

1710

CLIMATE INSTITUTE  
316 PENNSYLVANIA AVENUE, S.E., SUITE 403  
WASHINGTON, D.C. 20003  
202/547-0104  
FAX 202/547-0111  
TELEX 214 858 CLIMAT UR

**REPORT OF THE  
INTERNATIONAL WORKSHOP ON A  
FRAMEWORK CONVENTION  
AND ASSOCIATED PROTOCOLS:  
A NONGOVERNMENTAL PERSPECTIVE**

**CONVENED BY THE CLIMATE INSTITUTE  
AT THE**

**QUALITY CAPITOL HILL HOTEL  
415 NEW JERSEY AVENUE, N.W.  
WASHINGTON, D.C. 20001**

**FEBRUARY 2-4, 1990**

**CO-CHAIRMEN:**

**HONOURABLE TOM ROPER  
MINISTER FOR PLANNING AND ENVIRONMENT  
STATE OF VICTORIA  
AUSTRALIA**

**JOHN C. TOPPING, JR.  
PRESIDENT  
CLIMATE INSTITUTE**

**CLIMATE INSTITUTE**  
316 PENNSYLVANIA AVENUE, S.E., SUITE 403  
WASHINGTON, DC 20003

---

**BOARD OF DIRECTORS**

DR. STEPHEN LEATHERMAN  
CHAIRMAN  
PAUL C. PRITCHARD  
FOUNDING CHAIRMAN  
JOHN P. BOND  
MICHAEL F. BREWER  
JOSEPH A. CANNON  
THOMAS GALE  
MARK GOLDBERG  
THOMAS GRUMBLY  
WILLIE L. LEFTWICH  
J.A.W. MCCULLOCH  
PHILLIP NOYCE  
DR. MARTIN PARRY  
RAFE POMERANCE  
DANIEL POWER  
DR. CHARLES W. POWERS  
DR. HIND SADEK  
DR. STEPHEN SCHNEIDER  
ROGER STRELOW  
SIR CRISPIN TICKELL  
JOHN C. TOPPING, JR.  
PRESIDENT  
DR. PIER VELLINGA

202/547-0104  
FAX 202/547-0111  
TELEX 214 858 CLIMATE UR

February 5, 1990

Dr. Bert Bolin  
Chairman  
Intergovernmental Panel on Climate Change  
Case Postale No. 2300  
1211 Geneve 2  
SWITZERLAND

Dear Dr. Bolin:

I am transmitting to the Intergovernmental Panel on Climate Change (IPCC) the Report of the recent International Workshop on a Framework Convention and Associated Protocols: A Nongovernmental Perspective.

This meeting which was held in Washington, D.C. February 2-4, 1990 drew in excess of eighty participants from a number of countries. The participants developed draft language for a climate framework convention and various protocols that might follow.

To ensure its impartiality, the meeting was funded entirely by the Climate Institute and was open to all interested parties. Participants came largely from the nongovernmental sector including the scientific, legal, environmental and industrial communities. In addition, a number of governmental participants, including some involved in the IPCC process, provided valuable contributions.

The products of this Workshop include draft language for:

- (a) a Framework Convention for the Protection of Climate;
- (b) annexes to the Convention on:
  - Research and Monitoring;
  - Information Exchange; and,
  - Agriculture;
- (c) a coastal protocol;
- (d) a protocol on Resolving Disputes over Shared Water Resources.

The report also contains: elements of a protocol for the Conservation of Forests; some detailed recommendations for consideration in moving beyond the Convention to an Emissions Protocol; and some recommendations on economic incentives and mechanisms that could contribute to achieving some important goals.

Dr. Bert Bolin  
February 5, 1990  
Page 2

These recommendations represent a strong consensus, although not unanimity on all counts, of a diverse cross-section of parties interested in global climate policy. The convention and protocol language transmitted here is offered only as a first cut in full recognition that the ongoing analysis of the IPCC and its member governments will provide grounds for strengthening, broadening and refining the scope of proposed treaty provisions to protect the earth's climate. We hope, however, that the IPCC and its member governments will find this report a useful contribution to the vitally important work of the IPCC.

