

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Second session
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18 June 1991
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PREPARATION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

Set of informal papers
provided by delegations, related to the preparation
of a framework convention on climate change

Note by the secretariat

Addendum 3

This addendum contains material received by 17 June 1991

List of informal papers

15. INDIA: Non-paper. Draft framework convention on climate change (sent with letter of 12 June 1991).

16. VANUATU: Elements for a framework convention on climate change, proposed by Vanuatu on behalf of States Members of the United Nations and of the specialized agencies that are members of the Alliance of Small Island States (AOSIS) (sent with letter of 5 June 1991).

PAPER NO. 15: INDIA

Non-paper

DRAFT FRAMEWORK CONVENTION ON CLIMATE CHANGE

Preamble

A. Recalling the provisions of General Assembly resolutions 45/53 of 6 December 1988, 44/207 of 22 December 1989 and 45/212 of 21 December 1990 on Protection of Global Climate for present and future generations of mankind,

B. Acknowledging that global climate change is a matter of common concern for mankind,

C. Recognizing the valuable scientific work on global climate change initiated by the United Nations Environment Programme and the World Meteorological Organization,

D. Recognizing also the need for continuing and extensive scientific research to promote a fuller and more definitive understanding of various aspects of climate change,

E. Noting the fact that the largest part of the current emission of pollutants into the environment originates in developed countries, and recognizing therefore that these countries have the main responsibility for combating such pollution,

F. Concerned that excessive past and present anthropogenic emissions of greenhouse gases have led to accumulated concentrations in the atmosphere which may, in the absence of ameliorative action result in such incremental warming as will adversely affect mankind,

G. Reaffirming the direct interrelationship between environment and development, and recognizing therefore the crucial importance of a favourable international climate for ensuring sustained economic growth, particularly in developing countries,

H. Recognizing that the developing countries have as their main priority the eradication of poverty and the achievement of economic and social development and that their emissions must grow to accommodate their development needs, reflecting the equal right of all peoples in matters relating to living standards,

I. Recognizing also that adequate, new and additional financial resources and technology transfers on preferential and non-commercial terms are necessary to enable developing countries to effectively contribute to limiting, adapting to and mitigating the adverse effects of global climate change,

J. Reaffirming the importance of integrating environmental concerns and considerations into policies and programmes in all countries without introducing a new form of conditionality in aid or development financing or constituting a pretext for unjustified barriers to trade.

ARTICLE 1

Definitions

1. "Climate" means the statistical description of weather taken over a period long enough to be generally representative.
2. "Adverse effects" means changes in the global climate that have, or are likely to have, significant deleterious effects on the health of all life forms, or on natural and managed ecosystems or life-support systems.
3. "Greenhouse gases" means those gases which, when released into the atmosphere, block the outward reflection of the sun's energy from the earth's surface, and lead to a rise in the temperature of the earth's atmosphere.
4. "Developing countries" means those countries which are so defined for purposes of assessment of contributions to the budget of the United Nations, and "Developed countries" means all other parties to this Convention.
5. "Parties" means, unless the text indicates otherwise, Parties to this Convention.
6. "Protocols" means protocols to this Convention.
7. "Environmentally sound technology" means technology which satisfies both environmental and economic criteria and is otherwise appropriate in the specific circumstances prevailing in a country and which is so accepted by the Government of that country.

ARTICLE 2

Commitments

1. The Parties agree to cooperate by means of systematic and sustained research and information exchanges in order to better understand the causes and impacts of climate change and the response strategies required to deal with such change.
2. The Parties agree to work towards a common long-term objective of stabilizing the concentration of greenhouse gases in the atmosphere, at an appropriate level to be agreed upon in the light of future scientific findings, and on the basis of an equitable formula requiring, inter alia, that anthropogenic emissions of carbon dioxide from States should converge at a common per capita level, and which would take into account net carbon dioxide emissions during this century.

