, in accordance with guidelines to be adopted by the Conference of the Parties.

**Article 7**  
**EMISSIONS FROM INTERNATIONAL AVIATION AND MARITIME TRANSPORT**

The Conference of the Parties, with a view to reducing emissions on a scale consistent with the shared vision outlined in Article 2, invites the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO) to initiate additional technical and operational actions, and provide updates of progress to the Conference of the Parties at each of its sessions, commencing at its sixteenth session. Parties to this Protocol that are also members of the IMO and ICAO shall take the actions necessary to bring effect to these actions in the IMO and ICAO, respectively.

**Article 8**  
**REDUCING EMISSIONS FROM DEFORESTATION AND FOREST DEGRADATION IN DEVELOPING COUNTRIES; AND THE ROLE OF CONSERVATION, SUSTAINABLE MANAGEMENT OF FORESTS AND THE ENHANCEMENT OF FOREST CARBON STOCKS IN DEVELOPING COUNTRIES**

1. All Parties shall aim to halt forest cover loss in developing countries by 2030 at the latest and reduce gross deforestation in developing countries by at least 50 per cent by 2020 compared to current levels.
2. All Parties shall undertake policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation (REDD) in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.
3. Actions taken by Parties in the context of paragraph 1 above shall:
  - (a) contribute to the objective prescribe in Article 2 of the Convention;
  - (b) be country-driven and voluntary;
  - (c) be undertaken in accordance with the respective capabilities and national circumstances of Parties and respect sovereignty;
  - (d) be consistent with national sustainable development goals;
  - (e) contribute to poverty reduction;
  - (f) promote broad country participation;
  - (g) contribute to the adaptation needs of countries; and
  - (h) support developing countries in reorganizing the role of forests in the context of supporting low-carbon economies.
4. When undertaking actions referred to in paragraph 1 above Parties shall ensure that:

- (a) non-permanence of actions is adequately addressed;
  - (b) necessary actions are taken to address leakage and international and national displacement of emissions;
  - (c) robust, transparent and accountable forest governance structures and accessible support mechanisms are established and maintained, while taking into account national legislation;
  - (d) actions are consistent with relevant international conventions and agreements;
  - (e) all actions are consistent with the United Nations Declaration on the Rights of Indigenous Peoples and respect the knowledge and rights of indigenous peoples including ensuring their free, prior and informed consent;
  - (f) all actions promote the full and effective participation of all relevant stakeholders; and
  - (g) all actions are consistent with the conservation of biological diversity and do not provide incentives for the conversion of natural forests.
5. In accordance with national circumstances, developing country Parties aiming to undertake actions referred to in paragraph 1 above shall develop:
- (a) national action plans;
  - (b) national reference emission levels and or national reference levels which shall be regularly updated and submitted for review and verification by the Conference of the Parties in accordance with procedures and guidelines developed by the Conference of the Parties; and
  - (c) robust and transparent national monitoring and reporting systems for emissions and removals within the context of action taken with respect to paragraph 1 above.
6. National action plans referred to in paragraph 5(a) above, shall incorporate policies and measures to address issues, concepts and principles referred to in paragraph 4, subparagraphs (a) to (g) above.
7. All Parties shall undertake policies and measures to address the drivers of deforestation and forest degradation and promote conservation, sustainable management of forests and the enhancement of forest carbon stocks.
8. The implementation of actions prescribed in paragraph 1 above shall be supported by finance, technology and capacity development through a REDD funding window of the MFCC under this Protocol and through, *inter alia*, a variety of sources, including public, private and market-based sources, as appropriate<sup>3</sup>, that employs robust methodological standards for

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<sup>3</sup> Tuvalu has expressed a reservation on the reference to market-based sources.

measurable, reportable and verifiable actions. Robust environmental integrity will need to be maintained if a REDD mechanism is linked to international carbon markets.

9. In support of actions prescribed in paragraph 1 above, developing country Parties shall establish community-based trust funds and national forest conservation funds.

