



SCHWEIZERISCHER BUNDESRAT
CONSEIL FÉDÉRAL SUISSE
CONSIGLIO FEDERALE SVIZZERO

Beschluss
Décision
Decisione

29 AVR. 1992

CONVENTION-CADRE SUR LES CHANGEMENTS CLIMATIQUES
Dernière session des négociations
New-York, 30 avril - 8 mai 1992

Vu la proposition du DFI du 28 avril 1992
Vu les résultats de la procédure de co-rapport, il est

décidé:

1. La Suisse participe à la 2^{ème} partie de la cinquième session du Comité intergouvernemental de négociation d'une convention-cadre sur les changements climatiques, qui se déroulera à New York du 30 avril au 8 mai 1992.
2. Elle y sera représentée par la délégation suivante:
 - M. Wilhelm Schmid, vice-directeur, Office fédéral de l'environnement, des forêts et du paysage, DFI, chef de délégation
 - Mme Pascale Morand Francis, collaboratrice scientifique, DFI/OFEFP, suppléante du chef de délégation
 - M. Thomas Litscher, suppléant de chef de section, DFAE/DOI
 - M. Christian Pauletto, collaborateur scientifique, DFEP/OFAEE
 - un représentant de l'Office fédéral de l'énergie
3. La délégation comprendra également les experts suivants:
 - M. Jürg Minsch, Forschungsgemeinschaft für National-ökonomie
 - M. Martin Beniston, Directeur, Institut suisse du climat et du changement global
4. Les considérations figurant sous chiffre VI de la proposition au Conseil fédéral tiennent lieu de lignes directrices concernant les négociations.
5. Le Chef de délégation est autorisé à approuver la convention - sous réserve des points 2 et 3 sous chiffre VI - au cas où celle-ci devait être adoptée à l'issue de la réunion.

Points 3 (p. 8) est complété comme il suit:

"... OCDE. Il va de soi que la Suisse veillera à ce que la Convention n'énonce pas des obligations qui seraient incompatibles avec d'autres obligations internationales de la Suisse ou d'engagements politiques allant au-delà de ce déjà pris par le Conseil fédéral."

Dodis



6. Le Conseil fédéral sera informé immédiatement après la conclusions de la réunion de l'issue des négociations et sera saisi d'une proposition en vue de la signature de la convention.
7. Le Chef de délégation est autorisé à faire part de la disposition de la Suisse à contribuer au financement des institutions intérimaires établies dans le cadre d'une éventuelle mise en oeuvre provisoire de la convention. Ces contributions seront prélevées à l'article 310.3600.502 du budget de l'OFEFP. Le DFI (OFEFP) est autorisé à demander à charge de cet article un crédit dans le cadre du deuxième supplément du budget 1992. Ce crédit sera compensé par le blocage d'un montant correspondant à l'article 310.3600.503.
8. Les indemnités journalières des membres de la délégation sont fixées conformément aux instructions de l'Office fédéral du personnel du 4.9.91. Ces dépenses, ainsi que les frais de voyage, sont imputés au crédit "Dédommagement" de leur office respectif pour les membres de l'Administration et au crédit "Délégations désignées par le Conseil fédéral", article 103.3160.002, pour les experts externes.

Pour extrait conforme,

Mueller Müller

Protokollauszug an:				
<input checked="" type="checkbox"/> ohne / <input type="checkbox"/> mit Beilage				
z.V.	z.K.	Dep.	Anz.	Akten
	X	EDA	10	-
X		EDI	16	-
	X	EJPD	5	-
	X	EMD	5	-
	X	EFD	7	-
	X	EVD	5	-
	X	EVED	5	-
	X	BK	3	-
	X	EFK	1	-
	X	Fin.Del.	2	-

CONVENTION-CADRE SUR LES CHANGEMENTS CLIMATIQUES
Dernière session des négociations
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Zusammenfassung

1. Die Instruktionen für die schweizerische Delegation an der letzten Tagung des Zwischenstaatlichen Verhandlungsgremiums für die Konvention über Klimaveränderungen, New York, 30. April - 8. Mai, gehen von folgenden Voraussetzungen aus: Der globalen Problematik der Klimaveränderungen kann nur in internationaler Zusammenarbeit begegnet werden. Die Industriestaaten müssen im Emissionsbereich (CO₂-Stabilisierung als erster Schritt) handeln und zusätzliche finanzielle und technische Mittel bereitstellen, um Entwicklungsländer bei der Erfüllung der Verpflichtungen, die auch von ihnen erwartet werden (Emissionsinventare, Klimastrategien mit Massnahmen, Berichterstattung darüber, Einrichtung angemessener Konventionsinstitutionen), zu unterstützen. Angesichts der Zeitknappheit vor der UNCED wird der Charakter als Rahmenkonvention immer stärker unterstrichen. Damit kommt der Aufnahme der Zusammenarbeit im Rahmen der Konvention zu deren Durchführung und Weiterentwicklung vom Datum der Unterzeichnung an und damit der Rolle Genfs als Sitzort für das Interimssekretariat eine besondere Dringlichkeit zu.
2. Dem Antrag sind folgende Dokumente beigelegt:
 - Konventionsentwurf
 - ausführliche Darstellung des Verhandlungsverlaufs und der Struktur des Abkommensentwurfs
3. Nach Abschluss der Verhandlungsrunde am 8. Mai wird ein Antrag betreffend Unterzeichnung folgen.



EIDGENÖSSISCHES DEPARTEMENT DES INNERN
 DÉPARTEMENT FÉDÉRAL DE L'INTÉRIEUR
 DIPARTIMENTO FEDERALE DELL'INTERNO

Berne, le 28 avril 1992

Au Conseil fédéral

CONVENTION-CADRE SUR LES CHANGEMENTS CLIMATIQUES
Dernière session des négociations
New-York, 30 avril - 8 mai 1992

I INTRODUCTION

Depuis février 1991, un Comité intergouvernemental de négociation (CIN), mis sur pied en décembre 1990 par l'Assemblée générale des Nations Unies, élabore le texte d'une convention-cadre sur les changements climatiques, dans le but de la signer en juin 1992 à Rio de Janeiro, à l'occasion de la Conférence des Nations Unies sur l'environnement et le développement (CNUED). La dernière session se tiendra à New York du 30 avril au 8 mai prochain.

II CONTENU DE LA CONVENTION

1. Afin de refléter la responsabilité "commune mais différenciée" des parties, la convention contient des **engagements généraux** s'appliquant à toutes les parties, et des **engagements spécifiques** ne concernant que certaines catégories de pays, notamment les pays industrialisés. Elle contient en outre des **engagements en matière de transfert de ressources financières et technologiques**.

Au titre des engagements généraux, la convention devrait amener ses parties à élaborer des inventaires nationaux d'émissions de gaz à effet de serre (GES), à préparer une stratégie nationale visant à maîtriser ces émissions et, le cas échéant, à faciliter l'adaptation aux changements climatiques. Elle devrait en outre les engager à coopérer en matière scientifique et technique, dans la recherche et l'observation du climat, et dans les domaines de l'éducation, la formation et l'information. Enfin, les parties devront soumettre à un examen périodique des rapports nationaux portant sur la mise en oeuvre de la convention.

Les pays en développement (PED) estiment que tout engagement de leur part est subordonné à l'octroi, par les pays industrialisés (PI), du total des coûts marginaux ("full incremental costs") correspondants.

Les engagements spécifiques concernent essentiellement:

- * l'engagement des pays industrialisés à élaborer des politiques et mesures visant à stabiliser leurs émissions de CO₂ et éventuellement d'autres gaz à effet de serre (non-réglementés par le Protocole de Montréal) à leur niveau actuel d'ici à l'an 2000
 - * un engagement en matière d'aide financière destinée à permettre aux pays en développement, en particulier aux moins avancés d'entre eux, de remplir les obligations auxquelles ils souscriront dans le cadre de la convention.
2. La récente session du Comité de négociation, en février à New York, a montré que des divergences importantes subsistent entre les délégations des pays membres de l'OCDE sur la question de la stabilisation des émissions d'ici à l'an 2000. En outre, il existe un désaccord en ce qui concerne la nature - obligatoire ou volontaire - des contributions financières à engager. Notons que la question des montants précis n'a pas encore été abordée dans la négociation.

La question du mécanisme de financement est également controversée. Les pays industrialisés proposent de confier cette tâche à la Facilité globale de l'environnement (GEF), un organe créé en 1989 par la Banque Mondiale, le Programme des Nations Unies pour l'environnement (PNUE) et le Programme des Nations Unies pour le développement (PNUD). Les PED, par contre, souhaiteraient qu'un fonds nouveau soit mis en place, sur lequel ils auraient un réel pouvoir de décision.

Quant au mécanisme de rapport et examen, de même qu'en ce qui concerne en général les institutions et mécanismes à mettre sur pied dans le cadre de la convention, deux tendances se distinguent clairement: les pays de l'OCDE préconisent des institutions fortes qui soient à même de superviser la mise en oeuvre de la convention de manière efficace. A l'opposé, les pays en développement refusent un contrôle sérieux tant que les pays industrialisés n'auront pas pris des engagements fermes en matière financière.

III POSITION DE LA SUISSE DANS LA NÉGOCIATION

Les grandes lignes de la position suisse se sont basées jusqu'ici sur la décision du Conseil fédéral du 31 octobre 1990, relative à la participation de la Suisse à la Deuxième conférence mondiale sur le climat (SWCC), à savoir:

- o s'engager en faveur d'une stabilisation au moins des émissions de CO₂ d'ici à l'an 2000 par rapport au niveau actuel (1990), et d'une réduction de ces émissions après l'an 2000;
- o se prononcer en faveur du principe de l'additionnalité des ressources financières à allouer aux PED en vue de faciliter leur adhésion à une convention sur le climat;
- o demander l'élaboration d'une convention-cadre sur le climat suffisamment contraignante et insister sur la nécessité de négocier,

parallèlement, des protocoles additionnels portant sur les émissions de CO₂ et le secteur forestier^N;

- o se prononcer en faveur de mesures visant à accélérer le transfert de technologies vers les PED, sur une base qui soit la plus favorable possible tout en garantissant la protection des droits de propriété intellectuelle.

Divers autres éléments importants ressortent de la Déclaration ministérielle de la SWCC, à laquelle la Suisse a adhéré:

- o l'objectif à long terme de l'action internationale doit être de stabiliser les concentrations atmosphériques des GES à un niveau qui permette d'éviter toute perturbation dangereuse du climat d'origine humaine;
- o l'adoption, à terme, d'une approche aussi globale que possible, portant sur tous les gaz à effet de serre, leurs sources et leurs puits;
- o la reconnaissance du fait que l'action globale doit être fondée sur le principe de l'équité et la responsabilité commune mais différenciée ("common but differentiated") des pays, et que par conséquent les pays industrialisés doivent prendre les devants ("take the lead") en ce qui concerne les mesures palliatives;
- o la reconnaissance du principe de prudence ("precautionary principle", "Vorsorgeprinzip"), qui est d'ailleurs incorporé dans notre Loi fédérale sur la protection de l'environnement.

Cette position est partagée dans ses grandes lignes par les pays de l'AELE et des CE, qui ont régulièrement organisé des réunions de coordination en marge des négociations.

IV IMPLICATIONS DE LA CONVENTION POUR LA SUISSE

1. Si les engagements généraux sont retenus dans la convention, il s'agira, pour que notre pays soit en mesure de la signer et de la ratifier, de prendre les dispositions suivantes:
 - a) Mettre en place une **stratégie nationale de lutte contre les changements climatiques**, comportant des domaines d'action prioritaires, et des mesures précises visant au contrôle des émissions de gaz à effet de serre. Cette stratégie devra en outre être conjuguée à un réel souci d'informer le public.

Depuis sa mise en place par le Conseil fédéral, le 22 novembre 1989, le Groupe de travail interdépartemental sur l'évolution du système climatique (GIESC) identifie et analyse les stratégies possibles de

N. Il s'est avéré au cours des négociations que de tels protocoles ne pouvaient pas être négociés d'ici à juin 92.

prévention et d'adaptation. Il présentera prochainement au Conseil fédéral un rapport contenant les bases d'une stratégie nationale en matière d'effet de serre.

b) Etablir et tenir à jour un **inventaire national** exhaustif des émissions de gaz à effet de serre, ainsi que de leurs sources et de leurs puits.

Le GIESC a établi un inventaire préliminaire des émissions nationales. Des dispositions ont d'ores et déjà été prises par l'OFEFP pour assurer que les inventaires à venir soient conformes à la méthodologies développée par l'OCDE et l'IPCC.

2. Mesures portant sur les émissions

Si tous les pays de l'OCDE s'engagent prendre des mesures pour stabiliser leurs émissions de CO₂ ou de CO₂ et autres GES non-réglés par le Protocole de Montréal, au niveau de 1990 d'ici à l'an 2000, tous devront mettre en oeuvre les instruments nécessaires à l'application de cet engagement, à savoir des mesures dans les secteurs concernés, dont l'énergie, et vraisemblablement des instruments économiques. Les efforts de la Suisse seraient alors facilités puisque les questions de coordination et d'harmonisation des mesures ne constitueraient plus un obstacle majeur.

En effet, afin de remplir son engagement politique de stabiliser au moins ses émissions de CO₂ au niveau de 1990 d'ici à l'an 2000, le gouvernement dispose de plusieurs instruments:

- l'Article constitutionnel sur l'énergie et l'Arrêté fédéral relatif à l'utilisation rationnelle de l'énergie.
- le Programme d'action "Energie 2000".

D'autre part, l'introduction d'une **taxe d'incitation sur les émissions de CO₂**, appliquée aux combustibles, est à l'étude.

Il ressort des études de scénarios énergétiques effectués à ce jour que des mesures de politique énergétique conjuguées à une taxe sur le CO₂, appliquée aux combustibles, ainsi qu'à l'augmentation des droits de douane sur les carburants de Fr. 0.25 par litre, permettrait à la Suisse de stabiliser au niveau de 1990 ses émissions de CO₂ d'ici à l'an 2000 et au-delà. L'introduction de prescriptions plus sévères et/ou de subventions pour des mesures d'économies d'énergie pourront réduire ces émissions après l'an 2000.

En résumé, les mesures concrètes déjà mises en oeuvre constituent les premiers éléments d'une stratégie efficace en matière d'émissions de CO₂. Des décisions restent cependant à prendre sur des mesures importantes, comme par exemple les normes de qualité énergétique sur la consommation des automobiles. D'autres mesures encore nécessitent l'élaboration d'une base juridique (taxe sur l'énergie ou le CO₂, programme d'investissement et d'encouragement dans le secteur du bâtiment).

3. Transfert de ressources financières

Pour ce qui est de l'aide financière destinée aux PED dans le cadre de la convention - dont les montants précis n'ont pas encore été abordés dans la négociation -, la Suisse dispose déjà, jusqu'en 1995, des crédits nécessaires à un engagement substantiel. En effet, des 300 millions de francs accordés pour le financement dans les PED de programmes en faveur de l'environnement global, 120 sont alloués pour des fonds multilatéraux (dont 80 mio pour la GEF). Les montants inscrits au plan financier 1993-95 suffiront à honorer tout engagement concret pris le cas échéant par la Suisse dans le cadre de la convention. Ceci reste valable au cas où la GEF devait constituer le mécanisme financier de la convention, et était poursuivie au-delà de sa phase pilote dans un cadre inchangé. Par contre, si la GEF était poursuivie au-delà de 1993 et élargie, des moyens supplémentaires devraient être débloqués. Reste bien sûr réservé, l'évolution à la suite des négociations du CIN à New York.

4. Europe centrale et orientale

La Suisse doit veiller à adopter une attitude cohérente, tenir compte des aspects liés au problème de l'effet de serre et oeuvrer activement pour que la dimension environnementale et la gestion rationnelle des ressources soient intégrées dans le cadre de son aide aux pays de l'Est (crédit-cadre de 800 millions de francs), dans celui des négociations en cours sur les protocoles de la Charte européenne de l'énergie, que notre pays a signée en décembre 1991, ainsi que dans le processus "Environnement pour l'Europe". Notons que l'énergie et l'environnement sont des aspects prioritaires des activités prévues au titre du crédit-cadre de 800 millions de francs destinés à l'aide des pays d'Europe centrale et orientale.

5. Transfert de technologie

La Suisse dispose de technologies de pointe susceptibles de contribuer positivement à la lutte contre l'effet de serre, tout en bénéficiant à notre pays et à notre économie. En tant que pays industrialisé, la Suisse a une responsabilité particulière et devrait, par conséquent, promouvoir les transferts de technologies de façon active et énergique.

Tout en reconnaissant qu'il relève de la compétence de chaque gouvernement d'édicter et d'appliquer des mesures qui stimulent la recherche et le transfert de technologies, notamment par une protection effective et adéquate de la propriété intellectuelle, il s'agit d'encourager l'amélioration des conditions-cadre nationales et internationales aptes à promouvoir les transferts de technologies et de savoir-faire, l'incitation fiscale ou autre de l'industrie à effectuer de tels transferts, la création de l'infrastructure institutionnelle dans les PED, la coopération avec ceux-ci en matière de recherche et développement technologique, la généralisation et, si possible, l'harmonisation des "normes écologiques" (dont la sévérité devrait progressivement augmenter jusqu'au niveau de la "durabilité"), et la promotion de systèmes d'information globaux et faciles d'accès sur l'état du développement des technologies climatiques sur le plan national et international. On pourra également envisager de financer, dans le cadre de la coopération en matière de développement et de problèmes globaux d'environnement, l'achat sur une base commerciale de technologies par les PED.