3. Developed country Parties shall, as immediate measures: (a) declare, adopt and implement national strategies to stabilize and reduce their per capita emissions of greenhouse gases, particularly carbon dioxide; stabilization of emissions of greenhouse gases other than those controlled by the Montreal Protocol, particularly carbon dioxide, should be achieved by the developed countries Parties at the latest by the year 2000 and should be set at 1990 emission levels, with the goal of achieving at least a (20%) (30%) (40%) (50%) reduction on these stabilized levels by the year 2005; (b) provide new and additional financial resources for developing country Parties for the objective described in paragraph 4 below and for them to adapt to and mitigate the adverse effects of climate change and for this purpose to establish a Climate Fund; (c) provide assured access to appropriate, environmentally sound technology on preferential and non-commercial terms, to developing countries; and (d) to support developing countries in their efforts to create and develop their endogenous capacities in scientific and technological research and development directed at combating climate change.

4. Developing country Parties may, in accordance with their national development plans, priorities and objectives, consider feasible measures with regard to climate change provided that the full incremental costs involved are met by provision of new and additional financial resources from the developed countries Parties.

ARTICLE 3

Research, systematic observation and assessment

The Parties undertake, as appropriate to initiate and cooperate in, directly or through competent international bodies, the conduct of research and scientific assessment on:

(a) The physical, chemical and biological processes that may affect the global climate;

(b) The identification of the substances, practices, processes and activities that have, or are likely to have significant adverse effects on the global climate, and of appropriate strategies for controlling them;

(c) The methods of predicting future changes in the global climate that are due to human activities, including the preparation of improved climate models;

(d) The techniques for monitoring and measuring greenhouse gas emission rates and their uptake by sinks;

(e) The impacts, in particular in low-lying coastal areas, on health and the environment, as well as the social and economic costs and benefits of changes to the global climate;

(f) The costs and benefits of implementing effective strategies to modify human activities that may result in significant adverse effects on the global climate;

(g) Environmentally sound technologies and practices for mitigating the adverse effects of changes in the global climate arising from human activities, including greater efficiency in energy use, due account being taken of the fact that measures appropriate in some countries may not be relevant elsewhere on account of, inter alia, differing economic, social or environmental situations;

(h) The full incremental cost to developing countries of limiting/adapting to and mitigating the adverse effects of global climate change.

2. The Parties undertake to promote or establish, as appropriate, directly or through competent intergovernmental bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the global climate.

3. The Parties undertake to cooperate, directly or through competent intergovernmental bodies, in ensuring the collection, validation and transmission of research and observational data on changes in the global climate through appropriate world data centres in a regular and timely manner.

ARTICLE 4

Cooperation in legal, technical and scientific fields

1. The Parties shall promote and encourage the exchange of scientific, technical, legal and other information relevant to this Convention. Such information shall be supplied to the Secretariat which shall ensure that information regarded as confidential by the supplying Party is not disclosed and is, where so requested by the supplying Party, aggregated to protect its confidentiality before it is made available to all Parties.

2. The Parties shall cooperate, consistent with their national laws, regulations and practices and taking into account the particular needs of developing countries, in promoting directly or through competent

intergovernmental bodies, the development and transfer of technology and knowledge relevant to scientific and technical research. Such cooperation shall be carried out particularly through:

- (a) Facilitation of the acquisition of environmentally sound technologies by other Parties;
- (b) Provision of information on environmentally sound technologies and equipment, including supply of special manuals or guides, to other Parties;
- (c) The supply of necessary equipment and facilities for research and systematic observations; and
- (d) Appropriate training of scientific, technical and managerial personnel.

ARTICLE 5

Climate Fund

1. The Parties shall establish a Climate Fund. The Climate Fund shall meet on a grant basis, and according to criteria to be decided upon by the Parties, the costs for developing countries Parties to adapt to and mitigate the adverse effects of climate change and for meeting the objective described in paragraph 4 of article 2 of this Convention. The secretarial services and related support costs of the Climate Fund shall be a charge on the Climate Fund.
2. The Climate Fund shall operate under the authority of the Parties who shall decide on its overall policies.
3. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of financial resources, for the purpose of achieving the objectives of the Climate Fund. The Executive Committee shall discharge its tasks and responsibilities, to be specified in its terms of reference as agreed by the Parties at their first meeting, with the cooperation and assistance of the United Nations Environment Programme. The members of the Executive Committee shall be selected on the basis of an equitable representation of developed countries Parties and of developing countries Parties.
4. The Climate Fund shall be financed by contributions from developed countries Parties in convertible currency or, in exceptional circumstances, in national currency.