Sincerely,

A handwritten signature in dark ink, reading "John C. Topping, Jr." with a stylized flourish at the end.

John C. Topping, Jr.  
President  
Climate Institute

## TABLE OF CONTENTS

	<u>Page</u>
FRAMEWORK CONVENTION FOR THE PROTECTION OF THE CLIMATE.....	1
Preamble.....	1
Article 1: DEFINITIONS.....	3
Article 2: GENERAL OBLIGATIONS.....	3
Article 3: RESEARCH AND MONITORING.....	6
Article 4: INFORMATION EXCHANGE AND TECHNOLOGY TRANSFER.....	7
Article 5: ASSESSMENT AND CONSIDERATION OF RESPONSES.....	8
Article 6: CONFERENCE OF THE PARTIES.....	8
Article 7: SECRETARIAT.....	11
Article 8: COMPLIANCE.....	12
Article 9: AMENDMENT OF THE CONVENTION OR PROTOCOLS.....	12
Article 10: ADOPTION AND AMENDMENT OF ANNEXES.....	13
Article 11: SETTLEMENT OF DISPUTES.....	14
Article 12: SIGNATURE.....	16
Article 13: RATIFICATION, ACCEPTANCE OR APPROVAL.....	16
Article 14: ACCESSION.....	16
Article 15: RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS.....	17
Article 16: ENTRY INTO FORCE.....	17
Article 17: RESERVATIONS.....	18
Article 18: WITHDRAWAL.....	18
Article 19: DISPOSITARY.....	19
Article 20: AUTHENTIC TEXTS.....	20

## ANNEXES

ANNEX I: RESEARCH AND MONITORING.....	1
I. NEEDS.....	1
II. EXISTING INSTITUTIONAL ARRANGEMENTS.....	2
III. FURTHER ACTION.....	2
ANNEX II: INFORMATION EXCHANGE.....	4
ANNEX III: AGRICULTURE.....	7
I. GENERAL STATEMENT OF PROBLEM AND GOALS.....	7
II. REDUCTION OF GREENHOUSE GAS EMISSIONS.....	8
A. Goals.....	8
B. Research.....	9
III. INCREASE RESILIENCE OF AGRICULTURE TO CHANGES IN CLIMATE....	9
A. Goals.....	9
B. Research.....	10
IV. DISSEMINATION OF INFORMATION AND APPLICATION OF RESEARCH..	11

## PROTOCOLS

A PROTOCOL CONCERNING COOPERATION AND ASSISTANCE IN RESPONDING AND ADAPTING TO EFFECTS ON COASTAL COMMUNITIES AND ECOSYSTEMS OF SEA LEVEL RISE AND CLIMATE CHANGE.....	1
Article 1: DEFINITIONS.....	2
Article 2: APPLICATIONS.....	2
Article 3: GENERAL PROVISIONS.....	3
Article 4: MUTUAL ASSISTANCE.....	3

