



**FRAMEWORK CONVENTION ON CLIMATE CHANGE - Secretariat
CONVENTION - CADRE SUR LES CHANGEMENTS CLIMATIQUES - Secrétariat**

Reference: DBO/JB/smb/Log 11-2036

The secretariat of the United Nations Framework Convention on Climate Change and its Kyoto Protocol presents its compliments to the National Focal Points for climate change and to the Permanent Missions to the United Nations.

The secretariat has the honour to inform Parties and signatories to the United Nations Framework Convention on Climate Change (hereinafter referred to as the Convention) that on 26 May 2011 the secretariat received a letter of the same date from the Government of Papua New Guinea and the Government of Mexico which sets out proposals for amendments to Articles 7 and 18 of the Convention and requests the secretariat to communicate the text of the proposed amendment to Parties to the Convention. The letter and the text of the proposed amendments, as received, are contained in the annex to this note.

The procedures for adoption of amendments to the Convention are contained in Article 15 of the Convention. Article 15, paragraph 1, of the Convention states that “Any Party may propose amendments to the Convention”. Article 15, paragraph 2, of the Convention provides that “Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the 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 and, for information, to the Depositary”.

The proposal will be included in the provisional agenda of the seventeenth session of the Conference of the Parties. The full text of the proposal will also be issued as an official document of the Conference of the Parties in the six official languages of the United Nations.

The secretariat avails itself of this opportunity to renew to the National Focal Points for climate change and to the Permanent Missions to the United Nations the assurances of its highest consideration.

Bonn, 30 May 2011

**Letter dated 26 May 2011 from Papua New Guinea and Mexico
addressed to the Executive Secretary of the
United Nations Framework Convention on Climate Change**

26 May 2011

**Mrs. Cristiana Figueres,
Executive Secretary
Secretariat of the United Nations Framework
Convention on Climate Change.**

According to Article 15(2) of the Convention, any Party may propose amendments to the Convention.

Papua New Guinea and Mexico hereby submit a proposal for an amendment to the Convention, as set out in the Annex hereto.

Since COP-2 in 1996, by failing to adopt the rules of procedure including Rule 42 on voting, the fundamental 'right to vote' described in Article 18 of the Convention and ratified by 194 national congresses and parliaments has not been put into practice with the exception of the procedure to adopt amendments to the Convention. Furthermore the lack of agreement on Draft Rule 42 of the rules of procedure has created uncertainty with respect to how substantive decisions are to be adopted after every effort to reach consensus has been exhausted.

PNG and Mexico hereby propose the necessary amendments to the Convention in order to make effective the right to vote under Article 18 and allow a 'last resort' vote to be taken only when every effort to reach consensus has failed and where there is a matter that carries broad-based support and 'political will.'


We would be grateful if the Secretariat would communicate this letter with the Annex to the other signatories to the Convention.

Please accept assurance of our highest consideration.



Kevin M. Conrad

Special Envoy and Ambassador for Climate Change & UNFCCC National Focal Point
Department of Prime Minister and National Executive Council
Papua New Guinea



Sra. María del Socorro Flores Liera
UNFCCC National Focal Point
Secretaría de Relaciones Exteriores
Mexico

Annex

Papua New Guinea and Mexico proposal for an amendment to the Convention

Article 7 Conference of the Parties

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

[...]

Delete “rules of procedures and”

- k. Agree upon and adopt, by consensus, financial rules for itself and for any subsidiary bodies;

Delete “at its first session”

3. The Conference of the Parties shall adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

[...]

Insert new paragraphs 3 and 4

Article 18
Right to Vote

1. Each Party to the Convention shall have the right to vote, except as provided 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. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.
3. Without prejudice to the provisions of paragraph 3 of Article 15, the Parties shall make every effort to reach agreement on all matters by consensus. If such efforts to reach consensus have been exhausted and no agreement has been reached, a decision shall, as a last resort, be adopted by a three-fourths majority vote of the Parties present and voting, except:
 - a. as otherwise provided by the Convention, the financial rules referred to in Article 7, paragraph 2 (k) of the Convention;
 - b. for decisions under paragraph 3 of Article 4 and paragraphs 1, 3 or 4 of Article 11 of the Convention, which shall be taken by consensus. ¶
4. For the purpose of this Article, 'Parties present and voting' means Parties present and casting an affirmative or negative vote.