5. The Parties shall decide upon the programme budget of the Climate Fund for each fiscal period.

6. Resources under the Climate Fund shall be disbursed only to developing countries Parties.

7. Decisions by the Parties under this article shall be taken by consensus as far as possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two thirds majority vote of the Parties present and voting, representing a majority of the developed countries Parties and of the developing countries Parties, present and voting.

8. This article is without prejudice to any future arrangements as regards funding that may be developed with respect to Protocols under this Convention.

ARTICLE 6

Transfer of technology

Parties shall take every practicable step, consistent with the programmes supported by the Climate Fund, to ensure that:

(a) Environmentally sound technologies are expeditiously transferred to developing countries Parties; and

(b) The transfers referred to in subparagraph (a) above occur under preferential and non-commercial terms.

ARTICLE 7

Transmission of information

The Parties shall transmit, through the Secretariat to the Conference of the Parties established under article 8 information on the measures adopted by them in implementation of the Convention and of Protocols to which they are a Party in such form and at such intervals as the meetings of the Parties to the relevant instrument may determine.

ARTICLE 8

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the

written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the Secretariat.

4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and take the decisions necessary to ensure its effective operation. To this end, it shall:

(a) Establish the form and the intervals for transmitting the information to be submitted in accordance with article 5 and consider such information as well as reports submitted by any subsidiary body;

(b) Review the scientific information concerning adverse effects on the global climate and on the likely consequences of such adverse effects;

(c) Monitor and review the implementation of measures envisaged in article 2, including the operation of its financial mechanism;

(d) Promote in accordance with article 2, the harmonization of appropriate policies, strategies and measures for controlling human activities that cause or are likely to cause adverse effects on the global climate, and make recommendations on any other measures necessary for the efficient operation of this Convention;

(e) Develop appropriate procedures for monitoring compliance with the provisions of this Convention;

(f) Adopt, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological cooperation, the exchange of information and the transfer of technology and knowledge;

(g) Consider and adopt, as required, in accordance with articles 11 and 12, amendments to this Convention and its annexes;

(h) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the Parties to the protocol concerned;

(i) Consider and adopt, as required, in accordance with article 12, additional annexes to this Convention;

(j) Consider and adopt, as required, protocols in accordance with article 10;

(k) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

(l) Seek, where appropriate, the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from those bodies and committees;

(m) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any States not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to changes to the global climate which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

ARTICLE 9

Secretariat

1. The functions of the Secretariat shall be:

(a) To arrange for and service meetings provided for in Articles 8, 10, 11 and 12;

(b) To prepare and transmit reports based upon information received in accordance with Articles 4 and 7, as well as upon information derived from meetings of subsidiary bodies established under Article 8;

(c) To perform the functions assigned to it by any protocol;

(d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

(e) To ensure the necessary coordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(f) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conferences of the Parties.

2. The Secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to Article 8. At its first ordinary meeting, the Conference of the Parties shall designate the Secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the Secretariat functions under this Convention.

ARTICLE 10

Adoption of Protocols

1. The Conference of the Parties may at a meeting adopt protocols pursuant to Article 2.
2. Each such Protocol shall include, as an integral feature, a separate and distinct funding mechanism controlled by an executive committee composed of States Parties to such a protocol.
3. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before such a meeting.

ARTICLE 11

Amendment of the Convention or Protocols

1. Any Party may propose amendments to this Convention and any Party to a Protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of the present state of scientific and technical knowledge.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Convention for information.

3. The Parties to the instrument in question shall make every effort to reach agreement on any proposed amendment to this Convention or a 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 two thirds majority vote of such Parties present and voting at the meeting, and shall be submitted by the Depositary to all such Parties for ratification, acceptance or approval.

4. Instrument of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 above shall enter into force between parties having accepted them on the ninetieth day after the day of receipt by the Depositary of notification of their ratification, acceptance or approval by at least two thirds of the Parties to this Convention or a protocol thereto, unless otherwise provided in such protocol or in the amending instrument itself. The amendments shall enter into force for any other party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.

5. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

ARTICLE 12

Adoption and amendment of Annexes

1. Annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention or any protocol shall be proposed and adopted according to the procedure laid down in Article 11, paragraphs 2 and 3;

(b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within three months from the date of the communication of the adoption by the Depositary. The Depositary shall without

delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annex in question shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to the protocol concerned that have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force.

ARTICLE 13

Settlement of disputes

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting;

(b) Submission of the dispute to the International Court of Justice.

4. If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree.

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

6. The provisions of this article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

ARTICLE 14

Signature

This Convention shall be open for signature by States and by regional economic integration organizations in () from () to (), and at the United Nations Headquarters in New York from () to ().

ARTICLE 15

Ratification, acceptance or approval

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instrument of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to concurrently exercise rights under the Convention or relevant protocol.

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 2 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary, who will in turn inform the Parties, of any substantial modification in the extent of their competence.

ARTICLE 16

Accession

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.
2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modifications in the extent of their competence.
3. The provisions of Article 15, paragraph 2, shall apply to regional economic integration organizations that accede to this Convention or to any protocol.

ARTICLE 17

Right to vote

1. Except as provided for in paragraph 2 below, each Party to this Convention or to any protocol shall have one vote.
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 the Convention or the relevant protocol and which are present and voting at the time the vote is taken. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

ARTICLE 18

Relationship between the Convention and its Protocols

1. Except as otherwise provided in a protocol for the purposes of that instrument, the provisions of this Convention relating to its protocols shall apply to any protocol to this Convention.
2. Decisions concerning any protocol shall be taken only by the Parties to the protocol concerned.
3. A State or regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

ARTICLE 19

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.
2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance or approval of such protocol or accession thereto.
3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.
4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which the party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that party, whichever shall be the later.
5. For the purposes of paragraphs 1 and 2 above, an instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

ARTICLE 20

Reservations and Declarations

No reservations may be made to this Convention.

ARTICLE 21

Withdrawal

1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Except as otherwise provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a Party, that Party may withdraw from the protocol by giving written notification to the Depositary.

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

4. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

ARTICLE 22

Depositary

1. The Secretary-General of the United Nations shall be the Depositary of this Convention and of any protocols thereto.

2. The Depositary shall inform the Parties, in particular, of:

(a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance, approval or accession in accordance with Articles 15 and 16;

(b) The date on which the Convention and any protocol will come into force in accordance with Article 19;

(c) Notifications of withdrawal made in accordance with Article 21;

(d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date or entry into force in accordance with Article 11;

(e) All communications relating to the adoption and approval of annexes and to the amendments of annexes in accordance with Article 12;

(f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereof;

(g) Declaration made in accordance with article 13, paragraph 3.

ARTICLE 23

Authentic text

1. The originals of this Convention 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 Convention.

Done at this day of 1992.

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PAPER NO.16: VANUATU

Elements

for a

FRAMEWORK CONVENTION ON CLIMATE CHANGE

Proposed by Vanuatu on behalf of States Members of the United Nations and
of the specialized agencies that are members of
THE ALLIANCE OF SMALL ISLAND STATES

4 June 1991

Elements of a
FRAMEWORK CONVENTION ON CLIMATE CHANGE

4 June 1991

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Elements of a
FRAMEWORK CONVENTION ON CLIMATE CHANGE

4 June 1991

PART I. INTRODUCTION AND GENERAL MATTERS

1. PREAMBLE

1.1 Problem

Overwhelming importance of climate to the global environment and to human society

Need to protect atmosphere

Scientific observation that human activity is affecting climate in a manner that is unpredictable and potentially catastrophic

The very existence of low-lying coastal and small vulnerable island countries is placed at risk by the consequences of climate change

1.2 Action

Need to take immediate action based on the Precautionary Principle so that the consequences of climate change can be averted

1.3 Context of Action

Responsibility for the problem lies historically with industrialised countries. Currently responsibility lies with all countries, but not equally: the principle of differentiated responsibility

Responsibility for the solution lies with all countries on the basis of historic contributions and differentiated responsibility, taking into account the special circumstances of developing countries, particularly their need for appropriate technology and new and additional funding

Responsibility for the Global Commons

This convention, and participation in the negotiations leading to its conclusion, is without prejudice to the existing rights under international law, including rules governing international liability for damage to people, property and the environment