Article 5: RESEARCH AND MONITORING.....	4
Article 6: PUBLIC EDUCATION AND PARTICIPATION.....	4
Article 7: SHARED COASTAL RESOURCES AND SETTLEMENT OF DISPUTES.....	5
Article 8: ADOPTION AND AMENDMENT OF THE PROTOCOL.....	5
Article 9: INSTITUTIONAL ARRANGEMENTS.....	5
Article 10: EMERGENCY FACILITIES.....	6
Article 11: REGIONAL SEA PROGRAMS.....	6
PROTOCOL ON RESOLVING DISPUTES OVER SHARED WATER RESOURCES.....	1
Preamble.....	1
Article 1: DEFINITIONS.....	1
Article 2: RESPONSIBILITY TO NEGOTIATE CONFLICTS OVER RESOURCES..	1
Article 3: FLOODING.....	2
ANNEX 1: PRINCIPLES OF EQUITABLE ALLOCATION OF SHARED RESOURCES.....	3
ELEMENTS OF PROTOCOL FOR THE CONSERVATION OF FORESTS.....	1
I. GENERAL STATEMENT OF PROBLEMS AND GOALS.....	1
II. PROPOSED FORESTRY PROTOCOL ELEMENTS.....	2
1. Commitment To Integrate Forestry Considerations Into General Development Policy.....	2
2. Commitment to Mitigation of Climate Change Effects through Maintenance of Existing Forest Area.....	3
3. Commitment to Sustainable Use of Forests.....	4
4. Commitment Regarding Protected Areas, Protection of Indigenous Peoples, and Biodiversity.....	5
5. Controls on Activities Likely to Prevent Sustainable Use of Forests.....	5
6. Commitment to Increase Forest Areas.....	5
7. Commitment by Parties to Support Bilateral and Multilateral Development Aid and Debt Relief Proposal and Investments that Promote Forest Conservation.....	6
8. Commitment by Parties from the Developed World To Increase International Resource Flows to Parties from the Developing World in Order To Help Them Meet Their Obligations Under the Protocol.....	6
9. Commitment by Parties to Trade Policy That Encourages Forest Conservation.....	7
10. Support and Encouragement of Activities Related to Forest Conservation Conducted By International Organizations, National Institutions and by Non-Government Organizations (NGOs).....	7
11. Commitment To Support Research Relating to Forest Conservation.....	8

### **SUBGROUP REPORTS**

REPORT OF SUBGROUP B: ELEMENTS OF EMISSIONS CONTROL PROTOCOLS: GASES COVERED, PROCEDURES FOR ESTABLISHING NATIONAL BASELINES AND VERIFYING COMPLIANCE.....	1
1. Scope and Coverage.....	1
2. Reductions in Greenhouse Gas Emissions.....	1
3. Carbon Emissions from Forestry and Agricultural Practices.....	3
4. Clarification.....	3
5. Emission Trading.....	3
6. Enforcement.....	4

REPORT OF SUBGROUP C: ECONOMIC INCENTIVES TO ACHIEVE  
CONVENTION GOALS..... 1

PARTICIPANTS

WORKSHOP PARTICIPANTS..... 1

# FRAMEWORK CONVENTION FOR THE PROTECTION OF THE CLIMATE

## Preamble

The Parties to this Convention,

Aware that a steady buildup of concentrations of greenhouse gases in the atmosphere threatens to produce a rapid and significant global warming and that this projected climate change attributable largely to human activity may cause sea levels to rise, change the patterns for precipitation and evaporation and affect the intensity and paths of storms,

Mindful that these greenhouse-effect-induced changes in climate could: prove highly disruptive to human civilization and natural ecosystems; threaten coastal areas with inundation, increased risk of storm damage and salt water intrusion into fresh water supplies; endanger ecologically important wetlands, destroy natural habitats and further jeopardize biodiversity; disrupt agricultural and forestry production; affect the availability and quality of water; impair human health and air quality; create large numbers of environmental refugees; and jeopardize the survival of much of the earth's cultural and ecological heritage,

Recognizing that besides greenhouse-effect-induced warming of the earth, global, regional and local climates may change due to such other anthropogenic causes as increased ultraviolet radiation attributable to stratospheric ozone depletion, an enhanced heat island effect due to increased urbanization, and changes in local or regional rainfall patterns attributable to reductions in vegetative cover and that these changes could exacerbate the disruption attendant to a rapid and large-scale greenhouse warming,

Recalling that, while the pace and regional manifestations of this anticipated climate change remain shrouded in uncertainty, a succession of international meetings has underscored that rapid and large-scale climate change is likely to be harmful to virtually all nations of the world,

Acknowledging that the long lead times involved in slowing projected global warming in view of the momentum of the current climate system may make advisable acting to curb greenhouse emissions well before there exists a fully shared understanding of the likely pace and regional implications of global warming, and that actions to curb greenhouse emissions may involve increased energy efficiency, changes in industrial, transport or agricultural technology,

new patterns of land use and shifts in fuel use and that some of these changes may require substantial capital investment,

Recalling that pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, 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.",

Acknowledging that States are obliged to exploit and utilize their resources in a reasonable and equitable manner to avoid climate change,