V MISE EN OEUVRE PROVISOIRE DE LA CONVENTION

L'intervalle entre la signature de la convention et son entrée en vigueur pourrait durer deux ans ou plus. Pendant cette période, certains mécanismes de la convention pourraient néanmoins être activés, par le biais d'une mise en oeuvre provisoire de la convention.

Les mécanismes à activer sont en particulier le "reporting" et la préparation de la première réunion de la Conférence des Parties, ce qui implique:

- l'établissement d'un groupe de travail ad-hoc de Signataires (qui pourrait être éventuellement l'Organe exécutif/de mise en oeuvre);
- la mise sur pied d'un secrétariat intérimaire disposant d'expertise et de moyens adéquats;
- la continuation de l'évaluation scientifique et technique;
- la mise à disposition de contributions volontaires par les Signataires afin d'assurer le financement des activités et organes intérimaires.

La Suisse avait soumis aux délégations des pays de l'OCDE une proposition informelle portant sur cette question lors de la session de février dernier. L'accueil très favorable que cette proposition avait suscité constitue un encouragement à poursuivre les démarches en vue d'une concrétisation.

Afin de contribuer au financement des institutions intérimaires établies dans le cadre d'une éventuelle mise en oeuvre provisoire de la convention, le DFI (OFEFP) demandera, à charge de l'article 310.3600.502 du budget de l'OFEFP, un crédit d'un million de francs dans le cadre du deuxième supplément du budget 1992. Ce crédit sera compensé par le blocage d'un montant correspondant à l'article 310.3600.503. Il demandera ultérieurement (budget 1993 et plan financier 1994-96) les crédits suivants: 1993 Fr. 2'000'000.-, 1994 Fr. 1'500'000.-, et 1995-96 Fr. 500'000.-.

VI INSTRUCTIONS À LA DÉLÉGATION SUISSE

La délégation suisse qui participera à la la 2^{ème} partie de la cinquième session du Comité intergouvernemental de négociation d'une convention-cadre sur les changements climatiques, qui se déroulera à New York du 30 avril au 8 mai 1992, sera dirigée par M. Wilhelm Schmid, vice-directeur à l'Office fédéral de l'environnement, des forêts et du paysage. Celui-ci sera accompagné de collaborateurs de l'OFEFP, la DOI, l'OFEN et l'OFAGE. En outre deux experts (en matière économique et en matière scientifique) seront invités à faire partie de la délégation suisse.

Au vu des considérations exposées plus haut, la délégation suisse se conformera aux lignes directrices suivantes dans la négociation:

1. La délégation continuera d'oeuvrer dans la négociation pour que les objectifs décrits sous III.2 soient atteints.

De plus:

- 1.1 Au titre des engagements généraux, la Suisse soutiendra que toutes les parties doivent, au minimum, s'engager à établir un inventaire national d'émissions de gaz à effet de serre et préparer une stratégie nationale comportant des domaines prioritaires et des mesures précises visant à limiter ces émissions et, le cas échéant, à préparer des mesures d'adaptation.

La Suisse veillera à ce que soit mentionné explicitement la nécessité de mesures efficaces - par rapport au but recherché et à leur coût environnemental, social et économique - visant aux économies d'énergie, l'amélioration des rendements énergétiques, et le développement, l'amélioration de l'attrait économique et l'utilisation de technologies produisant peu ou pas de gaz à effet de serre, notamment les énergies renouvelables. Elle veillera en tout cas à ce que les sources [§IV.1(c)] et les puits [§IV.1(d)] soient traités de manière équitable.

- 1.2 **Finanzmechanismus:** Drei Grundanliegen haben die schweizerische Haltung in der Verhandlung geprägt: 1. sollen die Finanzmittel, die unter der Konvention fließen, klar identifizierbar sein. 2. sind die Finanzmittel unter der Konvention der Hoheit der Vertragsparteien zu unterstellen, und 3. ist eine Proliferation von Finanzmechanismen zu verhindern. Die Schweiz hat sich daher für die Einrichtung eines Fonds unter der Konvention ausgesprochen, der treuhänderisch der GEF zur Verwaltung übertragen würde. Sollten die unter 1. und 2. angeführten Anliegen anders befriedigend gelöst werden können, würde die Schweiz nicht auf der Einrichtung eines Fonds unter der Konvention insistieren.

2. Pour la Suisse, les trois ingrédients essentiels de la convention sont:

- * l'engagement des pays industrialisés à adopter des politiques et mesures visant à stabiliser au niveau actuel leurs émissions de CO₂ et d'autres gaz à effet de serre non-réglementés par le Protocole de Montréal d'ici à l'an 2000
- * un engagement concret en matière financière, sur la base de contributions obligatoires dont la clé de répartition est à négocier
- * le mécanisme de "reporting";

La Suisse acceptera, sous réserve du point 3 ci-dessous, le texte de la convention si les dispositions suivantes y figurent:

- 2.1 Au titre des engagements spécifiques en matière d'émissions, la formulation suivante [§IV.2.1(a)]: "The developed country Parties [...] shall adopt national policies and take corresponding measures on the limitation of anthropogenic emissions of greenhouse gases and the protection and enhancement of greenhouse gas sinks and reservoirs. These measures and policies shall be aimed at, as a first step, stabilising individually or jointly emissions of carbon dioxide and other greenhouse gases not covered by the Montreal Protocol in general by the year 2000 at or near 1990 levels, taking

into account the differences in their starting points and approaches and the need for equitable contributions of these Parties."

Cette formulation, qui met l'accent sur les mesures plutôt que sur l'objectif, constitue déjà un compromis important des pays de l'OCDE en direction de la position des Etats-Unis.

- 2.2 Au titre des engagements spécifiques en matière de ressources financières, un engagement concret sur la base de contributions obligatoires dont la clé de répartition est à négocier.

Les informations dont nous disposons indiquent que les Etats-Unis n'accepteront pas un engagement basé sur des contributions obligatoires. Ils penchent en faveur de la poursuite de la GEF au-delà de 1993 en tant que mécanisme financier de la convention, sur la base de contributions volontaires.

- 2.3 **Institutionen:** Die Einrichtung eines Unterorgans der Vertragsparteienkonferenz, das die Durchführung der Konvention zwischen deren Tagungen sicherstellt, ist eine unabdingbare Voraussetzung für einen effektiven Vollzug des Rechtsinstrumentes.

3. La Suisse ne s'opposera pas à un consensus des pays de l'OCDE.
4. La Suisse proposera, en accord avec les autres délégations des pays de l'OCDE, que l'adoption de la convention soit effectuée sur la base d'un vote, conformément aux dispositions des règles de procédure de l'INC, s'il s'avère que cette adoption est bloquée par un ou deux pays (Arabie Séoudite et Koweït notamment).
5. La Suisse proposera, en accord avec d'autres délégations des pays de l'OCDE, une mise en oeuvre provisoire de la convention ou de parties spécifiques de celle-ci - selon l'art.25 de la Convention de Vienne sur le droit des traités - et annoncera sa disposition à en supporter une partie des frais.
6. Le Chef de délégation approuvera la convention - sous réserve des points 2 et 3 ci-dessus -, au cas où celle-ci était adoptée à l'issue de la réunion. Conformément aux règles de procédure de l'Assemblée générale de l'ONU, la convention ne doit pas être adoptée par une conférence de plénipotentiaires.

VII CONSÉQUENCES SUR LE PERSONNEL

Plusieurs activités découleront de l'adoption de la convention: préparation périodique de rapports nationaux dans le cadre du processus de "reporting", élaboration et tenue à jour d'un inventaire national des émissions de gaz à effet de serre, préparation et participation aux réunions de la Conférence des Parties, participation aux activités du Comité exécutif/de mise en oeuvre, à caractère permanent. Dans le cas d'une mise en oeuvre provisoire de la convention, ces activités débiteront dès sa signature. D'autre part, il s'agira de poursuivre les travaux d'expertise scientifique et technique (IPCC notamment).

Le Conseil fédéral sera saisi, conjointement à la remise du rapport du GIESC, de proposition(s) concrètes concernant les besoins futurs en matière de ressources matérielles et en personnel de tous les offices concernés.

VIII RÉSULTATS DE LA PROCÉDURE DE CONSULTATION DES OFFICES

Les directions et offices suivants ont été consultés lors de la procédure préliminaire de consultation:

- | | |
|-------|--|
| DFAE | <ul style="list-style-type: none"> - Direction politique - Direction des organisations internationales - Direction du droit international public - Direction de la coopération au développement et de l'aide humanitaire |
| DFJP | <ul style="list-style-type: none"> - Office fédéral de la justice - Office fédéral de la police |
| DFF | <ul style="list-style-type: none"> - Administration fédérale des finances - Office fédéral du personnel |
| DFEP | <ul style="list-style-type: none"> - Office fédéral des affaires économiques extérieures - Office fédéral de l'agriculture - Office fédéral de l'industrie, des arts et métiers et du travail |
| DFTCE | <ul style="list-style-type: none"> - Office fédéral de l'énergie - Office fédéral de l'économie des eaux - Office fédéral des transports |

Il subsiste les divergences suivantes:

1. Concernant la position de la Suisse jusqu'ici dans les négociations (section III).

L'OFAGE estime que "la décision [du Conseil fédéral du 31 octobre 1990, relative à la participation de la Suisse à la SWCC] - qui portait sur la préparation d'une déclaration politique - n'était pas censée servir d'instructions à la négociation d'une convention juridiquement contraignante, même s'il est admissible qu'elle soit prise en compte par la délégation en tant qu'indication du cadre politique au niveau interne."

Nous ne partageons pas ce point de vue, et considérons que la décision du 31.10.90 constituait le fondement approprié de la position de la Suisse. La délégation suisse a donc non seulement "tenu compte" de cette décision, mais s'est "basée" sur celle-ci.

Notons en outre que le Groupe de travail interdépartemental sur l'évolution du système climatique (GIESC), mis en place par le Conseil fédéral le 22 novembre 1989, assure la coordination nécessaire entre les offices pour ce qui est de la préparation des réunions internationales en matière de climat. Grâce à ce cadre, la participation de la délégation suisse à la négociation a été caractérisée par une grande transparence, et a tenu compte et bénéficié des avis de tous les offices concernés.

2. Concernant le point 4 de la section IV, relative à l'Europe centrale et orientale.

L'OFEN et l'OFAEE estiment que, puisqu'une obligation d'aider les pays de l'Est ne saurait découler de la convention sur le climat, cette partie est hors sujet. Ils suggèrent donc son élimination.

Nous rejetons cet argument. Les problèmes globaux d'environnement concernent non seulement la collaboration Nord-Sud, mais également celle entre Est et Ouest. Dans son Message du 23 septembre 1991 concernant la coopération renforcée avec les Etats d'Europe centrale et orientale, le Conseil fédéral fait clairement part de son intention d'accorder "en plus d'un soutien pour résoudre les problèmes de l'environnement au niveau national, une aide à nos pays partenaires pour qu'ils puissent contribuer à la solution des problèmes globaux."

Ce que nous relevons ici est la nécessité, pour la Suisse, de **veiller à adopter une attitude cohérente dans ses activités de coopération avec ces pays**, et tenir compte des aspects liés au problème de l'effet de serre dans le cadre de son aide financière, dans celui des négociations en cours sur les protocoles de la Charte européenne de l'énergie, et dans le processus "Environnement pour l'Europe". A l'heure de la multiplication des activités internationales portant sur des aspects fortement interdépendants - environnement, énergie, développement, etc. - cette cohérence nous paraît absolument essentielle.

3. Concernant les instructions à la délégation (section VI).

L'OFAEE propose d'ajouter au **point 1** le texte suivant: "tout en veillant à ce que la Convention n'énonce pas d'obligations juridiques que la Suisse ne saurait remplir sur la base des instruments juridiques existants ou qui seraient incompatibles avec d'autres obligations internationales de la Suisse". L'OFEN, pour sa part, est d'avis qu'il "est indispensable de veiller à ne pas s'engager plus loin que nos moyens nous le permettent".

Les éléments donnés sous IV.2 montrent que la Suisse dispose des moyens permettant la stabilisation des ses émissions de CO₂ d'ici à l'an 2000 - qui est, pour mémoire, l'objectif du Programme "Energie 2000" - et a prévu de se doter des instruments juridiques nécessaires.

D'autre part, la compatibilité avec d'autres obligations internationales ne doit être comprise que dans la mesure où aucun traité international n'a précédence sur un autre. Comme nous l'avons mentionné ci-dessus, la Suisse doit viser à la cohérence dans les diverses enceintes de négociation où elle est engagée, mais ne peut subordonner une négociation à une autre.

L'OFAEE estime les objectifs mentionnés au **point 2** "très ambitieux. Jusqu'à présent, un grand nombre de déclarations politiques ont été adoptées dans différents contextes, et jamais il n'a été possible d'aller plus loin que l'adoption du terme «stabilisation» sans années de référence, ceci en dépit du caractère non contraignant de ces déclarations. L'adoption de la convention-cadre sur le climat est le début d'un long processus, et le fait de pouvoir rassembler dans un même cadre tous les pays industrialisés et les principaux

PED constituerait déjà un pas important. Au vu de l'état de la négociation, l'adoption de dispositions semblables à ce qui suit représenterait, diplomatiquement, un succès." L'OFAEE propose donc de remplacer le 2^{ème} paragraphe du point 2 par ces remarques.

Pour mémoire, la réduction des émissions de gaz à effet de serre d'origine humaine qui permettrait de stabiliser les concentrations atmosphériques au niveau actuel est de 60%. La stabilisation des émissions de CO₂ par les pays industrialisés d'ici à l'an 2000 constitue non pas un objectif ambitieux mais un objectif minimal, non seulement en comparaison avec ce qui serait nécessaire, mais également parce qu'il constitue, en vertu du principe de la responsabilité commune mais différenciée, une première étape incontournable pour progresser dans le partenariat Nord-Sud en matière de climat.

La deuxième affirmation est erronée. Les déclarations de Noordwijk (nov. 1989), Bergen (mai 1990) et Genève (nov. 1990) reconnaissent clairement l'engagement pris par la plupart des pays industrialisés de stabiliser leurs émissions au niveau de 1990 d'ici à l'année 2000.

Nous partageons entièrement l'avis exprimé concernant le fait que la convention constitue le début d'un processus de longue haleine. Toutefois, la **phase initiale** d'un tel processus - d'ici à l'an 2000 - devrait permettre de prévoir les risques liés au réchauffement et de mettre en place les fondements d'une action à long terme efficace. La mise au point d'inventaires complets d'émissions, l'élaboration de plans d'action nationaux, la définition d'actions et de délais en matière d'émissions de CO₂ et la mise en place des mécanismes nécessaires à l'intensification de la coopération des pays développés et en développement, notamment en matière financière, scientifique et technique, sont parmi les composantes essentielles de cette phase initiale.

D'autre part, le fait de "rassembler dans un même cadre tous les PI et les principaux PED" nous paraît être un objectif que le forum de négociation remplit déjà et qui ne saurait constituer, à lui seul, l'objectif de la convention.

Enfin, le paragraphe suggéré par l'OFAEE ne constitue pas une instruction claire au chef de délégation en ce qui concerne le seuil minimal en deçà duquel la Suisse ne pourrait approuver la convention.

4. Concernant la composition de la délégation suisse.

- L'OFAEE s'oppose à l'inclusion de deux experts externes à l'Administration.
- L'OFEN, pour des raisons de disponibilité, ne désire pas être représenté.
- L'AFF estime que la participation d'un représentant de l'OFAEE n'est pas indispensable. Elle propose par conséquent de réduire la délégation d'un membre.

Selon la décision du Conseil fédéral du 12 février 1992 relative à la participation d'experts externes dans le processus CNUED, des membres

externes à l'Administration peuvent être invités à se joindre à la délégation en tant qu'experts lorsqu'ils peuvent faire bénéficier celle-ci d'un domaine d'expertise pertinent.

La recherche en matière de climat, l'énergie et les questions liées aux technologies et à leur transfert sont des aspects fondamentaux de la convention sur le climat. D'autre part, la problématique du climat soulève de nombreuses questions d'ordre économique. Il serait par conséquent souhaitable que la délégation puisse bénéficier d'expertise dans l'ensemble de ces domaines.

Au vu de ce qui précède, nous vous proposons de prendre la décision ci-jointe.