1.4 Relevant International Instruments

- (a) Declaration of the UN Conference on the Human Environment (Stockholm Declaration) Principle 21:

"States have ... the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction"

- (b) General Assembly Resolution 44/228 convening the UNCED
- (c) UNGA Resolution 45/53 establishing the IPCC and determining that action should be taken at a global level to combat climate change
- (d) The First Assessment Report of the IPCC
- (e) UNGA Resolution 45/212 convening the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change
- (e) The Ministerial Declaration of the Second World Climate Conference (A/45/696/Add.1, annex III)

2. DEFINITIONS

General Language of Convention:

"Climate"

"Activities affecting Climate"

"Climate Change"

"Consequences of Climate Change"

"Developing Country"

"Fiscal and other Incentives"

"Fossil Fuels"

"Greenhouse Gases" [exclude GHGs already the subject of international regulation]

"Sinks"

"Reservoirs"

"Subsidies"

"Industrialised / Developed Country"

"International Trade"

In the context of Funding: "New", "Adequate" and "Additional"

In the context of Technology Transfer: "Fair and most Favourable"

3. GOVERNING PRINCIPLES

This convention shall be based upon and interpreted in the context of the following principles:

- 3.1 The Precautionary Principle: the principle which operates where there is sufficient evidence to identify a threat of serious or irreversible harm to the environment to establish a duty to take measures which anticipate prevent and attack the causes of environmental degradation prior to conclusive scientific proof that the threat will or does harm the environment.
- 3.2 The Polluter Pays Principle: the principle that those responsible for causing damage to the environment bear the responsibility for rectifying that damage.
- 3.3 Sustainable Development
- 3.4 Equity
- 3.5 Inter-generational Equity: the duty of all States to preserve and protect natural capital for the benefit of present and future generations
- 3.6 Liability: This Convention shall be without prejudice to the application of the rules of international law governing the liability of States
- 3.7 Relevant Scientific, Technical and Economic Considerations: Implementation of this Convention shall be based on relevant scientific and technical considerations. Action shall be taken by the parties in accordance with the means at their disposal and their capabilities.
- 3.8 Clean Production

4. SPECIAL NEEDS OF CERTAIN CATEGORIES OF COUNTRIES, REGIONS AND AREAS

- 4.1 Small island developing countries - low-lying coastal areas - arid and semi arid areas - tropical regions liable to flooding - areas liable to drought and desertification
- 4.2 Entitlement to participate in the work of the Committees established to implement the Convention thus ensuring representation of the special needs
- 4.3 Financial assistance for adaptation strategies
- 4.4 Financial and technical assistance for monitoring, observation and scientific research
- 4.5 Consideration of specific localised problems including coral bleaching, increasing hurricane intensity, hydrology and storm surges

PART II. INTERNATIONAL AND REGIONAL COOPERATION

5. GENERAL OBJECTIVES

- 5.1 The Parties shall take all necessary measures in accordance with the terms of this Convention to ensure that human activities within their jurisdiction or control do not contribute to climate change
- 5.2 This Convention shall in no way affect the right of parties to adopt measures which go beyond its terms

6. GENERAL OBLIGATION OF INTERNATIONAL COOPERATION

- 6.1 Undertaking to cooperate with (i) other parties and (ii) the relevant competent international institutions to ensure:
 - Effective implementation of the convention
 - Sharing information
 - monitoring and observation
 - research into relevant areas
 - implementation

7. DEVELOPMENT OF IMPROVED REGIONAL COOPERATION

7.1 Recognition that the impact of climate change will differ from region to region

7.2 Development of Regional Response Strategies promoting regional cooperation in relation to, inter alia, research, monitoring and observation, implementation

8. RESEARCH

8.1 Continue and, where appropriate, implement research programmes on [specify the full details of projects] the following: climate; atmospheric protection; the effects of human activity on climate, including, inter alia, land use and energy generation; the consequences of climate change for the global environment, regional environment and human society

8.2 Positive duty to promote research into technology and techniques which:

- minimise the effect of human activity on climate ("Abatement")
- Allow human society to adapt to the predicted consequences of Climate Change ("Adaptation")

8.3 Parties are encouraged to develop joint technology research projects where Developed and Developing Countries work together to develop appropriate technologies and strategies

PART III. MONITORING OBSERVATION AND INFORMATION SHARING AND DISSEMINATION

9. MONITORING AND OBSERVATION

9.1 Creation of climate change monitoring network through coordination of existing international, regional and national climate data collection networks

9.2 The aim of the network shall be to: record collate and assess data; to provide uniform assessment criteria; to encourage improved harmonisation of methods of measurement; to provide objective reliable and comparable information ...