10. At its next session following the adoption of this Protocol, the Conference of the Parties shall adopt appropriate means of measuring, reporting and verifying nationally appropriate mitigation actions associated with reducing emissions from deforestation and forest degradation, and elaborate modalities and procedures for establishing reference emission levels and/or reference levels.

11. At its next session following the adoption of this Protocol, the Conference of the Parties shall adopt appropriate means for establishing an international reference level and international monitoring systems to address international emissions displacement.

12. Regional REDD centres shall be established to assist developing countries to undertake actions prescribed in paragraph 1 above.

#### **Article 9 POLICIES AND MEASURES**

The use of policy and measures to meet the commitments of developed country Parties shall be subject to the authority of the Conference of the Parties. To facilitate the use by Parties of such policies and measures, the Conference of the Parties shall, at its next session following the adoption of this Protocol, define the relevant principles, modalities, rules and guidelines for specific policies and measures established under this Protocol. In doing so, the Conference of the Parties shall ensure that there is no double-counting between different forms of units generated by policies and measures, including those established pursuant to the Kyoto Protocol.

#### **Article 10 CAPACITY BUILDING**

1. Parties affirm that capacity-building is a cross-cutting issue that is fundamentally related to the implementation by developing countries of their actions under the Convention and this Protocol. To enable developing country Parties to participate fully in national and international processes related to the implementation of the Convention and this Protocol, developed country Parties agree to provide financial and technological support in the context of Article 4, paragraph 9 of the Convention in a transparent, expedited, sustainable and predictable manner, with direct access, under the overall guidance of the Conference of the Parties, through a dedicated window for funding for capacity-building to be established under the MFCC.

2. Parties agree that enhanced action on capacity building shall be, *inter alia*:

(a) A continuous, progressive and iterative process;

- (b) Country-driven and consistent with national priorities and circumstances; and
- (c) Participatory.

3. Parties agree that capacity-building actions shall be enhanced in order to fully implement the framework for capacity-building in developing countries as contained in the annex to decision 2/CP.7, including, *inter alia*,

- (a) to build, develop, strengthen, improve and enhance, as appropriate, the capacity of developing country Parties in areas identified in the agreed outcome of the building blocks of the Bali Action Plan;
- (b) to support developing country Parties in formulating and implementing capacity building projects, programmes and activities related to all aspects of the Convention and this Protocol;
- (c) to strengthen subnational, national or regional capacities, skills, capabilities and institutions to address emerging capacity-building needs, particularly those related to the enhanced implementation of the Convention and this Protocol;
- (d) to strengthen the capacity to plan, prepare and implement climate change actions, including the integration of such actions into relevant national strategies and plans; and
- (e) to strengthen the capacity to monitor and report on climate change action, including for the preparation of national communications.

#### **Article 11 TECHNOLOGY DEVELOPMENT AND TRANSFER**

1. All Parties shall enhance cooperation and joint development to promote the development, deployment, diffusion and transfer of climate friendly technologies, in particular to take effective measures to encourage and provide incentives for technology transfer to developing countries, remove relevant barriers, and appropriately address issues of intellectual property rights.

2. A mechanism for technology development and transfer, the Technology Mechanism, is hereby established to fully implement the commitments on technology development and transfer under the Convention, in particular Article 4, paragraphs 3, 5, and 7 of the Convention.

3. The Technology Mechanism shall operate under the authority and guidance of the Conference of the Parties and be accountable to it. It shall be comprised of an Executive Body on Technology which shall oversee panels to support technology development and transfer incentives programs, capacity building programs and innovation centers and networks, and other priority areas to be further elaborated by the Conference of the Parties.

