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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR  
A FRAMEWORK CONVENTION ON CLIMATE CHANGE

Fourth session  
Geneva, 9-20 December 1991

REPORT OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE  
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE  
ON THE WORK OF ITS FOURTH SESSION, HELD AT GENEVA  
FROM 9 TO 20 DECEMBER 1991

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## I. INTRODUCTION

1. The fourth session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (INC) was held at Geneva from 9 to 20 December 1991. The meeting was convened in pursuance of General Assembly resolution 45/212 of 21 December 1990, entitled "Protection of global climate for present and future generations of mankind", further to resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989.\*

## II. ORGANIZATIONAL MATTERS

### A. Opening of the session

2. In opening the fourth session, the Chairman, Mr. Jean Ripert, welcomed delegations to Geneva and thanked the officers of the Working Groups for their outstanding inter-sessional work, which should help focus the complex negotiations ahead. He complimented the secretariat for its support of the inter-sessional work and for the timely distribution of documents for the session. He expressed the conviction that the Committee would be able to produce a single consolidated working document at the current session, keeping in mind the objective of completing the convention in time for signature at the United Nations Conference on Environment and Development to be held in June 1992 at Rio de Janeiro.

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\* For the reports of the first to third sessions, see A/AC.237/6 and Corr.1, A/AC.237/9 and A/AC.237/12 and Corr.1. The Bureau of the Committee elected at the first session consists of:

Chairman: Mr. Jean Ripert (France)

Vice-Chairmen: Mr. Chandrashekhhar Dasgupta (India)  
Mr. Ahmed Djoghlaif (Algeria)  
Mr. Ion Draghici (Romania)  
Mr. Raul Estrada-Oyuela (Argentina)

Rapporteur: Mr. Ion Draghici (Romania)

The Bureaux of Working Groups I and II elected at the second session consist of:

#### Working Group I

Co-Chairmen: Mr. Nobutoshi Akao (Japan)  
Mr. Edmundo de Alba-Alcaraz (Mexico)

Vice-Chairman: Mr. Mohamed Mahmoud Ould El Ghaouth (Mauritania)

#### Working Group II

Co-Chairmen: Ms. Elizabeth Dowdeswell (Canada)  
Mr. Robert F. Van Lierop (Vanuatu)

Vice-Chairman: Mr. Maciej Sadowski (Poland)

B. Attendance

3. The meeting was attended by representatives of the following States:

Afghanistan	Guinea-Bissau	Peru
Algeria	Guyana	Philippines
Angola	Holy See	Poland
Argentina	Honduras	Portugal
Australia	Hungary	Republic of Korea
Austria	India	Romania
Bangladesh	Indonesia	Rwanda
Belgium	Iran (Islamic	Saint Lucia
Belize	Republic of)	Samoa
Benin	Ireland	Sao Tome and Principe
Bhutan	Italy	Saudi Arabia
Bolivia	Jamaica	Senegal
Botswana	Japan	Sierra Leone
Brazil	Jordan	Singapore
Burkina Faso	Kenya	Solomon Islands
Burundi	Kiribati	Spain
Cameroon	Kuwait	Sri Lanka
Canada	Lao People's	Sudan
Central African	Democratic Republic	Sweden
Republic	Lesotho	Swaziland
Chad	Libyan Arab	Switzerland
Chile	Jamahiriya	Syria Arab Republic
China	Madagascar	Thailand
Colombia	Malawi	Togo
Congo	Malaysia	Tonga
Cook Islands	Maldives	Trinidad and Tobago
Costa Rica	Mali	Tunisia
Cote d'Ivoire	Malta	Turkey
Cuba	Marshall Islands	Tuvalu
Czechoslovakia	Mauritania	Uganda
Democratic People's	Mexico	Ukraine
Republic of Korea	Micronesia	Union of Soviet
Denmark	(Federated States of)	Socialist Republics
Dominican Republic	Mongolia	United Kingdom of
Ecuador	Morocco	Great Britain and
Egypt	Mozambique	Northern Ireland
Equatorial Guinea	Myanmar	United Republic of
Ethiopia	Namibia	Tanzania
Fiji	Nauru	United States of
Finland	Nepal	America
France	Netherlands	Uruguay
Gambia	New Zealand	Vanuatu
Germany	Nicaragua	Venezuela
Ghana	Niger	Viet Nam
Greece	Nigeria	Yugoslavia
Grenada	Norway	Zimbabwe
Guatemala	Pakistan	
Guinea	Papua New Guinea	

4. The following United Nations offices and programmes were represented at the meeting: Office of the Director-General for Development and International Economic Cooperation; United Nations Conference on Environment and Development; United Nations Institute for Training and Research; United Nations Conference on Trade and Development; and United Nations Environment Programme.
5. The following specialized agencies and other organizations of the United Nations system were represented at the meeting: Food and Agriculture Organization of the United Nations; World Bank; World Meteorological Organization; United Nations Industrial Development Organization; Global Environment Facility (UNDP/UNEP/World Bank); and Intergovernmental Panel on Climate Change (WMO/UNEP) (IPCC); as well as International Atomic Energy Agency; and General Agreement on Tariffs and Trade.
6. The following intergovernmental organizations were also represented at the meeting: Asian-African Legal Consultative Committee; Asian Development Bank; Caribbean Meteorological Organization; European Economic Community; European Free Trade Association; Inter-American Development Bank; International Energy Agency; Organization of African Unity; Organization of Petroleum Exporting Countries; Regional Organization for the Protection of the Marine Environment; and South Pacific Regional Environment Programme.
7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented:
- Category I: International Chamber of Commerce; International Council of Women; International Youth and Student Movement for the United Nations; World Federation of United Nations Associations.
- Category II: Greenpeace International; International Council of Environmental Law; International Petroleum Industry Environmental Conservation Association; World Coal Institute; World Conservation Union (IUCN); World Council of Churches; and World Resources Institute.
- Roster: Friends of the Earth International; International Organization of Motor Vehicle Manufacturers; International Peace Research Association; International Studies Association; National Audubon Society; and Natural Resources Defense Council.
8. The following other non-governmental organizations were also represented: Alliance for Responsible CFC Policy; Alliance to Save Energy; Alternative Fluorocarbon Environmental Acceptability Study; Ancient Forest International; Bangladesh Centre for Advanced Studies; Centre for Clean Air Policy; Centre for Global Change; Centre for Our Common Future; Climate Action Network; Climate Council; Development Alternatives; Edison Electric Institute; Environmental and Energy Study Institute; Environmental Defense Fund; Environmental Development Action in the Third World; Federation of Electric Power Companies, Japan; Foundation for Environmental Conservation; Global Climate Coalition; Global Commons Institute; Global Warming Coalition; Haribon Foundation; International Institute for Applied Systems Analysis; Kenya Consumers' Organization Climate Network Africa; Kenya Energy and Environment Organizations; National Coal Association; Stockholm Environment Institute; Tata Energy Research Institute; Union of Concerned Scientists; Walhi: Indonesian Forum for Environment; Woods Hole Research Center; and World Wide Fund for Nature.

C. Adoption of the agenda

9. At its 1st plenary meeting, on 9 December 1991, the Committee adopted the following agenda (A/AC.237/13):

1. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Organization of work;
  - (c) Future work:
    - (i) Calendar;
    - (ii) Arrangements for approval of the framework convention;
  - (d) Provisional agenda for the fifth session.
2. Negotiation of a framework convention on climate change:
  - (a) ~~Elements related to commitments: draft text to be prepared by Working Group I;~~
  - (b) Elements related to mechanisms: draft text to be prepared by Working Group II;
  - (c) Consideration, integration and completion by the plenary of the draft texts submitted by the Working Groups.
3. Review of extrabudgetary funds:
  - (a) Special voluntary fund to support the participation of developing countries;
  - (b) Trust fund for the negotiating process.
4. Adoption of the report.

D. Documentation

10. The documents before the Committee at its fourth session are listed in annex I to the present report.

E. Organization of work

11. The Committee approved the organization of work contained in document A/AC.237/13.

F. Future work

12. The Committee considered the calendar of its future work at its 3rd and 4th plenary meetings, on 19 and 20 December. The Committee noted that its earlier recommendation that its fifth session be held in New York from 18 to 28 February 1992 had been adopted by the General Assembly at its forty-sixth session (resolution 46/169). It further noted the accompanying decision of the Assembly on the possibility of holding a short resumed fifth session in New York in April 1992, unless the Committee decided otherwise at its fifth session. The secretariat provided information concerning possible dates for the resumed fifth session.

13. Following an exchange of views, the Chairman undertook to make a proposal on this question in due course, in consultation with the Bureau, and to convey to the United Nations Secretariat the Committee's hope that additional interpretation facilities would be made available as required for the fifth and resumed sessions.

14. Owing to lack of time, the Committee was not able to take up the sub-item of its agenda relating to arrangements for the approval of the framework convention and will do so at its fifth session.

