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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR
A FRAMEWORK CONVENTION ON CLIMATE CHANGE
WORKING GROUP II
Fourth session
Geneva, 9-20 December 1991
Agenda Item 2(b)

NEGOTIATION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

Elements related to mechanisms

Text containing proposals made by delegations on the
revised single text on the elements relating to mechanisms (A/AC.237/Misc.13)
submitted by the Co-Chairmen of Working Group II

Addendum

Article 11

AMENDMENTS TO THE CONVENTION

Proposals

1. Any Party may propose amendments to this Convention.

Adoption of Amendments

2. Amendments to this Convention shall be adopted at a [regular] meeting of the Conference of the Parties. The text of any proposed amendment to this Convention shall be communicated to the Parties by the secretariat at least [three] [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 Convention shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. [If all efforts at consensus have been exhausted, and no agreement reached,] [If the efforts do not seem likely to attain this objective,] the amendment shall be adopted by a [two-thirds] [three-fourths] majority vote of such Parties present and voting at the meeting [whose [net] emissions of [greenhouse gases] [CO₂ represent at least [xx%] [75%] [80%] of estimated global [net] [CO₂] [greenhouse gases] [emissions in the preceding [five] year[s],] the amendment shall be submitted by the Depositary to all Parties for their ratification, acceptance or approval.

Voting

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

Entry into Force of Amendments

5. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph (3) above [for those States having accepted the amendment] shall [unless otherwise provided in the amending instrument itself] enter into force on the ninetieth day after the date [of receipt by the Depositary of] notification of their ratification, acceptance or approval, by at least [two-thirds] [three-fourths] of the Parties to this Convention [and whose [net] emissions of greenhouse gases represent at least 80% of [net] global emissions in the preceding year].

6. The amendments shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of ratification, acceptance or approval of the amendments.

[Article 12

PROTOCOLS

Adoption

[1. [This Convention and its protocols shall jointly constitute an international legal regime regarding climate change.] The Conference of the Parties may at any [regular] meeting adopt protocols [that are aimed at implementing the [comprehensive] purposes and principles established in the Convention, specifying [comprehensive] measures or obligations relating to [certain] [all] aspects of climate change]. [The protocols shall be in conformity with the provisions of the Convention].]

Notification to the Parties

2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least [three months] [four months] [six months] before such a meeting.

Entry into Force

[3. The requirements for the entry into force of any protocol shall be established by that instrument [and may include provisions regarding [accelerated] [differentiated] procedures for entry into force].]

Parties to a Protocol

4. Only Parties to the Convention may be Parties to a protocol.

Only Parties to Protocol to take Decisions relating to a Protocol

[5. [Subject to the provisions of paragraph 1 above,] decisions [under] any protocol shall be taken only by the Parties to the protocol concerned.]

Article 13

ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION

Annexes are integral to the Convention

1. The Annexes to this Convention shall form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any Annexes thereto. Such Annexes shall be restricted to [procedural, scientific, technical and administrative matters] [technical lists or forms of a scientific or technical character.]

Adoption of additional Annexes to the Convention

2. [Additional] Annexes to the Convention shall be proposed and adopted according to the procedure set forth in Article 11 (Amendments to the Convention).

Procedure for Entry into Force of Additional Annexes to the Convention

3. Annexes which have been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention [three months] [four months] [six months] after the date on which the Depositary issues notices to such Parties of the adoption of the Annex, except for those Parties which have notified the Depositary, in writing, within that period of their non-acceptance of the Annex. The Annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date of withdrawal of such notification has been received by the Depositary.

Procedure for Amendments to Annexes

4. The proposal, adoption and entry into force of amendments to Annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of Annexes to the Convention.

5. If an additional Annex or an amendment to an Annex involves an amendment to the Convention, the additional Annex or amended Annex shall not enter into force until such time as the amendment to this Convention enters into force.

Article 14

RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.

2. Regional Economic Integration Organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention [and which are present at the time the vote is taken]. Such an Organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 15

DEPOSITARY

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

Article 16

SIGNATURE

This Convention shall be open for signature by States [members of the United Nations or members of the Specialized Agencies of the United Nations] and by Regional Economic Integration Organizations at [] from [] to [], and at the United Nations Headquarters in New York from [] to [].

Article 17

RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval [or] accession by States and by Regional Economic Integration Organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval and accession shall be deposited with the Depositary.

Regional Economic Integration Organizations

2. Any Regional Economic Integration Organization which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such Organizations, one or more of whose member States is a Party to the Convention, the Organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the Organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

Declarations of competence

3. In their instruments of ratification, acceptance, approval or accession, [the] Regional Economic Integration Organizations shall declare the extent of their competence with respect to the matters governed by the Convention. 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 18

ENTRY INTO FORCE

Entry into force of the Convention:

1. This Convention shall enter into force on:

(Four options)

- **Option 1:**

the ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession.

- **Option 2:**

the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession from States or Regional Economic Integration organizations whose [net] emissions of greenhouse gases [CO₂] represent [two-thirds] [three-fourths] of estimated total global net emissions in [year].

- **Option 3:**

the ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession by, and of ratification, acceptance, approval or accession by States or Regional Economic Integration Organizations whose [net] emissions of greenhouse gases [CO₂] represent [two-thirds] [three-fourths] of estimated total global net emissions in [year].

- **Option 4:**

the ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession, or the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession from States or Regional Economic Integration Organizations whose [net] emissions of greenhouse gases [CO₂] represent [two-thirds] [three-fourths] of estimated total global net emissions in [year], whichever is the earlier.

Entry into Force for Parties once Convention already in force

2. For each State or Regional Economic Integration Organization which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession, [in accordance with paragraph 1] it shall enter into force on the ninetieth day after the date of deposit by such State or Regional Economic Integration Organization of its instrument of ratification, acceptance, approval or accession .

Regional Economic Integration Organizations

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a Regional Economic Integration Organization shall not be counted as additional to those deposited by member States of such organization.

Article 19

RESERVATIONS AND DECLARATIONS

1. [No] reservations may be made to this Convention.

Parties not precluded from making Declarations

[2. Paragraph 1 above shall not, however, preclude a State or Regional Economic Integration Organization when signing, ratifying, accepting, approving or acceding to this Convention, from making declarations or statements, provided that such declarations or statements do not purport to exclude or to modify the effects of the provisions of the Convention in their application to that State or Regional Economic Integration Organization.]

Article 20

WITHDRAWAL

Written Notification of Withdrawal from Convention

1. At any time after [three] [four] [five] 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.

Effective Date of Withdrawal

2. Any such withdrawal shall take effect upon expiry of [six months] [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.

Withdrawal from Convention considered as Withdrawal from Protocol

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

Article 21

AUTHENTIC TEXTS

The original 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 atthisday of19...