Recognizing that the emissions which have led to a growth in global concentrations of greenhouse gases have come largely from industrialized nations, but projections of population growth, land use and energy consumption indicate that emissions from industrializing countries may increase rapidly and that all countries may benefit from curbing of rapid growth of concentrations of greenhouse gases but that countries have differing access to the technology, scientific expertise and capital needed to reduce growth of greenhouse emissions,

Aware that some nations, particularly small island nations, those with large populations on vulnerable river deltas, and those with agricultural systems already vulnerable to climatic variability are especially susceptible to major disruptions from climate change and sea level rise and have limited resources to implement response strategies to minimize adverse effects,

Taking into account the heartening actions already occurring under the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol, the actions of the United Nations General Assembly in approving a Resolution entitled "Protection of Global Climate for Present Future Generations of Mankind" on December 6, 1988, which recognized climate change as a common concern of mankind, and in reaffirming these commitments in a resolution adopted in December 1989, and the progress of the Intergovernmental Panel on Climate Change,

Determined to protect humanity and the natural environment against adverse effects resulting from a buildup in global concentrations of greenhouse gases,



HAVE AGREED AS FOLLOWS:

### Article 1

#### DEFINITIONS

For the purposes of this Convention:

1. "Adverse effects" means deleterious effects on human health, sea levels, economic activity, supply of food, fiber or natural resources, habitation, quality of life, or cultural assets or on managed or natural ecosystems.
2. "Climate change" means a detectable shift from expectation based on the historical record in the trend of climate variables such as: temperature averages and extremes; the character, frequency, rate of fall, and seasonal distribution of precipitation; frequency and intensity of storms; wind; cloudiness; and evaporation rates.
3. "Greenhouse gases" means compounds such as carbon dioxide (CO<sub>2</sub>) methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), tropospheric ozone (O<sub>3</sub>), halons, chlorofluorocarbons (CFCs), and a number of trace gases, which together with water vapor trap infrared radiation in the atmosphere. The resulting radiative forcing, it is generally believed, will lead to climate change.
4. "Parties" means, unless the text otherwise indicates, Parties to this Convention.
5. "Protocols" means protocols to this Convention.
6. "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.

### Article 2

#### GENERAL OBLIGATIONS

1. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party to limit the buildup of global

concentrations of greenhouse gases and to develop and implement strategies to protect humanity and environment from adverse effects of climate change. A major goal of this Convention is to limit radiative forcing from human activities to 2 watts per square meter by the middle of the next century.

2. To this end the Parties shall, in accordance with the means at their disposal and their capabilities:

(a) Develop, bilaterally and multilaterally, funding mechanisms for the transfer of additional financial, administrative and technological resources from affluent nations to poorer nations to enable them to effect measures that restrain emissions of greenhouse gases and adapt to climate change while achieving ecologically sustainable economic development;

(b) Cooperate to identify measures by which poorer nations can restrain greenhouse gas emissions and adapt to climate change while achieving ecologically sustainable economic development;

(c) Cooperate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities in contributing to changes in global concentrations of greenhouse gases; to understand the interactions among the atmosphere, the oceans and the biosphere and their influence on global, regional and local climate; to understand the interrelationship between changes in the stratosphere and the climate at or near the earth's surface; to detect, measure, and assess changes in global, regional and local climate and such related factors as vegetative cover, sea ice, and cloud cover; and assess the potential for global warming to trigger additional releases of greenhouse gases such as those stored in soils, tundra or ocean sediments;

(d) Cooperate to develop better models for projecting future global, regional and local climates under given global concentrations of greenhouse gases, including likely changes in availability of water resources, weather circulation patterns, storm intensity, and sea level; to assess the likely impacts of these changes on humanity and on natural systems; and to enable the development of site-specific response strategies;

(e) Cooperate to develop means of adapting human activity such as agriculture, forestry, manufacturing, transportation, water resource systems, and human settlement to prepare for anticipated future changes in climate; to ensure that strategies are developed for minimizing

adverse impacts of climate change to such important ecological and cultural concerns as wildlife habitats, natural wetlands, ocean beaches, recreational areas and historic sites;