9.3 The network shall focus on: achieving a greater understanding of the mechanics of the world's climate; Greenhouse Gas concentrations and emissions; the operation and state of sinks ...

9.4 Coordination of National Data Banks

10. INFORMATION DISSEMINATION

- 10.1 The Parties must supply certain information, as specified in this Convention, to [an appropriate international body]
- 10.2 The Parties agree that all information held by that body will be made available to all Parties to this Convention and to all citizens under the jurisdiction and control of those Parties on request
- 10.3 Parties agree to establish channels of communication [eg. Public Information Offices, Government Departments] through which individuals will be able to access the information held by [the appropriate international body] at a national level
- 10.4 Establishment of national committees to collect and disseminate information and materials on climate change issues

11. ENVIRONMENTAL IMPACT ASSESSMENT

- 11.1 The parties shall ensure that all activities within their jurisdiction or control including, inter alia, policies on energy generation, transport, and land use are assessed to ascertain whether they are likely to affect climate
- 11.2 An activity will be deemed to have an adverse effect on climate if [it satisfies criteria to be specified]
- 11.3 Parties are under an obligation to prevent activities affecting climate
- 11.4 Parties agree to establish culturally appropriate mechanisms to allow public participation in EIAs

12. NATIONAL INVENTORIES

- 12.1 The Parties agree to compile information on activities within their jurisdiction or control which affect, or are likely to affect climate, in accordance with [specified criteria]
- 12.2 This information must be submitted to [appropriate international body] within six months of the deposit of the instrument which ratifies this convention
- 12.3 Annual Reports will be submitted to the [appropriate international body] thereafter
- 12.4 Information contained within National Inventories may be disseminated in accordance with the terms of Article 10

13. NATIONAL CLIMATE PLANS

- 13.1 The parties shall draw up specific action plans on the basis of the information submitted pursuant to Article 12 to reduce the effect of human activities on climate with the objective of achieving the goals set out in this Convention
- 13.2 Plans to cover [period] - to be submitted to [the appropriate international body] within [one year of ratification] and then annually

14. EDUCATION

- 14.1 Parties shall promote education programmes to inform all persons within their jurisdiction or control, including individuals and corporations, about:
- (i) the causes of climate change;
 - (ii) the potential consequences of climate change;
 - (iii) action that can be taken at an individual/local level to reduce the impact of human activity on climate [ie. energy efficiency, land use etc.];
 - (iv) achieving sustainable human development;
 - (v) global interdependence among people facing climate change.
- 14.2 The aims of the education programmes will be: to promote awareness and knowledge of climate change issues and; to encourage action to limit climate change
- 14.3 Development of informational and educational materials, providing objective, consistent and reliable information on climate change, to be available to all persons within the jurisdiction of the parties

PART IV. **SPECIFIC OBLIGATIONS**

15. GREENHOUSE GASES : GENERAL OBLIGATIONS

- 15.1 The parties undertake to stabilise atmospheric concentrations of Greenhouse Gases at [specified level] by [date]
- 15.2 Action taken to control the effects of human activity on climate must not have any consequential effects which are damaging to the environment

15.3 Immediate action shall be taken in accordance with the Annexes to this Convention. The Annexes do not preclude the negotiation of specific protocols dealing with the same topics.