DÉPARTEMENT FÉDÉRAL DE
L'INTÉRIEUR



Flavio Cotti

Annexes:

- (1) Contexte international, structure et contenu de la convention, positions des différents pays et groupes de pays dans la négociation: exposé détaillé.
- (2) Projet de texte consolidé, document A/AC.237/Misc.20

Pour co-rapport à:

- DFAE
- DFJP
- DFF
- DFEP
- DFTCE
- CF

Extrait du procès-verbal à:

- DFAE 6
- DFI 16 (SG 4, OFES 2, OFSP 2, ISM 2, OFEFP 6)
- DFJP 3
- DFF 3
- DFEP 4
- DFTCE 4
- CF

<p>CONVENTION-CADRE SUR LES CHANGEMENTS CLIMATIQUES Dernière session des négociations New-York, 30 avril - 8 mai 1992</p>
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Vu la proposition du DFI du 28 avril 1992
Vu les résultats de la procédure de co-rapport, il est

décidé:

1. La Suisse participe à la 2^{ème} partie de la cinquième session du Comité intergouvernemental de négociation d'une convention-cadre sur les changements climatiques, qui se déroulera à New York du 30 avril au 8 mai 1992.
2. Elle y sera représentée par la délégation suivante:
 - **M. Wilhelm Schmid**, vice-directeur, Office fédéral de l'environnement, des forêts et du paysage, DFI, chef de délégation
 - **Mme Pascale Morand Francis**, collaboratrice scientifique, DFI/OFEFP, suppléante du chef de délégation
 - **M. Thomas Litscher**, suppléant de chef de section, DFAE/DOI
 - **M. Christian Pauletto**, collaborateur scientifique, DFEP/OFAEE
 - un représentant de l'Office fédéral de l'énergie
3. La délégation comprendra également les experts suivants:
 - **M. Jürg Minsch**, Forschungsgemeinschaft für National-ökonomie
 - **M. Martin Beniston**, Directeur, Institut suisse du climat et du changement global
4. Les considérations figurant sous chiffre **VI** de la proposition au Conseil fédéral tiennent lieu de lignes directrices concernant les négociations.
5. Le Chef de délégation est autorisé à approuver la convention - sous réserve des points 2 et 3 sous chiffre **VI** - au cas où celle-ci devait être adoptée à l'issue de la réunion.

6. Le Conseil fédéral sera informé immédiatement après la conclusions de la réunion de l'issue des négociations et sera saisi d'une proposition en vue de la signature de la convention.
7. Le Chef de délégation est autorisé à faire part de la disposition de la Suisse à contribuer au financement des institutions intérimaires établies dans le cadre d'une éventuelle mise en oeuvre provisoire de la convention. Ces contributions seront prélevées à l'article 310.3600.502 du budget de l'OFEFP. Le DFI (OFEFP) est autorisé à demander à charge de cet article un crédit dans le cadre du deuxième supplément du budget 1992. Ce crédit sera compensé par le blocage d'un montant correspondant à l'article 310.3600.503.
8. Les indemnités journalières des membres de la délégation sont fixées conformément aux instructions de l'Office fédéral du personnel du 4.9.91. Ces dépenses, ainsi que les frais de voyage, sont imputés au crédit "Dédommagement" de leur office respectif pour les membres de l'Administration et au crédit "Délégations désignées par le Conseil fédéral", article 103.3160.002, pour les experts externes.

Pour extrait conforme,
le secrétaire:

A N N E X E I

CONVENTION-CADRE SUR LES CHANGEMENTS CLIMATIQUES
Dernière session des négociations
New-York, 30 avril - 8 mai 1992

I INTRODUCTION**I.1 Exposé du problème et de ses causes**

Depuis la révolution industrielle et surtout depuis les années 1960, les émissions de gaz à effet de serre - gaz carbonique (CO_2), méthane (CH_4), chlorofluorocarbones (CFC) et protoxyde d'azote (N_2O) - dues aux activités humaines accroissent sensiblement les concentrations de ces gaz dans l'atmosphère. Les scientifiques sont certains que cette accumulation provoque une amplification de l'effet de serre naturel, qui entraînera un réchauffement de la surface terrestre au cours du siècle prochain. Les incidences de ce réchauffement sur le climat terrestre, surtout au niveau régional, ne sont pas encore connues avec certitude.

Selon les meilleures connaissances scientifiques disponibles aujourd'hui, la moyenne des températures terrestres devrait augmenter de l'ordre de 0.3°C par décennie au cours du siècle prochain si aucune mesure n'est prise pour diminuer les émissions de gaz à effet de serre (GES) d'origine humaine. En 2025, la température devrait alors être supérieure d' 1°C à la valeur actuelle, et à la fin du siècle prochain de 3°C . Ces hausses sont supérieures à celles que l'on a observées au cours des 10'000 dernières années. Elles ne se feront pas à un rythme régulier et ne seront pas distribuées également dans toutes les régions du monde.

Le réchauffement du globe, et surtout sa rapidité, pourrait avoir de sérieuses répercussions sur le climat terrestre, et poser un risque majeur aux écosystèmes naturels et aux sociétés humaines. Il faut souligner que tout changement de climat, déclenché par le réchauffement du globe, pourrait être soudain, exponentiel et imprévisible dans son évolution, et que plus l'accumulation des GES sera rapide dans l'atmosphère, plus il sera difficile d'en prévoir les conséquences.

La combustion des agents fossiles (charbon, pétrole et gaz naturel) est la source prédominante des émissions de GES d'origine humaine, dont elle représente plus de la moitié. Le reste se répartit entre la production et l'utilisation des chlorofluorocarbones (CFC) par l'industrie, le déboisement et la combustion de biomasse, et l'agriculture.

Les contributions relatives des quatre principaux GES (gaz carbonique, chlorofluorocarbones, méthane, protoxyde d'azote) au réchauffement de l'atmosphère s'établissent respectivement à: CO₂ 73%, CFC 12%, méthane 10% et N₂O 5% (1990). Ensemble, les pays industrialisés sont à l'origine des trois quarts des émissions mondiales (75% du CO₂ et 80% des CFC).

Selon le Groupe d'experts intergouvernemental sur l'évolution du climat (IPCC), la stabilisation atmosphérique, c'est-à-dire le gel au niveau actuel, impliquerait une réduction de plus de 60% des émissions de CO₂ et de 15-20% des émissions de méthane. Les résultats récents de ce même Groupe indiquent que les efforts envisagés actuellement par la plupart des pays de l'OCDE en matière d'émissions - à savoir leur stabilisation d'ici à l'an 2000 - sont largement insuffisants pour affecter le rythme d'accroissement des concentrations de CO₂ dans l'atmosphère.

II CONTEXTE INTERNATIONAL

II.1 L'IPCC et la Deuxième conférence mondiale sur le climat

Vers la fin des années 80, le monde politique, alerté par les mises en garde répétées de la communauté scientifique internationale, commence à se préoccuper du climat. En automne 1988, l'Assemblée générale des Nations Unies inscrit ce thème à l'ordre du jour de sa 43ème session. Peu auparavant, l'Organisation météorologique mondiale (OMM) et le Programme des Nations Unies pour l'environnement (PNUE) avaient mis en place, conjointement, le Groupe d'experts intergouvernemental sur l'évolution du climat (Intergovernmental Panel on Climate Change, IPCC), afin d'évaluer l'état des connaissances scientifiques concernant les causes et les incidences du réchauffement global et d'analyser les stratégies de réponse. Plusieurs conférences tenues à haut niveau au cours des années 89-90 ont projeté le thème des modifications climatiques au niveau des préoccupations politiques internationales.

La **Deuxième conférence mondiale sur le climat** (Second World Climate Conference, SWCC) s'est déroulée à Genève du 29 octobre au 7 novembre 1990 sous les auspices conjointes de l'OMM et du PNUE, ainsi que de l'Organisation des Nations Unies pour l'éducation, la science et la culture (Unesco) et de sa Commission océanographique intergouvernementale (COI), de l'Organisation des Nations Unies pour l'alimentation et l'agriculture (FAO) et du Conseil international des unions scientifiques (CIUS).

Sa déclaration scientifique confirme les conclusions de l'IPCC et appelle à une action immédiate des pays en vue de "réduire les sources de gaz à effet de serre et à accroître les puits d'absorption de ces gaz". Elle préconise également le ren-

forcement des programmes nationaux et internationaux de recherche et d'observation du système climatique, et la négociation sans délai d'une convention mondiale sur le climat.

Sa déclaration ministérielle définit les grandes lignes d'une stratégie globale basée sur "les meilleures connaissances disponibles" et obéissant aux principes de prudence, de l'équité et "d'une responsabilité partagée par tous les pays bien qu'à des degrés divers". Les pays industrialisés (PI) doivent prendre les devants et s'engager à réduire leurs contributions respectives aux émissions mondiales de GES. Ils doivent en outre coopérer davantage avec les pays en développement (PED) pour les aider à prendre des mesures appropriées, notamment en leur mettant à disposition "des ressources financières additionnelles" et en facilitant le transfert de technologies respectueuses de l'environnement "sur une base équitable et aux conditions les plus favorables".

Par ailleurs, les ministres notent "la nécessité, à titre de première mesure, de stabiliser les émissions de GES non réglementés par le Protocole de Montréal" et se félicitent des engagements pris par la plupart des pays de l'OCDE "de faire le nécessaire pour stabiliser, d'ici à l'an 2000, leurs émissions de CO₂, ou leurs émissions de CO₂ et d'autres gaz à effet de serre non réglementés par le Protocole de Montréal, à un niveau qui devrait généralement être celui de 1990 [...]".

La délégation suisse avait estimé "nettement insuffisante" la Déclaration ministérielle, qui ne correspondait pas "à l'objectif indispensable qui eût été de stabiliser puis de réduire les émissions de CO₂ dans tous les pays industrialisés". Elle s'était toutefois déclarée satisfaite qu'un accord de principe ait pu être réalisé sur l'additionnalité des ressources financières et le transfert de technologie.

II.2 Comité intergouvernemental de négociation (CIN)

Un Comité intergouvernemental (CIN), mis sur pied fin 1990 par l'Assemblée générale (résolution 45/212), débuta les négociations d'une convention cadre sur les changements climatiques en février 1991 dans le but de la signer en juin 1992 à Rio de Janeiro, à l'occasion de la Conférence des Nations Unies sur l'environnement et le développement (CNUED).

Près de 140 nations participent aux négociations. Quatre sessions se sont déroulées en 1991. La cinquième session a été

divisée en deux parties, dont la première a eu lieu du 18 au 28 février 1992. **La seconde partie - et dernière session - se tiendra à New York du 30 avril au 8 mai prochain.**

La négociation d'un régime juridique en matière de climat doit être comprise comme un processus de longue haleine, dont la signature de la convention, en juin 1992, constitue une première étape. Une étape qui joue un rôle essentiel dans l'élaboration d'une stratégie mondiale efficace et cohérente.

Notre pays a joué un rôle important dans les différentes étapes qui ont conduit aux négociations.

- La Suisse a contribué directement à l'élaboration de la déclaration ministérielle de la SWCC, dont elle a été le pays hôte et a de plus présidé les sessions ministérielles.
- A son initiative, les ministres de l'environnement des pays de l'AELE et des CE, réunis à Genève le 5 novembre 1990, sont convenus de "dans la mesure du possible, formuler des propositions communes concernant différents points tels que la mise en place d'une stabilisation, puis d'une réduction, des émissions de CO₂ et d'autres gaz à effet de serre, en vue de la CNUED (...) et dans le cadre de la Convention mondiale sur le climat". Ils ont en outre invité "tous les pays industrialisés à entreprendre des actions similaires à celles qu'ont décidées la CE (...), l'AELE et d'autres pays industrialisés en vue de stabiliser d'ici à l'an 2000 environ les émissions de CO₂ au niveau de l'année 1990".
- Elle a été parmi les premiers pays à soutenir le principe d'additionnalité de l'assistance financière des PED en matière d'environnement global - selon lequel les fonds octroyés à cette fin doivent être supplémentaires à ceux prévus pour l'aide au développement - et a créé en 1991 un crédit-cadre de Fr. 300 millions pour cette assistance.
- Elle consent un effort financier important pour promouvoir la participation des PED aux négociations et aux activités de l'IPCC.
- Elle a contribué à la création, au sein du PNUE, d'une Unité d'information sur les changements climatiques, dont elle assure, dans la phase initiale, la quasi totalité du financement.
- Enfin, elle joue un rôle important en tant que pays hôte des activités et organes liés à la négociation: les secrétariats du CIN, du Comité préparatoire de la CNUED, et de l'IPCC sont établis à Genève.

III STRUCTURE ET CONTENU DE LA CONVENTION-CADRE SUR LES CHANGEMENTS CLIMATIQUES

Ce chapitre et les suivants se réfèrent au texte de la convention tel qu'il apparaît à l'issue de la première partie de la 5^{ème} session du CIN, et contenu dans le document A/AC.237/Misc.20 daté du 28 février 1992.

III.1 Survol

Préambule

Reconnaissance du problème, de la nécessité d'agir et de coopérer; référence à certains principes, résolutions de l'Assemblée générale et déclarations ministérielles.

Définitions [I]

Principes [II]

La nécessité de cette section est contestée par de nombreux pays, mais les pays en développement y sont particulièrement attachés. Les principes suivants pourraient recevoir l'approbation générale: développement durable ("sustainable development") [§II.2], responsabilité commune mais différenciée [§II.3], principe de prudence [§II.5], souveraineté [§II.10].

Les principes controversés sont: le droit au développement [§II.1], le principe du pollueur payeur appliqué aux Etats [§II.8], la notion de coût-efficacité en tant que principe [§II.9], le libellé exact des deux paragraphes qui font référence au GATT [§II.6 et 7].

Objectif de la convention [III]

« Stabilisation des concentrations atmosphériques de gaz à effet de serre à un niveau qui permette d'éviter toute interférence dangereuse avec le système climatique. Ce niveau devrait être atteint dans des délais suffisamment courts pour permettre aux écosystèmes de s'adapter naturellement aux changements climatiques, assurer que la production de nourriture ne soit pas menacée et permettre à l'activité économique de se développer de façon durable et respectueuse de l'environnement ».

Engagements [IV]

Afin de refléter la responsabilité "commune mais différenciée" des parties, la convention contient des **engagements généraux** s'appliquant à toutes les parties, et des **engagements spécifiques** ne concernant que certaines catégories de pays, notamment les pays industrialisés.

Elle contient en outre des **engagements en matière de transfert de ressources financières et technologiques**, destinés à permettre aux pays en développement, en

particulier aux moins avancés d'entre eux, à remplir les obligations auxquelles ils souscriront dans le cadre de la convention.

La convention divise donc le monde en deux entités: pays industrialisés et pays en développement. Elle contient néanmoins une section [IV.3 **Special Situations**] permettant de reconnaître certains contextes spécifiques, notamment les pays les moins avancés (PMA). Des critères de distinction plus fins seront probablement développés plus tard, au cours des différents stades de mise à jour de la convention.

Cooperation on Science, Research, Information and Education [V]

Cette section porte sur la coopération

- dans la recherche en matière scientifique, technologique, technique, socio-économique
- dans les activités d'observation et de surveillance en matière d'échange d'information
- dans la promotion de l'éducation, la formation et l'information du public.

Institutional Arrangements [VI]

Die Konferenz der Vertragsparteien sowie ein Sekretariat werden unter diesem Konventionsteil eingerichtet. Vorschläge für ein stärker ausgebautes institutionelles Gefüge - insbesondere die Schaffung eines Exekutivkomitees, eines beratenden wissenschaftlichen Gremiums sowie eines Finanzmechanismus - haben bisher nicht die Zustimmung aller Verhandlungsparteien finden können.

Procedures [VII]

Der für die Wirksamkeit des Rechtswerkes zentrale Berichterstattungsmechanismus fällt in dieses Kapitel. Darüberhinaus finden sich hier die Streitschlichtungsmechanismen, die Verfahren für die Änderung der Konvention und ihrer Annexe sowie die Annahme von Protokollen.

Final Clauses [VIII]

Dieser Teil enthält die üblichen Schlussbestimmungen (depository, signature, ratification..., entry into force, reservations, withdrawal, authentic texts)."

III.2 Engagements

Les engagement généraux [IV.1] portent sur:

[S1(a)] l'élaboration d'inventaires d'émissions nationaux

[S1(b)] l'élaboration de programmes et stratégies nationaux dotés de mesures visant à maîtriser les émissions et à faciliter l'adaptation aux changements climatiques

-
- [§1(c)] l'adoption de politiques et pratiques appropriées dans les secteurs de l'énergie, des transports, l'industrie, l'agriculture, la gestion forestière etc...
 - [§1(d)] l'adoption de politiques et pratiques destinées à protéger et augmenter les puits et réservoirs de GES
 - [§1(e-f)] la préparation à des mesures d'adaptation
 - [§1(g)] la prise en compte des considérations relatives au climat dans les politiques sociales, économiques et environnementales, et l'utilisation d'études d'impact
 - [§1(h-j)] la coopération en matière scientifique, technique, dans la recherche et l'observation, l'échange d'information, l'éducation, la formation, l'information
 - [§1(k)] le développement et la coordination/harmonisation d'instruments économiques
 - [§1(l)] l'identification et l'élimination des pratiques et subventions nuisibles au climat

Les points suivants restent à négocier:

- (i) La condition posée par l'Inde et la Chine de lier tout engagement de la part des PED à l'octroi, par les PI, du total des coûts marginaux ("full incremental costs") correspondants.
- (ii) Les clauses exactes du §1(c). Les Etats-Unis et l'Arabie Séoudite s'opposent à la mention spécifique de mesures telles que les économies d'énergie, l'efficacité énergétique et le développement d'énergies renouvelables.
- (iii) Les clauses exactes des §1(k-l). Les PED estiment que de tels engagements ne s'appliquent qu'aux PI et l'Arabie Séoudite s'oppose à toute mention d'instrument économique.

Les engagements spécifiques portant sur les émissions [IV.2.1] concernent:

- la stabilisation, par les pays développés, des émissions de CO₂ et/ou d'autres GES non-réglés par le Protocole de Montréal au niveau de 1990 d'ici à l'an 2000 [§IV.2.1(a)]; le paragraphe est libellé comme suit:

"The developed country Parties [as defined in ...] shall adopt national policies and take corresponding measures on [mitigation of climate change]/[the limitation of anthropogenic emissions of greenhouse gases and the protection and enhancement of greenhouse gas sinks and reservoirs]. [These Parties shall also assist other Parties in adopting similar policies and measures]. [These developed country measures and policies will [have the effect of]/[be aimed at], as a first step,

stabilising individually [or jointly] emissions of [carbon dioxide]/[the total of all greenhouse gases not covered by the Montreal Protocol] [in general by the year 2000]/[as soon as feasible] at [or near] 1990 levels, [taking into account the differences in their starting points and approaches and the need for equitable contributions of these Parties]."