G. Provisional agenda for the fifth session

15. At its 3rd plenary meeting, on 19 December, the Committee took note of the following provisional agenda for the fifth session (A/AC.237/L.10):

1. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Organization of work;
  - (c) Future work:
    - (i) Calendar;
    - (ii) Arrangements for adoption of the framework convention;
  - (d) Provisional agenda for the resumed fifth session.
2. Consideration of scientific advice from IPCC.
3. Negotiation of a framework convention on climate change: consideration and completion of an integrated text.  
[The organization and possible subdivision of work under this item will be the subject of a subsequent proposal by the Chairman, after consultation.]
4. Review of extrabudgetary funds:
  - (a) Special voluntary fund to support the participation of developing countries;
  - (b) Trust fund for the negotiating process.
5. Adoption of the report.

III. PREPARATION OF A FRAMEWORK CONVENTION ON CLIMATE CHANGE

A. Report on Working Group I: Commitments

16. At its 1st plenary meeting, on 9 December 1991, the Intergovernmental Negotiating Committee, in accordance with its decision 1/1, allocated item 2(a) of its agenda, entitled "Negotiation of a framework convention on climate change: Elements related to commitments: draft text to be prepared by Working Group I", to Working Group I.

17. At its 1st meeting, on 9 December, Working Group I, bearing in mind rule 46 of the rules of procedure of the Committee, maintained the decision taken at its second session (A/AC.237/9, para. 25) that its meetings would be open unless it decided otherwise. Subsequently, Working Group I held 10 formal meetings and 5 informal meetings between 9 and 18 December 1991.

18. Also at its 1st meeting, Working Group I approved its programme of work for 9 to 18 December (A/AC.237/WG.I/L.6, as orally amended).

19. In accordance with the mandate given to the Bureau of Working Group I at the third session of the Intergovernmental Negotiating Committee, the Bureau put before the Working Group, for its consideration, a text entitled "Elements related to the Preamble, Principles and Commitments" (A/AC.237/Misc.12), prepared on the basis of the revised conference room papers contained in document A/AC.237/WG.I/WP.1.

### 1. Preamble

20. Working Group I considered this topic at its 4th and 5th meetings, on 11 December, as well as at informal meetings on 16 and 17 December. At the formal meetings, statements were made by the representatives of 37 States.

### 2. Principles

21. Working Group I considered matters under this item from its 2nd to 4th meetings, on 10 and 11 December, as well as at informal meetings on 14 December. Statements were made at the formal meetings by representatives of 42 States, including one speaking on behalf of the European Economic Community and its member States and one on behalf of five Central American and Caribbean States members of the Working Group. A statement on behalf of the Group of 77 was also made at the 8th meeting, on 13 December, subsequently formulated as A/AC.237/WG.I/L.8.

### 3. Objective of the convention

22. The Working Group discussed this item at its 5th meeting, on 11 December, and at an informal meeting on 17 December. Formal statements were made by the representatives of 23 States, including one speaking on behalf of the European Economic Community and its member States.

### 4. Commitments

#### (a) Commitments on sources and sinks

23. The Working Group discussed this item under the headings "Common commitments", "Other commitments" and "Specific commitments", at its 5th to 7th meetings, 7th meeting, and 8th and 9th meetings, respectively, on 11 to 13 December. Statements on "Common commitments" were made by 41 States, including one speaking on behalf of European Economic Community and its member States, on "Other commitments" by 13 States and on "Specific commitments" by 39 States, including one speaking on behalf of the European Economic Community and its member States. The item was also discussed informally on 17 December.

#### (b) Commitments on financial resources and technology transfer

24. Working Group I considered this item under the headings "Provision of financial resources" and "Transfer of technology" at its 9th meeting, on 13 December. Statements were made by the representatives of 26 States, including one speaking on behalf of the European Economic Community and its member States and one on behalf of five Central American and Caribbean States members of the Working Group. The Working Group also discussed this item informally on 17 December.

#### (c) Commitments related to paragraph 6(c) of decision 1/1

25. Working Group I considered this item at its 10th meeting, on 16 December, and informally on 18 December. Formal statements were made by the representatives of 30 States.

\* \* \* \* \*

26. The Working Group transmitted to the plenary, for integration into the consolidated working document, texts on the above subjects prepared by the Co-Chairmen and the Vice-Chairman (see paras. 48 to 58 below).



27. The following proposals relating to commitments were circulated formally: A/AC.237/WG.I/L.7 and Corr.1 and 2, by Algeria and other States; A/AC.237/WG.I/L.9 and Corr.1, by Vanuatu on behalf of the States members of the Alliance of Small Island States participating in the fourth session of the Committee; and A/AC.237/WG.I/L.10 and Corr.1, by Afghanistan and other States.

#### B. Report on Working Group II: Mechanisms

28. At its 1st plenary meeting, on 9 December, the Intergovernmental Negotiating Committee, in accordance with its decision 1/1, allocated item 2(b) of its agenda, entitled "Negotiation of a framework convention on climate change: Elements related to mechanisms", to Working Group II.

29. At its 1st meeting, on 9 December, Working Group II, bearing in mind rule 46 of the rules of procedure of the Committee, maintained the decision taken at its previous sessions (A/AC.237/12, para. 33) that its meetings would be open unless it decided otherwise. The Working Group considered a draft programme of work proposed informally by its Bureau (A/AC.237/WG.II/L.5), which it approved at its 3rd meeting, on 10 December. Working Group II held 14 formal meetings from 9 to 18 December 1991 and one informal meeting on 14 December.

30. Also at its 1st meeting, pursuant to the request made by Working Group II and approved by the Committee at its third session (A/AC.237/12, para. 70), the Working Group had before it a revised single text on elements relating to mechanisms (A/AC.237/Misc.13) prepared by its Co-Chairmen. After introductory statements by the Co-Chairmen, Working Group II agreed that the revised single text should serve as the basis for discussion by the Working Group.

31. Working Group II considered the sections of the single text (A/AC.237/Misc.13), article by article, and the proposed texts submitted to it at its 1st to 14th meetings, from 9 to 18 December 1991, as follows.

1. Legal and institutional mechanisms related to scientific cooperation, monitoring and information (decision 1/1, annex, para. 7(b))

32. Working Group II considered articles 1 (Scientific, technological and technical cooperation), 2 (Research and development and systematic observation and Annex 1), 3 (Exchange of information and Annex II) and 4 (Education, training and public awareness) at its 12th and 13th meetings, on 17 and 18 December.

33. Statements and proposals on these articles and annexes related thereto were made by representatives of 24 States, including one speaking on behalf of the European Economic Community and its member States.

34. At its 14th meeting, on 18 December, the Working Group reviewed revised texts prepared by the Co-Chairmen, incorporating proposals made during the course of the discussion of the aforementioned articles, and transmitted them, as orally amended, to the plenary for integration into a consolidated working document.

2. Legal and institutional mechanisms, including, inter alia, entry into force, withdrawal, compliance and assessment and review (decision 1/1, annex, para 7(a))

35. Working Group II considered articles 5 (Conference of the Parties), 6 (Secretariat), 7 (Advisory Committee on Science), 8 (Advisory Committee on Implementation), 9 (Reporting and Annex III), 10 (Alternative A) (Resolution of questions regarding interpretation and implementation of the Convention), (Alternative B) (Settlement of disputes), 11 (Amendments to the Convention), 12 (Protocols), 13 (Adoption and amendment of Annexes to the Convention), 14 (Right to vote), 15 (Depositary), 16 (Signature), 17 (Ratification, acceptance, approval and accession), 18 (Entry into force), 19 (Reservations and declarations), 20 (Withdrawal) and 21 (Authentic texts) at its 1st to 9th meetings, from 9 to 13 December 1991.

36. Statements and proposals on these articles and annexes related thereto were made by representatives of 51 States, including one speaking on behalf of the European Economic Community and its member States and one on behalf of States participating in the Committee that are members of the Alliance of Small Island States.

37. The representative of an intergovernmental organization also made a statement.<sup>1/</sup>

38. At its 13th and 14th meetings, on 18 December, the Working Group reviewed revised texts prepared by the Co-Chairmen, incorporating proposals made during the course of the discussion of the aforementioned articles and annexes thereto, and transmitted them, as orally amended, to the plenary for integration into a consolidated working document.

3. Legal and institutional mechanisms related to adequate and additional financial resources and technological needs and cooperation, and technology transfer to developing countries corresponding to the commitments agreed to in Working Group I (decision 1/1, annex, para. 7(c))

39. Working Group II considered articles 22 (Administrative mechanism for financial resources and technology transfer) and 23 (Insurance) at its 10th and 11th meetings, on 16 and 17 December.

40. Statements and proposals on these articles were made by representatives of 34 States, including one speaking on behalf of the European Economic Community and its member States and one on behalf of the States participating in the Committee that are members of the Alliance of Small Island States.