16. EMISSIONS

16.1 To achieve the objectives of this Convention, especially those stated in Article 15, the Parties agree to reduce anthropogenic emissions of Greenhouse Gasses by taking immediate action in accordance with Annex 1

17. SINKS / RESERVOIRS

17.1 To achieve the objectives of this Convention, especially those stated in Article 15, the Parties agree to preserve protect and enhance Sinks of Greenhouse Gasses taking immediate action in accordance with Annex 2

17.2 Without prejudice to the development requirements of developing countries, action to be taken in relation to Sinks will include appropriate commitments on the preservation of bio-diversity

18. MEASURES TO COUNTER THE CONSEQUENCES OF CLIMATE CHANGE

18.1 Development of national coastal zone management plans to identify coastal areas at risk and deal with sea level rise in such a way that danger to populations is minimized and ecosystems are protected

18.2 Development of emergency procedures and coastal zone response mechanisms to reduce vulnerability to coastal storms

18.3 Development of a global ocean-observing network to monitor changes including coastal erosion and to disseminate data and information on sea level change and options in response

18.4 Monitoring the current state of natural resources and resource use and management practices

18.5 Undertaking studies and assessments of the resilience and adaptability of resources and their vulnerability to climate change, in order to formulate strategies for their preservation

18.6 Development of technologies which, while consistent with the principles of sustainable development, increase productivity and efficiency of land and water use

PART V IMPLEMENTATION : SUBSTANTIVE OBLIGATIONS

19. FINANCIAL RESOURCES AND FUNDING MECHANISMS

- 19.1 Funding will be on the basis of New, Additional and Adequate financial resources which will not have any effect on existing multilateral or bilateral financial assistance arrangements
- 19.2 Establishment of an International Climate Fund in accordance with Annex 3
- 19.3 Financial assistance for Developing Countries to enable them to adapt their development strategies to integrate consideration of the effect of those activities on climate
- 19.3 Fund to compensate Developing Countries (i) in situations where selecting the least climate sensitive development option involves incurring additional expense, and (ii) where insurance is not available for damage resulting from climate change

20. TRANSFER OF TECHNOLOGY

- 20.1 The parties are under a duty to make available to [an appropriate international body]: (i) any technology or technique that would assist the parties in carrying out their obligations under this convention which they are capable of obtaining or is in the public domain in the area under their jurisdiction or control (ii) the results of research into technology under Article 8
- 20.2 All parties shall have equal access to the information and techniques held by the international body
- 20.3 Transfers of Technology from industrialised to developing countries must be on fair and most favourable terms

21. ENERGY EFFICIENCY AND CONSERVATION

- 21.1 Parties to have obligations in respect of energy efficiency and conservation which are based upon their differentiated responsibility for climate change
- 21.2 Duty to encourage energy efficiency and energy conservation; Minimum energy efficiency standards targets to be set on the basis of differentiated responsibility

22. SUBSIDIES

- 22.1 Prohibition on subsidising activities which contribute to climate change

22.2 Elimination of subsidies and incentives for inefficient resource use

21.3 Prohibition on the dumping of goods benefitting from subsidies which support activities adversely affecting climate

23. RENEWABLE ENERGY RESOURCES

23.1 Parties shall develop and encourage use of renewable energy resources including wind, wave, biomass, solar and geothermal sources of energy

23.2 Parties shall be entitled to provide fiscal and other incentives, including subsidies, for the development and use of renewable energy resources

PART VI IMPLEMENTATION : INSTITUTIONAL ASPECTS

24. CONFERENCE OF THE PARTIES AND ASSEMBLY

25. EXECUTIVE COMMITTEE

26. SECRETARIAT

27. SCIENTIFIC COMMITTEE, ECONOMIC COMMITTEE, LEGAL COMMITTEE AND RENEWABLE ENERGY COMMITTEE

28. VOTING AND DECISION MAKING

29. MONITORING AND REVIEW OF IMPLEMENTATION

30. COMPLIANCE AND ENFORCEMENT

31. SETTLEMENT OF DISPUTES

PART VII TECHNICAL

32. ANNEXES

33. PROTOCOLS

34. AMENDMENTS TO THE CONVENTION, ANNEXES AND PROTOCOLS

35. RELATIONSHIP WITH OTHER INTERNATIONAL CONVENTIONS

36. PARTIES

37. SIGNATURE

38. RATIFICATION, ACCEPTANCE, APPROVAL

- 39. ACCESSION
- 40. ENTRY INTO FORCE
- 41. RESERVATIONS AND DECLARATIONS
- 42. WITHDRAWAL AND DENUNCIATION
- 43. DEPOSITARY
- 44. AUTHENTIC TEXTS