- la possibilité, selon des procédures et critères à établir par la Conférence des Parties, de mettre en oeuvre les engagements concernant les émissions
 - * en comptant la contribution des puits [§IV.2.1(b)]
 - * par une approche tous gaz [§IV.2.1(c)]
 - * de manière conjointe [§IV.2.1(d)]
- la réduction des émissions de GES, selon une décision à prendre par la Conférence des Parties 4 ans au plus tard après l'entrée en vigueur de la convention [§IV.2.1(e)]

Cette section, qui constitue le coeur de la convention, est le fruit de longues délibérations entre les délégations des pays membres de l'OCDE, dont elle reflète les positions divergentes. Compte tenu de divergences similaires à l'extérieur de l'OCDE, et du fait que les pays de l'OPEP s'opposent par principe à tout engagement portant sur les émissions, tout reste à négocier.

Les engagements en matière financière [IV.2.2] concernent la

- * création ou non d'un Fonds
- * alimenté par des contributions financières adéquates, nouvelles et additionnelles ou non,
- * volontaires ou obligatoires
- * par les PI seuls, ou par les PI et d'autres pays en mesure de le faire

destiné à couvrir les coûts marginaux des mesures prises par les PED afin de remplir leurs engagements au titre de la convention. Toutes les options ci-dessus restent à négocier.

Les engagements en matière technologique [IV.2.3] concernent la promotion, par les PI en particulier, d'un transfert de technologies respectueuses de l'environnement et de savoir-faire vers les PED, sur la base de conditions à négocier: concessionnelles ou non, préférentielles ou non.

III.3 Mécanismes et aspects institutionnels

Vertragsparteienkonferenz (VPK) [§VI.1]

Die Elemente zu den rudimentären Funktionen sind bereinigt. Alle Aufgaben, die sich auf weitere Unterorgane (ausser das Sekretariat) bzw. Mechanismen (insbesondere die Berichterstattung) beziehen, sind noch grundsätzlich umstritten.

Sekretariat [§VI.2]

Der Text ist weitgehend bereinigt, wobei er sich auf das absolute Minimum beschränkt. Umstritten ist noch die Rolle des

vertreten sind. EG Länder setzen sich für solche Reformen in der GEF ein. Die USA dagegen möchten die GEF noch stärker in die Weltbank integrieren. Das Problem ist, dass der Reformprozess in der GEF erst angelaufen ist und bis Rio nicht abgeschlossen sein wird. Die EL werden sicher nicht bereit sein, auf einen Fonds unter der Konvention zu verzichten, solange die GEF nicht in ihrem Sinne reformiert ist

Insurance [SVI.6]

Die kleinen Inselstaaten haben ein Begehren für einen separaten Versicherungsfonds (Option 1 und Annex 4) in die Verhandlungen eingebracht. Option 2 ist die von UK und USA unterstützte Gegenposition, die von einem Versicherungsmechanismus nichts sagt und lediglich die Vertragsparteienkonferenz beauftragt, Möglichkeiten für die Berücksichtigung der besonderen Umstände der kleinen Inselstaaten abzuklären. Optionen 3 und 4 sind unfertige Versuche, diese beiden Positionen in einem Paragraphen mit Klammern zusammenzufassen.

Reporting [SVII.1]

Die Berichterstattungsverpflichtung wird von den EL als Gegenleistung für die Finanz- und Emissionsverpflichtungen der IL gesehen. Nachdem bezüglich letzterem aus ihrer Sicht die Angebote der IL völlig ungenügend sind, opponieren sie einer starken Formulierung dieses Mechanismus. Wie weit Indien und China bereit sein werden, auch bei einer befriedigenden Lösung der Finanz- und Emissionsfragen eine Berichterstattung zu akzeptieren, die Politikbereiche als Ganzes einschliesst (z.B. Energie), ist fraglich. Ihre diesbezüglichen Souveränitätsvorbehalte haben sie jedenfalls sehr deutlich vorgebracht. Ein Spezialfall ist Saudi Arabien, das jegliche "reporting"-Verpflichtung zu unterbinden sucht.

Inkrafttreten [SVIII.4]

Bei den Kriterien für das Inkrafttreten stellen sich 4 Optionen (Anzahl Staaten, Emissionsprozentsatz, entweder/oder, sowohl/als auch). Die meisten OECD Staaten treten für eine Mischlösung ein, um einen Ausgleich zu finden zwischen zwei eventuell widersprüchlichen Anliegen: möglichst schnelles Inkrafttreten, Vermeidung von "free rider".

IV LES POSITIONS DE NÉGOCIATION

IV.1 Les acteurs principaux de la négociation

Les modifications climatiques sont devenues un enjeu de la politique mondiale, et des progrès ne pourront intervenir que si des mesures sont prises au niveau des grands ensembles qui constituent notre planète. Au niveau mondial, une vingtaine de pays sont responsables de 80% des émissions de gaz à effet de serre, les Etats-Unis, l'ex-URSS, l'Europe dans son ensemble et le Japon arrivant très nettement en tête; immédiatement derrière, on trouve le Brésil, la Chine et l'Inde. En bref,

Sekretariates bezgl. der Unterstützung von Entwicklungsländern (EL) in der Erarbeitung nationaler Berichte. Die Schweiz, unterstützt von vielen EL sieht hier eine klare Aufgabe für das Sekretariat. US, UK und andere möchten diese Aufgabe anderen Unterorganen zuordnen.

Einigkeit besteht über die Weiterführung des in Genf angesiedelten Verhandlungssekretariates als Interims-Sekretariat des Konvention.

Implementation Committee/Executive Council [SVI.3]

Die 3 Optionen reflektieren den Verlauf des Verhandlungsprozesses. Einem Lager (F, N u.a.), das ein starkes, zwischenstaatliches, mehr oder weniger permanentes Durchführungsgremium propagierte, stand eine andere Konzeption gegenüber (US, UK), die eher ein wissenschaftliches, technisches und unabhängiges Gremium vorsah. Die BRD integrierte diese beiden (Option 1). Diese Synthese wurde von verschiedenen Delegationen (Indien, China, Saudi) als zu stark empfunden, und zusätzlich zu ihrem Allgemeinvorbehalt in Option 2 und 3 abgeschwächt. Wenn schon, bevorzugen die EL deutlich eine zwischenstaatliche Lösung mit Beteiligung aller Vertragsparteien.

Advisory Committee on Science [SVI.4]

Der Strategie der Gegner (Indien, China, Saudi) eines solchen Gremiums ist bereits ein detaillierter Annex zum Opfer gefallen. Deren Generalvorbehalt besteht weiter, und wenn überhaupt, dürften sie lediglich Hand zu einer Formulierung bieten, die die Etablierung eines solchen Gremiums durch die VPK vorsieht, aber zu Funktionen, Mitgliedschaft etc. nichts sagt. Alternative C, die handstreichartig dem UNEP und der WMO das IPCC aus der Hand nehmen will, ist wohl unrealistisch.

Finanzmechanismus [SVI.5]

Option 1, Alternative A ist das Ergebnis einer informellen Arbeitsgruppe, zusammengesetzt aus EL (Mexico, Bras, Arg, Indien u.a) und Industrieländern (IL) (N, S, SF, CDN, A, CH). Sie sieht die Schaffung eines Fonds unter der Konvention vor, der von der Umweltfazilität von Weltbank/UNDP/UNEP (GEF) verwaltet würde.

Nachdem sich EG und USA auf einen gemeinsamen Gegenvorschlag (Option 2) geeinigt hatten, welcher nur die GEF als Finanzmechanismus der Konvention bezeichnet, waren die Entwicklungsländer nicht bereit, Konzessionen bei den übrigen Optionen zu machen, sodass Option 1, Alternative B und Option 3 weiterhin bestehen bleiben. Beide sehen die Schaffung eines von der GEF unabhängigen Fonds vor.

Trotz des gemeinsamen Vorschlages vertreten wichtige EG Länder und die USA unterschiedliche Konzepte. Für die EG ist ein Primat der Vertragsparteien über den Finanzmechanismus einzurichten. Dies würde eine stark reformierte GEF bedingen, die weniger in die Institutionen integriert ist, eventuell einen eigenständigen Board hat, in dem die Vertragsparteien

sont déterminantes les émissions des pays industrialisés les plus peuplés, auxquels s'ajoutent les grands PED, la plupart des autres PED ne jouant pratiquement aucun rôle en l'espèce.

Les acteurs importants de la négociation sont donc avant tout les grands pays (Etats-Unis, Chine, Inde, Brésil) ou grands groupes de pays (Communautés européennes, CEI).

Les CE assument un rôle moteur dans la négociation et ont adopté la position la plus progressiste jusqu'ici. Elles soutiennent la stabilisation des émissions de CO₂ d'ici à l'an 2000, des engagements précis d'aide financière et la promotion du transfert de technologies "propres", en échange de quoi les PED devraient également s'engager à des mesures minimales.

Le Japon oeuvre également pour une convention efficace. Le gouvernement japonais s'est fixé pour objectif de stabiliser ses émissions de CO₂ par habitant d'ici à l'an 2000 et au-delà, et de faire des efforts pour stabiliser les émissions de CO₂, ainsi que celles de méthane et de protoxyde d'azote, au niveau de 1990. Tout en étant plus discret sur ses objectifs, le Japon est le pays industrialisé le plus avancé en ce qui concerne l'action au niveau national: son "Programme d'action pour arrêter le réchauffement global" d'octobre 1990 contient des mesures précises et ambitieuses, en particulier dans le domaine du développement de nouvelles technologies.

La nécessité pour les PI de faire le premier pas en matière d'émissions de CO₂ et autres GES est également préconisée par les PED, qui acceptent par ailleurs de faire des efforts pour autant que les PI leur fournissent l'aide financière et technique nécessaire.

Sur la question de la stabilisation, une position médiane est préconisée par divers pays industrialisés (CAN, AUS, NZ, pays scandinaves). Ceux-ci s'accordent sur un objectif de stabilisation "panaché", ne portant pas exclusivement sur le CO₂, comptabilisé en incluant les puits d'absorption, ou encore pouvant être mis en oeuvre de manière conjointe.

De l'autre côté, les Etats-Unis et les principaux pays producteurs de pétrole adoptent une position intransigeante et cherchent plutôt à faire adopter des solutions aussi peu contraignantes que possible, à la fois en ce qui concerne les engagements en matière d'émissions ("no targets and time-tables") que ceux portant sur l'aide financière.

Les pays d'Europe centrale et orientale, dont les émissions de CO₂ sont en train de chuter en raison de leur situation économique, tentent d'obtenir un statut d'exception, à savoir un allongement des délais prévus pour les divers engagements. S'ils peuvent s'engager à stabiliser leurs émissions, ils ne peuvent pas prendre d'engagements en matière financière.

Die Verhandlungen zu den Institutionen und Mechanismen sind geprägt vom Gegensatz zwischen OECD Staaten, die ein

ausgebautes, starkes Vollzugsregime anstreben, und den tonangebenden Entwicklungsländern, die sich dem widersetzen mindestens solange, wie die OECD Staaten kein aus ihrer Sicht hinreichendes Verhandlungsangebot bezüglich Finanzen und Emissionen machen. Einigkeit besteht denn auch lediglich darüber, dass die Konvention eine Vertragsparteienkonferenz und ein Sekretariat braucht. Alle anderen Institutionen und Mechanismen sind noch grundsätzlich in Frage gestellt.

IV.2 Position de la Suisse

Les grandes lignes de la position suisse se sont basées jusqu'ici sur la décision du Conseil fédéral du 31 octobre 1990, relative à la participation de la Suisse à la Deuxième conférence mondiale sur le climat (SWCC), à savoir:

- o s'engager en faveur d'une stabilisation au moins des émissions de CO₂ d'ici à l'an 2000 par rapport au niveau actuel (1990), et d'une réduction de ces émissions après l'an 2000;
- o se prononcer en faveur du principe de l'additionnalité des ressources financières à allouer aux PED en vue de faciliter leur adhésion à une convention sur le climat;
- o demander l'élaboration d'une convention-cadre sur le climat suffisamment contraignante et insister sur la nécessité de négocier, parallèlement, des protocoles additionnels portant sur les émissions de CO₂ et le secteur forestier^N;
- o se prononcer en faveur de mesures visant à accélérer le transfert de technologies vers les PED, sur une base qui soit la plus favorable possible tout en garantissant la protection des droits de propriété intellectuelle.

Divers autres éléments importants ressortent de la Déclaration ministérielle de la SWCC, à laquelle la Suisse a adhéré:

- o l'objectif à long terme de l'action internationale doit être de stabiliser les concentrations atmosphériques des GES à un niveau qui permette d'éviter toute perturbation dangereuse du climat d'origine humaine;
- o l'adoption, à terme, d'une approche aussi globale que possible, portant sur tous les gaz à effet de serre, leurs sources et leurs puits;

N. Il s'est avéré au cours des négociations que de tels protocoles ne pouvaient pas être négociés d'ici à juin 92.

-
- o la reconnaissance du fait que l'action globale doit être fondée sur le principe de l'équité et la responsabilité commune mais différenciée ("common but differentiated") des pays, et que par conséquent les pays industrialisés doivent prendre les devants ("take the lead") en ce qui concerne les mesures palliatives;
 - o la reconnaissance du principe de prudence ("precautionary principle", "Vorsorgeprinzip"), qui est d'ailleurs incorporé dans notre Loi fédérale sur la protection de l'environnement.

Cette position est partagée dans ses grandes lignes par les pays de l'AELE et des CE, qui ont régulièrement organisé des réunions de coordination en marge des négociations.

28 February 1992

ORIGINAL: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Fifth session (first part)
New York, 18-28 February 1992
Agenda item 3

REVISED CONSOLIDATED TEXT UNDER NEGOTIATION

Note by the secretariat

The revised consolidated text 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 texts that are, in their view, indicative of the state of negotiation in the two Working Groups. It is based, inter alia, upon the Consolidated Working Document contained in Annex II to document A/AC.237/15 and reflects the work on that document during the first part of the fifth session. It is intended to facilitate completion of work on the framework convention.

An edited version of the document will be published subsequently in all official languages as an annex to the report of the Committee on the work of the first part of its fifth session (to be issued as A/AC.237/18).

A/AC.237/Misc.29

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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,

*/ Same text as in A/AC.237/15, Annex II

[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

[I. First Set]

"Adverse effects of climate change" means changes in the physical environment or biota resulting from climate change, which have significant deleterious effects on the composition, resilience and productivity of natural and managed ecosystems or on the operations of socio-economic systems or on human health and welfare.

["Afforestation" means forest stands established [artificially] [on land which previously did not carry forest.]]

"Climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

"Climate system" means the totality of the atmosphere, hydrosphere, including cryosphere, oceans and all seas, biosphere and geosphere and their interactions.

["Deforestation" means change of land use or depletion of crown cover to less than 10%.]

"Emissions" means the release of greenhouse gases into the atmosphere [over a specified area and period of time.]

["Forest" means an ecological system with a minimum of 10% crown cover of trees and/or bamboos, generally associated with wild flora, fauna, and natural soil conditions, and not subject to agricultural practices.]

["Forest" means an ecological system in which biomass predominates, associated with wild flora, fauna and natural soil conditions, and not subject to seasonal cropping practices].

["Forest degradation" means changes within the forest class which negatively affect the stand or site and, in particular, lower the production capacity].

1/ "Greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation, [excluding gases already controlled by other conventions].

"Net emissions" means the difference between the amount of a greenhouse gas released to and the amount removed from the atmosphere by all sources and all sinks, respectively, as created or modified by anthropogenic activities, taken over a specified area and period of time, as calculated by agreed criteria.

["Net Emissions" means increase in the cumulative atmospheric concentrations of greenhouse gases resulting from anthropogenic activity, depending on the size of the increase in concentration of each greenhouse gas, the radiative property of the gas involved, the length of time the gas is likely to remain in the atmosphere and the concentration of greenhouse gases already present in the atmosphere, calculated by determining their sources and mechanisms for their eventual removal from the atmosphere (their man made and natural sinks on a global scale)].

1/ "Precursors" means gases which react chemically in the atmosphere to produce greenhouse gases or which affect the lifetime of greenhouse gases in the atmosphere.

["Reforestation" means the establishment of forest stands [artificially] on land which carried forest within the previous 50 [100] years [or within living memory and involving the replacement of the previous crop by a new and essentially different crop.]]

"Renewable energy" means energy derived from the harnessing of active natural energy flows such as solar, wind, hydrological, biomass, wave and tidal action and ocean thermal energy conversion.

"Reservoir" means a storage medium for greenhouse gases.

"Sink" means any process or activity which contributes to the removal of a greenhouse gas or the precursor of a greenhouse gas from the atmosphere.

["Sink" means a mechanism, natural or man-made, for the removal of greenhouse gases and aerosols from the atmosphere].