41. At its 14th meeting, on 18 December, the Working Group reviewed revised texts prepared by the Co-Chairmen, incorporating proposals made during the course of the discussion of the aforementioned articles and proposed article, and transmitted them, as orally amended, to the plenary for integration into a consolidated working document.

Definitions

42. At its 13th meeting, on 18 December, Working Group II reviewed an informal note by the secretariat (A/AC.237/Misc.14/Rev.1) on the question of definitions. Proposals were made by several delegations for the addition and deletion of terms to be defined.

C. Consideration, integration and completion by the plenary of the draft texts submitted by the Working Groups

43. At its second plenary meeting, on 16 December, the Committee heard procedural progress reports from the Co-Chairmen of Working Groups I and II.

44. The plenary had before it an informal note prepared by the secretariat on the preparation of an integrated working document (A/AC.237/Misc.15), which included a possible provisional structure of the framework convention in the form of a list of headings derived from documents A/AC.237/Misc.12 and 13. The Executive Secretary indicated that the content and order of the list would be modified as a result of further work by the two Working Groups. There was broad agreement among delegations that the informal note was useful as an indicative device for guiding the Committee's work toward an integrated working document. There was an exchange of views regarding further consolidation of headings so as to arrive at a document having a balanced structure.

45. Document A/AC.237/Misc.14/Rev.1 on definitions was also before the plenary. At the suggestion of the Chairman it was agreed that the two Working Groups should propose which terms needed definition in the framework convention. The Committee could then decide how best to proceed further.

46. The meeting concluded with an exchange among a number of delegations on the scope of the framework convention. Statements were made by representatives of 19 States, including statements on behalf of the African countries, the European Economic Community and its member States, and States members of the Group of 77.

47. At its 3rd plenary meeting, on 19 December, the respective Co-Chairmen of Working Groups I and II presented oral reports to the Committee on the work accomplished during the present session and thanked delegations and the secretariat for the support they had received. Both sets of Co-Chairs gave their own impressions of convergences and divergences in views expressed on the matters under consideration. The main points of these impressions are summarized below.

1. Oral reports on Working Group I

48. At the beginning of its deliberations, the Working Group decided to use the text submitted by the Bureau and contained in document A/AC.237/Misc.12 as a basis for its work. A first reading was given to the various chapters i.e. the preamble, principles, objective, general commitments, specific commitments and paragraph 6(c) of decision 1/1 relating to countries in special situations.

49. The Working Group made definite progress towards the elaboration of an agreed text of the preamble in the second reading. Progress was made in the streamlining of phrasing, agreement on the substance of paragraphs, and rationalization of the texts to avoid duplication with other sections of the Convention. Square brackets and difficulties still remained in some paragraphs.

50. In the case of the principles and objective of the Convention, an informal meeting of the Working Group, convened on Saturday 14 December under the chairmanship of the Vice-Chairman, undertook a second reading of the draft and produced a streamlined text. There was general agreement on the concept of sustainable development, the need for an integration of environmental protection and economic development, the need to protect the climate for present and future generations of mankind and the discharge of obligations on the basis of a common but differentiated responsibility, the precautionary principle and the specific needs of developing

countries. Some countries continued to express doubts about the need to incorporate principles into the text of the Convention. They reserved their position until the achievement of agreement on commitments, from which clear principles might emerge. Others continued to attach importance to the principles, saying that they were very important in guiding negotiations on commitments.

51. The text of the objective of the Convention had been shortened, but a few brackets remained and it was hoped that those would be cleared at the next session.

52. The discussion on commitments led to a greater level of agreement on matters relating to inventories, adaptation, research and information, as well as education and public awareness. Proposals on the publication and/or updating of programmes and strategies, as well as policies on emissions, and sinks and reservoirs, were subject to intense debate. At its next session, the Committee would have to examine further the question of the inclusion of annexes to incorporate the more detailed aspects of the commitments.

53. Some delegations called attention to the need to provide for differentiation in the implementation of commitments. It should be noted that the section originally entitled "Common Commitments" went through two rounds of discussion, whilst the section on specific commitments on sources and sinks, financial resources and transfer of technology went through only one. This might explain why that section of the consolidated text contained fewer brackets and alternatives. Nevertheless, divergence of views existed in particular as far as quantitative targets for stabilization and reduction of emissions were concerned. Other areas of disagreement included the choice of gases to be controlled, the nature of the measures to be undertaken, the criteria to be used for the control of emissions and whether the implementation of the commitments would be individual or collective.

54. The debate on financial resources and transfer of technology failed to narrow down the major differences existing among the various delegations on the creation of an international climate fund and its governance and on the criteria to be applied for technology transfer or cooperation.

55. In addition, the section on special situations did not solve the question of the categorization of countries with regard to their special situations, needs and circumstances. In this case too, lack of time prevented the Working Group from giving a second reading to the revised text.

56. The Working Group decided nevertheless that even in cases where only one reading was possible, the revised texts should be forwarded to plenary, as they were, with the hope that there would be enough time to have the documents translated into all languages so that delegates could take copies home to their capitals and confer with their governments.

57. One positive outcome of the session was that delegations were keener to meet in informal groups to sort out their differences and come up with compromise texts. This led to a number of joint proposals being submitted on principles and on commitments.

58. The texts as they now stood were the product of a detailed fine scrutiny of the most fundamental questions which still required a process of intense negotiation. They provided a firm basis for future work, but contained a significant number of aspects which called for greater study before agreement could be reached. Fundamental questions such as structure of and compliance with commitments, differentiation of their application and the close relationship between commitments and economic and social development, as well as the relationship among commitments which until the present time had appeared in various sections, had to be resolved. Various delegations reiterated the need for an integration of the sections. Of no less importance was the close coordination of the commitments addressed by Working Group I and the mechanisms which were being dealt with by Working Group II.

## 2. Oral reports on Working Group II

59. The Co-Chairs of Working Group II expressed the belief that despite the number of brackets in the document, credible progress had been made, but that each step forward exposed with ever greater clarity just how far there was still to go.

60. The entire Revised Single Text on Elements Relating to Mechanisms (A/AC.237/Misc.13) received a complete reading: delegations had had the opportunity both to consider the proposals of the Co-Chairs and to provide wording of their own where their vision of the requirements of the Convention differed from those proposals. Working Group II had produced a highly bracketed but fully representative text covering all Articles and Annexes under the Working Group's mandate. That accomplishment was an important and necessary step towards a unified negotiating text.

61. In the process of developing that text, delegations had engaged in a reasoned exchange of national views and, through those deliberations, refined those areas where fundamental differences remained and which would consequently require additional preparations for substantive negotiations. On certain issues, the text clearly established alternatives that delegations would have to consider. Those options included core issues such as whether subsidiary bodies, other than a secretariat, should be established in the Convention or left to the Conference of the Parties, whether the financial mechanism should be a newly-established and independent body or associated with an existing institution, and whether an Executive Committee was required. The establishment of clear alternatives in the text should help delegations develop their negotiating positions for the next session.

62. In addition, the Working Group had heard informal briefings on issues of particular relevance.

63. While the development of a bracketed text was an important step forward, the work that remained to be done should not be underestimated. Specifically:

(a) While the draft text contained the proposals of all delegations, it was not yet an authentic negotiating text. The document remained long and cumbersome and was not yet internally coherent or consistent. It would require considerable further refinement before it could be considered a true and realistic negotiating text;

(b) In several important areas, Working Group II had proceeded as far as it could without more definitive direction from Working Group I; the linkages between the progress achieved in both Working Groups would be increasingly critical;

(c) Two types of differences remained: those on wording and phraseology, and those where substantive and profound differences remained on fundamental issues related to mechanisms in the Convention. Delegations would have to engage in considerable preparatory work in capitals prior to the fifth session on elements in virtually every section of the Convention. In particular, important differences on the financial mechanism, the relationship of that mechanism to technology issues, the role of annexes, the settlement of questions related to implementation, and institutional structure needed to be addressed. That bridging process could only begin in earnest at the fifth session.

### 3. Conclusion

64. At its 3rd plenary meeting, on 19 December, a consolidated working document (A/AC.237/Misc.17 and Add.1-9), was submitted to the Committee. It had been prepared by the secretariat under the guidance of the Chairman of the Committee and the Co-Chairmen of the Working Groups, in the light of the Committee's earlier discussion. The document assembled texts that were indicative of the state of play in the two Working Groups, organized under a provisional list of headings. The Committee noted that the document was intended to facilitate further work on the framework convention but did not preclude the introduction of new elements. The Committee also noted that an edited version of the document would be published subsequently as an annex to the report of the Committee on the work of its fourth session (see Annex II below).

65. Statements evaluating the progress of work in the Committee, commenting on the texts in the consolidated working document and making proposals for future work on the convention were made by representatives of 15 States, including one on behalf of the African countries. A statement was made on behalf of a number of non-governmental organizations.