(f) Cooperate in developing more drought resistant and heat resistant cultivars of crops and improved technologies for water conservation and use in order to adapt agriculture to climate change and in developing and implementing agricultural and land use practices designed to limit emissions of greenhouse gases;

(g) Identify the vulnerability of their coasts to given levels of sea level rise and assess the susceptibility of coastal settlements, recreational beaches, coastal industry, ports and harbors to sea level rise, cooperate in the development of strategies to mitigate the adverse impacts of sea level rise on humanity and on such ecologically important concerns as wetlands, and cooperate in providing information on coastal mitigation measures to vulnerable nations such as small island states and poor nations with populous river deltas;

(h) Assess the vulnerability of water resources to changes in climate and its implications for water availability and quality, irrigation, hydropower, flood control and drainage, and explore the feasibility of cooperative mechanisms within their own national boundaries or with nearby countries of mitigating the impacts of drought or flood due to climatic variability or climate change;

(i) Cooperate in limiting emissions of greenhouse gases through the development and introduction of energy efficient technologies, greater use of technologies which generate low quantities of greenhouse gases, increased reliance on mass transit, more energy efficient building design and use of landscaping, and other measures;

(j) Cooperate in preserving and expanding forests where feasible in view of their important role in storing carbon dioxide, providing watershed protection and flood control, and preserving biodiversity;

(k) Seek to incorporate externalities of cost including costs to the environment and the global climate into national energy investment and regulatory decisions with an ultimate objective that choice of energy technologies would be on the basis of least overall cost to society;

(l) Cooperate in the development of an indigenous capability in all affected countries of assessing and responding to likely climate impacts, encouraging the growth through

governments, international organizations, foundations, universities and other institutions of a world-wide network of experts knowledgeable in studying climate change and developing responses to address climate change;

(m) Cooperate on an urgent basis in the formulation of agreed measures, procedures and standards for the implementation of this Convention, including one or more protocols to achieve reduction of greenhouse gases and to satisfy the obligations of this Article;

(n) Cooperate with competent international bodies to implement effectively the objectives of this Convention and to incorporate the objectives of the Convention in the activities of these international bodies.

3. The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention. Parties are encouraged to proceed with domestic measures additional to those referred to in paragraphs 1 and 2 above.

4. The provisions of this Convention shall in no way affect the right of Parties to enter, in accordance with international law, bilateral, multilateral or regional agreements or arrangements in the areas covered in paragraphs 1 and 2 provided that they are not incompatible with the Parties' obligations under this Convention.

5. The application of this article shall be based on relevant scientific and technical considerations.

### Article 3

## **RESEARCH AND MONITORING**

1. The Parties undertake, as appropriate, to cooperate in, directly and through competent international bodies, the conduct of research into and development of:

(a) the physical and chemical processes that may affect climate on all scales;

- (b) activities, substances, practices and processes that could modify climate;
- (c) instrumentation and other techniques for monitoring and measuring emission rates, and subsequent distribution among the atmosphere, the oceans and biota, of greenhouse gases;
- (d) improved models of climate and the relationships among climate, natural systems and social and economic activities;
- (e) the environmental, social and economic effects that could result from modification of climate on all scales;
- (f) alternatives to present technologies, activities, substances, practices and processes responsible for the increase in atmospheric concentration of greenhouse gases;
- (g) environmental, social and economic effects of response strategies;

and as further elaborated in Annex I.

2. The parties undertake to promote or establish, as appropriate, directly and through competent international bodies and taking fully into account national legislation and relevant ongoing activities at the national, regional, and international levels, joint or complementary programs for systematic monitoring of global climate, as elaborated in Annex I.
3. The Parties undertake to cooperate, directly and through competent international bodies, in ensuring the collection, validation and transmission of research and observation data through appropriate world data centers in a regular and timely fashion, as elaborated in Annex I.

#### Article 4

### **INFORMATION EXCHANGE AND TECHNOLOGY TRANSFER**

The Parties shall facilitate and encourage the exchange of scientific, technical, socio-economic, economic, commercial and legal information relevant to this Convention as further elaborated in Annex II. High priority shall be given to strengthening the capability of developing countries to assess and prepare for the potential impacts of climate change.

