

27 August 1991
ORIGINAL: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Third session
Nairobi 9-20 September 1991
Item 2(a) of the provisional agenda

SEP 10 1991
UNION
CONSOLIDATED TEXT BASED ON PROPOSALS REGARDING
PRINCIPLES AND COMMITMENTS, PRESENTED BY DELEGATIONS

Submitted by the Bureau of Working Group I

Explanatory Note

As requested by the Working Group during the Second Session of the INC, new compilations of principles and commitments have been prepared and circulated to governments as Docs. A/AC.237/Misc.6 and 7.

This paper has been prepared with the aim of simplifying the compilation contained in the above documents and with the hope that delegations will find it helpful in identifying the major issues therefrom and that it could be useful for focusing the discussion of the text of the Convention.

In preparing the paper on principles, the Bureau felt that some of the proposals on principles are better placed in a preambular chapter than in a chapter on principles. All such "principles" have therefore been grouped under preambular provisions, together with some other preambular provisions submitted by delegates.

Concerning the commitments, every effort has been made to reflect objectively the main views and ideas of delegations as contained in the compilations. Due to the fact that a number of proposals were in the form of statements made during the Working Group sessions, it was not possible to formulate some of the provisions in precise legal language.

Issues relating to mechanisms which belong to Working Group II are not addressed in this paper, nor are other issues which we perceive could be best developed under possible related legal instruments i.e. annexes or protocols.

I. PREAMBLE

The Parties to this Convention

Acknowledging that change in the Earth's climate is a common concern of mankind since climate is an essential condition that sustains life,

Affirming their commitments and determinations to take active and constructive steps in a global response, without prejudice to sovereignty of States,

Recognizing the duties of all States to preserve and protect their natural capital/resources for the benefit of present and future generations,

Aware that all inhabitants of the planet have equal rights to the oceanic and other global sinks and to atmospheric resources, subject to provisions of international law,

Considering that all elements of the eco-system are linked, interrelated and interdependent, so that actions in one area influence and have effects upon other areas,

Acknowledging that the global nature of climate change calls for the widest possible association of efforts by all countries and their participation in an international response to climate change in accordance with the means at their disposal and their capabilities,

Recognizing that the developing countries have as their main priority the eradication of poverty and the achievement of economic and social development and that their emission must grow to accommodate their development needs reflecting the equal right of all people in matters relating to living standards,

Mindful of the need to foster international cooperation. enabling cooperative arrangements for understanding and addressing potential climate change in the most effective and efficient manner,

Recognizing that the narrowing of the gap between the developed and developing countries could be the basis for a full partnership of all nations and would assist the developing countries in dealing with the climate change issue,

Fully aware of the special circumstances of the developing countries, particularly their need for financial resources and the requisite technologies,

Recognizing the obligation of developed countries to transfer appropriate environmentally sound technologies to developing countries on

Alternatives:

- (A) a concessional and preferential basis
- (B) a preferential and non-commercial basis
- (C) a fair and most favourable basis,

bearing in mind the need for adequate and effective protection of intellectual property rights,

Urging all countries, the developed countries in particular, to intensify their efforts and international cooperation in technological research, development and dissemination of appropriate and environmentally sound technologies, including the reassessment and improvement of existing technologies and introduction of new technologies,

Further urging that all countries, developed and developing, identify and take effective measures to remove barriers to the dissemination of such technologies, including the restriction on political grounds,

Recognizing the interdependence of environmental protection and economic growth, the need to pursue strategies that advance both goals, the need to achieve a balance between potential ecological and socio-economic consequences of climate change, the cost of abatement policies and the cost of adaptation and to encourage the use of market mechanism, as appropriate, to achieve cost-effective results and to foster free trade,

Recognizing that in order to avoid distortions of competition, the greatest possible harmonization of the measures should be adopted,

Recognizing that no country shall aid or encourage the transfer of technologies that embody human and environmental safety risks,

Affirming the need to ensure that the implementation of the actions taken to combat climate change should not result in the creation of other types of environmental degradation,

Convinced that individual and social behaviour including a dramatic change in production and consumption patterns in industrialized countries, as well as institutional adaptation are key elements of a long term strategy that deals with climate change in a way that meets the goal of sustainable development,

Recognizing the need for an open process, allowing appropriate input from non-governmental organizations, public access to intergovernmental deliberations where appropriate, and public education of the interested global citizenry,

Have agreed as follows:

II. PRINCIPLES

(Sovereignty)

1. 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.
2. The Sovereignty of States and of non-interference in the internal affairs of other countries, shall be adhered to in all international affairs including those relating to the protection of global environment.

(Equity/Common but differentiated responsibility/Main responsibility)

Alternative A

The obligations shall be equitably distributed between developed and developing countries in accordance with their common but differentiated responsibility and capabilities, and different time frames be set out for implementation, noting that the largest part of the current emission of greenhouse gases originates in developed countries and those countries have the main responsibility for combating the adverse effects thereof.