66. Upon the proposal of the Chairman, the Committee agreed that the consolidated working document should be carefully reviewed in order to draw attention to possible improvements in consistency and harmonization of language, to duplication which could be eliminated, and to other technical ways of enhancing its integration. It was understood that this review would not attempt to reformulate positions in the document. The Committee noted the intention of the Chairman, in consultation with the Bureau and the Officers of the Working Groups, to submit a report to its fifth session with recommendations on those matters. It further noted that the Chairman would request the Executive Secretary to undertake a technical review as a basis for his report and that the Executive Secretary would seek advice from other parts of the United Nations Secretariat, including the Office of Legal Affairs.

### IV. REVIEW OF EXTRABUDGETARY FUNDS

67. At the 2nd plenary meeting, on 16 December, the Executive Secretary introduced document A/AC.237/14, entitled "Review of extrabudgetary funds".

#### A. Special voluntary fund to support the participation of developing countries

68. The Executive Secretary thanked contributors who had responded to the appeal for additional funding made during the Nairobi session. He also thanked UNCTAD and UNDP for their continuing support in mobilizing the participation of developing countries. He noted the improved result achieved at the current session, with 102 developing countries participating. Of these, 92 countries had sent at least one representative from outside Geneva and it was estimated that about 80 countries would be supported by the special voluntary fund.

69. He underlined, however, that there were no funds available to finance participation in the fifth and resumed fifth sessions. The secretariat was therefore not able to commence offers of assistance. In order to maintain the current offer of support to one delegate from each of some 100 developing countries for the February and April sessions, some \$US 950,000 would be needed, that is, \$US 500,000 more than the amounts already pledged. If funding did not reach that level in time, it would be necessary to cut back, probably by restricting recipients to the least developed countries.

70. One delegation informed the Committee of its increased pledge for 1992, another indicated that approximately half of its pledge would soon be paid, while a third gave a preliminary indication of a supplementary contribution similar to that which it made originally in 1991.

**B. Trust fund for the negotiating process**

71. The Executive Secretary noted that the trust fund had not been used in 1991. He expressed gratitude for a grant to finance an associate expert from a developing country. He estimated that the additional amount sought from the trust fund in 1992, over and above appropriations from the regular budget of the United Nations, was \$US 250,000. One delegation stated that it might be able to make a contribution to the fund before the end of 1991.

\* \* \* \*

72. The Executive Secretary and the representative of the European Economic Community noted with regret that the contributions of the Commission of the European Communities to both funds had been blocked by an incompatibility between the financial regulations of the Commission and those of the United Nations, and they hoped that a solution could be found for 1992.

73. The Chairman concluded by thanking the Executive Secretary for his efforts to mobilize funds and to put them to good use, and urged all countries in a position to contribute to either or both funds to do so.

**V. ADOPTION OF THE REPORT**

74. At the 4th plenary meeting, on 20 December, the Vice-Chairman, Mr. Ion Draghici, in his capacity as Rapporteur, introduced the draft report (A/AC.237/L.11).

75. The Chairman conducted a reading of the draft report, section by section, during which oral amendments were introduced.

76. The Committee adopted the draft report as amended, authorizing the Rapporteur to reflect therein the proceedings of the 3rd and 4th plenary meetings and to make any necessary editorial changes.

## VI. CLOSURE OF THE SESSION

77. At the end of the 4th plenary meeting, on 20 December, the Chairman declared the fourth session of the Committee closed.

### NOTE

<sup>1/</sup> The representative of the European Economic Community stated her preference for the use of the terminology "regional economic integration organization" and, while reserving her right to pursue this matter in the appropriate forum, stated that the use of different terminology in this report should not constitute a precedent. In response to questions by delegations, the Executive Secretary explained that the terminology used in the report was based on the current practice of the General Assembly, as confirmed by advice from the Legal Counsel of the United Nations.



ANNEX I

List of documents before the Committee at its fourth session

Documents for the session

A/AC.237/12 and Corr.1	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its third session, held at Nairobi, from 9 to 20 September 1991
A/AC.237/13	Revised provisional agenda and annotations, including suggestions for the organization of work
A/AC.237/14	Review of extrabudgetary funds
A/AC.237/L.10	Draft provisional agenda for the fifth session
A/AC.237/L.11	Draft report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its fourth session, held at Geneva from 9 to 20 December 1991
A/AC.237/Misc.1 Addenda 1-15 (English only)	Set of informal papers provided by delegations, including "non-papers", related to the preparation of a framework convention on climate change
A/AC.237/Misc.12	Elements related to the preamble, principles and commitments: submitted by the Bureau of Working Group I
A/AC.237/Misc.13	Revised Single Text on elements relating to mechanisms: submitted by the Co-Chairmen of Working Group II
A/AC.237/Misc.14/Rev.1	Definitions: Note by the secretariat
A/AC.237/Misc.15	Consideration, integration and completion by the Plenary of the draft texts submitted by the Working Groups: preparation of an integrated negotiating text
A/AC.237/Misc.16	Provisional list of participants
A/AC.237/Misc.16/Rev.1	Revised provisional list of participants
A/AC.237/Misc.17 and Add.1-9	Consolidated working document
INC/FCCC/INF.7	Information note

- INC/FCCC/None No. 29  
(English only) Preliminary Hungarian position on the framework convention on climate change: the basic principles
- A/AC.237/WG.I/L.6 Draft programme of work, 9-18 December 1991
- A/AC.237/WG.I/L.7  
and Corr.1 and 2 Algeria et al.: proposal on the entire section on commitments
- A/AC.237/WG.I/L.8 Joint statement of the Group of 77, made by its Chairman (Chana) at the fourth session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change
- A/AC.237/WG.I/L.9  
and Corr.1 Statement on commitments submitted by the delegation of Vanuatu on behalf of the States members of the Alliance of Small Island States participating in the fourth session of the Committee
- A/AC.237/WG.I/L.10  
and Corr.1 Afghanistan et al.: proposed amendments to the text of A/AC.237/WG.I/L.7
- A/AC.237/WG.II/L.5 Organization of work

Other documents available at the session

- A/AC.237/5 Rules of procedure
- A/AC.237/6 and Corr.1 Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its first session, held at Washington, D.C., from 4 to 14 February 1991
- A/AC.237/9 Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its second session, held at Geneva from 19 to 28 June 1991
- \* \* \* \* \*
- A/46/48  
(Parts I and II) Report of the Preparatory Committee of United Nations Conference on Environment and Development at its second and third sessions

Available for reference purposes

General Assembly resolutions

- 45/212 Protection of global climate for present and future generations of mankind (21 December 1990)
- 45/211 United Nations Conference on Environment and Development (21 December 1990)
- 44/228 United Nations Conference on Environment and Development (22 December 1989)
- 44/207 Protection of global climate for present and future generations of mankind (22 December 1989)

\* \* \* \* \*

- A/45/696/Add.1 Progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind: report by the Secretary-General (Final statement of the Scientific/Technical session of the Second World Climate Conference and Ministerial Declaration of the Conference)

Regional intergovernmental meetings

- A/CONF.151/PC/10 Action for a common future: report of the Economic Commission for Europe on the Bergen Conference (8-16 May 1990)
- A/CONF.151/PC/38 Report of the Economic and Social Commission for Asia and the Pacific on the Ministerial-level Conference on Environment and Development in Asia and the Pacific (Bangkok, 15-16 October 1990)
- A/CONF.151/PC/L.30 Tlatelolco Platform on Environment and Development, adopted by Ministers of the Latin American and Caribbean countries at the end of the Regional Preparatory Meeting of United Nations Conference on Environment and Development (Mexico City, 7 March 1991)
- A/CONF.151/PC/85 Beijing Ministerial Declaration on Environment and Development, adopted at the Ministerial Conference of Developing Countries on Environment and Development on 19 June 1991.
- INC/FCCC/None No. 31 (English and French only) Documents from the Second Regional African Ministerial Preparatory Conference on Environment and Development, held at Abidjan from 11 to 14 November 1991

## ANNEX II

### CONSOLIDATED WORKING DOCUMENT

#### Note by the secretariat

1. This consolidated working document has been prepared by the secretariat under the guidance of the Chairman of the Committee and the Co-Chairmen of the Working Groups. It assembles, under a provisional list of headings, texts that are, in their view, indicative of the state of play in the two Working Groups at the end of their work at the fourth session. The document is intended to facilitate further work on the framework convention; it does not preclude the introduction of new elements.
2. The differing status of some of the texts emanating from Working Group I was described by the Co-Chairs in their report to plenary (see paras. 48-58 of the report of the fourth session). Formal proposals by delegations on the subject of commitments, which were submitted late in the session and thus were not considered in Working Group I, are not included in this document (see A/AC.237/WG.I/L.7 and Corr 1 and 2, L.9 and Corr. 1 and L. 10 and Corr. 1).
3. The document was originally issued as A/AC.237/Misc.17 and Add. 1-9. The present Annex is an edited version thereof. In addition to presentational, grammatical and typographic editing, the following changes may be noted:
  - (a) The number and placement of brackets has been reviewed and some adjustments made.
  - (b) The preamble has been numbered to facilitate easy reference. These numbers will be deleted in due course. The paragraph numbering in Section IV.2 has been brought into line with the rest of the document.
  - (c) Sub-headings, intended to facilitate the identification of texts, have been retained in Sections V - VIII and in the Annexes and inserted in Section IV.2. It will have to be decided whether any such sub-headings should be kept in the final text.
  - (d) The text of Section IV includes a few substantive modifications requested by some delegations at or after the closing plenary meeting of the fourth session. These changes have been identified by footnotes.

