

PAPER NO.16: VANUATU

Elements
for a
FRAMEWORK CONVENTION ON CLIMATE CHANGE

Proposed by Vanuatu on behalf of States Members of the United Nations and
of the specialized agencies that are members of
THE ALLIANCE OF SMALL ISLAND STATES

4 June 1991

Elements of a
FRAMEWORK CONVENTION ON CLIMATE CHANGE

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PART I. INTRODUCTION AND GENERAL MATTERS

1. PREAMBLE

1.1 Problem

Overwhelming importance of climate to the global environment and to human society

Need to protect atmosphere

Scientific observation that human activity is affecting climate in a manner that is unpredictable and potentially catastrophic

The very existence of low-lying coastal and small vulnerable island countries is placed at risk by the consequences of climate change

1.2 Action

Need to take immediate action based on the Precautionary Principle so that the consequences of climate change can be averted

1.3 Context of Action

Responsibility for the problem lies historically with industrialised countries. Currently responsibility lies with all countries, but not equally: the principle of differentiated responsibility

Responsibility for the solution lies with all countries on the basis of historic contributions and differentiated responsibility, taking into account the special circumstances of developing countries, particularly their need for appropriate technology and new and additional funding

Responsibility for the Global Commons

This convention, and participation in the negotiations leading to its conclusion, is without prejudice to the existing rights under international law, including rules governing international liability for damage to people, property and the environment

1.4 Relevant International Instruments

- (a) Declaration of the UN Conference on the Human Environment (Stockholm Declaration) Principle 21:

"States have ... 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"

- (b) General Assembly Resolution 44/228 convening the UNCED
- (c) UNGA Resolution 45/53 establishing the IPCC and determining that action should be taken at a global level to combat climate change
- (d) The First Assessment Report of the IPCC
- (e) UNGA Resolution 45/212 convening the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change
- (e) The Ministerial Declaration of the Second World Climate Conference (A/45/696/Add.1, annex III)

2. DEFINITIONS

General Language of Convention:

"Climate"

"Activities affecting Climate"

"Climate Change"

"Consequences of Climate Change"

"Developing Country"

"Fiscal and other Incentives"

"Fossil Fuels"

"Greenhouse Gases" [exclude GHGs already the subject of international regulation]

"Sinks"

"Reservoirs"

"Subsidies"

"Industrialised / Developed Country"

"International Trade"

In the context of Funding: "New", "Adequate" and "Additional"

In the context of Technology Transfer: "Fair and most Favourable"

3. GOVERNING PRINCIPLES

This convention shall be based upon and interpreted in the context of the following principles:

- 3.1 The Precautionary Principle: the principle which operates where there is sufficient evidence to identify a threat of serious or irreversible harm to the environment to establish a duty to take measures which anticipate prevent and attack the causes of environmental degradation prior to conclusive scientific proof that the threat will or does harm the environment.
- 3.2 The Polluter Pays Principle: the principle that those responsible for causing damage to the environment bear the responsibility for rectifying that damage.
- 3.3 Sustainable Development
- 3.4 Equity
- 3.5 Inter-generational Equity: the duty of all States to preserve and protect natural capital for the benefit of present and future generations
- 3.6 Liability: This Convention shall be without prejudice to the application of the rules of international law governing the liability of States
- 3.7 Relevant Scientific, Technical and Economic Considerations: Implementation of this Convention shall be based on relevant scientific and technical considerations. Action shall be taken by the parties in accordance with the means at their disposal and their capabilities.
- 3.8 Clean Production

4. SPECIAL NEEDS OF CERTAIN CATEGORIES OF COUNTRIES, REGIONS AND AREAS

- 4.1 Small island developing countries - low-lying coastal areas - arid and semi arid areas - tropical regions liable to flooding - areas liable to drought and desertification
- 4.2 Entitlement to participate in the work of the Committees established to implement the Convention thus ensuring representation of the special needs
- 4.3 Financial assistance for adaptation strategies
- 4.4 Financial and technical assistance for monitoring, observation and scientific research
- 4.5 Consideration of specific localised problems including coral bleaching, increasing hurricane intensity, hydrology and storm surges

PART II. INTERNATIONAL AND REGIONAL COOPERATION

5. GENERAL OBJECTIVES

- 5.1 The Parties shall take all necessary measures in accordance with the terms of this Convention to ensure that human activities within their jurisdiction or control do not contribute to climate change
- 5.2 This Convention shall in no way affect the right of parties to adopt measures which go beyond its terms

