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**CONFERENCE OF THE PARTIES SERVING AS THE
MEETING OF THE PARTIES TO THE KYOTO PROTOCOL**
Fifth session
Copenhagen, 7–18 December 2009

Item X of the provisional agenda

**Proposal from the Plurinational State of Bolivia on behalf of Malaysia,
Paraguay and the Bolivarian Republic of Venezuela
for an amendment to the Kyoto Protocol**

Note by the secretariat

1. Article 20, paragraph 1, of the Kyoto Protocol states that “any Party may propose amendments to this Protocol”. Article 20, paragraph 2, of the Kyoto Protocol stipulates that “amendments to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting 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 meeting 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 Depository”.
2. Article 21, paragraph 2, of the Kyoto Protocol states that “any Party may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol”. Article 21, paragraph 3, of the Kyoto Protocol provides that “annexes to this Protocol and amendments to annexes to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed annex or amendment to an annex shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed annex or amendment to an annex to the Parties and signatories to the Convention and, for information, to the Depository”.
3. In accordance with these provisions, the Plurinational State of Bolivia, on behalf of Malaysia, Paraguay and the Bolivarian Republic of Venezuela, by a communication dated 17 June 2009, transmitted to the secretariat the text of a proposal for an amendment to the Kyoto Protocol. Pursuant to Article 20, paragraph 2, and Article 21, paragraph 3, of the Kyoto Protocol, the secretariat will send a note verbale containing this text to all National Focal Points for climate change and Permanent Missions to the United Nations by 17 June 2009. In accordance with the same provisions, the secretariat will also communicate the proposed amendment to the Parties and signatories to the Convention and, for information, to the Depository.

4. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol is invited to consider this proposal at its fifth session.

Communication dated 17 June 2009 from the Plurinational State of Bolivia on behalf of Malaysia, Paraguay and the Bolivarian Republic of Venezuela addressed to the secretariat of the United Nations Framework Convention on Climate Change proposing an amendment to the Kyoto Protocol

El Ministerio de Relaciones Exteriores – Dirección General de Relaciones Multilaterales –, saluda muy atentamente a la **Honorable Secretaria de la Convención Marco de las Naciones Unidas sobre Cambio Climático**, y tiene a bien complementar la propuesta sobre la enmienda según el mandato del artículo 3.9 del Protocolo de Kyoto enviado el día de ayer desde nuestro punto focal, Sr. Juan Pablo Ramos – Viceministro de Medio Ambiente, Biodiversidad y Cambio Climático, a nombre de Malasia, Paraguay y Venezuela.

(signed)

Dirección General de Relaciones Multilaterales
Ministerio de Relaciones Exteriores
Estado Plurinacional de Bolivia

PROPOSAL FROM BOLIVIA ON BEHALF OF MALAYSIA, PARAGUAY AND VENEZUELA

AMENDMENT TO THE KYOTO PROTOCOL TO THE UNITED* NATIONS FRAMEWORK
CONVENTION ON CLIMATE CHANGE**Article 3**

1. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their **total** assigned amounts, calculated pursuant to their quantified emission reduction commitments inscribed in Annex B and **determined by applying the principle of historical responsibility/debt and addressing the needs of developing countries**¹ in accordance with the provisions of this Article, with a view to reducing the overall emissions of such gases by **more than [XX]** per cent below 1990 levels in the commitment period 2013 to 2017.

1bis. In fulfillment of their obligations under Article 3, paragraph 1, the Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions **from domestic sources** of the greenhouse gases listed in Annex A do not exceed their assigned **domestic** amounts, calculated pursuant to their quantified **domestic** emission reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall **domestic** emissions of such gases by **more than [49%]** per cent below 1990 levels in the commitment period 2013 to 2017.²

Article 4

In Article 4, paragraph 3, replace "the commitment period specified in Article 3, paragraph 7" with "any commitment period established by the Conference of the Parties serving as meeting of the Parties to the Kyoto Protocol".

* The word "UNTIED", which appeared in the proposal as received, has been corrected to read "UNITED". The Plurinational State of Bolivia has been informed. No other changes have been made to the text of the proposal from the Plurinational State of Bolivia on behalf of Malaysia, Paraguay and the Bolivarian Republic of Venezuela as circulated to Parties to the Kyoto Protocol and to Parties to the Convention on 17 June 2009.

¹ In determining the commitments in paragraph 1 of this Article, the following criteria are taken into account in order to ensure consistency with the ultimate objective of the Convention and the principles of equity and common but differentiated responsibilities and respective capabilities:

- (a) Responsibility of Annex I Parties, individually and jointly, for current atmospheric concentrations of greenhouse gases;
- (b) The historical and current per-capita emissions originating in developed countries;
- (c) Technological, financial and institutional capacities; and
- (d) The share of global emissions required by developing countries in order to meet their social and economic development needs, to eradicate poverty and to achieve the right to development.

² A Party included in Annex I may, with the agreement of other Parties, meet the difference between its total and domestic assigned amounts under Article 3, paragraph 1, through the financial mechanism operating under the authority and guidance of the Conference of Parties, in the context of their obligation to provide the agreed full incremental costs under the Convention.

Annex B

Party	Quantified emission limitation or reduction commitment (2008-2012)(percentage of base year or period)	Quantified domestic emission reduction commitment (2013-2017) (percentage of base year or period){i.e. minimum reductions required domestically}	Quantified emission reduction commitment (2013-2017) (percentage of base year or period){i.e. total reductions required, based on historical responsibility and needs of developing countries}
Australia	108		
Austria	92		

Explanatory note

Article 3, paragraph 1, establishes the total emission reductions required of Annex I Parties (and the associated “assigned amount” of emissions). This amount is calculated to include the full extent of the historical responsibility of developed countries and the rights/needs of developing countries to a fair share of remaining atmospheric space to achieve their right to development. This amount is calculated on the basis of a methodology reflecting historical responsibility and the needs of developing countries, and is referred to as the total “assigned amount”.

Article 3, paragraph 1bis, establishes the minimum emission reductions that Annex I Parties are to achieve domestically (and the associated maximum “assigned domestic amount” of emissions). This amount is calculated to reflect the deep physical emission reductions that are necessary and possible in developed countries, to liberate physical atmospheric space required by developing countries. This amount is calculated on the basis of a methodology reflecting the actual emission reductions technically possible in developed countries, and is referred to as the “assigned domestic amount”.

The difference between these total and domestic amounts (i.e. between what developed countries must do and what they actually can/will do) provides the basis for dedicated and assured funding for adaptation and mitigation in developing countries, which can be provided via the UNFCCC finance and technology mechanism(s), which has been proposed by the G77 and China.