## Article 5

### ASSESSMENT AND CONSIDERATION OF RESPONSES

1. Beginning in 19\_\_, and at least every 2 years thereafter, the parties, acting through the Conference of the parties established under Article 6, shall assess the available scientific, environmental, technical, and economic information with respect to:

- (a) the potential effect of greenhouse gas emissions on the climate;
- (b) the potential effects on the environment of modification of climate; and
- (c) possible response options that could be taken at the national, regional, and international levels.

2. On the basis of the assessments referred to in paragraph 1, the Parties may consider whether specific agreed measures should be taken and, if so, what the nature, scope, and timing of any such measures should be. In addition, the Parties may consider whether the goal of limiting radiative forcing from human activities, as specified in Article 2, paragraph 1, should be revised.

3. Such agreed measures may be implemented by adopting protocols, by using or amending existing legal or institutional arrangements, by creating new legal or institutional arrangements, or by any other means deemed appropriate by the concerned parties, except that agreed measures with respect to the production and consumption of chlorofluorocarbons should be implemented within the framework of the Vienna Convention on the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.

## Article 6

### CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the secretariat designated on an interim basis under article 7 not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. 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 them by the secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by Consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the secretariat.

4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and, in addition, shall:

(a) adopt, in accordance with Article 3, programs for systematic monitoring, research, and exchange of information;

(b) conduct the assessments called for under Article 5;

(c) adopt programs for promoting public awareness of the potential effects on the environment of greenhouse gas emissions and of means of adapting to climate change;

(d) consider, in accordance with Article 5, the advisability of various response options to potential modification of the global climate;

(e) promote the harmonization of national and regional policies, strategies, and measures for controlling, limiting, reducing, and/or preventing human activities that are found to be likely to have potential adverse effects on the environment resulting from modification of the global climate;

(f) Consider and adopt, as required, protocols in accordance with article 2 as necessary to implement this Convention. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a meeting;

(g) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

(h) Consider and adopt, as required, in accordance with article 10, additional annexes to this Convention;

(i) Review and assess compliance by the Parties with their obligations under this Convention and protocols to which they are a party;

(j) Seek, where appropriate, the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from these bodies and committees;

(k) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

5. Each Party to this Convention or to any protocol shall have one vote, except that 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 which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

6. The Conference of the Parties shall establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

7. The United Nations, its specialized agencies and 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 by observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the climate which 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-half 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.



Article 7  
**SECRETARIAT**

1. The functions of the secretariat shall be:

- (a) To arrange for and service meetings provided for in this Convention;
- (b) To prepare and transmit reports based upon information received in accordance with articles 4 and 5, as well as upon information derived from meetings of such subsidiary bodies as may be established under article 6;
- (c) To perform the functions assigned to it by any protocol;
- (d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
- (e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
- (f) To encourage representatives of States and regional economic integration organizations not Party to this Convention to attend the meetings of the Conference of the Parties as observers;
- (g) To perform such other functions as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by the United Nations Environment Programme (UNEP) until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6. At its first ordinary meeting, the Conference of the Parties shall (a) determine the identity and composition of the secretariat, taking into account the willingness of any existing competent international organization to carry out the secretariat functions under this Convention, and (b) make provision for adequately funding the secretariat.

## Article 8

### COMPLIANCE

The Parties shall transmit, through the secretariat, to the Conference of the Parties established under Article 6 information on the measures adopted by them in implementation of this Convention and of protocols to which they are a party in such form and at such intervals as the meetings of the parties to the relevant instruments may determine.

## Article 9

### AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Party may propose amendments to this Convention or to any protocol. Such amendments shall take due account, inter alia, of relevant scientific and technical considerations.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.
4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the parties to that protocol present and voting at the meeting shall suffice for their adoption.
5. Ratification, approval or acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between parties having accepted them on the ninetieth day after the receipt by the Depositary of

notification of their ratification, approval or acceptance by at least three-fourths of the Parties of this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.

6. For the purposes of this article, "Parties present and voting" means Parties present and casting any affirmative or negative vote.