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## PREAMBLE

The Parties to this Convention,

1. Acknowledging that [adverse] change in the Earth's climate is a common concern of humankind since a sustainable climate is an essential condition that helps to sustain life,
2. Concerned that [net] emissions resulting from human activities are substantially increasing the atmospheric concentrations of greenhouse gases, and that these increases will enhance the greenhouse effect, resulting on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind, whilst noting that there are many uncertainties in predictions particularly with regard to the timing, magnitude and regional patterns of climate change,
3. Aware that the adverse effects of such [potential] climate change [and measures to mitigate it] could have [serious] social, economic and environmental consequences,
4. Acknowledging that the global nature of such climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response in accordance with [their respective responsibilities and capabilities]/[the means at their disposal and their capabilities] and their social and economic conditions,
5. Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972) and in particular principle 21 [which provides that "States have, in accordance with the Charter of the United Nations and the principles of international law, 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" [and accordingly that environmental considerations should not be used as a pretext for interference in the internal affairs of developing countries].]
6. Recalling also the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 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.



7. Recalling further the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sea level rise on islands and coastal areas, particularly low lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the Implementation of the Plan of Action to Combat Desertification,
8. Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,
9. [Noting the significant contribution made towards combating activities that result in adverse effects on the Earth's climate by the Vienna Convention for the Protection of the Ozone Layer, adopted on 22nd March 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16th September 1987 and adjusted and amended on 29th June 1990,]
10. Recognizing the need to strengthen international cooperation in addressing adverse effects of climate change [through the development within a global framework of appropriate policies [including the provision to developing countries of adequate, new and additional financial resources [based on assessed contributions by developed countries] and technology transfer on [preferential, concessional and non-commercial]/[fair and most favourable] terms], [the preparation of protocols on specific problems]/[the consideration of additional related instruments as may be agreed] and by means of increased research into atmospheric, terrestrial and marine ecology sciences as well as into the social and economic impacts of climate change and related response strategies, systematic observations, cooperation on scientific, technical, economic and legal matters and exchange of information],
11. Conscious of the valuable work being conducted by many States on global climate change and of the important contributions of the World Meteorological Organization, organs, organizations and bodies of the United Nations system as well as other international and intergovernmental bodies for the exchange of results of scientific research and coordination of research,
12. Recognizing the need for [all] countries [with excessively high per capita rates of anthropogenic carbon dioxide emissions] to take immediate action in a flexible manner on the basis of [short, medium and long term]/[clear priorities, as a first step towards] comprehensive response strategies at the global, national and [, where agreed, regional] levels which take into account all greenhouse gases, with due consideration of their relative contributions to the

enhancement of the greenhouse effect and recognizing also that strategies required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas,

13. Aware of the role and importance of sinks and reservoirs in terrestrial and marine ecosystems, inter alia, in the absorption of greenhouse gases,

14. Recognizing that action to reduce emissions of greenhouse gases can also help in solving other environmental problems,

15. Affirming that response to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate needs of developing countries which have at this time as their main priority the achievement of sustained economic growth and the eradication of poverty, and that therefore the promotion of economic growth in developing countries is essential to address the problems related to climate change,

16. Recognizing that the improvement of the international economic environment, thus promoting the economic growth and sustainable social and economic development, of developing countries, is [essential]/[a prerequisite] for enabling developing countries to participate effectively in the international efforts to address climate change,

17. Recognizing that all countries, especially developing countries, need access to [all the] resources required to achieve sustainable social and economic development and that in order to progress towards that goal, [the energy consumption of developing countries must grow, taking into account the need for greater energy efficiency]/[net emissions of developing countries must grow],

18. Conscious that countries with low lying coastal, arid and semi-arid areas or areas liable to drought and desertification, small island countries and countries with fragile mountainous ecosystems are particularly vulnerable to the potential adverse impacts of climate change and will therefore require special consideration under this Convention and its [subsequent protocols]/[related legal instruments],

19. Acknowledging the specific transitional difficulties of those countries, particularly developing countries, whose economies are particularly dependent on fossil fuel

production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions and that these difficulties will need to be recognized in the development of protocols under this Convention,]

20. Bearing in mind the importance of integrating environmental concerns and considerations into policies and programmes in all countries [without introducing any form of conditionality in aid or development financing or constituting a pretext for devising new barriers to trade],

21. [Recognizing] that climate policies should be as cost-effective as possible in order to ensure maximum benefits from measures undertaken,]

22. Determined to protect the atmosphere for present and future generations [on the basis of inter-generational as well as intra-generational equity],

Have agreed as follows:

## **I. DEFINITIONS**

(To be added subsequently)

## **[II. PRINCIPLES**

1. The right to development is an inalienable human right. All peoples have an equal right in matters relating to reasonable living standards. Economic development is the prerequisite for adopting measures to address climate change. The net emissions of developing countries must grow to meet their social and economic development needs.

2. All States have a duty to aim at sustainable development for the benefit of present and future generations. Protection of the global climate against human induced change should proceed in an integrated manner with economic development in the light of the specific conditions of each country, [without prejudice to the socio-economic development of developing countries]. Measures to guard against climate change should be integrated into national development programmes [taking into account that [evolving] environmental standards] valid for developed countries may have inappropriate and unwarranted social and economic costs in developing countries [and countries with economies in transition].

3. All States have an obligation to protect the climate [system] for the benefit of present and future generations of mankind on the basis of [inter-generational as well as intra-generational] equity. This obligation shall be carried out within different time frames for implementation in accordance with common but differentiated responsibilities and capabilities [between developing and developed countries] and taking fully into account that the largest part of emissions of greenhouse gases have been originating from developed countries and those countries have the main responsibility [and should take the lead] in combating climate change and the adverse consequences thereof.

Possible alternative to 3.

All inhabitants of the planet have an equal right to the atmosphere lying outside national jurisdiction. All States have an obligation to protect the atmosphere for the benefit of present and future generations of mankind on the basis of intra-generational as well as inter-generational equity. This common obligation to protect the atmosphere shall be equitably distributed between countries in accordance with developed and developing countries' common but differentiated responsibilities and capabilities and different time frames set out for implementation with a view to achieving convergence of anthropogenic carbon dioxide emissions at a common per capita level noting that the largest part of current emissions of greenhouse gases, both in historical and current terms, originates from developed countries, and that those countries [in the first instance have the main responsibility]/[shall take the lead] in combating climate change and the adverse effects thereof.

4. The Parties shall give full consideration to the specific needs and special circumstances of developing country Parties, especially those developing countries that are particularly vulnerable to the adverse consequences of climate change and also those developing countries which would have to bear a disproportionate or abnormal burden under the Convention.

5. In order [to achieve sustainable development in all countries and] to address the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of, and mitigate the adverse consequences of, environmental degradation that might result from climate change. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing [cost-effective] measures to prevent such environmental degradation. The measures adopted should take into account different socio-economic contexts.

6. States shall promote an open and balanced multilateral trading system. Except on the basis of a decision by the Conference of the Parties which should be consistent with the GATT, no country or group of countries shall introduce barriers to trade on the basis of claims related to climate change.

7. Measures taken to combat climate change should not introduce trade distortions inconsistent with the GATT or hinder the promotion of an open and multilateral trading system.

8. Alternative A

The developed countries responsible for causing damage to the environment through inducing climate change should bear the primary responsibility for rectifying that damage and the cost of prevention measures and should compensate for environmental damage suffered by other countries or individuals in other countries.

Alternative B

Those countries directly responsible for causing damage to the environment through inducing climate change should bear the responsibility for rectifying that damage. By openly demonstrating their direct responsibility or negligence, those countries shall compensate for environmental damage suffered by other countries or individuals in other countries.

9. Climate policies should be cost-effective to ensure global benefits at lowest possible costs. To achieve this, climate policies should be comprehensive, include all relevant sources and sinks of greenhouse gases, comprise all economic sectors, and may be implemented in cooperation with other Parties.

10. The principle of the sovereignty of States shall be adhered to and strictly respected in all fields of international cooperation, including that for protection of the climate.

11. The need to improve the international economic environment for the developing countries and to promote their sustained economic development are prerequisites for enabling developing countries to participate effectively in the international efforts to protect the global environment including climate protection.]