1/ The drafting group notes that the term "greenhouse gases" is used in some places in the Convention to mean "greenhouse gases" only and at other places to mean "greenhouse gases and their precursors". From the point of view of drafting, the group recommends that the terms "greenhouse gases" and "precursors" should be defined in Article 1 as proposed above and that the Convention should use the expressions "greenhouse gases" and "greenhouse gases and their precursors" as necessary throughout the text.

"Source" means any process or activity which releases [or contributes to the release of] a greenhouse gas or a precursor of a greenhouse gas to the atmosphere.

[II. Second Set]

"Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.]

Note:

1. Two additional items were introduced in Working Group II for inclusion in the list of definitions: "aerosols" and "clearing house".
2. IPCC will be asked to comment on the list of proposed definitions before the next session.

[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 man-made climate change should be integrated into all relevant national development programmes [taking into account that [evolving] environmental standards] valid for developed countries may have inappropriate and unwarranted social and economic costs in particular in developing countries [and countries with economies in transition]].
- [3. All States have an obligation to protect the [global] climate system for the benefit of present and future generation of humankind on the basis of [intergenerational as well as intragenerational] equity, and in accordance with [their]/[developed and developing countries] common but differentiated responsibilities and capabilities [with a view to achieving convergence at a common per capita level] and taking fully into account that the largest part of emissions of greenhouse gases has 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.]
- [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. [Recognizing the need for] Parties to [the Convention shall] take [cost-effective] precautionary measures to anticipate [, prevent, attack] or minimize the causes of, and mitigate the adverse consequences of, 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 such measures.
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. Those [developed] countries [identified as] [[directly] responsible for causing damage to the environment through inducing climate change]/[which are

mainly responsible for emissions of greenhouse gases into the atmosphere] should bear the responsibility for rectifying that damage [.(By openly demonstrating their direct responsibility or negligence, those countries)]/[and] 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, [include both limitation and adaptation measures] and may be implemented in cooperation with other Parties.]

10. In all fields related to the protection of the climate system, the Parties shall respect and act in accordance with the principle of sovereignty of States, which is applicable in any area of international cooperation.

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

IV. COMMITMENTS

[IV.1 GENERAL COMMITMENTS]

1. The Parties shall, in accordance with the Objective and Principles 2/ stated in the Convention, and particularly in accordance with their common but differentiated responsibilities, taking into account their specific national and regional development priorities, objectives and circumstances, commit themselves to:

- (a) Develop, periodically update, publish and make available to the Conference of the Parties national inventories of sources and sinks of all greenhouse gases not controlled by the Montreal Protocol using comparable methodologies agreed upon by the Conference of the Parties;
- (b) Formulate, implement, publish, and regularly update national and where appropriate regional [strategies and] programmes containing [nationally determined] measures [which the concerned Party or Parties consider necessary and economically feasible]
 - to mitigate climate change [through [control]/[effective limitation] of their [net] emissions of greenhouse gases not controlled by the Montreal Protocol]
 - to facilitate adequate adaptation to climate change
 [subject in the case of developing countries to the provision of [agreed]/[full] incremental costs by developed country Parties];

[Report on the above paragraph if provided for in Article ... on reporting]

- (c) Promote and cooperate in [, and, as appropriate, adopt [policies and] practices related to] the development, application, and diffusion [, including transfer,] of [environmentally safe and sound,] innovative, efficient, state-of-the-art, lower or non-greenhouse gas emitting technologies, practices and processes 3/ in all sectors, [particularly energy [(including conservation, efficiency and low carbon sources)], transport, industry, agriculture, forestry and waste management], [subject to the provision of funding for developing countries of [agreed]/[full] incremental costs] [, and to the extent that the phenomena will not affect the economic growth of concerned Parties];

2/ Pending a final decision by the Committee on the inclusion of a section on Principles.

3/ [Explanatory footnote (to appear in the explanation of the text, but not in the definitions): "lower or non-greenhouse gas technologies, processes and practices" includes inter alia conservation, energy efficiency, low carbon fuels (e.g. natural gas, nuclear), and renewable energy sources [in addition to sustainable life styles.]]

- (d) Promote and cooperate in the conservation, sustainable management and enhancement, as appropriate, of all sinks and reservoirs of [all] greenhouse gases. [This includes sinks for greenhouse gases other than carbon dioxide in the atmosphere as well as sinks and reservoirs for greenhouse gases [in particular carbon dioxide], in all ecosystems, [in particular terrestrial and marine, with a view to increasing their capacity to act as sinks and reservoirs and promoting their overall health, and [adopt appropriate policies] and take measures [with the aim to elaborate policies] against the degradation of ecosystems, including [policies and] measures to combat drought and desertification [and] against deforestation and forest destruction, and programmes for afforestation and reforestation]], promotion and use of biomass [subject to, in the case of developing country Parties, their national development plans and programmes and the provision of [agreed]/{full} incremental costs involved];
- (e) Cooperate in 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 observing system; and undertake assessments of the resilience and adaptability of resources keeping in view the need for poverty eradication in developing countries, taking into account the special situation of least developed countries [on the basis of provision to developing countries of [agreed]/{full} incremental costs involved];
- (f) Cooperate in preparing for adaptation to the impacts of climate change in order to support drought and desertification affected countries in their efforts to combat these phenomena and their effects;
- (g) (i) Take climate change considerations into account, to the extent possible, in their relevant social, economic and environmental policies and actions;
- (ii) Employ appropriate nationally-formulated and determined methods, e.g. impact assessments, with a view to minimizing adverse effects of projects or measures taken by the Parties to mitigate or adapt to climate change, on the economy, public health, and quality of the environment;
- (h) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and aiming to further the understanding and to reduce and clarify the remaining uncertainties regarding causes and effects of climate change and regarding the economic and social consequences of alternative response strategies, [in accordance with Article V.2] 4/;
- (i) Promote and cooperate in the full, open and timely exchange of relevant scientific, technological, technical, socio-economic and

4/ Need to be coordinated with the procedure devised by Working Group II.

legal information related to the climate system and climate change, and economic and social consequences of alternative response strategies, [in accordance with Article V.3];

- (j) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in the process, including by non-governmental organizations, [in accordance with Article V.4];
- [(k) Develop, coordinate and, as appropriate, harmonize, [in order to avoid distortions to international trade and in accordance with the GATT], 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) Within their respective territories, identify [, [examine] and [phase out]/[estimate]] the effects of [government] policies and practices which [protect, subsidize or otherwise] encourage activities that lead to greater levels of emissions of greenhouse gases than [necessary]/[would otherwise occur].]

[IV.2. SPECIFIC COMMITMENTS]

[IV.2.1 Stabilization and Reduction of Emissions and Enhancement of Sinks and Reservoirs]

(a) The developed country Parties [as defined in] shall adopt national 5/ policies and take corresponding measures on [mitigation of climate change]/[the limitation of anthropogenic emissions of greenhouse gases and the protection and enhancement of greenhouse gas sinks and reservoirs]. [These Parties shall also assist other Parties in adopting similar policies and measures.] [These developed country policies and measures will [have the effect of]/[be aimed at], as a first step, stabilizing individually [or jointly] emissions of [carbon dioxide]/[the total of all greenhouse gases not covered by the Montreal Protocol 6/] [in general by the year 2000]/[as soon as feasible] at [or near] 1990 level], [taking into account the differences in their starting points and approaches and the need for equitable contributions of these Parties].

(Alternative to subpara. (a))

The developed country Parties shall stabilize emissions of carbon dioxide and other greenhouse gases by 1995 at 1990 levels and thereafter progressively reduce emissions in pursuance of the objective of the Convention.

(Further alternative to subpara. (a))

The developed country Parties, as defined in ... , shall adopt national policies and take corresponding measures on the limitation of their net anthropogenic emissions of greenhouse gases. These Parties shall, as agreed in Sections IV.2.2 and IV.2.3 of this Convention, also provide the means to enable the other Parties to adopt necessary measures. These developed country policies and measures shall be aimed at, as a first step, stabilizing individually their net emissions of carbon dioxide and other greenhouse gases not covered by the Montreal Protocol by the year 2000, at the 1990 level, taking into account the differences in their starting points and approaches and the need for equitable contributions of these Parties.

[(b) In accordance with procedures and criteria based on the best available scientific knowledge and agreed to and regularly reviewed by the Conference of the Parties, [any Party which has demonstrated that the [net capacity of greenhouse gas sinks] [within its territory] has increased due to specific measures taken by it since [1990] may include a credit equal to this increase when calculating its emission level.]]

[(c) In accordance with procedures and criteria based on the best available scientific knowledge and agreed to and regularly reviewed by the Conference of

5/ This term would also cover policies adopted by regional economic integration organizations.

6/ The relationship to the Montreal Protocol, in particular its reduction schedules, needs to be further clarified.

the Parties, Parties may implement their [quantitative] commitments under para. (a) in a comprehensive manner that integrates [carbon dioxide and other] greenhouse gases not covered by the Montreal Protocol 6/ .]

[(d) Parties undertaking [quantitative] commitments under para. (a) may implement these commitments in cooperation with each other, [provided that the criteria for cooperative arrangements [involving Parties falling under Section IV.3.5] are agreed to and regularly reviewed by the Conference of the Parties 7/]. The terms of such cooperative arrangements shall be notified to the Conference of the Parties by each of the Parties concerned and described in detail in the report of these Parties in pursuance of Article VII. [The Parties may also implement measures to achieve [quantitative] commitments in cooperation with one or more other Parties, subject to criteria to be agreed to and regularly reviewed by the Conference of the Parties.]]

[(e) The Conference of the Parties shall [as early as possible and] not later than four years after the entry into force of the Convention review the adequacy and operation of subparas (a) - (d), with a view to taking appropriate decisions on [reductions of anthropogenic emissions of carbon dioxide and other greenhouse gases and the enhancement of greenhouse gas sinks and reservoirs 8/, and such changes in the list of Parties to which specific commitments apply, that may be appropriate] in the light of new developments. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts as well as relevant technical, social and economic information. Such review shall thereafter take place at regular intervals, determined by the Conference of the Parties, until the objective of this Convention is met.]

(Alternative to subpara. (e))

[Each developed country Party commits itself to progressively reduce its [net] anthropogenic emissions of carbon dioxide and other greenhouse gases, after 2000 A.D. They shall announce time-bound targets for such reduction not later than four years after the entry into force of this Convention.]

7/ The possibility of such cooperative arrangements has not been discussed with those Parties. The language of the second part of the sentence is therefore preliminary and will have to be considered further.

8/ The appropriate manner of obtaining the approval of Parties for such decision, whether by protocol or some other legal instrument, will have to be reviewed by legal experts.

Alternative formulations proposed for IV.2.1subpara. (a)line 3

limitation/stabilization

of anthropogenic emissions of greenhouse gases/their net emissions of greenhouse gases

line 5

these Parties shall also assist other Parties in adopting similar policies and measures/these Parties shall as agreed in IV.2.2 and IV.2.3 of this Convention also provide the means to enable the other Parties to adopt necessary measures

line 6

develop country policies and measures will/shall

line 7

stabilizing/stabilizing and subsequently reducing

individually or jointly/individually

line 8

emissions of carbon dioxide/the total of all greenhouse gases not covered by the Montreal Protocol/emissions of carbon dioxide and other greenhouse gases not covered by the Montreal Protocol

line 9

by the year 2000/by the year 1995/as soon as feasible

subpara. (b)line 1

best available scientific knowledge/proved scientific basis

subpara. (c)line 1

best available scientific knowledge/proved scientific basis

line 4

carbon dioxide and other greenhouse gases/all greenhouse gases

subpara. (d)line 9

one or more other Parties/developed and developing country Parties

subpara. (e)line 3

subparas (a) - (d)/section IV

insert "mitigation and adaptation to climate change" after on

line 8

best available scientific information/proved scientific basis

[IV.2.2 SPECIFIC COMMITMENTS ON FINANCIAL RESOURCES]

Developed country Parties [may provide on a voluntary basis]/[shall commit to the fund established under this Convention, through assessed contributions, adequate, new and additional] financial resources, [separate from agreed Official Development Assistance (ODA) levels,] to meet the [full]/[agreed] incremental costs of developing country Parties, paying particular attention to the needs of least developed countries, [to be provided on a grant basis], [required to fulfil the commitments under]/[to take measures provided for in] this Convention [.]//[; to [cover the adaptation and mitigation costs to developing countries that would be needed as a result of]/[mitigate and adapt to] the adverse consequences of climate change, and the direct and indirect social and economic costs to developing countries that may result from the implementation of the Convention.] [Other Parties [and international organizations and other institutions] in a position to do so may [also contribute]/[provide contributions] on a voluntary basis.]

[IV.2.3 [TECHNOLOGY COOPERATION]/[TRANSFER OF TECENOLGY]]

The Parties shall make every effort to ensure efficient cooperation in and related to technology transfer. [All Parties, particularly] developed country Parties, shall take all practicable steps to promote the transfer of and [to provide] [assured] access to [environmentally safe and sound] technologies and know-how [on concessional, preferential and most favourable terms] to developing country Parties, paying particular attention to the needs of least developed countries, to enhance their ability to implement this Convention. [The Parties shall identify and take appropriate steps to reduce or eliminate unjustifiable barriers to the transfer of technology.] [They should ensure that the [lack of] protection of intellectual property rights does not hinder such transfer.] In this process, the essential role of endogenous capacities and technologies in developing countries should be enhanced and supported by the developed country Parties.

[IV.2.4]

[(a) Developing country Parties shall [in accordance with the Objective and Principles stipulated in Sections II and III, and in accordance with their national development plans, priorities, objectives and specific country conditions] [consider taking feasible]/[undertake] measures to mitigate climate change [through control of [their net] emissions of greenhouse gases [and maintenance and enhancement, where appropriate, of sinks and reservoirs]], [provided that the [agreed]/[full] incremental costs involved are met by the provision of [new, adequate and additional] financial resources from the developed country Parties].]

[(b) 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.]

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

**V.1. SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL RESEARCH [AND DEVELOPMENT],
SYSTEMATIC OBSERVATION AND COOPERATION**

1. Each Party shall promote and cooperate in scientific, technological, technical, socio-economic and other research [and development], systematic observation and development of data archives related to the climate system and aiming to further the understanding and to reduce and clarify the remaining uncertainties regarding causes and effects of climate change and regarding the economic and social consequences of alternative response strategies [as elaborated in Annex 1].

Option 1

[2. Parties that do not have the indigenous capability to undertake research and development will be ensured assistance in these areas.]

Option 2

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

Option 3

[2. The Parties shall take into account the particular concerns and needs of developing countries.]

Option 4

[2. The Parties shall take into account the particular concerns and needs of developing countries and seek to improve their capacity and their capability to participate in these cooperative efforts. In doing so, the Parties shall work towards the improvement of the capability of developing countries to collect and assess climate information, prepare net emission inventories, assess possible impacts of global warming and the cost effective response to it and participate in international research and development programs and in the promotion of the development and transfer of environmentally safe technologies and technical as well as financial assistance.]

3. 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 [for timely exchange of relevant scientific and technological information. Special measures shall be implemented to promote access to data obtained from areas beyond national jurisdiction.]

4. 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.

[IV.3. SPECIAL SITUATIONS]

1. The Parties shall give full consideration to the specific needs, including for the transfer of technology and/or funding in accordance with the provisions of the Convention, of developing country Parties especially

- (a) small island countries;
- (b) countries with low lying coastal areas;
- (c) countries with arid and semi-arid areas and forested areas;
- (d) countries with areas prone to natural disasters;
- (e) countries with areas liable to drought and desertification and forest decay;
- (f) countries with areas of high urban atmospheric pollution;
- (g) countries with areas with fragile ecosystems including mountainous ecosystems;
- (h) countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy intensive products; and
- (i) landlocked and transit countries.

2. The 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 technology.

[3. 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.]

4. The Parties shall, in accordance with Article ...9/ take into consideration, in the implementation of the commitments of the Convention, and in the adoption of concrete measures, the situation of Parties, particularly developing country Parties, whose economies are highly dependent on the production and/or export of fossil fuels and associated energy intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

5. 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 economies in transition, which are in the stage of transit from centrally planned system to market economy, to enhance their ability to cope with climate change.

9/ Subject to the formulation of institutions and their functions (Conference of the Parties, Implementation Committee, Disputes Settlement Procedures, etc.) to be drafted by Working Group II.

[V.2. 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.3. 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;
 - (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.]]

VI. INSTITUTIONAL ARRANGEMENTS

VI.1. CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.