Alternative B

Action to be taken should be based on equity, in accordance with the proportionate contributions to the problem, with due regard to the development requirements of developing countries, especially those whose current emissions are low.

Alternative C

There is a global obligation to protect the climate for the benefit of future generations based on principles of equity and common but differentiated responsibilities of countries. In this context, the efforts already undertaken by a number of countries to meet this goal are acknowledged.

(Right to development)

1. The right to development is an inalienable human right. All peoples have an equal right in matters relating to living standards. An appropriate level of economic development is the prerequisite for adopting concrete control measures to address climate change.

(Sustainable development)

1. Compatibility of environment and economic development should be ensured, reflecting the long-term nature of climate change and building the knowledge, technology and resources needed to achieve sustainable development.

2. All countries, particularly developing countries and countries with economies in transition, in exercising their right to choose the best path to ensure their sustainable development and to reach an appropriate standard of living, shall be entitled to choose the forms of energy which better suit their growth need, specially those energy resources which are characterized by security of access, abundance and low-cost.

(Precautionary principle)

In order to achieve sustainable development in all countries and to meet the needs of present and future generations, precautionary measures to meet the climate challenge must anticipate, prevent, attack, or minimize the causes of and mitigate the adverse consequences of, environmental degradation that might result from climate change, reaffirming that lack of full scientific certainty should not be used as a reason for postponing cost-effective measures and that high priority must be given to solving the remaining major uncertainties regarding causes and effects of climate change.

(Polluter Pays Principle)

Those responsible for causing damage to the environment should bear the responsibility for rectifying that damage and compensate environmental damage suffered by other countries or individuals.

(Non-conditionality)

1. No environmental conditionalities shall be introduced in aid or development financing.
2. No country or group of countries shall introduce barriers to trade on environmental grounds, except on the basis of a decision by the Conference of the Parties.

(Comprehensiveness)

All greenhouse gases, sources and sinks should be considered in the most comprehensive manner possible in the elaboration of response strategies and limitation and adaptation measures should be addressed.

(Special circumstances)

1. All Parties recognize the different circumstances including the particular circumstances of developing countries and countries with economies in transition and shall endeavour to exert all efforts to ensure that those countries are provided with the necessary financial resources and the requisite technologies and means in order to adequately address the problem of climate change.
2. All Parties shall give special consideration, including the adoption of appropriate measures to the situation of developing countries, whose economies are highly dependent on fossil fuels, either because they are not in a position to use substitutes for such fuels or do not possess the flexibility to switch to non fossil fuels or because of their dependence upon the production and exportation of fossil fuels.
3. The particular vulnerability of the Least Developed Countries to the impact and/or potential threat of global climate change needs to be addressed on a priority basis and similar measures should be adopted to address the particular problems and needs, including funding, of low-lying coastal and small vulnerable island countries, some of whose very existence is placed at risk by the consequences of climate change.

(Liability)

This Convention shall be without prejudice to the application of the rules of international law governing the liability of States.

(Flexibility)

Actions should be undertaken in a phased and flexible manner on the basis of medium and long term strategies at national, regional or global level, recognizing that strategies to understand and address climate change will be most environmentally effective and most economical if they are based on and continually reevaluated in light of relevant scientific, technical and economic considerations. The flexibility includes the possibility of exchange between different GHGs (in CO₂ equivalents).

I. GENERAL OBJECTIVE

Long term Global Objective

Alternative A

The Parties commit themselves to the stabilization of greenhouse gas concentrations in the atmosphere at a level which minimizes risk to the ecosystem, ecological processes and climatic conditions essential for the functioning of the biosphere and the sustainable development of societies and economies and to minimize the adverse effects of global climate change.

Alternative B

The Parties agree that the ultimate global objective should be to stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with climate. The anthropogenic emissions of carbon dioxide from States should converge at a common per capita level

II. GENERAL COMMITMENTS

In pursuance of the above global objective the Parties shall:

1. Take appropriate measures in accordance with the provisions of this Convention to limit, reduce, modify and control human activities that result or are likely to result, in adverse effects on the global climate.
2. Undertake without delay on the basis of the best available technology, suitable measures for the effective limitation/reduction of emissions of all anthropogenic climate - related gases in particular CO₂, CH₄, N₂O, CO and VOC as precursors of tropospheric ozone;
3. Prepare and update national and/or regional programmes or strategies, develop and periodically update public national inventories of net emissions using an agreed methodology and adopt measures which are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;