### **[III. OBJECTIVE**

The ultimate objective of the Convention and any related legal instruments that might be agreed upon is to achieve, in accordance with the principles set out in the above articles, stabilization of greenhouse gas concentrations in the atmosphere at a level which would prevent dangerous anthropogenic interference with climate. Such a level should be reached within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to permit economic activity to develop in a sustainable and environmentally sound manner.

[The anthropogenic emissions of greenhouse gases, particularly carbon dioxide, from States should converge at a common per capita level, taking into account net carbon emissions during this century as well as the economic needs of developing countries.]



## IV. COMMITMENTS

### [IV.1. GENERAL COMMITMENTS]

1. In pursuance of the above global objective, and in accordance with their common but differentiated responsibilities and taking into account their specific national and regional development priorities [and objectives and circumstances]/[particularly emission levels per capita, modified as appropriate by other relevant factors] [such as:

- emission level per capita,
- emission level per unit of GDP,
- climatic conditions,
- availability of indigenous energy sources, particularly non-carbon energy sources such as solar, hydropower, biomass, etc.,
- industrial structure of the country,
- potential for improved energy efficiency and conservation,]

the Parties commit themselves to:

- [(a) Implement suitable measures for the [control]/[effective limitation] of [net] emissions of all greenhouse gases [not controlled by the Montreal Protocol] and for the maintenance and enhancement of their sinks and reservoirs;]
- (b) Develop, periodically update, and [publish] [report on] national inventories of sources and sinks of all greenhouse gases not controlled by the Montreal Protocol [using a methodology to be considered at the first meeting of the Conference of the Parties with a view to reaching agreement on it];
- [(c) Alternative A  
Formulate, implement, publish and regularly update and report on, in the light of periodically re-evaluated scientific, technical and economic information and considerations, [cost effective and otherwise] appropriate national [and as appropriate]<sup>1</sup> [or] regional programmes and strategies which are considered necessary by the particular Party or group of Parties with regard to the control

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<sup>1</sup> Insertion

of greenhouse gas emissions, conservation and enhancement of sinks and reservoirs as well as strategies considered by the Party or group of Parties to facilitate adaptation to climate change [and] to mitigate the causes and adverse effects of climate change, including preventive measures which can be beneficial for reasons other than climate change. The Parties should formulate such programmes and strategies in accordance with Annex ...;]

[Alternative B

Formulate, implement, publish and regularly update in the light of scientific, technical and economic information, national and as appropriate regional programmes and measures

- to combat climate change
- to facilitate adaptation to climate change

taking into account paras. ... Parties should formulate such programmes and measures in accordance with Annex...;]

[(d) [Give priority to]/[Promote the necessary research for] clearing the remaining uncertainties regarding causes and effects of climate change and regarding the economic and social consequences of alternative response strategies and [promote]/[promoting] the development and diffusion of environmentally sound and safe technologies including innovative technologies for [improving energy efficiency aimed at] limiting greenhouse gas emissions;]

[(e)<sup>2</sup> Alternative A

In addressing the effective limitation of greenhouse gas emissions the Parties shall develop, adopt and update environmentally sound policies in all relevant sectors to:

- (i) Promote energy conservation, energy efficiency and the use of cost-effective energy efficient technology;
- (ii) Develop and use low carbon fuels and environmentally sound and safe CO<sub>2</sub> zero emission technologies, in particular new and renewable energy sources;

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<sup>2</sup> New text to replace original text in A/AC.237/Misc. 17/Add 1.

- (iii) Promote environmentally sound transport systems;
- (iv) Promote energy efficiency in products, including motor vehicles and processes, through mandatory standards or voluntary agreements, or other appropriate measures;
- (v) Promote development, diffusion and use of innovative environmentally sound technologies;
- (vi) Encourage environmentally sound consumer practice through public information programmes;
- (vii) Encourage improved waste management practices;
- (viii) Promote sustainable agricultural and land use practices;]

[Alternative B

Promote, taking into account the specific conditions of each country, [mitigative]/[cost effective] measures to limit greenhouse gas emissions in all sectors of the economy. [In the specific case of energy use, promote sustainable energy conservation, rational use of energy, energy efficiency and development and use of environmentally sound and economically feasible new and renewable energy sources that [minimize]/[control] the emissions of greenhouse gases taking into account the particular conditions of each country;]]

[Alternative C

Cooperate in development and application of requisite technologies and practices, including improvement of energy efficiency, safe renewable energy sources as well as in the protection and enhancement of sinks and reservoirs of greenhouse gases, in taking measures against soil loss with the priority aim of halting and reversing desertification, and in training of personnel;]

- [(f)<sup>3</sup> Promote the conservation, sustainable management and enhancement of sinks and reservoirs of greenhouse gases in terrestrial and marine ecosystems [by
- (i) taking measures against desertification, deforestation and forest destruction, where appropriate, with the primary aim of combating desertification and stabilizing the forest area and secondly increasing further the forest area;
  - [(ii) promoting overall health of ecosystems by counteracting the threats posed by, inter alia the emission of harmful pollutants and non-sustainable practices;]
  - (iii) taking measures against the degradation of ecosystems with the purpose of increasing their potential to act as sinks and reservoirs of greenhouse gases;
  - (iv) taking measures to protect the chemical balance of the atmosphere to maintain its ability to act as a sink for greenhouse gases other than carbon dioxide, such as methane];]
- [(g) Make preparations for adaptation to the impacts of climate change; develop [and elaborate] appropriate and integrated plans for coastal zone management, water resources and agriculture including emergency procedures, coastal zone response mechanisms and adaptation strategies in sectors such as land use planning, agriculture and fragile ecosystems [and a global ocean observing network]; and undertake assessments of the resilience and adaptability of resources;]
- (h) [Alternative A
- (i) conduct impact assessments to ensure that measures taken to combat climate change or to adapt to climate change minimize adverse social, health, economic and environmental effects;
  - (ii) ensure that climate change considerations are taken into account in social, economic and environmental policies and actions;]

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<sup>3</sup> The original Alternative A of paragraph (f) has been deleted. Alternative B has been retained as the new paragraph (f), with the addition of the last sub-paragraph of the former Alternative A, which becomes the new sub-paragraph (iv).

## Alternative B

Conduct timely, nationally formulated and determined, project-related socio-economic and environmental impact analysis of actions proposed for the purpose of addressing climate change with an emphasis on poverty eradication in developing countries, in particular least developed countries;

## (i) Alternative A

Promote and cooperate in systematic observations, research and information exchange on climate in order to improve scientific knowledge and better understand and assess the effects of human activities on climate and the environmental and socio-economic impact of climate change and the response strategies required to deal with such change and in order to identify the carbon cycle in terrestrial ecosystems, the role of soils, biomass (including agricultural crops), forests, different bodies of water and coral reefs as sources, sinks and reservoirs for greenhouse gases, in collaboration with relevant international organizations. The Parties shall make the results of systematic national, regional and global observations and evaluations available to all interested Parties;

## Alternative B

Promote and cooperate in research, systematic observations and information exchange on the climate system, in accordance with the provisions in Articles ... and Annex ...;

## (j) [Alternative A

Encourage the promotion of public education and awareness of the interrelations of energy production and consumption and the environment, of opportunities for individuals and the private and public sectors to reduce energy-related environmental impacts, of the benefits and opportunities for a rational use of energy and energy conservation, of the activities contributing to the build up of greenhouse gas emissions and of the environmental and socio-economic impacts of climate change, as well as of the need to control greenhouse gas emissions and of the specific role of forests, and promote the broadest possible participation in these activities, including participation by non-governmental organizations and indigenous peoples;]

Alternative B

Promote public education and awareness on climate change, its impacts and response measures, and encourage the widest possible participation in the process, including by non-governmental organizations, in accordance with Article...;

- [(k) Develop, coordinate and, as appropriate, harmonize, in order to avoid distortions to international trade and in accordance with the GATT and the provisions of Annex ..., relevant economic and administrative instruments [. such as subsidies, taxes and charges, as well as other relevant instruments] aimed at [limiting]/[controlling] net emissions of greenhouse gases;]
  
- [(l) Identify harmful national practices and policies which protect, subsidize or otherwise encourage activities which lead to greater levels of global emissions than would otherwise occur.]]

[IV.2. SPECIFIC COMMITMENTS]

**IV.2. 1      Stabilization and Reduction of Emissions and Enhancement of Sinks  
and Reservoirs]**

**Differentiation**

- [(a)      The Parties shall establish a system of categories of countries in order to implement the principle of common but differentiated responsibility. Furthermore they agree to review the implementation of that system regularly. The categories are set out in Annex ...

**Stabilization of Emissions**

- (b)      Alternative A

The [developed country Parties as defined in Article ..]/[Parties, in particular the developed country Parties] individually or jointly shall as a first step [commit themselves to the stabilization of]/[make best efforts to stabilize]

Alternative A1

[net] emissions of anthropogenic carbon dioxide [and other greenhouse gases other than those controlled by the Montreal Protocol] in general at the 1990 levels by the year 2000. [The details of this commitment should be elaborated in an Annex.]