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

- (a) Periodically examine the obligations of the Parties and the institutional arrangements under this Convention, in light of the objective[s] of the Convention, the experience gained in its implementation and the evolution of scientific knowledge;
- [(b) Consider the information submitted in accordance with Article VII.1. (Reporting) [to assess, inter alia,] [the implementation by the Parties of the Convention], the overall environmental, economic and social effects of the measures taken pursuant to the Convention and the extent to which the objective[s] of the Convention is being achieved;]
- (c) Consider the reports submitted by its subsidiary bodies; [and perform the functions assigned to it under Articles [VI.4.] (Advisory Committee on Science) [VI.5.] (Advisory Committee on Implementation) [VII.2] (Resolution of Questions)];
- [(d) Examine the form of and intervals for submission of the reports referred to in sub-paragraphs (b) and (c);]
- (e) Consider and adopt regular reports on progress in the implementation of the Convention and ensure their publication;
- (f) [Provide policy direction and establish criteria [including priorities and selection of projects] for the functioning of the mechanism[s] for financial resources and transfer of [environmentally safe] technology];

Alternative to (f):

[Perform the functions assigned to it under Article VI.6. (Financial Mechanism), [VI.7] (Insurance) and [Article ...] (Joint Implementation)];

- (g) Perform the functions assigned to it by Article [VII.2.] (Resolution of Questions) [and Article [VI.5.] (Committee on Implementation)];
- (h) Seek, where appropriate, the services and cooperation of, and utilize the information provided by, appropriate international organizations and intergovernmental [and nongovernmental] bodies [with observer status];
- (i) Promote the exchange of information on, and the coordination, as appropriate, of, policies, strategies and measures to address climate change, taking into account the differing circumstances [respective responsibilities] and capabilities of the Parties;
- [(j) Seek to mobilize [new and additional] financial resources in accordance with Article [IV.2.2.];]

- (k) Promote public awareness of the climate change issue;
- (l) Consider questions related to research [and development] and systematic observation; exchange of information; education, training and public awareness; scientific, [technological] and [technical] cooperation;
- [(m) Consider questions [on cooperation related to transfer of technology] [and endogenous capacity building, in particular in developing countries;];]
- (n) Establish such subsidiary bodies as are deemed necessary for the [implementation] [operation] of the Convention;
- (o) Agree upon and adopt [, by consensus,] rules of procedure for itself and for any subsidiary bodies that are established by or under the Convention;
- (p) Agree upon and adopt [, by consensus,] budgets and financial rules for itself and for any subsidiary bodies that are established by or under the Convention;
- (q) Consider and adopt, as may be agreed in accordance with the relevant articles, amendments to this Convention, additional annexes and amendments of annexes to this Convention;
- (r) Consider and adopt, as may be agreed in accordance with Article [VII.4.] (Protocols), any [protocol] [other related legal instruments] to this Convention;
- (s) Make recommendations on any matters necessary for the implementation of the Convention; and
- (t) Exercise such other functions as are conferred on it by this Convention [or as are required for the achievement of its objectives].

3. The rules of procedures referred to in paragraph 2(o) shall be adopted at the first meeting of the Conference of the Parties by consensus and shall include decision-making procedures for matters not already covered by decision-making procedures specified in this Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

Meetings

4. The first meeting of the Conference of the Parties shall be convened by the interim secretariat established under Article VI.3. not later than one year after entry into force of the Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at least every two years unless otherwise decided by the Conference.

5. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

Observers**OPTION 1**

[6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State [member or observer of the UN or its specialized agencies] [and permanent observers to the UN] not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention that has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.]

OPTION 2

[6. The United Nations, its members and observers, specialized agencies, the International Atomic Energy Agency, as well as any state not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Other agencies that have informed the secretariat of their wish to be represented may be admitted in accordance with the rules of procedures.]

VI.2. SECRETARIAT**Establishment**

1. A secretariat is hereby established.

Functions

2. The functions of the secretariat shall be:
 - (a) To arrange for and service meetings of the Conference of the Parties and its subsidiary bodies established under the Convention;
 - (b) To compile and transmit reports submitted to it;
 - [(c) To prepare reports on its activities and present them to the Conference of the Parties;]
 - [(d) To [cooperate][assist the developing countries], upon request, in the compilation of national reports;]
 - (e) To ensure the necessary coordination with other relevant international [and intergovernmental] bodies and, in particular, to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
 - (f) To perform the functions specified in this Convention or any other functions as may be determined by the Conference of the Parties.

Designation of interim secretariat

3. The secretariat functions will be carried out on an interim basis by the ad hoc secretariat established under resolution 45/212 of 20 December 1990 of the General Assembly of the United Nations until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to Article [VI. 1.] (Conference of the Parties). At its first ordinary meeting the Conference of the Parties shall designate a secretariat.

[VI.3. [IMPLEMENTATION COMMITTEE] [EXECUTIVE COUNCIL] [FUNCTIONS]

OPTION 1

[1. An [Implementation Committee] [Executive Council] is hereby established. It will be [open-ended] [composed of fifteen members] representing all the Parties [and elected by the Conference of the Parties by a majority of the Parties present and voting]. [The Conference of the Parties may increase this number without exceeding a quarter of the number of contracting Parties.] The members shall be Government representatives who are experts on matters related to climate change.

2. The [Implementation Committee] [Executive Council] shall in particular:

- (a) Ensure the implementation of the decisions of the Conference of the Parties, as instructed by the latter;
- (b) Prepare, where appropriate, the deliberations of the Conference of the Parties;
- (c) Oversee the dissemination of information to all Parties about measures taken by other Parties on the basis of [reports] [exchange of information] submitted in accordance with Articles -- (Reporting);
- (d) Review the implementation by the Parties of their obligations and the progress made in this respect through an evaluation of their national reports submitted in accordance with Articles --- (Reporting). The Committee shall, inter alia:
 - i. Advise individual Parties, at their request, on the ways and means of meeting the reporting requirements set forth in Articles --- (Reporting), including the development of national climate change strategies;
 - ii. Review and consult with individual Parties on the [report submitted by] [information received from] those Parties in accordance with Articles --- (Reporting) and request, as necessary, additional information or clarification thereon;
 - iii. Seek, receive and consider relevant information from competent international and intergovernmental bodies and non-governmental organizations;
 - iv. Consult with, and seek the advice of, the Advisory Committee on Science, as necessary;
- (e) Seek to establish at each stage of the review process a close dialogue with the Parties concerned and to come to consensual solutions on questions that may arise;
- (f) Carry out any other function the Conference of the Parties may confer on it; and
- (g) Oversee and give additional guidance, within the framework of the decisions of the Conference of the Parties, to other subsidiary organs of the Convention [and especially to the financial mechanism of the Convention].

3. The [Implementation Committee] [Executive Council] shall, with the assistance of the secretariat, prepare an annual report on the

[implementation] [overall operation] of the Convention and propose the measures it deems appropriate to the Conference of the Parties. This report shall be transmitted to all Parties by the secretariat and shall be published.

4. The first meeting of the [Committee/Council] shall be convened not more than six months after the first meeting of the Conference of the Parties. Unless the Conference of the Parties decides otherwise, subsequent meetings shall be convened at least biannually.

5. The [Committee/Council] shall elect from among its members, a chairman and two vice-chairmen and a rapporteur, each to serve for a term of two years, and who may, subject to re-election, serve additional terms.

6. The [Committee/Council] shall agree upon and adopt its rules of procedure and any amendments thereto, by consensus.]

OPTION 2

[The Conference of the Parties shall, at its first meeting, establish a subsidiary body [or bodies] to assist it in preparing for its work under Article VI.1 [, particularly Article VI.1(2)(b)]. Such body [or bodies] shall operate in an objective and consultative manner. [Possible sentence on membership] [Such bodies [or bodies] shall perform the following functions:

- [(a) ensure the implementation of the decisions of the Conference of the Parties;]
- [(b) prepare the deliberations of the Conference of the Parties;]
- [(c) provide assistance to Parties, at their request, on meeting reporting requirements [from a technical point of view];]
- [(d) consider individual reports [from an essentially technical point of view], in preparation for the work of the Conference of the Parties under Article VI.1 {2(b)};]

[To this end, it shall:

- [i. consult, if necessary, with a Party, to give it an opportunity to make [technical] clarifications;]
- [ii. determine whether a report has been submitted, and whether the report is complete;]
- [iii. consider whether the estimated [net] greenhouse gas emissions reductions have been or would be realized as a result of the identified measures;]
- [iv. consider whether methodologies used are technically valid;]
- [v. consider whether, if proposed projects have been identified, they would be likely to achieve estimated [net] greenhouse gas emissions reductions;]
- [vi. prepare a report of a descriptive nature for the Conference of the Parties on the above, which might include suggestions and which shall include evaluation of overall effects of measures taken to pursuant to the Convention;]
- [(c) seek, receive and consider, as necessary, relevant information from competent international and intergovernmental bodies and non-governmental organizations;]

- [(f) consult with and seek the advice of other subsidiary bodies, as necessary;]
- [(g) perform the functions assigned to it under Article VII.2 (Resolution of Questions);]
- [(h) perform such other functions as may be assigned to it by the Conference of the Parties.]]

OPTION 3

[The Conference of the Parties [shall] [may] [at its first meeting,] establish [a subsidiary body [or bodies]] [a mechanism under its auspices] to assist it in preparing for its work [under Article VI.1] [, particularly Article VI.1(2)(b)]. Such [body [or bodies]] [mechanism] shall operate in an [objective and] [consultative] manner [, in support of the Conference of the Parties in performing the functions spelled out in Article VI.1.]

[Possible sentence on membership.]

[Such body [or bodies]] [such a mechanism] shall perform the following functions:

- [(a) ensure [the provisions of adequate, new and additional financial resources and transfer of technology on preferential and non-commercial terms for] the implementation of the decisions of the Conference of the Parties [by developing country Parties];]
- [(b) prepare the deliberations of the Conference of the Parties] [, if necessary, and as decided by the Conference of the Parties by consensus];]
- [(c) [provide] [ensure the provision of] assistance to Parties, at their request, on meeting [reporting] requirements [for information exchange] [from a technical point of view];]
- [(d) consider [individual reports] [all information received] [the exchange of information] [from an essentially technical point of view] [, in preparation for the work of the Conference of the Parties under Article VI.1 [2(b)]];]

[To this end, it shall:

- [i. consult, if necessary, with [a Party,] [, Parties] [on the preparation of the work of the Conference of the Parties] [to give it an opportunity to make [technical] clarifications];]
- [ii. determine whether a [report] [information] [from all Parties are received] [has been submitted, and whether the report is complete];]
- [iii. consider whether the estimated [net] greenhouse gas emissions reductions [by developed countries] [and developing countries] have been or would be realized as a result of the identified measures;]
- [iv. consider whether [methodologies used are technically valid] [technical support for the developing countries has been adequately rendered];]

- [v. consider whether [, if proposed projects have been identified, they would be likely to achieve estimated [net] greenhouse gas emissions reductions] [specific commitments are made by the [developed countries] [and developing countries];]
- [vi. prepare a report of a descriptive nature for the Conference of the Parties on the above, which might include suggestions and which shall include evaluation of [overall effects of measures taken pursuant to the Convention] [the fulfilment of the specific commitments by [developed countries] [and developing countries]]];]
- [(e) seek, receive and consider, as necessary, relevant information from competent international and intergovernmental bodies and non-governmental organizations;]
- [(f) consult with and seek the advice of other subsidiary bodies, as necessary;]
- [(g) perform [only] the functions assigned to it [under Article VII.2. (Resolution of Questions)] [under this Convention];]
- [(h) confirm to the Conference of the Parties that Parties have fulfilled their reporting and other commitments under this Convention and that, where appropriate, they are therefore eligible for funding under the Financial Mechanism;]
- [(i) [ensure the adequate protection of intellectual property rights in all issues related to transfer of technology and information] [, taking into account the need for due flexibility in the protection of intellectual property rights for the fulfilment of the objectives of this Convention];] and
- [(j) perform such other functions as may be assigned to it by the Conference of the Parties.]]

[VI.4. ADVISORY COMMITTEE ON SCIENCE] [AND TECHNOLOGY]

[CLIMATE PROTECTION AND DEVELOPMENT]

1. An [Advisory Committee on Science] [and Technology] [Science Mechanism] [under the auspices of the Conference of the Parties] is hereby established [, in pursuit of the objectives of the Convention].

2. The [Committee] [mechanism] shall provide the Conference of the Parties, [and as appropriate its other subsidiary bodies] with timely information [and advice] [on scientific aspects of this Convention], [including the fields of natural, [technological] physical [and] social [and economic] sciences, related to climate change including, [its impacts on ecosystems and relationship to development].

3. Alternative A

The [Committee] [Mechanism] shall comprise [x] [persons of recognized competence in relevant fields of expertise] [competent government representatives] [sitting in their individual capacity] [selected by the Conference of the Parties by methods to be decided at its first meeting] [on the basis of equitable/geographical [distribution] [representation]]. [The [Committee] [Mechanism] shall be open ended.]

[Its functions shall include [providing to the Conference of the Parties in terms most useful to it] [inter alia]:

- (a) regular [assessments] [interpretations] of [the state of scientific knowledge on sciences related to climate change drawn from] the reports of competent [interational, intergovernmental] [and non-governmental] scientific [bodies] [research] [related to climate change];
- (b) [updating best available knowledge on sciences related to climate change];
- (c) suggest priorities for scientific [programmes and] research and international cooperation, [and make recommendations on ways and means to support endogenous capacity building in developing countries] [in accordance with Article ...];
- (d) analyse [the impacts of and responses to] climate change [and their impacts] [on ecosystems and] [development];
- (e) [respond to questions raised by the Conference of the Parties in the fields within its mandate;] [on scientific aspects of the Convention];
- (f) [review from the scientific viewpoint the effects of measures taken in the implementaiton of the Convention;]
- (g) [identify innovative, efficient and state of the art technologies and know-how and advice on the ways and means to ensure transfer of such technology]; and
- (h) [review the adequacy of international cooperation in research and development and make recommendations to the Conference of the Parties].
- (i) [The Committee shall perform any other function to be conferred by the Conference of the Parties].]

Alternative B

[The functions, membership and operations of the [Committee] [Mechanism] shall [may be specified or modified] be decided by the Conference of the Parties [at its first meeting].]

Alternative C

[For the purposes of the Convention, the Advisory Committee shall take up responsibility for all functions so far carried out by the Intergovernmental Panel on Climate Change, which, upon the entry into force of this Convention, will be invited, by the Parties, to integrate the structure of the Convention, under the Advisory Committee. The Advisory Committee shall, besides incorporating the functions until now undertaken by the Intergovernmental Panel on Climate Change, provide regular assessments on questions related to developmental concerns and implications of the new regime for cooperation on climate change, as set forth in this Convention.]]

VI.5. [[ADMINISTRATIVE] [INDEPENDENT FUNDING] MECHANISM FOR
FINANCIAL RESOURCES AND TECHNOLOGY TRANSFER]
[INTERNATIONAL CLIMATE FUND]

OPTION 1 - Alternative A

[A mechanism for financial resources and the transfer of technology is hereby established. It shall include a Climate Fund. [It may also include other modalities for the provisions of financial resources under this Convention.] The Financial Mechanism/Fund shall operate under the authority of the Conference of the Parties.

The Parties shall establish appropriate arrangements for the administration of the financial and [the transfer of technology] mechanism/Fund. [The Executive Committee of the Parties/or another body designated by the Parties] shall, with the consent of the Conference of the Parties, develop and monitor the implementation of the specific operational policies [, including the selection of projects,] for the purposes of achieving the objectives of the financial mechanism/Fund. [The Financial Mechanism/Fund shall be administered as a Trust Fund by the Global Environmental Facility (GEF) of IBRD/UNDP/UNEP.]]

OPTION 1 - Alternative B

Establishment

[1. An [administrative] [independent funding] mechanism for [the administration] of the financial resources and the transfer of [safe and sound] technology, with a democratic and transparent system of governance, [and equitable participation by developed and developing countries] is hereby [established] [designated under the auspices of . . .].]

[Possible Alternative Text

A financial mechanism is hereby established. The financial mechanism shall operate under the authority of the Conference of the Parties who shall decide on its overall policies. The Executive Committee of the Parties shall, with the consent of the Conference of the Parties, develop and monitor the implementation of the specific operational policies for the purpose of achieving the objectives of the financial mechanism.]

[Possible Additional Text

The financial mechanism shall include a Climate Fund which shall be administered as a Trust Fund by the Global Environment Facility of World Bank/UNDP/UNEP. The Climate Fund shall meet on a grant or concessional basis the agreed incremental costs of developing countries referred to in Article . . .]

Functions

[2. The [administrative] mechanism for financial resources and [safe] technology transfer shall:

- [(a) Be responsible for the administration of funds, including those funds related to the promotion of [preferential and non-commercial] transfer of [safe] technology, provided by the Parties for the fulfilment of the obligations of the Convention;]
- [(b) Be accountable to the Conference of the Parties for its allocation of the funds and for ensuring that the funding

priorities and criteria established by the Conference of the Parties are adhered to in its financial activities;

- (c) Be responsible for receiving assessed and other contributions, either financial or as otherwise provided by Parties and other bodies, in accordance with criteria set out by the Conference of the Parties;
- (d) Establish appropriate accounting procedures to ensure that all assessments and contributions made to fulfil obligations of the Convention are properly recorded, credited and accounted for;
- (e) Be responsible for facilitating the identification and selection of projects to support the efforts of Parties to [meet] [implement] their obligations [jointly] under this Convention;

Functions related to transfer of technology

- [(f) Pursuant to the operational guidelines and policy direction of the Conference of the Parties, coordinate the appropriate procedures and take the necessary steps to promote, facilitate and enable the transfer of technology;]
- [(g) Provide funding to purchase requisite technologies for the implementation of projects undertaken by developing country Parties under the mechanism set up by the International Climate Fund;]
- [(h) Promote, and finance when necessary, the exchange of and access to technological information required by the Parties. The technological information should include inter alia, the environmentally sound and safe technologies including those that have been neglected or displaced, the technological options, trading conditions, implementation costs and technological security;]
- [(i) Coordinate ways and means to develop long-term technological partnerships between the holders of environmentally sound technologies and potential users in Parties, particularly developing countries, taking into account their national objectives and policies;]
- [(j) Organize, when requested by a recipient Party, or group of recipient Parties and on terms and conditions set out by such recipient countries, international competitive bidding to purchase requisite technologies for transfer to the requesting Parties;]
- [(k) Provide requested support to a recipient Party or group of recipient Parties to assess the offers presented in international competitive bidding, to enable the requesting Parties to obtain the most favourable terms and conditions, including inter alia, in terms of price, transfer of know-how, high safety and environmental requirements, training, supply of spare parts, and maintenance;]
- [(l) Ensure the development of endogenous capacity building in developing country Parties, including technologies in the public domain, in accordance with their development plans, objectives and priorities of these countries, through, inter alia, the supply of necessary equipment, expertise and facilities for

- research and development, and the training of scientific, technical, and managerial personnel;]
- (m) Finance its operations from a fund, separate from its programme resources, established specifically to cover its administrative expenses;
 - (n) Provide annual reports to the Conference of the Parties on its operations and, inter alia, on evaluation and assessment of the effectiveness of its functions and, as required, information to the subsidiary bodies of the Conference of the Parties, in order that they can fulfil their mandates;
 - [(o) Administer the [joint implementation] [cooperative system of exchange] of [emissions commitments] [commitments on emissions [of greenhouse gases] and enhancement of all sinks] according to the terms of the Convention;]
 - [(p) Administer operations required of it by protocols to this Convention, and any other matters agreed on by the Conference of the Parties;] and
 - [(q) Explore ways and means to employ financial resources to promote the flexibility of intellectual property rights with a view to promoting the transfer of sound technology to developing countries.]]