6. GENERAL OBLIGATION OF INTERNATIONAL COOPERATION

- 6.1 Undertaking to cooperate with (i) other parties and (ii) the relevant competent international institutions to ensure:
 - Effective implementation of the convention
 - Sharing information
 - monitoring and observation
 - research into relevant areas
 - implementation

7. DEVELOPMENT OF IMPROVED REGIONAL COOPERATION

- 7.1 Recognition that the impact of climate change will differ from region to region
- 7.2 Development of Regional Response Strategies promoting regional cooperation in relation to, inter alia, research, monitoring and observation, implementation

8. RESEARCH

- 8.1 Continue and, where appropriate, implement research programmes on [specify the full details of projects] the following: climate; atmospheric protection; the effects of human activity on climate, including, inter alia, land use and energy generation; the consequences of climate change for the global environment, regional environment and human society
- 8.2 Positive duty to promote research into technology and techniques which:
- minimise the effect of human activity on climate ("Abatement")
 - Allow human society to adapt to the predicted consequences of Climate Change ("Adaptation")
- 8.3 Parties are encouraged to develop joint technology research projects where Developed and Developing Countries work together to develop appropriate technologies and strategies

PART III. MONITORING OBSERVATION AND INFORMATION SHARING AND DISSEMINATION

9. MONITORING AND OBSERVATION

- 9.1 Creation of climate change monitoring network through coordination of existing international, regional and national climate data collection networks
- 9.2 The aim of the network shall be to: record collate and assess data; to provide uniform assessment criteria; to encourage improved harmonisation of methods of measurement; to provide objective reliable and comparable information ...
- 9.3 The network shall focus on: achieving a greater understanding of the mechanics of the world's climate; Greenhouse Gas concentrations and emissions; the operation and state of sinks ...
- 9.4 Coordination of National Data Banks

10. INFORMATION DISSEMINATION

- 10.1 The Parties must supply certain information, as specified in this Convention, to [an appropriate international body]
- 10.2 The Parties agree that all information held by that body will be made available to all Parties to this Convention and to all citizens under the jurisdiction and control of those Parties on request
- 10.3 Parties agree to establish channels of communication [eg. Public Information Offices, Government Departments] through which individuals will be able to access the information held by [the appropriate international body] at a national level
- 10.4 Establishment of national committees to collect and disseminate information and materials on climate change issues

11. ENVIRONMENTAL IMPACT ASSESSMENT

- 11.1 The parties shall ensure that all activities within their jurisdiction or control including, inter alia, policies on energy generation, transport, and land use are assessed to ascertain whether they are likely to affect climate
- 11.2 An activity will be deemed to have an adverse effect on climate if [it satisfies criteria to be specified]
- 11.3 Parties are under an obligation to prevent activities affecting climate
- 11.4 Parties agree to establish culturally appropriate mechanisms to allow public participation in EIAs

12. NATIONAL INVENTORIES

- 12.1 The Parties agree to compile information on activities within their jurisdiction or control which affect, or are likely to affect climate, in accordance with [specified criteria]
- 12.2 This information must be submitted to [appropriate international body] within six months of the deposit of the instrument which ratifies this convention
- 12.3 Annual Reports will be submitted to the [appropriate international body] thereafter
- 12.4 Information contained within National Inventories may be disseminated in accordance with the terms of Article 10

13. NATIONAL CLIMATE PLANS

- 13.1 The parties shall draw up specific action plans on the basis of the information submitted pursuant to Article 12 to reduce the effect of human activities on climate with the objective of achieving the goals set out in this Convention
- 13.2 Plans to cover [period] - to be submitted to [the appropriate international body] within [one year of ratification] and then annually

14. EDUCATION

- 14.1 Parties shall promote education programmes to inform all persons within their jurisdiction or control, including individuals and corporations, about:
- (i) the causes of climate change;
 - (ii) the potential consequences of climate change;
 - (iii) action that can be taken at an individual/local level to reduce the impact of human activity on climate [ie. energy efficiency, land use etc.];
 - (iv) achieving sustainable human development;
 - (v) global interdependence among people facing climate change.
- 14.2 The aims of the education programmes will be: to promote awareness and knowledge of climate change issues and; to encourage action to limit climate change
- 14.3 Development of informational and educational materials, providing objective, consistent and reliable information on climate change, to be available to all persons within the jurisdiction of the parties

PART IV. SPECIFIC OBLIGATIONS

15. GREENHOUSE GASES : GENERAL OBLIGATIONS

- 15.1 The parties undertake to stabilise atmospheric concentrations of Greenhouse Gases at [specified level] by [date]
- 15.2 Action taken to control the effects of human activity on climate must not have any consequential effects which are damaging to the environment

- 15.3 Immediate action shall be taken in accordance with the Annexes to this Convention. The Annexes do not preclude the negotiation of specific protocols dealing with the same topics.