4. Aim at energy conservation, rational use of energy and development of renewable energy sources;
5. Refrain from subsidizing activities, inter alia, in the energy domain, which contribute to global warming;
6. Aim at conserving national carbon reservoirs and sinks, developing integrated strategies to increase sinks, achieving sustainable forest management, reducing deforestation and promoting afforestation;
7. Conduct environmental impact assessments in order to avoid taking measures which cause or could cause other adverse social and environmental effects and risks;
8. Cooperate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities on climate and the environmental and socio-economic impact of climate change;
9. Adopt appropriate legislative and administrative measures and cooperate in harmonizing appropriate policies to address climate change;
10. Develop, coordinate and harmonize market policy instruments;
11. Ensure expeditious transfer of the best available environmentally sound technology on a fair and most favourable/a concessional and preferential/a preferential and non-commercial basis to developing countries and promote rapid development of such technology in these countries;
12. Ensure, through appropriate mechanisms, that developing countries have access to new/adequate and additional funds to meet their incremental costs of combating climate change;
13. Prepare for anticipated climate change;

14. Encourage the promotion of public education and awareness of the environment and socio-economic impacts of greenhouse gas emissions and of climate change and cooperate therein;

15. Cooperate effectively with competent international organizations to meet the objectives of the convention;

III. ADDITIONAL MEASURES

The provisions of this Convention shall in no way affect the right of Parties to adopt in accordance with international law, domestic or international measures additional to those referred to in articles I and II nor shall they affect additional domestic or international measures already taken, or entered into, by a party, provided that those measures are compatible with their obligations under this Convention and any protocol to which they are party.

IV. SPECIFIC COMMITMENTS

IV.1 Sources

1. Stabilization of emissions

The Parties/developed countries Parties shall commit themselves to the stabilization of:

Alternative A

Global/energy related CO₂ emissions at their 1990 level by the year 2000.

Alternative B

CO₂ emissions as soon as possible in general at present levels.

Alternative C

CO₂ emissions by all Parties, developed countries in particular, in a given time frame and drawing out measures for decreasing the other GHGs.

Alternative D

Greenhouse gas emissions, excluding the requirements under the Montreal Protocol at 1989 levels as soon as possible at the latest by 2000.

Alternatives for Developing Countries

Alternative A

All developing countries Parties shall commit themselves to appropriate action to reduce the threat of human-induced climate change and take as a guideline to keep future net growth of GHG emissions to the lowest level possible, having due regard to their development requirements and their capabilities.

Alternative B

Developing countries may, in accordance with their national development plans, priorities and objectives, consider feasible measures with regard to climate change provided that the full incremental costs involved are met by provision of new and additional financial resources from developed countries Parties.

2. Reduction

(Quantitative alternatives)

The Parties/developed countries Parties shall commit themselves to:

Alternative A

reduce CO₂ emissions. This objective must be formulated on the premise that emissions from States will converge at a common level expressed in tons per inhabitant. It would correspond, according to the IPCC studies, to an overall reduction of more than 50 per cent compared to present global emissions, i.e. 0.35 of a ton of carbon per inhabitant per year by 2030. The target should be expressed in absolute terms and not in relative terms with respect to a level of emissions in an arbitrarily selected year.

Alternative B

take first steps towards the reduction of all/energy related CO₂ emissions in the years 2005 and 2010; as well as a definition of the objectives and measures to reduce and limit further all/energy-related emissions, in particular CH₄, NO_x, CO and VOC emissions.

Alternative C

a 20% reduction of CO₂ emissions for the industrialized countries in the year 2005 and further reduction at later stages.

Alternative D

prepare national targets for stabilization and/or reduction of other greenhouse gases or combinations of greenhouse gases not covered by the Montreal Protocol when sufficient knowledge allows and consider proposals for emission reduction targets separately for CO₂ and other greenhouse gases including possible strategy options aimed at progressive reductions at the horizon 2005 and 2010.

Alternative E

stabilize and reduce their per capita emissions of greenhouse gases, particularly carbon dioxide; stabilization of emissions of greenhouse gases, other than those controlled by the Montreal Protocol, particularly carbon dioxide, should be achieved by the developed countries Parties at the latest by the year 2000 and should be set at 1990 emission levels, with the goal of achieving at least a (20%) (30%) (40%) (50%) reduction on these stabilized levels by the year 2005;

(Qualitative)

Alternative F

The implementation of actions designed to reduce CO₂ emissions by pricing, introduction of harmonized incentives or regulatory measures in areas of industry, transport and construction, and the emergence of coordinated international effort for technological developments in energy management.

Alternative G

Developed/all countries should analyze the feasibility of and options for developing programmes, strategies and/or targets for a staged approach for achieving reductions of all greenhouse gas emissions, not controlled by the Montreal Protocol, over the next two decades and beyond.