4. The Executive Body on Technology shall be comprised of 21 members, as follows: four members from each United Nations regional grouping, taking into account the need to

ensure representation from Least Developed Countries, and one member representing the small island developing states. The structure of the Technology Mechanism and its detailed rules and working modalities, including majority decision-making procedures, shall be further elaborated by the Conference of the Parties. The core functions of the Executive Body shall be to:

- (a) Accelerate the development, demonstration, deployment, adoption and diffusion of environmentally sound technologies in developing country Parties, and the transfer of such technologies from developed country Parties to developing country Parties, in order to avoid the lock-in effects of technologies that are not environmentally sound, and to promote sustainable development in developing country Parties;
- (b) Provide access to technology for adaptation at national, subregional and regional levels, enabled by capacity-building and the provision of new and additional, adequate and predictable financing resources to meet the costs of both integration of adaptation into the development process and stand-alone adaptation activities;
- (c) Monitor and assess the financial support and performance of development and transfer of environmentally sound technologies in terms of speed, range and size of the technological flow;
- (d) Remove barriers for technology development and transfer to developing countries, and enhance the means of facilitating this transfer in order to promote urgent access to advanced environmentally sound technologies;
- (e) Promote the establishment of and strengthen, as appropriate, national and regional technology innovation centres and networks, including centre-to-centre twinning arrangements, with a view to enhancing cooperative research and development and North-South, South-South, and triangular technology cooperation, to accelerate the development, demonstration, deployment, diffusion and transfer of environmentally safe and sound technologies to support action on mitigation and adaptation by developing country Parties; and
- (f) Report annually to the Conference of the Parties on progress to achieve the objective set out in paragraph 1 above, including recommendations for further action.

5. Technology related activities and actions are eligible for support from the MFCC on the basis of priorities determined by the Conference of the Parties taking into account existing programmes of work undertaken pursuant to the Convention, and any other additional guidance decided by the Conference of the Parties pursuant to this Protocol.

## **Article 12**

### **THE MULTILATERAL FUND ON CLIMATE CHANGE**

1. Developed country Parties and other developed country Parties included in Annex II shall provide new, additional and predictable financial resources to support enhanced action

on mitigation and adaptation in all developing countries, in accordance with Article 4 of the Convention. The provision of financial resources shall be guided by the principles of the Convention and the priorities of developing countries that are Party to this Protocol, especially particularly vulnerable developing countries.

2. In the context of the implementation of Article 4, paragraphs 3, 4, 5, and 7, of the Convention and the provisions of Article 11 of the Convention, a Multilateral Fund on Climate Change is hereby established.

3. The Conference of the Parties shall elect an Executive Board to manage the MFCC. The Executive Board shall operate under the authority and guidance of, and be accountable to the Conference of the Parties, and shall exercise authority and provide overall strategic guidance to the MFCC.

4. The Executive Board shall have an equitable and balanced representation, and be comprised of 19 members, as follows: three members from each United Nations regional grouping, two members representing the small island developing states, and two members from the group of Least Developed Countries.

5. The MFCC shall have six discrete funding windows: Adaptation; Mitigation; REDD; Insurance; Capacity-Building and Technology. The Board shall recommend to the Conference of the Parties the proportion of funding that shall be allocated to each funding window, but shall give priority to funding for adaptation.

6. The Executive Board shall establish technical advisory panels for each of the funding windows to, *inter alia*, identify sources of funding and priorities for funding, and provide assistance, on request from developing countries, in developing project proposals and finding appropriate financial support. Under the guidance of the Conference of the Parties, the Executive Board shall also develop strategic guidance on ensuring equity in the distribution of financial resources to ensure that developing countries are able to undertake their proposed NAMAs and National Adaptation Priorities.

7. The Executive Board shall provide to the Conference of the Parties annual estimates of the financial resources pledged, distributed and allocated to enhance the implementation of the Convention, as well as the needs of developing countries in respect of mitigation and adaptation, taking into account the proposed mitigation and adaptation actions proposed by developing countries for the relevant timeframe. Such estimates shall be used to inform reviews of the implementation of this Protocol in accordance with Article 14.

8. The Conference of the Parties shall invite existing international institutions to serve as the secretariat of the MFCC. The Conference of the Parties shall further invite an existing international financial institution to serve as Trustee to the Board, determined on the basis of an open bidding process.