16. EMISSIONS

- 16.1 To achieve the objectives of this Convention, especially those stated in Article 15, the Parties agree to reduce anthropogenic emissions of Greenhouse Gasses by taking immediate action in accordance with Annex 1

17. SINKS / RESERVOIRS

- 17.1 To achieve the objectives of this Convention, especially those stated in Article 15, the Parties agree to preserve protect and enhance Sinks of Greenhouse Gasses taking immediate action in accordance with Annex 2
- 17.2 Without prejudice to the development requirements of developing countries, action to be taken in relation to Sinks will include appropriate commitments on the preservation of bio-diversity

18. MEASURES TO COUNTER THE CONSEQUENCES OF CLIMATE CHANGE

- 18.1 Development of national coastal zone management plans to identify coastal areas at risk and deal with sea level rise in such a way that danger to populations is minimized and ecosystems are protected
- 18.2 Development of emergency procedures and coastal zone response mechanisms to reduce vulnerability to coastal storms
- 18.3 Development of a global ocean-observing network to monitor changes including coastal erosion and to disseminate data and information on sea level change and options in response
- 18.4 Monitoring the current state of natural resources and resource use and management practices
- 18.5 Undertaking studies and assessments of the resilience and adaptability of resources and their vulnerability to climate change, in order to formulate strategies for their preservation
- 18.6 Development of technologies which, while consistent with the principles of sustainable development, increase productivity and efficiency of land and water use

PART V IMPLEMENTATION : SUBSTANTIVE OBLIGATIONS

19. FINANCIAL RESOURCES AND FUNDING MECHANISMS

- 19.1 Funding will be on the basis of New, Additional and Adequate financial resources which will not have any effect on existing multilateral or bilateral financial assistance arrangements
- 19.2 Establishment of an International Climate Fund in accordance with Annex 3
- 19.3 Financial assistance for Developing Countries to enable them to adapt their development strategies to integrate consideration of the effect of those activities on climate
- 19.3 Fund to compensate Developing Countries (i) in situations where selecting the least climate sensitive development option involves incurring additional expense, and (ii) where insurance is not available for damage resulting from climate change

20. TRANSFER OF TECHNOLOGY

- 20.1 The parties are under a duty to make available to [an appropriate international body]: (i) any technology or technique that would assist the parties in carrying out their obligations under this convention which they are capable of obtaining or is in the public domain in the area under their jurisdiction or control (ii) the results of research into technology under Article 8
- 20.2 All parties shall have equal access to the information and techniques held by the international body
- 20.3 Transfers of Technology from industrialised to developing countries must be on fair and most favourable terms

21. ENERGY EFFICIENCY AND CONSERVATION

- 21.1 Parties to have obligations in respect of energy efficiency and conservation which are based upon their differentiated responsibility for climate change
- 21.2 Duty to encourage energy efficiency and energy conservation; Minimum energy efficiency standards targets to be set on the basis of differentiated responsibility

22. SUBSIDIES

- 22.1 Prohibition on subsidising activities which contribute to climate change

22.2 Elimination of subsidies and incentives for inefficient resource use

21.3 Prohibition on the dumping of goods benefitting from subsidies which support activities adversely affecting climate

23. RENEWABLE ENERGY RESOURCES

23.1 Parties shall develop and encourage use of renewable energy resources including wind, wave, biomass, solar and geothermal sources of energy

23.2 Parties shall be entitled to provide fiscal and other incentives, including subsidies, for the development and use of renewable energy resources

PART VI **IMPLEMENTATION : INSTITUTIONAL ASPECTS**

24. CONFERENCE OF THE PARTIES AND ASSEMBLY

25. EXECUTIVE COMMITTEE

26. SECRETARIAT

27. SCIENTIFIC COMMITTEE, ECONOMIC COMMITTEE, LEGAL COMMITTEE AND RENEWABLE ENERGY COMMITTEE

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