3. Sinks

The Parties shall:

1. Promote the protection and enhancement of sinks and reservoirs of greenhouse gases through the adoption of appropriate national forest policies, including minimum tree cover in all countries;
2. Conserve their forests, as extensively as possible, by counteracting the causes of the threat posed to them i.e. the emission of pollutants or environmentally damaging use;
3. Set differentiated objectives and measures aiming at the reduction of the annual deforestation rate with a view to ending forest destruction completely;
4. Carry out site-based afforestation and regeneration measures in order to create additional forests as CO₂ sinks and improve the CO₂ binding process in existing forests;
5. Quantify the forest area required for reasons of climate protection and use this figure as an objective for all activities in the field of forest conservation and afforestation;
6. Develop measures with regard to other CO₂ sinks and reservoirs (in particular oceans and seas).
7. Promote additional scientific information on the role of forests and oceans as sinks of carbon dioxide;

8. Practice sustainable forest management and agricultural techniques which reduce greenhouse gas emissions;
9. Set appropriate national forestation target which take account of the different national circumstances and which includes the maintenance of existing forest area or reafforestation and afforestation.

4. National [targets or] strategies or programmes

The Parties shall:

1. Formulate and implement national programmes and strategies with regard to the limitation of greenhouse gas emissions, conservation and enhancement of sinks as well as strategies to mitigate adverse effects of climate change. These programmes should include information about current and projected emission levels, the current and projected status of forests and other carbon sinks and measures - planned or in force - to combat global warming.
2. Take appropriate measures that prevent, limit, reduce or facilitate adaptation to climate change to the extent deemed desirable in the light of the scientific, technical, economic and environmental bases.
3. Adopt, as quickly as possible, measures which are beneficial for reasons other than climate change and justified in economic terms.
4. Allow a stepwise approach to a comprehensive solution by providing a framework for setting priorities, taking into account inter alia present knowledge, emission levels, options available to control greenhouse gas emissions and the specific circumstances of certain regions and countries.
5. Enhance the understanding of the global problem and reduce uncertainties and address the issue of climate change in a realistic, holistic and comprehensive manner, instead of committing target emissions of CO₂ and in the energy sector alone.

6. Strike a balance between environment and economic development, taking into account the possible impact of measures on the world economy and trade, as well as the economic capabilities of developing countries and their specific energy needs.
7. Take into account the best available Global Warming Potential in the development of national, regional and international response strategies.
8. Take measures for limiting emissions in certain sectors of the economy.
9. Develop national coastal zone management plan, emergency procedures, coastal zone response mechanisms and a global ocean-observing network, and undertake assessments of the resilience and adaptability of resources.

5. Implementation of commitments

- Note:
1. Mechanism for the implementation of commitments will be considered by WG II as a part of compliance mechanism.
 2. For the implementation of the commitments by developing countries the next section will consider the adequate and additional financial resources to meet the incremental costs and facilitate the transfer of technology.
 3. Section VI will consider the special situation of some developing countries in relation to commitments.

6. Protocols

The more specific obligations which countries will enter into shall be elaborated in annexes or protocols to this Convention.

V. FINANCIAL AND TECHNOLOGY TRANSFER

1. The Parties agree to commit new, adequate and additional/adequate and additional financial resources to enable developing countries to meet full incremental costs required to fulfil the commitments referred to in articles II and III and facilitate the transfer of technology expeditiously on a fair and most favourable basis.

Alternative A

2. The Parties shall create an international climate fund to expeditiously mobilize new and additional financial resources for developing countries Parties, in order to:

- (a) implement obligations under the Convention;
- (b) adapt to and mitigate the adverse effects of climate change;
- (c) provide assured access to appropriate, environmentally sound technologies on preferential and non-commercial terms to developing countries;
- (d) support developing countries in their efforts to create and develop their endogenous capacities in scientific and technological research and development, monitoring and information directed at combating climate change;
- (e) strengthen institutional capacities for dealing with climate change at national levels, including human resources development.

Alternative B

2. The developed countries shall provide financial assistance to developing countries in order to help them to meet the incremental costs required to achieve further limitations of greenhouse gas emissions by promoting and developing the existing mechanisms including GEF and an enlarged UNDP.

3. Developed countries shall provide new, adequate and additional resources and transfer technologies in accordance with national circumstances and support sustainable development, recognizing the need for developing countries to use their natural resources in an environmentally sound manner, in view of improving the quality of life of their populations.

4. The Parties shall cooperate, consistent with their national laws, regulations and practices and taking into account the particular needs of developing countries in promoting directly or through competent intergovernmental bodies, the development and transfer of environmentally sound technology and knowledge required to combat the adverse effects of climate change.

VI. SPECIAL SITUATION OF DEVELOPING COUNTRIES

1. The Parties shall give priority to the specific needs of small island developing countries, low-lying coastal areas, arid and semi-arid areas, tropical regions liable to flooding, areas liable to drought and desertification and the least developed countries, in the transfer of technology and funding, to enable them to combat the adverse effects of climate change.

VII. ECONOMIES IN TRANSITION

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