OPTION 2

[1. The Parties hereby designate the Global Environment Facility (GEF) established and operated jointly by WB/UNDP/UNEP as the mechanism for the provision of financial resources to Parties in need of assistance in meeting agreed incremental costs of implementing this convention.

2. The Conference of the Parties shall, in accordance with relevant Rules of Procedure, establish appropriate arrangements with the GEF to implement Paragraph 1 above. Such arrangements shall include inter alia:

- (a) modalities to promote the involvement of the Parties in the GEF [with a view to ensuring a transparent system of governance of the mechanism and a balanced representation of developed and developing country Parties]*;
- (b) provision for the GEF in funding projects related to the convention to [comply with]/[consider] the [policy and] programme priorities and eligibility criteria established by the Conference of the Parties;
- (c) provision for receipt by the GEF of requests from Parties in need of assistance in meeting agreed incremental costs of implementing this Convention;
- (d) provision by the Conference of the Parties or its subsidiary bodies to the GEF of information that might promote the implementation of this Convention, including the establishment of cooperative linkages between the STAP and scientific and technical bodies established under this Convention;
- (e) provision by the GEF of regular reports through the Convention Secretariat to the Conference of the Parties on its operations related to the implementation of this Convention, including projects selected; financial expenditures; current and anticipated funding reserves; the relationship between its operations related to the implementation of this Convention and other assistance it is providing in sectors relevant to climate

change; and other information of interest to the Conference of the Parties;

- (f) provision for the Conference of the Parties to request the GEF to reconsider a particular funding decision in the light of the criteria and priorities referred to in paragraph 2(b);

3. The Conference of the Parties shall periodically assess the operation of the GEF as the mechanism for the provision of financial resources related to the implementation of this Convention, with a view to modifying the arrangements under Paragraph 2 as may be appropriate.

* Note: The portion in square brackets is not a legal text.

[4. Parties may also provide assistance related to the implementation of this Convention through bilateral or other multilateral channels. In this regard, interested Parties may meet, on an ad hoc basis, to consider whether any Party is interested in assisting another Party in the implementation of a proposed project the latter has identified in its national report. Parties may, as appropriate, invite representatives of multilateral financial institutions to such meetings for the purpose of providing them with an opportunity to consider projects for inclusion in their development assistance portfolios.]]

OPTION 3

Establishment

[1. An International Climate Fund is hereby established under the authority of the Conference of the Parties which shall decide on its overall policies and operations, in particular determining priorities, criteria and selection of projects and activities to be funded. It shall be distinct and independent from other funds and international financial institutions.

2. The mechanism for financial resources and transfer of technology set up under the International Climate Fund, shall be administered as follows:

Functions relating to financial resources

- (a) Meet on a grant basis the full incremental costs of measures taken by developing country Parties to address climate change, in accordance with criteria to be developed by the Conference of the Parties;
- (b) Cover the costs to developing country Parties of adaptation and mitigation measures that may be needed as a result of the adverse consequences of climate change and the direct and indirect social and economic costs to developing countries that may result from the implementation of the Convention;
- (c) Be responsible for receiving assessed and other contributions, either financial or as otherwise provided by Parties and other bodies, in accordance with criteria set out by the Conference of the Parties;
- (d) Establish appropriate accounting procedures to ensure that all assessments and contributions made to fulfil the obligations of the Convention are properly recorded, credited and accounted for;
- (e) Be responsible for facilitating the identification and selection of projects and activities for supporting the efforts of the Parties to meet their obligations under this Convention;
- (f) Finance the secretariat services of the Fund and related support costs;
- (g) Provide an annual report to the Conference of the Parties on its operations and, as required, information to the subsidiary bodies of the Conference of the Parties, in order that they can fulfil their mandates; and
- (h) Provide, in general, funding for projects and activities organized under this Article and in accordance with the provisions set out by this Convention.

Functions related to transfer of technology

- (i) Pursuant to the operational guidelines and policy direction of the Conference of the Parties, coordinate the appropriate procedures and take the necessary steps to promote, facilitate and enable the transfer of technology;

- (j) Provide funding to purchase requisite technologies for the implementation of projects undertaken by developing country Parties under the mechanism set up by the International Climate Fund;
- (k) Promote, and finance when necessary, the exchange of and access to technological information required by the Parties. The technological information should include inter alia, the environmentally sound and safe technologies including those that have been neglected or displaced, the technological options, trading conditions, implementation costs and technological security;
- (l) Coordinate ways and means to develop long-term technological partnerships between the holders of environmentally sound technologies and potential users in Parties, particularly developing countries, taking into account their national objectives and policies;
- (m) Organize, when requested by a recipient Party, or group of recipient Parties and on terms and conditions set out by such recipient countries, international competitive bidding to purchase requisite technologies for transfer to the requesting parties;
- (n) Provide requested support to a recipient Party or group of recipient Parties to assess the offers presented in international competitive bidding, to enable the requesting parties to obtain the most favourable terms and conditions, including inter alia, in terms of price, transfer of know-how, high safety and environmental requirements, training, supply of spare parts, and maintenance; and
- (o) Ensure the development of endogenous capacity building in developing country Parties, including technologies in the public domain, in accordance with their development plans, objectives and priorities of these countries, through, inter alia, the supply of necessary equipment, expertise and facilities for research and development, and the training of scientific, technical, and managerial personnel.]

[VI.6. INSURANCE] [SMALL ISLAND AND LOW LYING STATES]**Option 1**

[The Parties shall establish separate supplementary financial mechanisms to assist developing countries, particularly least developed countries, vulnerable small island and low lying coastal developing countries [and developing countries with vulnerable mountain areas] [and countries suffering from desertification or drought] to prevent or mitigate the adverse consequences of sea-level rise [and drought and desertification] resulting from climate change, as specified in [Annex IV] (Insurance Mechanism).]

Option 2

[The Conference of the Parties shall consider what action is necessary under the Convention to meet the concerns of the most vulnerable small island and low lying developing countries about the adverse consequences of sea-level rise.]

Option 3

[The Parties shall establish separate supplementary financial mechanism(s) to assist developing countries, particularly those most vulnerable among them, to counter, mitigate, and/or adapt to the adverse consequences of climate change. The details of such mechanism(s) shall be specified by the Conference of the Parties.]

Option 4

[The Conference of the Parties shall [at its first meeting] consider [the establishment of an insurance scheme] [what action is necessary] to meet the [concerns] [needs] of the Parties which are vulnerable small island or vulnerable low lying coastal developing countries relating to the adverse consequences of sea-level rise.]]

VII. PROCEDURES

VII.1. REPORTING

1. Each Party [shall], [in accordance with its capabilities,] prepare, submit and periodically update a report containing the information [set forth in Annex II] including the measures it is taking to implement the Convention. [For developing country Parties, the fulfilment of this obligation will be conditional on the availability of corresponding new and additional financial resources.] [The availability of financial resources from the financial mechanism shall be contingent upon the full implementation of this obligation.]
- [2. Each Party shall submit an initial report within x years of entry into force of the Convention for it [,except that for each country defined as a developing country for the purposes of this Convention, an initial report shall be submitted within y years of the Convention coming into force for it,] and further that a least developed country may submit its first report within z years of the Convention coming into force for it [or within four years of receipt of financial resources from the fund established under this Convention, whichever is the later]. The frequency of subsequent reports for all Parties shall be determined by the Conference of the Parties. [For developing country Parties,] financial and technical [assistance] [cooperation] in the preparation of such reports shall [,if they so request,] be [provided through procedures developed under the provisions of Article VI.6.][determined by the financial mechanism identified in Article VI.6].]
- [3. Any group of Parties may, subject to prior notification to the Conference of the Parties and any guidelines adopted by the Conference of the Parties, submit a single report in fulfilment of their obligation under paragraph 1 above, provided that such report includes information on each Party's fulfilment of its individual obligations.]
- [4. The reports submitted by the Parties shall be transmitted by the secretariat, as soon as possible, to the Conference of the Parties [and to the (names of any subsidiary bodies concerned with the implementation).]
5. Information contained in the reports, designated as confidential by the supplying Party in accordance with [Annex II] [criteria to be defined] shall not be disclosed by any of the bodies concerned with the reports.^{1/}
- [6. Subject to the provisions of para. 5, and without prejudice to the ability of any Party to make public its report, the secretariat shall make, the reports submitted by Parties publicly available [at the time they are submitted to the Conference of the Parties] [at any time, after the Conference of the Parties has considered the report from the body in charge of implementation].]
- [7. The manner in which reports would be prepared and their content, should [,subject to Annex II,] be determined by the individual Party.]

^{1/} [It has been proposed that Annex II have the following introduction:

"Nothing in this annex shall be interpreted as requiring Parties to disclose information relating to national defense."

One delegation requested that while certain essential information in the reports would be obligatory, some flexibility should be given with regard to other information.]

**[VII.2. RESOLUTION OF QUESTIONS REGARDING
INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION**

Process

[1. Questions relating to the [interpretation or] implementation of the Convention may be drawn to the attention of the Conference of the Parties by Parties [and by any subsidiary body established by or under the Convention]. Any Party concerned about another Party's implementation of its obligations under the Convention or about its own capacity to implement fully those obligations may notify its concern, through the secretariat, to the Conference of Parties. The Conference of Parties shall, in a timely fashion, consider any such question and promote its resolution. To that end it may, if it so decides, establish an [ad hoc] Panel of ... of its members] [or] [refer the issue to the Implementation Committee].]

Possible Alternative Paragraph 1

[1. Any Party concerned about another Party's [interpretation or] implementation of its obligations under the Convention or about its own capacity to implement fully those obligations may notify its concern, through the secretariat, to the Implementation Committee.]

2. The [ad hoc] Panel [Implementation Committee], when the Conference of the Parties decides to refer a question to it, shall, in considering the question before the next ordinary meeting of the Conference of the Parties:

- (a) Invite the Party which has brought the question to the attention of the Conference of the Parties [Implementation Committee] and any other Party whose [interpretation or] implementation of the Convention is in question to attend meetings of the Panel [Implementation Committee] and take part in consultations with it;
- (b) Provide the Party whose [interpretation or] implementation of the Convention is in question a full opportunity to inform the Panel [Implementation Committee] of its capacity to implement its obligations under the Convention and of its needs relevant to that issue;
- (c) Consult, as it deems necessary, any subsidiary body established by or under the Convention and other expert bodies;
- (d) Promote, as necessary, the enhancement of the capacity of the Party whose [interpretation or] implementation of the Convention is in question to implement fully its obligations under the Convention; and
- (e) Report the results of its consultations, together with any recommendations, to the next ordinary meeting of the Conference of the Parties.

Consideration of Report

3. After considering the report of the [ad hoc] Panel [Implementation Committee], the Conference of the Parties may decide to adopt a recommendation or recommendations to promote the full implementation of the Convention and to further its objectives.

Voting

4. The Conference of the Parties shall make every effort to take decisions under this Article by consensus. If all efforts at consensus have been exhausted decisions shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting.

Additional Rules

5. The Conference of the Parties may in elaboration of the provisions of paragraph 2 of this Article, lay down additional rules relating to membership of [ad hoc] Panels, their meetings and procedures.

Relationship to Dispute Settlement (VII.3)**OPTION 1**

6. If, after the expiry of ... months following the initial submission of any questions to the secretariat pursuant to paragraph 1 of this Article, any Party continues to have a concern relating to the [interpretation or] implementation by another Party of its obligations under the Convention, it shall be entitled to invoke the dispute settlement procedures, established by Article [VII.3.] (Settlement of Disputes) of the Convention.

OPTION 2

6. The provisions of this Article are without prejudice to the operation of Article [VII.3.] (Settlement of Disputes) of the Convention.]

[VII.3 : SETTLEMENT OF DISPUTES

Negotiation and other peaceful means

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of this Convention, the Parties concerned shall, at the request of any one of them, seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

Choice of dispute settlement procedure

2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party which is not a regional economic integration organisation may declare in a written instrument submitted to the Depositary, that, in respect of any dispute concerning the interpretation in application of this Convention, it recognises as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice, and/or
- (b) Arbitration in accordance with the procedure set out in annex III.

A Party which is a regional economic integration organisation may make a declaration with like effect in relation to arbitration in accordance with the procedure set out in Annex IV.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the Arbitral Tribunal, unless the Parties to the dispute otherwise agree.

Additional provisions**Option I**

5. Subject to the operation of paragraph 2 above, if, after the expiry of twelve months following a request made under paragraph 1 above, the Parties concerned have not been able to settle their dispute through the means mentioned in that paragraph, the dispute shall be submitted, at the request of any of the Parties to it, to conciliation.

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

Option II

5. A Party that has not made a declaration under paragraph 2 above or in respect of which a declaration is no longer in force shall be deemed to have accepted the competence of the Arbitral Tribunal.

6. If the Parties to any dispute have accepted the same means for the settlement of a dispute, the dispute may be submitted only to that procedure,

VII. 4. AMENDMENTS TO THE CONVENTION

Proposals

1. Any Party may propose amendments to this Convention.

Adoption of Amendments

2. Amendments to this Convention shall be adopted at a [ordinary] [or extraordinary] meeting of the Conference of the Parties. The text of any proposed amendment to this Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the Signatories to the Convention for information.

3. The Parties to the Convention shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall be adopted by a [two-thirds] [three-quarters] majority vote of such Parties present and voting at the meeting [whose [net] emissions of [greenhouse gases] [CO₂ represent at least [xx%] [50%] [75%] [80%] of estimated global [net] [CO₂] [greenhouse gases] [emissions in the preceding [five] year[s]]. The amendment shall be submitted by the Depositary to all Parties for their ratification, acceptance or approval.

Voting

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

Entry into Force of Amendments

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

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

unless the Parties otherwise agree. If, however, the Parties have not accepted the same means for the settlement of the dispute, or if they have accepted both means, the dispute may be submitted only to the Arbitral Tribunal, unless the Parties otherwise agree.

7. If, after the expiry of twelve months following a request made under paragraph 1 above, the Parties concerned have not been able to settle their dispute through the means mentioned in that paragraph, the dispute shall be submitted, at the request of any of the Parties to the dispute, for settlement in accordance with the procedure determined by the operation of paragraphs 5 and 6 above.

Related Legal Instruments

7./8. The provisions of this Article shall apply to any related legal instrument which the Conference of Parties may adopt, unless the instrument provides otherwise.]

[VII. 5. PROTOCOLS**Adoption**

1. The Conference of the Parties may at any [ordinary] [or extraordinary] meeting adopt Protocols to this Convention [that are aimed at implementing the [comprehensive] purposes and principles established in the Convention, specifying [comprehensive] measures or obligations relating to [certain] [all] aspects of climate change]. [The Protocols shall be in conformity with the provisions of the Convention.]

Notification to the Parties

2. The text of any proposed Protocol shall be communicated to the Parties by the secretariat at least six months before such a meeting.

Entry into Force

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

Parties to a Protocol

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

5. Decisions under any Protocol shall be taken only by the Parties to the Protocol concerned.]

VII. 6. ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION**Annexes as Integral to the Convention**

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

Adoption of Additional Annexes to the Convention

2. [Additional] Annexes to the Convention shall be proposed and adopted according to the procedure set forth in Article [VII. 3.] (Amendments to the Convention). [Such Annexes shall be restricted to [procedural, scientific, technical and administrative matters] [technical lists or forms of a scientific or technical character] [lists, forms and any other material of a descriptive nature only].]

Procedure for Entry into Force of Additional Annexes to the Convention

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

Procedure for Amendments to Annexes

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

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

VII. 7. RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention [and which are present at the time the vote is taken]. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

VIII. FINAL CLAUSES**VIII.1. DEPOSITARY**

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

VIII.2. SIGNATURE

This Convention shall be open for signature by States (Members of the United Nations or members of the Specialized Agencies of the United Nations) and by regional economic integration organizations at [] from [] to [], and at the United Nations Headquarters in New York from [] to [].