9. The MFCC shall be made operational no later than the 16<sup>th</sup> session of the Conference of the Parties.

10. The MFCC shall be financed from new and additional financial resources over and above Official Development Assistance (ODA) generated through a combination of various sources, including the following:



- (a) an assessed contribution from developed country Parties, based on [ {GDP} {the polluter pays principle} {current emission levels} {historical responsibility}, amounting to {{0.5 to 1}{0.8}{2} per cent of gross national product} {0.5 to 1 per cent of GDP}]<sup>4</sup>;
- (b) revenues generated by the Kyoto Protocol and transferred by the Adaptation Fund to the adaptation window of the MFCC.
- (c) revenues generated by any policies and measures established under Article 9 of this Protocol;
- (d) penalties or fines imposed as a consequence of non-compliance by developed country Parties with respect to their emission reduction and financial support commitments; and
- (e) other sources including, but not limited to, resources being provided by an entity that operates the Financial Mechanism under the Convention.

### **Article 13 COMPLIANCE**

The Conference of the Parties shall approve appropriate and effective procedures and mechanisms to determine and address cases of non-compliance with the quantified emission limitation and reduction commitments undertaken by developed country Parties pursuant to subparagraphs 6(a) and 6(b) of Article 4 of this Protocol. Such procedures and mechanisms shall be based on those established pursuant to Article 18 of the Kyoto Protocol, including related decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, in order to address cases of non-compliance, and shall be strengthened.

### **Article 14 REVIEW AND ADJUSTMENT PROCEDURES**

#### *Review*

1. Commencing in 2015, and at least every five years thereafter, the Conference of the Parties shall review the implementation of this Protocol. Such periodic reviews shall include the review of the adequacy of, and progress towards the achievement of, the shared vision, in accordance with paragraph 3 of Article 2 of this Protocol.
2. The Conference of the Parties shall establish modalities for conducting the periodic reviews not later than 2012, including an indicative list of actions that may be taken by the Conference of the Parties at its first review to advance the achievement of the shared vision and progress towards the achievement of the ultimate objective of the Convention.

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<sup>4</sup> This list is without prejudice to further discussions on sources of financing for the purposes of this Protocol.

### *Adjustment*

3. Parties shall consider adjustment of the long-term global goals in paragraph 2 of Article 2 of this Protocol on the basis of periodic reviews conducted in accordance with paragraph 3 of Article 2 and paragraph 1 of this Article. The Parties shall decide whether adjustments should be made, and if so, the nature of such adjustments, including their scope, scale and timing.

4. Proposals for such adjustments shall be communicated to all Parties to the Convention at least six months before the session of the Conference of the Parties at which they are proposed for adoption. In taking decisions on adjustments to paragraph 2 of Article 2, the Parties to this Protocol shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement is reached, such decisions may, as a last resort, be adopted by a two-thirds majority vote. Decisions to adjust the long-term global goals in paragraph 2 of Article 2 shall be communicated to the Parties by the Depositary. Such adjustments shall take effect six months after the date of circulation of the communication by the Depositary.

### *Adjustment of Annexes*

5. Consideration by the Parties of adjustments to Annexes Y and Z shall be initiated at least two years before the end of the current commitment period, taking into account the provisions of paragraph 1 of Article 4 of this Protocol and the results of periodic reviews. Proposals for such adjustments shall be communicated to all Parties to the Convention at least six months before the session of the Conference of the Parties at which they are proposed for adoption. The Parties to this Protocol shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement is reached, such adjustments may, as a last resort, be adopted by a two-thirds majority vote, provided that any adjustment shall be adopted only with the written consent of the Party concerned, and that no adjustment may be made within one year before the end of the current commitment period. Decisions to adjust Annex Z shall be communicated to the Parties by the Depositary, and shall take effect six months after the date of circulation of the communication by the Depositary.