Alternative A2

net emission of greenhouse gases as soon as feasible, recognizing differences among countries in a number of respects.

Alternative B

The developed country Parties shall commit themselves to substantial action on the enhancement and protection of greenhouse gas sinks and limitation of [net] emissions of greenhouse gases, aiming in particular, as a first step at a stabilization, individually or collectively, of carbon dioxide emissions in general by:

Alternative B1

the year 2000 at 1990 levels, taking into account the differences among countries in a number of respects in their starting points and approaches.

Alternative B2

- (i) the year 2000 at 1990 levels; or
- (ii) such earlier time and at such lower level as may be agreed by the Conference of the Parties acting with consideration for the best available scientific knowledge, as agreed by the Advisory Committee on [Science].<sup>4</sup>

**Reduction of Emissions**

- (c) Alternative A

The developed country Parties shall [make efforts]/[commit themselves] to take immediately steps towards reducing emissions of all anthropogenic carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol [between the years 2005 and 2010]/[as early as possible]/[after the year 2000]/ [by the year 2000] [and as a first step shall reduce such emissions by 25% by the year 2010, using 1990 as the base year] taking into account the most authoritative scientific advice available and setting targets to limit and reduce all emissions of greenhouse gases.

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<sup>4</sup> See Section VI.4 for possible titles of committee.



Alternative B

The developed country Parties shall commit themselves to continue negotiations towards reducing emissions of all greenhouse gases, other than those already controlled by the Montreal Protocol, taking into account the most authoritative scientific, social and economic advice available and based on a programme of targets and schedules agreed on internationally.

Alternative C

As part of the elaboration of a protocol on greenhouse gas emissions, in particular carbon dioxide, reduction and/or further limitation targets for emissions of carbon dioxide and other greenhouse gases should be explored, including possible strategy options aimed at progressive reductions and/or further limitations at the horizon 2005 and 2010. In this context also an agreement on measures for limitation or reduction of methane emissions in the energy and waste sectors should be considered as a priority.

Alternative D

The implementation of emission targets shall be reviewed before the year 2000 and new targets formulated for further 10 year periods until the objective of this Convention is met.

(d)<sup>5</sup> In order to meet the emission targets, the Parties shall commit themselves to measures to limit and reduce greenhouse gas emissions in accordance with the criteria for the distribution of commitments among countries set out in Annex .. to the Convention.

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<sup>5</sup> Sub-paragraphs (d), (e) and (f) were formerly placed immediately following sub-paragraph (b).

- (e) Decisions to base limitations and reductions of greenhouse gas emissions on the concept of net emissions shall be based on the best available scientific knowledge, as agreed by the Advisory Committee on [Science].<sup>6</sup>
- (f) The commitments may be implemented on a comprehensive carbon dioxide equivalent basis according to criteria set out in Annex .. to the Convention. All measurable limitations and reductions of net greenhouse gas emissions shall be credited to a Party's commitments under this Convention in accordance with the best available scientific knowledge, as agreed by the Advisory Committee on [Science]<sup>6</sup>.

#### **Enhancement of sinks and reservoirs**

- (g) The Parties shall commit themselves to enhance sinks and reservoirs inter alia by:
- implementing, where appropriate, site-based afforestation and reforestation programmes;
  - developing measures with regard to other sinks and reservoirs of greenhouse gases, such as oceans and seas;

#### **Crediting**

- [(h) A party which, using internationally accepted methods, can demonstrate that, as a result of human activities after 1990 the capacity of ecosystems within its territory to act as sinks of greenhouse gases has increased, has the right to credit an amount equivalent to the annual average of this increase when calculating its emission level.]

#### **Joint implementation**

- (i) Alternative A

The [developed country] Parties shall have the option to implement specific emission [reduction] commitments individually or jointly in

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<sup>6</sup> See Section VI. 4. for possible titles of committee.

cooperation with [another]/[one or more other]/[developing country] [Party]/[Parties] on the basis of equity and common but differentiated responsibility. This cooperation may take place on a bilateral, regional and global level. [When Parties cooperate in implementing [reduction] commitments, the [net reduction in emissions]/[result] shall be credited to [their respective]/[the] commitments of the former under this Convention for a specific period of time, in accordance with agreements between the cooperating Parties, [and subject to criteria approved by the Conference of the Parties.]]

Alternative B (relates to para (c) Alternative C above)

Parties making commitments in such a protocol should be able to establish bilateral, regional or global cooperation to achieve these commitments. The Conference of the Parties should establish the appropriate framework, criteria and modalities in order to provide the possibility of such cooperation.]

#### [IV.2. 2      **Specific commitments on financial resources]**

[(a)      The developed country Parties and other Parties in a position to do so [shall commit adequate [new] and additional]/[will] [may] provide on a voluntary basis] financial resources [additional to the ones that are disbursed for development at the time of the signing of the Convention], and [separate from development aid budgets] to enable [developing country] Parties to meet the [full]/[agreed] incremental costs as elaborated upon in Annex .. required to fulfil the commitments under the Convention and [ensure]/[facilitate]/[promote] the expeditious transfer of [environmentally safe and sound]/[appropriate] technologies to developing country Parties to improve and develop their indigenous technology on a [fair and most favourable]/[preferential, concessional and non-commercial] basis.

(b)      Alternative A

[At its first meeting, the Conference of the Parties]/[The Parties] shall [create]/[identify by (...)] an [International]/[Multilateral] [Climate Fund] [specific to this Convention] to expeditiously mobilize adequate, [new and additional] financial resources from [developed country Parties and other] Parties [who would wish to contribute]/[in a

position to do so], in accordance with an agreed scale of assessment, for [developing country Parties]/[other Parties with demonstrated needs]/[Parties meeting agreed criteria] in order to:

**Alternative B**

The Parties [will]/[may]<sup>7</sup> through the agreed financial mechanism, where appropriate, assist the developing country Parties to:

- (i) implement [all]/[specific]<sup>7</sup> commitments under the Convention;
- [(ii) adapt to and mitigate the adverse effects of climate change in accordance with their national development plans, priorities and objectives, and compensate the social and economic imbalances that result from the implementation of the Convention;
- (iii) provide assured access to appropriate environmentally [safe and] sound "state-of-the-art" technologies;
- (iv) complement their efforts to create and develop their endogenous capacities in scientific and technological research and development, systematic observations and information directed at combating climate change;
- (v) strengthen operative institutional capacities for dealing with climate change, including human resources development;
- (vi) promote research on emission control of the greenhouse gases from existing activities especially in the energy, transport, agriculture and industrial sectors;
- (vii) conduct research and pilot projects on the enhancement of natural greenhouse gas sinks including afforestation of deserts and other ecosystems, halophyte afforestation and expansion of coral reefs and oyster bank ranges.]

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<sup>7</sup> Insertion

- [(c) The fund shall operate under the authority of the Conference of the Parties [and shall be distinct and independent from other funds and international financial institutions]/[who shall decide on its overall policies and shall be administered as a Trust Fund by the Global Environment Facility of World Bank/UNDP/UNEP.]]

**IV.2.3 [Technology Cooperation]/[Transfer of Technology]**

[[Consistent with the objective of the established fund:]

- (a) The Parties shall take [every practicable] step[s], consistent with their national laws, regulations and practices to [ensure]/[facilitate]/[promote] the expeditious transfer either directly or through competent intergovernmental bodies of requisite [environmentally safe and sound]/[appropriate] technologies so as to enhance the ability of [the developing countries Parties]/[Parties which meet agreed criteria defined in Annex ..] to meet their technological needs in [implementing]/[meeting] their stated commitments under the Convention.
- (b) The Parties shall, for the purpose of implementing commitments under the Convention [cooperate in promoting]/[promote], consistent with their national laws, regulations and practices and taking into account the particular needs and indigenous technologies of developing country Parties, directly or through competent intergovernmental bodies, the development and transfer of environmentally safe and sound technology and knowledge. Such cooperation shall be carried out particularly through:
- (i) supporting the development of endogenous capacity building in developing countries through, inter alia, the development of human resources and the strengthening of institutional capacities in research and development, in accordance with the plans, objectives and priorities of these countries;
- (ii) Alternative 1
- provision of information on [appropriate]/[up to date environmentally safe and sound] technologies [and equipment, including supply of special manuals or guides] to other Parties;

Alternative 2

ensuring the access of developing countries to scientific and technological information, in particular in state-of-the-art technologies, through the establishment of an international database, based on regional and national centres, easily accessible by potential users, and to information related to technological options, trading conditions, implementation costs, and technologies security;

- (iii) supply of necessary equipment and facilities for research and development and systematic observation;
  - (iv) appropriate training of scientific, technical and managerial personnel in the technologies, equipment and installations referred to in para (iii) above;
  - (v) development of environmentally sound technologies in the public domain;
  - (vi) assistance to developing countries in building up their endogenous capacities and skills in scientific and technological research and development;
  - (vii) financial incentives provided by developed countries to encourage exports of environmentally sound technologies to developing countries;
  - (viii) appropriate means to prevent monopolistic practices in transfers of environmentally sound technologies;
  - (ix) support for the development of policies in the public sector, e.g. with regard to energy, transport, infrastructure and city planning.
- [(c) Compliance with this Convention by developing country Parties will be dependent upon the effective implementation of the provisions of this Convention on financial resources and transfer of technology.]

