Framework Convention on Climate Change

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Item 6 of the provisional agenda
Consideration of proposals by Parties for amendments to the Convention under its Articles 15 and 16

Revised proposal from Papua New Guinea and Mexico to amend Articles 7 and 18 of the Convention

Note by the secretariat

1.   Article 15, paragraph 1, of the Convention provides that "Any Party may propose amendments to the Convention". Article 15, paragraph 2, of the Convention stipulates that "Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention 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 proposed amendments to the signatories to the Convention and, for information, to the Depositary". In accordance with these provisions, Papua New Guinea and Mexico, by a letter dated 26 May 2011, transmitted to the secretariat the text of a proposal for an amendment to Articles 7 and 18 of the Convention.

2.   Pursuant to Article 15, paragraph 2, of the Convention, the secretariat transmitted this proposal to Parties and signatories to the Convention by a note verbale dated 30 May 2011 and, for information, to the Depositary by a letter dated 22 June 2011. The proposal is contained in document FCCC/CP/2011/4.

3.   Papua New Guinea and Mexico, by a letter dated 8 December 2011, submitted an amendment to their proposal. The letter and revised proposal are annexed hereto.

Letter dated 8 December 2011 from Papua New Guinea and Mexico addressed to the President of the seventeenth session of the Conference of the Parties proposing amendments to their proposal to amend to Articles 7 and 18 of the Convention

We refer to item 6 of the Provisional Agenda of the 17th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, "Consideration of Proposals by Parties for amendments to the Convention under its Articles 15 and 16", and have the honour to attach hereto a revised version of the proposal of Papua New Guinea and Mexico submitted on 26 May 2011 to the secretariat to amend Articles 7 and 18 of the Convention.

We are very pleased with the results of the work done at the current session under the facilitation of Ms. Paula Caballero. The constructive atmosphere in which the proposal was considered and the engagement of many delegations during the discussions have shown the deep interest our proposal has generated among Parties. The attached revised version reflects drafting changes suggested during the discussions.

The proposal has been supported by other countries among them Chile, Colombia, Panama and Indonesia, and many others have also expressed their willingness to engage in further improvements. In this context, we are ready to continue working and make every effort to reach agreement on our proposal, as mandated in Article 15.3 of the Convention, and kindly request that the proposal be referred to COP-18/CMP-8 for its consideration.

We would be grateful if the Secretariat would communicate this letter with the Annex to the other Parties to the Convention.

(signed)

Dr. Wari Iamo
Secretary Department of Environment
and Conservation
Acting Executive Director Office of
Climate Change and Development
UNFCCC National Focal Point

(signed)

Sra. Maria del Socorro Flores Liera
UNFCCC National Focal Point
Ministry of Foreign Affairs
of Mexico

cc. Christiana Figueres, Executive Secretary of the United Nations Framework Convention on Climate Change

Revised Papua New Guinea and Mexico proposal for an amendment to the Convention

Article 7
Conference of the Parties

1.   A Conference of the Parties is hereby established

2.   The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:

[…]

Delete "rules of procedures and"

   k.   Agree upon and adopt, by consensus, financial rules for itself and for any subsidiary bodies;

Delete "at its first session"

3.   The Conference of the Parties shall adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

[…]

Insert new paragraphs 3 and 4

Article 18
Right to Vote

1. Each Party to the Convention shall have the right to vote, except as provided 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. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

3. Without prejudice to the provisions of paragraph 3 of Article 15, the Parties shall make every effort to reach agreement on all matters by consensus. If such efforts to reach consensus have been exhausted and no agreement has been reached, a decision shall, as a last resort, be adopted by a three-fourths majority vote of the Parties present and voting, except the following which shall be taken by consensus:

    a. the financial rules referred to in Article 7, paragraph 2 (k) of the Convention;

    b. decisions under paragraph 3 of Article 4 and paragraphs 1, 3 or 4 of Article 11 of the Convention.

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