VIII.3. RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Regional Economic Integration Organizations

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

Declarations of Competence

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

VIII.4. ENTRY INTO FORCE

Entry into Force of the Convention:

1. This Convention shall enter into force on:

(Four options)

- **Option 1:**
The ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession.
- **Option 2:**
The ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession from States or regional economic integration organizations whose [net] emissions of greenhouse gases [CO₂] represent [fifty percent] [two-thirds] [three-quarters] of estimated total global net emissions in [year].
- **Option 3:**
The ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession by, and of ratification, acceptance, approval or accession by States or regional economic integration organizations whose [net] emissions of greenhouse gases [CO₂] represent [one half] [two-thirds] [three-quarters] of estimated total global net emissions in [year].
- **Option 4:**
The ninetieth day after the date of deposit of the [twentieth] [twenty-fifth] [fortieth] [fiftieth] [sixtieth] [eightieth] instrument of ratification, acceptance, approval or accession, or the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession from States or regional economic integration organizations whose [net] emissions of greenhouse gases [CO₂] represent [two-thirds] [three-quarters] of estimated total global net emissions in [year], whichever is the earlier.

Entry into Force for Parties Once Convention Already in Force

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

Regional Economic Integration Organizations

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of the organization.

VIII.5. RESERVATIONS AND DECLARATIONS

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

Parties Not Precluded from Making Declarations

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

VIII.6. WITHDRAWAL**Written Notification of Withdrawal from Convention**

1. At any time after [three] [five] years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

Effective Date of Withdrawal

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

Withdrawal from Convention Considered as Withdrawal from Protocol

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

VIII.7. AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done atthisday of19...

[ANNEXES]

[ANNEX I

[RESEARCH [TECHNOLOGICAL] [[AND] DEVELOPMENT]
AND SYSTEMATIC OBSERVATION] [TECHNOLOGICAL AND SCIENTIFIC
RESEARCH AND SYSTEMATIC OBSERVATION]]*/

*/ Same text as in A/AC.237/15, Annex II

[ANNEX II

REPORTING

1. Reports submitted pursuant to Article [VII. 1.] (Reporting) [shall] [may] contain [, inter alia,] the following information:

(a) Description of relevant national circumstances relating to climate change and, for developing countries, any particular difficulties faced by them;

(b) National inventories of sources and sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies agreed upon by the Conference of the Parties;

(c) Option 1

[The measures it is taking to implement this Convention, including the fulfilment of any general or specific commitments, with respect to, inter alia; national [strategies and] programmes; mitigating and adapting to climate change; research and systematic observation; exchange of information; public awareness; financial resources and cooperation and related technology transfer;]

Option 2

[For developed country Parties,] [and developing country Parties] [measures] [national strategies] [policies] to mitigate and adapt to climate change [including a description of specific actions being taken or to be taken, with respect to each gas in each sector selected for action by the Party];

[Measures taken in fulfilment of the [obligations] [specific commitments] under the Convention, [with particular attention to [reductions of emissions, transfer of financial resources and technology] [energy efficiency and conservation, new [and renewable] energy sources,] [mitigating the adverse consequences of climate change] [protection and enhancement of] sinks, [land use and management,] coastal zone management, transportation and industrial processes [and agriculture];]

[(d) Current projections for annual levels of sources and sinks of greenhouse gases and expected changes and trends taking into account measures and policies described under (c);]

[(e) Expected changes and trends in [net] emissions of [main] greenhouse gases [and sinks] [including estimates of the [net] effects of its actions on national [net] greenhouse gas emissions] [and sinks] [with particular reference to the achievement of any target established in the Convention];]

[(f) Parties undertaking specific commitments may include estimates of the costs of specific measures to meet commitments under the Convention, guided by a methodological framework they have agreed upon;]

[(g) Contributions to the financial and technology transfer mechanism;]

[(h) For developing country Parties, [projects for] [requirements of] transfer of technology and financial resources to mitigate and adapt to climate change, as well as estimated gross and incremental costs [of these projects] [to fulfil these requirements;]

(i) Option 1

[Effective measures in fulfilment of obligations and specific commitments relative to the provision of adequate, new and additional financial resources, and access to and transfer of environmentally sound technology on a preferential and non-commercial basis contributions to the financial mechanism of the Convention and description of programmes for technological cooperation;]

Option 2

[Effective measures in fulfilment of obligations and specific commitments relative to the provision of financial resources and cooperation on transfer of technology;]

[(j) Description of methodologies used in making its estimates in areas where there is no methodology agreed under the present Convention;]

[(k) Efforts [,as appropriate,] to coordinate and harmonize measures to avoid trade distortions;]

[(l) Relevant national research [and development] and systematic observation programmes and participation in international programmes;]

[(m) National [programmes] [measures] and international cooperation with regard to education, training and public awareness [and technology transfer];]

[(n) Efforts to implement [obligations] [specific commitments] jointly with another Party or Parties;] and

(o) Such other actions as are relevant to the achievement of the objective of the Convention.

2. Further, reports may, on a voluntary basis, identify proposed projects in need of investment including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects and an estimate of the costs and net greenhouse gas emission reduction associated therewith.

3. [A Party may designate [the following] [any] type[s] of information contained in its report as confidential[.][:]]

[Possible alternative chapeau

[A Party and the Advisory Committee on Implementation may agree that certain information contained in the report of that Party is confidential. Categories of confidential information include:]

[(a) Information that is directly related to the national defence [and security] of that Party;]

[(b) Information that is of a proprietary commercial nature;]

- (c) Information the release of which would result [directly] in [significant] economic or commercial dislocation for that Party; or
- [(d) Such other information as [the Party believes is confidential] [agreed upon] [thought necessary by the Party] [by the Party and the Advisory Committee on Implementation].]]

[ANNEX III
ARBITRATION]*/

*/ Same text as in A/AC.237/15 Annex II

[ANNEX IV
INSURANCE MECHANISM

1. The Parties recognize that:

- (a) There should be established, as an integral part of the Convention, an International Climate Fund to finance measures to counter the adverse consequences of climate change, especially drought and desertification, and a separate International Insurance Pool (hereinafter referred to as "the Pool") to provide financial insurance against the consequences of sea level rise;
- (b) Revenue for the Pool should be drawn from mandatory sources, in particular developed country assessments;
- (c) The financial resources of the Pool should be new, additional and adequate;
- (d) The Pool should be under the control and direction of the Conference of the Parties; and
- (e) The resources of the Pool should be used to compensate the most vulnerable small island and low-lying coastal developing countries for loss and damage resulting from sea level rise.

2. The Parties further recognize that the formulation of a scheme for a Pool involves consideration of the following main questions:

- Methods of funding a Pool;
- Classification of the types of loss to be covered by the Pool;
- Criteria for establishing entitlement to claim against the Pool;
- Methods of evaluating loss resulting from sea level rise; and
- Limitations on the amount of compensation payable by the Pool.

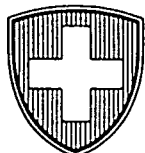
3. The Parties accordingly agree as follows:

- (a) The financial burden of loss and damage suffered by the most vulnerable small island and low-lying developing countries (hereinafter referred to as "Group 1 countries") as a result of sea level rise shall be distributed in an equitable manner amongst the industrialized developed countries (hereinafter referred to as "Group 2 countries") by means of a Pool;
- (b) The Pool shall be funded by contributions levied on Group 2 countries;
- (c) The administrating authority for the scheme (hereinafter referred to as "the Authority") shall be a body controlled on an equitable basis by the Group 1 and Group 2 countries within the framework of the Conference of the Parties;

- (d) The contributions referred to in paragraph (b) shall be calculated according to a formula modelled on the 1963 Brussels Supplementary Convention on Third Party Liability in the Field of Nuclear Energy, as follows:
- (i) as to 50%, on the basis of the ratio between the gross national product at current prices of each Group 2 country and the total of the gross national products of all Group 2 countries in the year prior to the year in which the contribution was levied (hereinafter referred to as "the contribution year");
 - (ii) as to 50%, on the basis of the ratio between the total emissions of CO₂ of each Group 2 country and the total CO₂ emissions of all Group 2 countries in the year prior to the contribution year;
- (e) Ten years from the date on which the Convention enters into force the Group 2 countries shall contribute to the Pool an agreed percentage of the total of the gross national products of all Group 2 countries in the year prior to the contribution year, apportioned as in paragraph (d), provided that over the ten year period the rate of global mean sea level rise will have reached an agreed figure. If the rate of global mean sea level rise has not reached the agreed figure by the end of the ten year period, a review shall thereafter be carried out at five-yearly intervals and the obligation of the Group 2 countries to contribute to the Pool will not arise until the year following the review in which it is established to the satisfaction of the Authority that the rate of global mean sea level rise has reached the agreed figure or that absolute global mean sea level rise has reached an agreed figure;
- (f) The insurance fund so constituted shall be invested by the Authority in interest bearing securities as determined by the Conference of the Parties;
- (g) No right to claim against the Pool in respect of loss or damage in any area of a Group 1 country shall arise until:
- (i) it shall have been established to the satisfaction of the Authority that the rate of global mean sea level rise and the absolute level of global mean sea level rise has reached agreed figures;
 - (ii) it shall have been established to the satisfaction of the Authority that the relative mean sea level rise for any insured area in a Group 1 country has reached an agreed level above base levels determined for each area insured (such relative mean sea level figures having been determined within ten years of the Convention coming into force); and
 - (iii) one year shall have elapsed from the date upon which the figures referred to in sub-paragraph (i) shall have been established as having been reached (that date plus one year being (hereinafter referred to as "the inception date").

- (h) In the first instance those areas of Group 1 countries which would be directly affected by sea level rise to a level of an agreed number of centimetres above the base levels referred to in paragraph (g) (ii) shall be valued for insurance. Marketed assets shall be valued on the basis of gross domestic product for the insured area in question. Non-marketed interests shall be valued on the basis of formulae to be agreed;
- (i) The insured values covered shall be negotiated between the Authority and the Government of each Group 1 country in accordance with valuation principles to be agreed. The same policy conditions shall be applicable to all Group 1 countries;
- (j) All assets and interests intended to be insured under the scheme shall be listed by Group 1 countries for registration with the Authority. Records of assets and interests registered shall be kept up to date. Valuations of assets and interests registered for insurance shall be carried out in accordance with the agreed formulae and shall be assessed as soon as possible after the setting up of the Authority and in any event within ten years of the Convention coming into force. Revaluations shall be carried out periodically as appropriate;
- (k) The first period of insurance shall commence on the inception date as defined in paragraph (g) (iii) and shall cover an agreed period following the inception date. Loss or damage occurring within the first and each following period of insurance, if accepted as a valid claim by the Authority, shall be paid out of the Pool as accumulated at the closing date of the period of insurance;
- (l) If the funds in the Pool are insufficient to meet all valid claims, the claims shall be paid out on an equitable basis. If, after payment out of all valid claims in full, any surplus shall remain in the Pool, the surplus shall be carried over to the credit of the following insurance period;
- (m) Prior to the closing date of the first period of insurance and of each subsequent period, the Conference of the Parties shall, after consultation with the Authority:
- (i) Fix the length of the next period of insurance;
 - (ii) Estimate the probable extent of claims on the Pool during the next insurance period;
 - (iii) Determine the level of contributions to be levied on Group 2 countries sufficient to meet the estimated claims, after taking account of any surplus carried forward from the preceding period.
- (n) Claims against the Pool in respect of insured assets and interests shall be dealt with by the Authority. The Authority shall investigate the cause of any claimed loss, prepare estimates, determine whether the claim comes within the terms of the insurance, evaluate the extent of loss and assess the amount of the claim recoverable by reference to the insured value of the asset or interest and any applicable limits;
- (o) All assets in insured areas of Group 1 countries, whether commercially insured or not, shall in the first instance be valued for insurance, but no claims shall be accepted by the Pool in respect of property which at the time loss or damage occurs is insured commercially, whether by a private insurance company or otherwise;

- (p) In assessing claims against the Pool, the Authority shall determine whether the loss or damage claimed could have been avoided or mitigated by measures which might reasonably have been taken at an earlier stage. In determining whether measures could or could not reasonably have been taken at an earlier stage, account shall be taken, amongst other things, of the availability of funds, both domestic and international, which would have enabled mitigating or preventative measures to have been taken, and the availability of commercial insurance on reasonable terms; and
- (q) If differences of opinion arise between the Authority and the participating countries, every effort shall be made to negotiate a resolution, but if this is not achievable disputes shall be submitted to [an] [the] arbitration tribunal under [a special arbitration scheme] [the Convention].]



EIDGENÖSSISCHES VOLKSWIRTSCHAFTSDEPARTEMENT
 DÉPARTEMENT FÉDÉRAL DE L'ÉCONOMIE PUBLIQUE
 DIPARTIMENTO FEDERALE DELL'ECONOMIA PUBBLICA
 DEPARTAMENT FEDERAL DA L'ECONOMIA PUBLICA

Berne, le 29 AVR. 1992

Au Conseil fédéral

Proposition du DFI relative à la Convention-cadre sur les changements climatiques

Co-rapport

relatif à la proposition du DFI du 28 avril 1992

Nous ne sommes pas d'accord avec la proposition du DFI et proposons les modifications suivantes:

Partie politique

1. Nous demandons de compléter le chiffre VI contenant les instructions à la délégation comme suit:

"Au vu des considérations exposées plus haut, la délégation suisse se conformera aux lignes directrices suivantes dans la négociation, tout en veillant à ce que la Convention n'énonce pas d'obligations juridiques que la Suisse ne saurait remplir sur la base des instruments juridiques existants ou qui seraient incompatibles avec d'autres obligations internationales de la Suisse". (modifications soulignées)

Dans cette phase finale des négociations, il importe non seulement d'œuvrer pour une convention ambitieuse, mais également de s'assurer que la Suisse soit en mesure de respecter les obligations qui en découleront. Les instruments existants à ce jour ne permettent pas de stabiliser nos émissions de CO₂ d'ici l'an 2000, but que le DFI a voulu intégrer dans la Convention-cadre. Pour atteindre ce but, des mesures supplémentaires seraient nécessaires, entre autres une taxe sur le CO₂. Certaines de ces mesures devront même être approuvées par le Parlement et le peuple, certaines relèveront de la compétence des cantons. De ce fait, accepter maintenant une obligation de stabiliser nos émissions de CO₂ porterait préjudice à notre future politique interne et nous forcerait à introduire des mesures dont les conséquences économiques et politiques n'ont été évaluées que très partiellement.

2. Le chiffre 3 du dispositif de décision est à biffer.

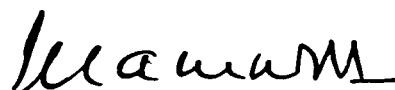
Nous nous opposons à l'inclusion de deux experts d'ONG dans cette négociation-ci. L'expérience faite lors de la Deuxième Conférence sur le climat n'a pas été positive,

les ONG n'ayant pas assumé pleinement leur qualité de membre de la délégation. Nous ne voyons aucun besoin de recourir à une expertise extérieure à l'administration dans cette phase finale, avant tout politique, de la négociation. Par ailleurs, les noms des personnes proposées n'ont pas été divulgués lors de la consultation des offices n'ont pas pu faire l'objet d'un accord entre les offices concernés.

Partie technique

3. Le chiffre 5 du dispositif de décision aux termes duquel "le chef de délégation est autorisé à approuver la convention" est à interpréter dans le sens qu'il s'agit là de la reconnaissance du document final de la négociation. Par conséquent, il n'appartient pas à la délégation de porter un jugement de valeur sur le résultat de la négociation avant que le Conseil fédéral ne se soit prononcé à ce sujet.

DÉPARTEMENT FÉDÉRAL DE
L'ÉCONOMIE PUBLIQUE





EIDGENÖSSISCHES VERKEHRS- UND ENERGIEWIRTSCHAFTSDEPARTEMENT
 DEPARTEMENT FEDERAL DES TRANSPORTS, DES COMMUNICATIONS ET DE L'ENERGIE
 DIPARTIMENTO FEDERALE DEI TRASPORTI, DELLE COMUNICAZIONI E DELLE ENERGIE
 DEPARTAMENT FEDERAL DA TRAFFIC ED ENERGIA

3003 Berne, le 29 avril 1992

Au Conseil fédéral

Convention-cadre sur les changements climatiques, New-York, 30 avril - 8 mai 1992

Co-Rapport

à la proposition du DFI du 29 avril 1992

Nous saluons les actions menées sur le plan international visant à limiter les risques présumés de l'augmentation de la concentration du CO2.

Néanmoins nous insistons pour que la proposition du DFI contienne **les modifications** suivantes dans les instructions à la délégation suisse.

La délégation veillera à ce que la Convention ne contienne pas:

- d'obligations juridiques que la Suisse ne saurait remplir sur la base des instruments juridiques existants.
- d'engagements politiques allant au-delà de ceux déjà pris par le Conseil Fédéral.

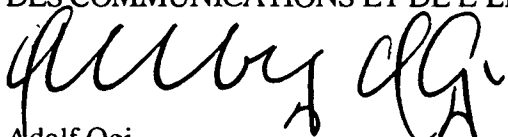
Les instruments juridiques existants aujourd'hui ne permettent pas de stabiliser les émissions de CO2 d'ici l'an 2000 au niveau de 1990.

La politique du Conseil fédéral en matière de CO2 existe. C'est le programme E2000.

Experts étrangers à l'administration.

La phase finale de la négociation de la Convention est politique. **La présence au sein de la délégation de deux experts non gouvernementaux n'est pas souhaitable.**

DÉPARTEMENT FÉDÉRAL DES TRANSPORTS,
 DES COMMUNICATIONS ET DE L'ÉNERGIE


 Adolf Ogi