(d) [Alternative A

Non-compliance procedure and [intellectual property] rights should not be applied against developing country Parties if patented technology mandated by conventions is not accessible to them.]

[Alternative B

Intellectual property rights shall not be a barrier to compliance with this Convention by developing country Parties.]]

[IV.3. SPECIAL SITUATIONS]

1. The Parties shall give full consideration to the specific needs, including the transfer of technology and funding, of developing country Parties especially

(a) countries vulnerable to sea level rise such as:

- small island countries,
- countries with low lying coastal areas;

(b) countries with potential adverse change in precipitation, such as those with:

- arid and semi-arid areas;

(c) countries with potential adverse change in meteorological conditions, such as those with:

- areas prone to natural disasters including tropical cyclones, flooding and erosion,
- areas liable to drought and desertification,
- high urban atmospheric pollution;

(d) countries with fragile ecosystems, including mountainous ecosystems, in order to enable them to adapt to and combat the potential [adverse]/[undesirable] effects of climate change.

[2.<sup>8</sup> The Parties shall develop and adopt a "green plan" with appropriate emergency measures and mechanisms for the protection and recovery of fragile ecosystems, particularly arid and semi arid areas affected by drought and desertification in Africa, in order to limit their vulnerability to climate change.]

3. The developed country Parties shall take full account of the specific needs and special situations of the least developed countries in their action with regard to funding and transfer of environmentally safe and sound technology.

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<sup>8</sup> New text



4. The Parties shall give special consideration, in the implementation of the commitments of the Convention, and in the adoption of concrete measures to the situation of the [Parties particularly the] developing country Parties whose economies are highly dependent on fossil fuels, [either because they are not in a position to use]/[and assist them in order to facilitate their use of] substitutes for such fuels, [or do not possess the]/[increase their] flexibility to switch to non-fossil fuels, [or because of]/[and over time, reduce] their high dependency of income upon the production, exportation, or consumption of fossil fuels and associated energy intensive products.

5. **Alternative A**

The Parties recognize that in the implementation of the commitments of the Convention an adequate degree of flexibility to stabilize their economy and modernize their industry and agriculture has to be given to countries with economies in transition.

**Alternative B**

The Parties recognize that in the acceptance and the implementation of the commitments of the Convention, a certain degree of flexibility has to be given to countries with limited economic resources, in particular, to countries which are in the process of stabilizing their economies, to enhance their ability to cope with the effects of climate change.

[6. The developed country Parties shall set up an international insurance pool to provide financial insurance against the consequences of sea level rise to compensate the most vulnerable small island and low lying coastal developing countries against sea level rise.]

**Alternative to section IV.3**

The Parties shall give full consideration to the specific needs of the following groups of Parties, particularly, the developing country Parties, in undertaking actions to combat the adverse consequences of climate change and in the transfer of financial resources and technology:

- (a) small island developing countries;
- (b) low lying coastal areas;
- (c) arid and semi-arid areas;

- (d) areas prone to natural disasters;
- (e) areas liable to drought, desertification and high urban atmospheric pollution;
- (f) areas with fragile ecosystems including mountainous ecosystems;
- (g) countries whose economies are highly dependent on fossil fuels, either because they are not in a position to use substitutes for such fuels or do not possess the flexibility to switch to non-fossil fuels, or because of their dependency upon the production, exportation or consumption of fossil fuels and associated energy intensive products;
- (h) least developed countries; and
- (i) countries with economies in transition.

## V. COOPERATION ON SCIENCE, RESEARCH, INFORMATION AND EDUCATION

### V.1. SCIENTIFIC [,TECHNOLOGICAL] AND TECHNICAL COOPERATION

#### Cooperation

1. The Parties shall cooperate [, on a global and regional level,] in the development and dissemination of scientific, [technological,] technical, socio-economic and legal knowledge relevant to [uncertainties surrounding] climate change, and the potential responses thereto, through research [and development] and systematic observation, exchange of information and education, training and public awareness. [Such cooperation shall be carried out with due respect to national sovereignty and shall be consistent with national laws, regulations and practices.]

#### Developing countries

2. The Parties shall take into account the particular concerns and needs of developing countries and [seek to] [promote] [improve] [the] [their] capacity and capability [of all Parties] to participate in these cooperative efforts.

#### Minimize duplication

3. The Parties shall also seek to minimize duplication of [these cooperative] effort[s] by utilizing, where [possible] [appropriate], existing competent international and intergovernmental bodies.

## V.2. RESEARCH [AND DEVELOPMENT] AND SYSTEMATIC OBSERVATION

### Cooperation

1. The Parties [shall] [undertake [in accordance with their needs and the means at their disposal] to initiate] [promote] and cooperate in, directly or through competent international and intergovernmental bodies [,as decided by the Parties,] the conduct of research [and [technological] development] and systematic observation related to the climate system and climate change [as elaborated in Annex I].

### National Jurisdiction

[2. Within areas under its jurisdiction, [Within its scientific means,] [and, where appropriate, within the framework of established international climate and research programmes,] each Party shall [undertake] [within their capabilities] research [and development] and systematic observation [in accordance with the means at their disposal].] [Parties that do not have the indigenous capability to undertake research and development will be ensured assistance as articulated in Article V.1. (Scientific [, Technological] and Technical Cooperation).]

### Beyond National Jurisdiction

[3. [In areas beyond national jurisdiction[s,] the Parties shall encourage cooperation in research [and development] and systematic observation, taking into account [relevant laws] [and activities] [and existing programmes] at both the national and international levels. Special measures shall be implemented to promote [equal] [full and open] access to data obtained [from these areas].]

### Strengthen Networks and Capacity

4. The Parties shall [implement measures, including] support [for] international and inter-governmental efforts [of competent bodies as decided by the Parties] to strengthen the observational networks and data collection and research capacities, particularly in developing countries, [and shall contribute to the development of an integrated global climate observing system built upon existing cooperative international meteorological and oceanographic observing systems].

[Possible Alternative to Articles V.1. and V.2.]

## **SCIENTIFIC AND TECHNICAL RESEARCH, SYSTEMATIC OBSERVATION AND COOPERATION**

1. The Parties shall initiate and cooperate in, directly or through competent international and intergovernmental bodies, scientific and technical research and systematic observation related to the climate system and climate change as elaborated in Annex I.
2. Within areas under its jurisdiction, each Party shall be responsible for undertaking scientific and technical research and systematic observation.
3. The Parties shall take into account the particular concerns and needs of developing countries and seek to promote the capacity and capability of all Parties to participate in these cooperative efforts.
4. The Parties shall support international and intergovernmental efforts to strengthen the observational networks and data collection as well as scientific and technical research capacities particularly in developing countries.
5. The Parties shall also seek to minimize duplication of effort in research and systematic observation by utilizing, where possible, existing competent international and intergovernmental bodies.]

### V.3. EXCHANGE OF INFORMATION

In order to achieve the objective of the Convention, the Parties [shall] [may] facilitate and encourage, [taking into account the special circumstances of developing countries,] directly or [, as far as possible,] through [existing] competent international and intergovernmental organizations, full [, open] and timely exchange of relevant scientific, technological, technical, socio-economic and legal [available] information [as described in Annex II]. [The Parties recognize that cooperation under this Annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets and protection of confidential and proprietary information.]

#### V.4. EDUCATION, TRAINING AND PUBLIC AWARENESS

##### **Promotion**

1. In order to increase the understanding of climate change [and the uncertainties surrounding it] and to facilitate appropriate responses, the Parties shall promote education, training and public awareness related to climate change.

##### **National**

2. At the national [and/or regional] level and in accordance with [national laws and regulations] [the means] at their disposal, the Parties shall promote and facilitate:

- (a) The development and implementation of education and public awareness programmes on climate change;
- (b) Public access to information on climate change;
- (c) Public participation in addressing climate change issues and developing appropriate responses; and
- (d) Appropriate training of scientific, technical and managerial personnel.

##### **International**

3. At the international level, using existing organizations, institutions and channels where appropriate, the Parties shall cooperate in and promote:

- (a) The development and exchange of educational and public awareness material on climate change; and
- (b) The development and implementation of education and training programmes, including the exchange or secondment of personnel, in particular for developing countries.

[Alternative to paragraph 3(b)]

(b) The development and implementation of education and training programmes should be carried out by:

- (i) Providing courses and skills particularly to developing countries in the developed countries' institutions in the short and medium term;

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- (ii) In the long term, assist developing countries to build such institutions on their own; and
- (iii) Exchange or secondment of personnel to train experts in this field in the developing countries.]