### Article 10

#### **ADOPTION AND AMENDMENT OF ANNEXES**

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical or administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 3, while annexes to any protocol shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 4;

(b) Any party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol

concerned which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force.

### Article 11

#### **SETTLEMENT OF DISPUTES**

1. If a dispute arises concerning the interpretation or application of this Convention, the parties to the dispute shall, at the request of any one of them, consult among themselves as soon as possible with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to means of peaceful settlement provided for by a competent international organization, or other peaceful means of their own choice.

2. If the parties to a dispute concerning the interpretation or application of this Convention have not agreed on a means of resolving it within twelve months of the request for consultation pursuant to paragraph 1 above, the dispute shall be referred at the request of any party to the dispute, for settlement in accordance with the procedure determined by the operation of paragraphs 6, 7 and 8 below.

3. Paragraph 2 above shall similarly apply in the event that the dispute has not been resolved within 18 months after the parties to the dispute agree on a means of resolving the dispute other than through arbitration or settlement of the dispute by the International Court of Justice, unless the parties otherwise agree.

4. Each Party, when signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, may declare that it accepts as compulsory one or both of the following means for the settlement of disputes concerning the interpretation or application of this Convention:

(a) submission of the dispute to the International Court of Justice;

(b) submission of the dispute to arbitration in accordance with the UNCITRAL rules of arbitration, as such rules may be supplemented by procedures adopted by the Conference of the Parties.

5. A declaration made under paragraph 4 above shall not affect the operation of paragraphs 1, 2 and 3 above.

6. A Party that has not made a declaration under paragraph 4 above or in respect of which a declaration is no longer in force shall be deemed to have accepted submission of the dispute to arbitration in accordance with the UNCITRAL rules of arbitration, as such rules may be supplemented by procedures adopted by the Conference of the Parties.

7. If the parties to a dispute have accepted the same means for the settlement of a dispute referred to in paragraph 4 above, the dispute may be submitted only to that procedure, unless the parties otherwise agree.

8. If the parties to a dispute have not accepted the same means for the settlement of a dispute referred to in paragraph 4 above, or if they have both accepted both means, the dispute may be submitted only to arbitration in accordance with the UNCITRAL rules of arbitration, as such rules may be supplemented by procedures adopted by the Conference of the Parties, unless the parties otherwise agree.

9. The provisions of this Article shall apply with respect to any protocol to this Convention except as otherwise provided in the protocol concerned.

## Article 12

### SIGNATURE

This Convention shall be open for signature by States and by regional economic integration organizations at \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_, and at United Nations Headquarters in New York from \_\_\_\_\_ to \_\_\_\_\_.

## Article 13

### RATIFICATION, ACCEPTANCE OR APPROVAL

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligation under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.
3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

## Article 14

### ACCESSION

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol

concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions in article 13, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

### **Article 15**

#### **RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS**

1. A State or a regional economic integration organization may not become a party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

2. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned.

### **Article 16**

#### **ENTRY INTO FORCE**

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.

2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance or approval of such protocol or accession thereto.

3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that Party, whichever shall be the later.

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

#### Article 17

#### **RESERVATIONS**

No reservations may be made to this Convention.

#### Article 18

#### **WITHDRAWAL**

1. At any time after four 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.

2. Except as may be provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a party, that party may withdraw from the protocol by giving written notification to the Depositary.

3. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

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



Article 19  
**DEPOSITARY**

1. The Secretary-General of the United Nations shall assume the functions of depositary of this Convention and any protocols.

2. The Depositary shall inform the Parties, in particular, of:

(a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 13 and 14;

(b) The date on which the Convention and any protocol will come into force in accordance with article 16;

(c) Notifications of withdrawal made in accordance with article 18;

(d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date of entry into force in accordance with article 9;

(e) All communications relating to the adoption and approval of annexes and to the amendment of annexes in accordance with article 10;

(f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereof.

(g) Declarations made in accordance with article 11, paragraph 4.

Article 20  
**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 at \_\_\_\_\_

on the \_\_\_\_ day of \_\_\_\_\_ 199\_