## **Article 15 AMENDMENT OF THE PROTOCOL**

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 Conference 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 session of the Conference of the Parties 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 is reached, the amendment may, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting. The adopted amendment shall be communicated by the secretariat to the Depository, who shall circulate it to all Parties for their acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depository. 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 Depository of an instrument of acceptance by at least half of the Parties to this Protocol.

#### **Article 16 SETTLEMENT OF DISPUTES**

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

#### **Article 17 RELATIONSHIP BETWEEN THIS PROTOCOL, THE CONVENTION AND THE KYOTO PROTOCOL**

1. The Conference of the Parties, the supreme body of the Convention, is also the supreme body of this Protocol.

2. When the Conference of the Parties is taking decisions under this Protocol, such decisions shall only be taken by those that are Party to this Protocol. Only Parties to this Protocol shall be entitled to serve on the constituted bodies established pursuant to this Protocol.

3. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Protocol. 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 18 IMMUNITIES FOR PERSONS SERVING ON BODIES CONSTITUTED UNDER THE PROTOCOL**

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 Protocol with the Government of the Federal Republic of Germany, the Conference of the Parties shall, at its next session following the adoption of this Protocol, examine the issue of immunities for persons serving on bodies constituted under this Protocol.

**Article 19**  
**RESERVATIONS AND WITHDRAWALS**

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.
4. No reservations may be made to this Protocol.

**Article 20**  
**ENTRY INTO FORCE**

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. The Protocol shall enter into force 30 days after the date of deposit of the [XXth] instrument of ratification, approval, acceptance or accession.
3. For Party to the Convention which ratifies, approves or accepts this Protocol or accedes thereto after the deposit of the [XXth] 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 21**  
**PROVISIONAL APPLICATION**

1. Each signatory agrees to apply this Protocol provisionally pending its entry into force, to the extent that such provisional application is not inconsistent with its constitution, laws or regulations.
2. Provisional application as defined in paragraph 1 above shall be effective for a period of 12 months from January 1<sup>st</sup>, 2012. In the event that this Protocol does not enter into force before the period of provisional application expires, that period may be extended if all signatory States so decide. The period of provisional application shall in any event terminate when this Protocol enters into force. However, the Parties to this Protocol and the signatory

States in respect of which this Protocol is yet to enter into force may then decide to extend the period of provisional application in respect of those signatory States.

**Article 22**  
**DEPOSITORY**

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

**Article 23**  
**AUTHENTIC TEXTS**

1. 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.

**IN WITNESS WHEREOF** the undersigned, being duly authorized to that effect, have signed this Protocol,

**DONE** at \_\_\_\_\_, this \_\_\_\_\_.

## ANNEX Y

### Greenhouse gases

Carbon dioxide (CO<sub>2</sub>)  
Methane (CH<sub>4</sub>)  
Nitrous oxide (N<sub>2</sub>O)  
Hydrofluorocarbons (HFCs)  
Perfluorocarbons (PFCs)  
Perfluorinated compounds  
    Sulphur hexafluoride (SF<sub>6</sub>)  
    Nitrogen trifluoride (NF<sub>3</sub>)  
Hydrofluoroethers/Fluorinated ethers (HFEs)  
Perfluoropolyethers (PFPMIE)  
Trifluoromethyl sulphur pentafluoride (SF<sub>5</sub>CF<sub>3</sub>)

### Sectors/source categories

#### Energy

Fuel combustion  
Energy industries  
Manufacturing industries and construction  
Transport  
Other sectors  
Other

#### Fugitive emissions from fuels

Solid fuels  
Oil and natural gas  
Other

#### Industrial processes

Mineral products  
Chemical industry  
Metal production  
Other production  
Production of halocarbons and sulphur hexafluoride  
Consumption of halocarbons and sulphur hexafluoride  
Other

#### Solvent and other product use

#### Agriculture

Enteric fermentation  
Manure management  
Rice cultivation  
Agricultural soils  
Prescribed burning of savannas  
Field burning of agricultural residues  
Other

#### Waste

## ANNEX Z

[Table to be inserted]

